



Opticians Act 1989

1989 CHAPTER 44

PART II

REGISTRATION AND TRAINING OF OPTICIANS

The registers and lists

7 Registers of opticians.

The Council shall continue to maintain—

- [^{F1}(a) a register of optometrists; and]
- (b) a register of dispensing opticians,

each containing the [^{F2}names and addresses] , and such other particulars as may be prescribed, of all persons who are entitled under the provisions of this Act to be registered in it and who apply in the prescribed manner to be so registered.

Textual Amendments

- F1** S. 7(a) 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. 7\(1\)\(a\)\(2\)](#) (with Sch. 2)
- F2** Words in s. 7 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. 7\(1\)\(b\)\(2\)](#) (with Sch. 2)

8 Qualifications for being registered.

[^{F3}(1) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he—

- (a) holds a qualification—
 - (i) as an optometrist or a dispensing optician;
 - (ii) which, at the time it was granted, was approved by the Council under section 12(7)(b) below; and

Status: Point in time view as at 03/12/2007.

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- (iii) which was granted to him after receiving instruction from one or more of the establishments approved by the Council under section 12(7)(a) below;
 - (b) has had adequate practical experience in the work of an optometrist or a dispensing optician; and
 - (c) is a fit person to practise as an optometrist or a dispensing optician.
- (1A) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he—
- [^{F4}(a) is an exempt person;
 - (b) is permitted to pursue the profession of optometrist or dispensing optician in the United Kingdom by virtue of Part 3 of the General Systems Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations); and]
 - (c) is a fit person to practise as an optometrist or a dispensing optician.
- (2) Subject to subsection (2A), a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he—
- (a) holds a qualification as an optometrist or as a dispensing optician granted outside the United Kingdom;
 - (b) has had adequate practical experience in the work of an optometrist or a dispensing optician; and
 - (c) is a fit person to practise as an optometrist or a dispensing optician.
- (2A) The Council may determine, in relation to any particular person or class of person to which subsection (2) above applies, that before being entitled to have his name in the appropriate register, a person must—
- (a) obtain such qualification, approved in accordance with section 12(7)(b) below; or
 - (b) pass such test, approved in accordance with section 12(7)(c) below, as they consider appropriate.]
- (3) Any person who on 1st January 1959 was entitled to have his name included in one of the health service ophthalmic lists, and whose name had not at that time been removed from one of those lists by direction of a health service tribunal, shall be entitled to be registered in the appropriate register.
- (4) Any person who on an application made not later than 1st June 1961 satisfied the Council—
- (a) that on the date of his application he held a qualification as an [^{F5}optometrist] or dispensing optician recognised by them for the purposes of this subsection; and
 - (b) that he had had adequate practical experience in the work of an [^{F6}optometrist] or dispensing optician; and
 - (c) that he was of good character,
- shall be entitled to be registered in the appropriate register.
- (5) Any person who on an application made after 1st June 1961 but before this Act came into force satisfied the Council—
- (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and

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- (b) that he had had adequate practical experience in the work of an [^{F7}optometrist] or dispensing optician; and
 - (c) that he was of good character,shall be entitled to be registered in the appropriate register.
- (6) Any person who on an application made after this Act comes into force satisfies the Council—
 - (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and
 - (b) that he has had adequate practical experience in the work of an [^{F8}optometrist] or dispensing optician; and
 - [^{F9}(c) that he is a fit person to practise as an optometrist or a dispensing optician,]shall be entitled to be registered in the appropriate register.
- (7) In the case of a person whose qualifications (including experience) are appropriate for [^{F10}optometrists, the register of optometrists and the register of dispensing opticians are both appropriate registers] for the purposes of this section and, in the case of a person whose qualifications (including experience) are only appropriate for a dispensing optician, the register of dispensing opticians is appropriate for those purposes.
- [^{F11}(8) A person may have his name in both the register of dispensing opticians and the register of those undertaking training as optometrists.
- (8A) Except as provided in subsection (8) above, a person may not have his name in more than one register.]
- (9) Where the Council have refused to grant an application for registration under subsection (4), (5) or (6) above, the Privy Council, on representations being made to them, may if they think fit, after considering the representations and after communicating with the Council, order the Council to grant the application.
- ^{F12}(10)

