

SCHEDULES

SCHEDULE 5

Opticians

PART 1

Amendments to legislation

Interpretation

1. In this Schedule, “the 1989 Act” means the Opticians Act 1989 ^{M1}.

Commencement Information

- I1** Sch. 5 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M1** 1989 c. 44.

Opticians Act 1989

2. The 1989 Act is amended as follows.

Commencement Information

- I2** Sch. 5 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In section 8 (qualifications for registration) ^{M2}—

- (a) omit subsection (1A);
- (b) after subsection (2A) insert—

“(2B) A determination under subsection (2A) may not be made in relation to a person whose qualification—

- (a) was granted in a relevant European State, and
- (b) indicates, in the opinion of the Council, a level of attainment of competency comparable to that indicated by an approved UK qualification.

(2C) In subsection (2B), “approved UK qualification” means a qualification that is—

- (a) approved under section 12(7)(b), and
- (b) granted by an establishment in the United Kingdom that is approved under section 12(7)(a).”.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Commencement Information

I3 Sch. 5 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M2 Relevant amending instruments are **S.I. 2005/848**, 2007/3101.

4. Omit sections 8B to 8D (registration of visiting European practitioners) ^{M3}.

Commencement Information

I4 Sch. 5 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M3 Sections 8B to 8D were inserted by **S.I. 2007/3101**. Sections 8C and 8D were amended by **S.I. 2016/1030**.

5. In section 10 (general provisions as to registers and lists) ^{M4}—
(a) in subsection (1)(c), omit “subject to subsection (1ZA),”;
(b) omit subsection (1ZA).

Commencement Information

I5 Sch. 5 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M4 Relevant amending instruments are **S.I. 2005/848**, 2007/3101.

6. In section 10A (indemnity arrangements) ^{M5}, omit subsection (11).

Commencement Information

I6 Sch. 5 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M5 Section 10A was inserted by **S.I. 2005/848** and substituted by **S.I. 2014/1887**.

7. In section 11A (continuing education and training), omit subsections (5) to (7) ^{M6}.

Commencement Information

I7 Sch. 5 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M6 Section 11A was inserted by **S.I. 2005/848** and subsections (5) to (7) were inserted by **S.I. 2007/3101**.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

8. In section 11B (failure to satisfy continuing education and training requirements)^{M7}, omit subsections (1A) to (1C).

Commencement Information

I8 Sch. 5 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M7 Section 11B was inserted by **S.I. 2005/848** and subsections (1A) to (1C) were inserted by **S.I. 2007/3101**.

9. In section 23G (appeals)^{M8}—

- (a) in subsection (1)—
 - (i) in paragraph (c), at the end insert “ and ”;
 - (ii) omit paragraph (e) and the “and” before it;
- (b) in subsection (4), in paragraphs (b) and (c), for “(e)” substitute “ (d) ”;
- (c) omit subsection (8).

Commencement Information

I9 Sch. 5 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M8 Section 23G was inserted by **S.I. 2005/848**. Relevant amending instrument is **S.I. 2016/1030**.

10. In section 29 (death or bankruptcy)^{M9}, omit subsection (2A).

Commencement Information

I10 Sch. 5 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M9 Subsection 2A was inserted by **S.I. 2007/3101**.

11. In section 36 (interpretation)^{M10}, in subsection (1)—

- (a) omit the definitions of “exempt person” and “General Systems Regulations”;
- (b) in the definition of “individual registrant”, for “, 8A or 8B” substitute “ or 8A ”;
- (c) in the definition of “register”, omit paragraph (ca);
- (d) in the definitions of “registered dispensing optician” and “registered optometrist”, omit the words from “or in” to the end.

Commencement Information

I11 Sch. 5 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Marginal Citations

M10 Relevant amending instruments are [S.I. 2005/848](#), 2007/3101, 2011/1043, 2016/1030.

12. In Schedule 1 (constitution of the General Council) ^{M11}, in paragraph 1A(1)(b)(ii), omit “or 8B”.

Commencement Information

I12 Sch. 5 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M11 Relevant amending instrument is [S.I. 2008/1774](#).

National Health Service (Scotland) Act 1978

13. In the National Health Service (Scotland) Act 1978 ^{M12}, in section 108 (interpretation), in subsection (1), in the definition of “ophthalmic optician” omit from “, or in” to “that Act” (where it first occurs).

Commencement Information

I13 Sch. 5 para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M12 [1978 c. 29](#). Relevant amending instruments are [S.I. 2005/848](#), 2007/3101.

