



# Opticians Act 1989

## 1989 CHAPTER 44

### PART I

#### THE GENERAL OPTICAL COUNCIL

##### *The Council*

#### **1 Constitution and functions of the Council.**

- (1) There shall continue to be a body corporate known as the General Optical Council (in this Act referred to as “the Council”).
- (2) The Council shall have the general function of promoting high standards of [<sup>F1</sup>professional education, conduct and performance among registrants] and the additional functions assigned to the Council by or under this Act.
- [<sup>F2</sup>(2A) The over-arching objective of the Council in exercising their functions is the protection of the public.
- (2B) The pursuit by the Council of their over-arching objective involves the pursuit of the following objectives—
  - (a) to protect, promote and maintain the health, safety and well-being of the public;
  - (b) to promote and maintain public confidence in the professions regulated under this Act;
  - (c) to promote and maintain proper professional standards and conduct for members of those professions; and
  - (d) to promote and maintain proper standards and conduct for business registrants.]
  - (3) There shall continue to be a registrar of the Council.
  - [<sup>F3</sup>(4) The Council shall be constituted as provided for by order of the Privy Council, subject to Schedule 1 (which relates to the constitution etc. of the Council), and the provisions of that Schedule shall have effect.]

*Changes to legislation: Opticians Act 1989, Part I is up to date with all changes known to be in force on or before 22 February 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*

### Textual Amendments

- F1** Words in s. 1(2) substituted (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. 3](#) (with [Sch. 2](#))
- F2** S. 1(2A)(2B) substituted for s. 1(2A) (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), [Sch. para. 2\(2\)](#); S.I. 2016/906, reg. 2(b)
- F3** S. 1(4) substituted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), [Sch. 2 para. 1](#); S.I. 2008/3150, art. 2(3)(a)(i)

## *The Council's Committees*

### 2 The Education Committee.

- (1) There shall continue to be a committee of the Council known as the Education Committee, [<sup>F4</sup>for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to optical training, education and assessment].
- (2) The Education Committee shall continue to be constituted in accordance with rules made by the Council <sup>F5</sup>...

### Textual Amendments

- F4** Words in s. 2(1) substituted (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. 4\(1\)\(a\)](#) (with [Sch. 2](#))
- F5** Words in s. 2(2) omitted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 4\(1\)\(b\)](#) (with [Sch. 2](#))

### [<sup>F6</sup>3 The Companies Committee

- (1) There shall continue to be a committee of the Council known as the Companies Committee for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to business registrants, other than matters required by this Act to be considered by the Investigation Committee, the Registration Appeals Committee or the Fitness to Practise Committee.
- (2) The Companies Committee shall continue to be constituted as provided by rules made under this subsection by the Council.
- (3) Before making rules under subsection (2) above, the Council shall consult organisations appearing to the Council to represent the interests of substantial numbers of business registrants.

### Textual Amendments

- F6** Ss. 3-5C substituted for ss. 3-5 (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. 4\(2\)](#) (with [Sch. 2](#))

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#### 4 The Investigation Committee

- (1) There shall be a committee of the Council known as the Investigation Committee for the purpose of investigating any allegation that—
  - (a) a registered optometrist's or a registered dispensing optician's fitness to practise is impaired;
  - (b) a business registrant's fitness to carry on business as an optometrist or a dispensing optician or both is impaired; or
  - (c) a student registrant's fitness to undertake training as an optometrist or a dispensing optician is impaired.
- (2) The Investigation Committee may refer any allegation before it to the Fitness to Practise Committee for consideration.
- (3) The Investigation Committee shall be constituted as provided by rules made under this subsection by the Council.

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##### Textual Amendments

- F6** Ss. 3-5C substituted for ss. 3-5 (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. 4(2)** (with [Sch. 2](#))

#### 5 The Registration Committee

- (1) There shall be a committee of the Council known as the Registration Committee, for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to registration, other than matters required by this Act to be considered by the Registration Appeals Committee.
- (2) The Registration Committee shall be constituted as provided by rules made under this subsection by the Council.

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##### Textual Amendments

- F6** Ss. 3-5C substituted for ss. 3-5 (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. 4(2)** (with [Sch. 2](#))

#### 5A. The Registration Appeals Committee

- (1) There shall be a committee of the Council known as the Registration Appeals Committee, for the purpose of hearing and determining appeals against any decision of the registrar refusing to enter the name of an individual or body corporate in, or to restore it to, the appropriate register.
- (2) All the members of the Registration Appeals Committee shall be members of the Hearings Panel.
- (3) Subject to subsection (2) above, the Registration Appeals Committee shall be constituted as provided by rules made under this subsection by the Council.
- (4) The members of the Registration Appeals Committee who are to hear any particular case shall be determined in accordance with rules made by the Council under subsection (3) above.

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[<sup>F7</sup>(5) In exercising a function under section 13K, the Registration Appeals Committee must have regard to the over-arching objective.]

