

SCHEDULE 1

Amendments relating to indemnity arrangements

PART 3

Amendments to the Opticians Act 1989 and related matters

Amendment of section 10A

7. For section 10A ^{M1} of the Opticians Act 1989 ^{M2} (insurance for individual registrants and persons applying for their name to be registered), substitute—

“10A Indemnity arrangements for individual registrants and persons applying for their name to be registered

(1) A registered optometrist or registered dispensing optician who practises as such must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.

(2) For the purposes of this section, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(3) For the purposes of this section, “appropriate cover”, in relation to practice as a registered optometrist or registered dispensing optician, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) The Council may make rules in connection with the information provided to the registrar—

- (a) by or in respect of a person seeking registration in the register of optometrists or dispensing opticians for the purpose of determining whether, if his name is entered in the appropriate register, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;
- (b) by or in respect of a person seeking restoration of his name in the register of optometrists or dispensing opticians for the purpose of determining whether, if his name is restored in the appropriate register, there will be in force in relation to him by the time he resumes practice an indemnity arrangement which provides appropriate cover; and
- (c) by or in respect of a registered optometrist or registered dispensing optician seeking retention of his name in the register of optometrists or dispensing opticians for the purpose of determining whether, if his name is retained in the appropriate register, there will continue to be in force in relation to him an indemnity arrangement which provides appropriate cover.

(5) Rules made under subsection (4)(c) may require the information mentioned there to be provided—

- (a) at the request of the registrar; or
- (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to individual registrants or registrants of a particular description.

Changes to legislation: There are currently no known outstanding effects for the The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, PART 3. (See end of Document for details)

(6) The Council may also make rules requiring a registered optometrist or registered dispensing optician to inform the registrar if there ceases to be in force in relation to him an indemnity arrangement which provides appropriate cover.

(7) The Council may also make rules requiring a registered optometrist or registered dispensing optician to inform the registrar if there is in force in relation to him, appropriate cover provided under an indemnity arrangement provided by an employer.

(8) Where a person fails to comply with rules made under subsection (4), or there is a failure to comply with rules made under subsection (4) in relation to him, the registrar may—

- (a) refuse to register his name in the appropriate register;
- (b) refuse to restore his name to the appropriate register; or
- (c) remove his name from the appropriate register.

(9) Where a registered optometrist or registered dispensing optician is in breach of subsection (1) or fails to comply with rules made under this section—

- (a) the registrar may remove that person's name from the appropriate register; or
- (b) the breach or failure may be treated as misconduct for the purposes of section 13D(2)(a), and the registrar may refer the matter to the Investigation Committee under section 13D(5).

(10) Where a person's name has been removed from the appropriate register under subsection (8)(c) or (9)(a), that name shall be restored to the appropriate register on that person's application, if the registrar is satisfied that the person meets the requirements of—

- (a) section 8(1) or (2);
- (b) this section; and
- (c) any rules made under section 7, 11A or 11B(6) which apply to that person's case.

(11) This section does not apply to a person who is registered by virtue of section 8B (visiting opticians from relevant European States).”.

Marginal Citations

M1 Inserted by [S.I. 2005/848](#).

M2 [1989 c. 44](#).

Amendment of rule 7

8. In the Schedule to the General Optical Council (Registration Rules) Order of Council 2005 ^{M3}, in rule 7 (additional information required from individual applicants for registration or restoration as an optometrist or a dispensing optician), for paragraphs (e) and (f) substitute—

- “(e) evidence that, if the applicant's name were to be entered in the register, that applicant would have in place appropriate cover under an indemnity arrangement for the purposes of complying with section 10A (indemnity arrangements for individual registrants and persons applying for their name to be registered);
- (f) a copy of that indemnity arrangement or a means of identifying the terms of that indemnity arrangement.”.

Changes to legislation: There are currently no known outstanding effects for the The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, PART 3. (See end of Document for details)

Marginal Citations

M3 [S.I. 2005/1478](#).

Changes to legislation:

There are currently no known outstanding effects for the The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, PART 3.