



Opticians Act 1989

1989 CHAPTER 44

[^{F1}PART 2A

FITNESS TO PRACTISE

[^{F1}13K. Restoration of names to a register

- (1) A person whose name has been erased from a register under section 13F above or who has had an entry relating to a specialty or proficiency removed under section 13F above (otherwise than for a specified period) may apply to the registrar for his name, or his entry relating to a specialty or proficiency, to be restored to the appropriate register.
- (2) No application for the restoration of a name, or an entry relating to a specialty or proficiency, to the appropriate register under this section shall be considered by the Registration Appeals Committee—
 - (a) before the expiration of two years from the date of erasure or removal of an entry; or
 - (b) during any period of twelve months after any previous such application.
- (3) Subject to subsection (4), the registrar shall refer an application under this section to the Registration Appeals Committee.
- (4) An application is invalid if made earlier than—
 - (a) twenty two months after the date of erasure or removal of an entry relating to a specialty or proficiency; or
 - (b) ten months after determination of a previous application for restoration.
- (5) An application for restoration under this section may be for—
 - (a) restoration to the register from which the applicant's name was erased, or the entry relating to a specialty or proficiency was removed; or
 - (b) admission to a different register or, in the case of an entry relating to a specialty or proficiency, inclusion of the entry in a different register,

Changes to legislation: Opticians Act 1989, Section 13K is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

but in the case of an application for restoration of an entry relating to a specialty or proficiency, an application may only be made for restoration of the entry to a register in which the applicant's name is or will be included.

- (6) Subject to subsections (2) and (5) above, the Registration Appeals Committee may, if they think fit, on an application made under this section, direct the registrar to restore the person's name, or the entry relating to a specialty or proficiency, to the appropriate register.
- (7) Before determining whether to give a direction under this section, the Registration Appeals Committee shall require an applicant for restoration to provide such evidence as they consider appropriate as to his fitness to practise or fitness to undertake training or, as the case may be, the fitness of the body corporate to carry on the business of an optometrist or a dispensing optician or both; and they must not give such a direction if that evidence does not satisfy them.
- (8) If, during the same period of erasure, a second or subsequent application for the restoration to the appropriate register of a name or an entry relating to a specialty or proficiency, made by or on behalf of the individual or body corporate whose name has been erased or whose entry relating to a specialty or proficiency has been removed, is unsuccessful, the Registration Appeals Committee may direct that the individual's or body's right to make any further such applications shall be suspended indefinitely.
- (9) Where the Registration Appeals Committee give a direction under subsection (8) above, the registrar shall forthwith serve on the person in respect of whom it has been made a notification of the direction and of the person's right to appeal against it in accordance with section 23G below.
- (10) Any person in respect of whom a direction has been given under subsection (8) above may, after the expiration of two years from the date on which the direction was given, apply to the registrar for that direction to be reviewed by the Registration Appeals Committee and, thereafter, may make further applications for review; but no such application may be entertained before the expiration of three years from the date of the most recent review decision.]

Textual Amendments

- F1** Pt. 2A inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 16** (with Sch. 2)

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Changes and effects yet to be applied to :

- s. 13K(2) word substituted by [2008 c. 14 Sch. 7 para. 37\(2\)](#)
- s. 13K(3) word substituted by [2008 c. 14 Sch. 7 para. 37\(2\)](#)
- s. 13K(6) words inserted by [2008 c. 14 Sch. 7 para. 37\(3\)\(c\)](#)
- s. 13K(6) words substituted by [2008 c. 14 Sch. 7 para. 37\(3\)\(a\)](#)
- s. 13K(6) words substituted by [2008 c. 14 Sch. 7 para. 37\(3\)\(b\)](#)
- s. 13K(7) word substituted by [2008 c. 14 Sch. 7 para. 37\(4\)\(a\)](#)
- s. 13K(7) word substituted by [2008 c. 14 Sch. 7 para. 37\(4\)\(d\)](#)
- s. 13K(7) words substituted by [2008 c. 14 Sch. 7 para. 37\(4\)\(b\)](#)
- s. 13K(7) words substituted by [2008 c. 14 Sch. 7 para. 37\(4\)\(c\)](#)
- s. 13K(8) word substituted by [2008 c. 14 Sch. 7 para. 37\(5\)](#)
- s. 13K(9) words substituted by [2008 c. 14 Sch. 7 para. 37\(6\)](#)
- s. 13K(10) word substituted by [2008 c. 14 Sch. 7 para. 37\(7\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13D(2)(h)(i) inserted by [S.I. 2008/1774 Sch. 2 para. 2](#) (This amendment not applied to [legislation.gov.uk](#). It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 13AA inserted by [2008 c. 14 Sch. 7 para. 30](#)
- s. 23I inserted by [2008 c. 14 Sch. 7 para. 46](#)
- s. 23AA inserted by [2008 c. 14 Sch. 7 para. 39](#)
- s. 23CA inserted by [2008 c. 14 Sch. 7 para. 42](#)