
STATUTORY INSTRUMENTS

2007 No. 3101

**The European Qualifications (Health and
Social Care Professions) Regulations 2007**

PART 12

OPTICIANS: OPTICIANS ACT 1989

Insertion of sections 8B, 8C and 8D

180. After section 8A ^{M1} insert—

“8B Visiting opticians from relevant European States: registers

- (1) The Council shall establish and maintain—
 - (a) a register of visiting optometrists from relevant European States; and
 - (b) a register of visiting dispensing opticians from relevant European States.
- (2) The Council may prescribe particulars to be entered in the registers mentioned in subsection (1).

8C Visiting optometrists: entitlement to registration

(1) This section applies to an exempt person (“O”) who is lawfully established, in a relevant European State other than the United Kingdom (“State A”), in the profession pursued in the United Kingdom by optometrists.

(2) Subsection (3) applies if O has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by O of services as an optometrist in the United Kingdom on a temporary and occasional basis (O having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by O of services as an optometrist).

(3) O is entitled to be registered in the register of visiting optometrists from relevant European States; and the registrar shall give effect to the entitlement.

(4) If O is entitled under subsection (3) to be registered in the register of visiting optometrists from relevant European States but is not registered in that register, O shall be treated as being registered in that register.

(5) O's entitlement under subsection (3) ceases if O ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection with the provision by O of services as an optometrist in the United Kingdom on a temporary and occasional basis.

(6) If—

- (a) O's entitlement under subsection (3) ceases by reason of the operation of subsection (5), and

- (b) O's name is registered in the register of visiting optometrists from relevant European States,

the registrar may remove O's name from that register.

- (7) Subsection (8) applies if—

- (a) O's establishment in State A is subject to a condition relating to O's practice of the profession pursued in the United Kingdom by optometrists;
- (b) O's name is registered in the register of visiting optometrists from relevant European States; and
- (c) for any of the purposes of this Act it falls to be decided whether O's fitness to practise is or may be impaired on the ground of misconduct.

(8) The matters that may be counted as misconduct include (in particular) any act or omission by O during the course of the provision by O of services as an optometrist in the United Kingdom on a temporary and occasional basis that is, or would be if the condition applied in relation to practice of the profession outside State A, a breach of the condition.

- (9) In subsections (7) and (8) “condition” includes limitation.

(10) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the register of visiting optometrists from relevant European States, of any other provision of this Act under which a registered optometrist's name may be removed or erased from that register or under which a registered optometrist's registration in that register may be suspended.

8D Visiting dispensing opticians: entitlement to registration

(1) This section applies to an exempt person (“D”) who is lawfully established, in a relevant European State other than the United Kingdom (“State A”), in the profession pursued in the United Kingdom by dispensing opticians.

(2) Subsection (3) applies if D has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by D of services as a dispensing optician in the United Kingdom on a temporary and occasional basis (D having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by D of services as a dispensing optician).

(3) D is entitled to be registered in the register of visiting dispensing opticians from relevant European States; and the registrar shall give effect to the entitlement.

(4) If D is entitled under subsection (3) to be registered in the register of visiting dispensing opticians from relevant European States but is not registered in that register, D shall be treated as being registered in that register.

(5) D's entitlement under subsection (3) ceases if D ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection with the provision by D of services as a dispensing optician in the United Kingdom on a temporary and occasional basis.

- (6) If—

- (a) D's entitlement under subsection (3) ceases by reason of the operation of subsection (5), and
- (b) D's name is registered in the register of visiting dispensing opticians from relevant European States,

the registrar may remove D's name from that register.

- (7) Subsection (8) applies if—

- (a) D's establishment in State A is subject to a condition relating to D's practice of the profession pursued in the United Kingdom by dispensing opticians;
- (b) D's name is registered in the register of visiting dispensing opticians from relevant European States; and
- (c) for any of the purposes of this Act it falls to be decided whether D's fitness to practise is or may be impaired on the ground of misconduct.

(8) The matters that may be counted as misconduct include (in particular) any act or omission by D during the course of the provision by D of services as a dispensing optician in the United Kingdom on a temporary and occasional basis that is, or would be if the condition applied in relation to practice of the profession outside State A, a breach of the condition.

(9) In subsections (7) and (8) "condition" includes limitation.

(10) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the register of visiting dispensing opticians from relevant European States, of any other provision of this Act under which a registered dispensing optician's name may be removed or erased from that register or under which a registered dispensing optician's registration in that register may be suspended."

Marginal Citations

M1 Section 8A was inserted by [S.I. 2005/848](#).

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2007, Section 180.