Textual Amendments

- F3** S. 8(1)-(2A) substituted for s. 8(1) (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. 8\(2\)](#) (with [Sch. 2](#))
- F4** S. 8(1A)(a)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [179\(a\)](#)
- F5** Word in s. 8(4)(a) 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. 8\(3\)](#) (with [Sch. 2](#))
- F6** Word in s. 8(4)(b) 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. 8\(4\)](#) (with [Sch. 2](#))
- F7** Word in s. 8(5)(b) 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. 8\(4\)](#) (with [Sch. 2](#))
- F8** Word in s. 8(6)(b) 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. 8\(4\)](#) (with [Sch. 2](#))
- F9** S. 8(6)(c) 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. 8\(5\)](#) (with [Sch. 2](#))
- F10** Words in s. 8(7) 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. 8\(6\)](#) (with [Sch. 2](#))
- F11** S. 8(8)(8A) substituted for s. 8(8) (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. 8\(7\)](#) (with [Sch. 2](#))

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F12 S. 8(10) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **179(b)**

[^{F13}8A. Registers of students

- (1) The Council shall maintain a register of persons undertaking training as optometrists and a register of persons undertaking training as dispensing opticians.
- (2) A person who is undertaking training provided by an approved training establishment or obtaining practical experience in the work of an optometrist or a dispensing optician shall have his name in the appropriate register.
- (3) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he is fit to undertake training as an optometrist or a dispensing optician, and either—
 - (a) he is undertaking, or will be undertaking, training provided by an approved training establishment; or
 - (b) he is obtaining, or will be obtaining, practical experience in the work of—
 - (i) an optometrist under the supervision of a registered medical practitioner or a registered optometrist; or
 - (ii) a dispensing optician under the supervision of a registered medical practitioner, a registered optometrist or a registered dispensing optician.
- (4) Each register shall contain the names and addresses of the persons who are registered under this section, together with such other particulars as the Council may prescribe in rules.
- (5) The Council may make rules as to the circumstances in which a person's name may be removed from a register maintained under this section.]

Textual Amendments

F13 S. 8A 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. 9** (with Sch. 2)

[^{F14}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).

Textual Amendments

F14 Ss. 8B-8D inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **180**

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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.

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Textual Amendments

F14 Ss. 8B-8D inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **180**

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.

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- (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.]

Textual Amendments

F14 Ss. 8B-8D inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **180**

9 List of bodies corporate carrying on business as opticians.

[^{F15}(1) The Council shall maintain a register of bodies corporate carrying on business as an optometrist or a dispensing optician or both, containing the names, principal places of business and such other particulars, as may be prescribed by the Council, of the bodies which are entitled under the following provisions of this Act to be registered in it and apply in the prescribed manner to be registered or to have their registration retained in the register.]

(2) Subject to subsection (3) below, a body corporate shall be entitled to be [^{F16}registered in the register if it satisfies the Council that it is fit to carry on business as an optometrist or a dispensing optician or to carry on both businesses and—]

- (a) if it satisfies the Council that a majority of its directors are [^{F17}registered optometrists or registered dispensing opticians] or, in the case of a body corporate having only one director, that he is [^{F17}a registered optometrist or registered dispensing optician] ;
- (b) if on 20th November 1957 its name or a name under which it carried on business was included in one of the health service ophthalmic lists or if it subsequently came into existence on the reconstruction of a body corporate entitled to be [^{F18}registered] by virtue of this paragraph;
- (c) if it satisfies the Council—
 - (i) that the greater part of its business consists of activities other than the testing of sight and the fitting and supply of optical appliances; and
 - (ii) that so much of its business as consists of the testing of sight is carried on under the management of a registered [^{F19}optometrist] ; and
 - (iii) that so much of its business as consists of the fitting and supply of optical appliances is carried on under the management of a registered [^{F20}optometrist or registered dispensing optician] ; or
- (d) if—
 - (i) it is a society registered under the ^{M1}Industrial and Provident Societies Act 1965 or the ^{M2}Industrial and Provident Societies Act (Northern Ireland) 1969; and
 - (ii) it satisfies the Council that so much of its business as consists of the testing of sight, or of the fitting and supply of optical appliances, as the case may be, is carried on under such management as is mentioned in paragraph (c)(ii) and (iii) above.

(3) A body corporate shall not be [^{F21}registered] by virtue of subsection (2) (b) above if its name, or the name of any body on whose reconstruction it came into

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existence, or a name under which it or any such body carried on business has at any time—

- (a) been removed from one of the health service ophthalmic lists by direction of a health service tribunal; or
- [^{F22}(b) been the subject of an order for erasure from the register maintained under subsection (1) above.]