National Health Service Act 2006

14. In the National Health Service Act 2006 ^{M13}, in section 275 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act.”.

Commencement Information

I14 Sch. 5 para. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M13 [2006 c. 41](#). Relevant amending instrument is [S.I. 2007/3101](#).

National Health Service (Wales) Act 2006

15. In the National Health Service (Wales) Act 2006 ^{M14}, in section 206 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act.”.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Commencement Information

I15 Sch. 5 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M14 2006 c. 42. Relevant amending instrument is **S.I. 2007/3101**.

National Health Service (General Ophthalmic Services) Regulations 1986

16. In the National Health Service (General Ophthalmic Services) Regulations 1986 ^{M15}, in regulation 2 (interpretation), in paragraph (1), in the definition of “optician” omit from “or in” to “that Act”.

Commencement Information

I16 Sch. 5 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M15 **S.I. 1986/975**. Relevant amending instruments are **S.I. 2005/1481**, 2007/122 (W.12), 2007/3101.

National Health Service (Service Committees and Tribunal) Regulations 1992

17. In the National Health Service (Service Committees and Tribunal) Regulations 1992 ^{M16}, in regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “optician” omit from “or in” to “that Act”.

Commencement Information

I17 Sch. 5 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M16 **S.I. 1992/664**. Relevant amending instruments are **S.I. 2005/848**, 2007/3101.

General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993

18. In the General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993 ^{M17}, in rule 4 (classes of exempt person), omit paragraph (c).

Commencement Information

I18 Sch. 5 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Marginal Citations

M17 As set out in the Schedule to the [General Optical Council \(Testing of Sight by Persons Training as Ophthalmic Opticians Rules\) Order of Council 1994 \(S.I. 1994/70\)](#). Relevant amending instrument is [S.I. 2007/3101](#).

Medicines for Human Use (Clinical Trials) Regulations 2004

19. In the Medicines for Human Use (Clinical Trials) Regulations 2004 ^{M18}, in regulation 2 (interpretation), in paragraph (1), in paragraph (e) of the definition of “health care professional” omit from “or in” to “that Act,”.

Commencement Information

I19 Sch. 5 para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M18 [S.I. 2004/1031](#). Relevant amending instrument is [S.I. 2007/3101](#).

General Optical Council (Registration) Rules 2005

- 20.** In the General Optical Council (Registration) Rules 2005 ^{M19}—
- (a) in rule 2 (interpretation), omit paragraph (1A);
 - (b) in rule 5(1) (information from applicants)—
 - (i) in sub-paragraph (d), omit from “(except” to “registered)”;
 - (ii) in sub-paragraph (f), omit from “except” to “8(1A),”;
 - (c) in rule 12 (entries on the register), omit paragraph (2);
 - (d) in rule 13 (entries relating to specialties), omit paragraph (2);
 - (e) omit rules 21A and 21B (visiting opticians from relevant European states).

Commencement Information

I20 Sch. 5 para. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M19 As set out in the Schedule to the [General Optical Council \(Registration Rules\) Order of Council 2005 \(S.I. 2005/1478\)](#). Relevant amending instrument is [S.I. 2007/3101](#).

National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006

- 21.** In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 ^{M20}, in regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “optometrist”, omit from “or in” to “that Act”;
 - (b) in paragraph (b) of the definition of “register”, omit from “or in” to “that Act” (where it first occurs).

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Commencement Information

I21 Sch. 5 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M20 [S.S.I. 2006/135](#). Relevant amending instrument is [S.I. 2007/3101](#).

National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009

22. In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 ^{M21}, in regulation 2 (interpretation), in paragraph (1), in paragraph (a) of the definition of “optometrist independent prescriber”, omit from “, or in” to “that Act”.

Commencement Information

I22 Sch. 5 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M21 [S.S.I. 2009/183](#).

Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012

23. In the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012 ^{M22}, in regulation 1(2) (interpretation), in the definition of “ophthalmic optician”, omit from “, or in” to “that Act” (where it first occurs).

Commencement Information

I23 Sch. 5 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M22 [S.S.I. 2012/110](#).

Human Medicines Regulations 2012

24. In the Human Medicines Regulations 2012 ^{M23}, in regulation 8 (interpretation), in paragraph (1)—

- (a) in the definition of “registered optometrist”, omit the words from “or the” to the end;
- (b) in paragraph (c) of the definition of “the relevant register”, omit the words from “or the” to the end.

Commencement Information

I24 Sch. 5 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Changes to legislation: *There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)*

Marginal Citations

M23 [S.I. 2012/1916](#).

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1.