



# National Health Service Reform and Health Care Professions Act 2002

## 2002 CHAPTER 17

### PART 2

#### HEALTH CARE PROFESSIONS

##### *Appeals*

### 32 Opticians

(1) Section 23 of the Opticians Act 1989 (c. 44) (appeals in disciplinary and other cases) is amended as follows.

(2) For subsection (1) there is substituted—

“(1) An individual or body corporate who is notified under subsection (11) of section 17—

- (a) that a disciplinary order has been made against him under that section;  
or
- (b) that a direction has been given in respect of him under subsection (9) of that section,

may, before the end of the period of 28 days beginning with the date on which notification was served, appeal against that order or direction to the relevant court.

(1A) In subsection (1), “the relevant court”—

- (a) in the case of an individual whose address in the register is in Scotland, or a body corporate whose registered office is in Scotland, means the Court of Session,
- (b) in the case of an individual whose address in the register is in Northern Ireland, or a body corporate whose registered office is in Northern Ireland, means the High Court of Justice in Northern Ireland, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) in the case of any other individual or body corporate, means the High Court of Justice in England and Wales.
- (1B) An individual or body corporate who is notified under subsection (3) of section 19 above that a direction has been given in respect of him under that section may, before the end of the period of 28 days beginning with the date on which notification was served, appeal against that direction to a county court or, in Scotland, the sheriff in whose sheriffdom the address in the register or (as the case may be) the registered office is situated.
- (1C) On an appeal under this section, the court (or the sheriff) may—
- (a) dismiss the appeal,
  - (b) allow the appeal and quash the order or direction appealed against,
  - (c) substitute for the order or direction appealed against any other order or direction which could have been made by the Disciplinary Committee, or
  - (d) remit the case to the Disciplinary Committee to dispose of the case in accordance with the directions of the court (or the sheriff),
- and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit.”
- (3) In subsection (2), for “any such appeal”, where it first appears, there is substituted “any appeal under this section”.