**Textual Amendments**

- F6** Ss. 3-5C substituted for ss. 3-5 (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. 4(2)** (with [Sch. 2](#))
- F7** S. 5A(5) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), **Sch. para. 2(3)**; S.I. 2016/906, reg. 2(b)

**5B. The Standards Committee**

- (1) There shall be a committee of the Council known as the Standards Committee for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to the standards of conduct and performance expected of registrants or those seeking admission to a register.
- (2) The Standards Committee shall be constituted as provided by rules made under this subsection by the Council.

**Textual Amendments**

- F6** Ss. 3-5C substituted for ss. 3-5 (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. 4(2)** (with [Sch. 2](#))

**5C. The Fitness to Practise Committee**

- (1) There shall be a Committee of the Council known as the Fitness to Practise Committee for the purpose of inquiring into and determining allegations relating to—
    - (a) the fitness of registered optometrists and registered dispensing opticians to practise;
    - (b) the fitness of business registrants to carry on business as an optometrist or a dispensing optician or both; and
    - (c) the fitness of student registrants to undertake training as an optometrist or a dispensing optician.
  - (2) All the members of the Fitness to Practise Committee shall be members of the Hearings Panel.
  - (3) Subject to subsection (2) above, the Fitness to Practise Committee shall be constituted as provided by rules made under this subsection by the Council.
  - (4) The members of the Fitness to Practise Committee who are to hear any particular case shall be determined in accordance with rules made by the Council under subsection (3) above.
- [<sup>F8</sup>(5) In exercising a function under section 13F or 13H, the Fitness to Practise Committee must have regard to the over-arching objective.]]

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#### Textual Amendments

- F6** Ss. 3-5C substituted for ss. 3-5 (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. 4\(2\)](#) (with [Sch. 2](#))
- F8** S. 5C(5) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), [Sch. para. 2\(4\)](#); S.I. 2016/906, reg. 2(b)

### [<sup>F9</sup>5D. The Hearings Panel

- (1) The Council shall appoint a panel of persons (“the Hearings Panel”) from whom members of the Fitness to Practise Committee and the Registration Appeals Committee must be selected.
- (2) No person shall be appointed to the Hearings Panel—
  - (a) if he is a member of the Council; and
  - (b) unless he satisfies such requirements as may be prescribed by rules made by the Council.
- (3) The Council shall pay members of the Hearings Panel such fees, allowances and expenses as the Council may determine.
- (4) The Council shall arrange such training for members of the Hearings Panel as the Council consider appropriate.
- (5) The Council may by rules make provision in respect of the Hearings Panel and may, in particular, make provision—
  - (a) as to the number of persons to be appointed to the Hearings Panel;
  - (b) for the removal or resignation from the Hearings Panel of any person appointed to it;
  - (c) for the term of appointment of any person appointed to the Hearings Panel; and
  - (d) for the publication of a list of members of the Hearings Panel.]

#### Textual Amendments

- F9** S. 5D 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. 5](#) (with [Sch. 2](#))

## 6 General power to appoint committees.

- (1) The Council may set up a committee for any purpose (other than a purpose for which this Act requires that there shall be a committee of the Council) and may delegate to a committee set up under this section, with or without restrictions or conditions, as they think fit, any functions exercisable by them except the following—
  - (a) the power to make rules under this Act;
  - (b) any functions expressly conferred by this Act on some other committee; and
  - (c) subject to any express provision for delegation in the rules, any functions expressly conferred on the Council by rules under this Act.
- (2) The number of members of a committee set up under this section and their term of office shall be fixed by the Council.

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- (3) A committee set up under this section may include persons who are not members of the Council, but at least two-thirds of the members of every such committee shall be members of the Council.
- (4) Every member of a committee set up under this section who at the time of his appointment was a member of the Council shall, upon ceasing to be a member of the Council, also cease to be a member of the committee.
- (5) For the purposes of this section a member of the Council shall not be deemed to have ceased by reason of retirement to be a member of it if he has again been nominated or elected a member of it not later than the date of his retirement.
- [<sup>F10</sup>(6) Any function delegated to a committee set up under this section may be further delegated by that committee to an officer or employee of the Council except to the extent that the Council limits or prohibits its further delegation.
- (7) The delegation of a function under this section shall not prevent the exercise of the function by the committee by whom the delegation is made.]

#### Textual Amendments

**F10** S. 6(6)(7) added (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. 6\(1\)](#) (with [Sch. 2](#))

#### [<sup>F11</sup>6A. Powers of delegation

- (1) The Council may delegate to any Committee of the Council, other than a committee set up under section 6 above, or to any officer or employee of the Council, any of the functions exercisable by the Council under this Act, except the following—
  - (a) the power to make rules; and
  - (b) any functions expressly conferred by this Act on some other committee.
- (2) Any function delegated under this section to a Committee or officer of the Council may be further delegated by the Committee or officer to an employee of the Council except to the extent that the Council limits or prohibits its further delegation.
- (3) The registrar may delegate any function of his, whether assigned to him under this Act or by the Council under this section, to any employee of the Council.
- (4) The delegation of a function under this section shall not prevent the exercise of the function by the body or person by whom the delegation is made.]

#### Textual Amendments

**F11** S. 6A 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. 6\(2\)](#) (with [Sch. 2](#))

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**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](#)