Textual Amendments

- F15** S. 9(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. 10(2)** (with art. 10(5), [Sch. 2](#))
- F16** Words in s. 9(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. 10(3)(a)** (with art. 10(5), [Sch. 2](#))
- F17** Words in s. 9(2)(a) 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. 10(3)(b)** (with art. 10(5), [Sch. 2](#))
- F18** Word in s. 9(2)(b) 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. 10(3)(c)** (with art. 10(5), [Sch. 2](#))
- F19** Word in s. 9(2)(c)(ii) 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. 10(3)(d)** (with art. 10(5), [Sch. 2](#))
- F20** Words in s. 9(2)(c)(iii) 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. 10(3)(e)** (with art. 10(5), [Sch. 2](#))
- F21** Word in s. 9(3) 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. 10(4)(a)** (with art. 10(5), [Sch. 2](#))
- F22** S. 9(3)(b) 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. 10(4)(b)** (with art. 10(5), [Sch. 2](#))

Marginal Citations

- M1** 1965 c.12.
- M2** 1969 c.24. (N.I.)

10 General provisions as to registers and lists.

- (1) The Council may make rules with respect to the form and keeping of the registers ^{F23}... and the making of entries and alterations in them and, in particular—
 - (a) regulating the making of applications for registration ^{F24}... or for transfer from one register ^{F24}... to another, and providing for the evidence to be produced in support of any such application;
 - [^{F25}(b) providing for—
 - (i) the notification to the Council of any change in the information provided by the registrant to the Council in accordance with rules made under paragraph (c)(ii) below; and
 - (ii) the removal from the appropriate register of the name of the registrant if he fails to notify the Council of any such change;
 - (c) [^{F26}subject to subsection (1ZA), prescribing] —

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- (i) a fee to be charged;
- (ii) information to be provided to the Council; and
- (iii) the time within which the fee is to be paid and the information provided,

for the entry or retention of a name in, or the restoration of a name to, a register;]

- ^{F27}(d)
- (e) providing for the entry in the register of qualifications (whether or not approved under [^{F28}section 12(7)(b) below]) possessed by persons whose names are registered in it and for the removal of such qualifications from the register, and prescribing a fee to be charged in respect of the entry;
- ^{F29}(f) authorising the registrar to refuse to enter or retain a name in, or restore a name to, the appropriate register until the fee prescribed under paragraph (c) (i) has been paid, and the information prescribed under paragraph (c)(ii) and the evidence required by section 10A(3) has been provided, to the Council;
- (ff) authorising the registrar to remove a person's name from the appropriate register if he ceases to satisfy the requirements for registration specified in section 8, 8A or 9 above, or ceases to satisfy the requirement to be insured under section 10A(1) below, or fails to pay any fee due or provide any information he is required to provide;]
- (g) prescribing anything required or authorised to be prescribed by the provisions of this Act relating to the registers ^{F30}....

[^{F31}(1ZA) Rules under subsection (1) may not make provision for the payment of fees in connection with registration in a register maintained under section 8B.]

[^{F32}(1A) The Council may make rules—

- (a) specifying specialties or levels of proficiency which a registered optometrist or registered dispensing optician may be permitted to register;
- (b) enabling the registrar to enter in the appropriate register particulars of a registered optometrist's or registered dispensing optician's specialties or proficiencies where such requirements as may be prescribed for inclusion of such an entry have been met;
- (c) enabling the registrar to remove from the appropriate register particulars of a registered optometrist's or registered dispensing optician's specialties or proficiencies in such circumstances as may be prescribed;
- (d) applying with or without modification rules made under subsection (1) above to specialties and proficiencies;
- (e) specifying the activities or work which may be performed by registered optometrists or registered dispensing opticians whose registration in the appropriate register includes particulars registered in accordance with rules made under paragraph (b) above; and
- (f) providing that the performing of such activities or work by a registered optometrist or registered dispensing optician whose registration in the appropriate register does not include such particulars shall be treated as adversely affecting a registered optometrist's or registered dispensing optician's fitness to practise.]

(2) On registering the death of [^{F33}a registrant] a registrar shall send forthwith by post to the registrar of the Council a copy certified under his hand of the entry relating to the death in the register of deaths; and the cost of the certificate and of sending it by post

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shall be payable by the registrar of the Council to the registrar of births and deaths from whom it is received.

^{F34}(3)

^{F34}(4)

[^{F35}(5) The Council may make rules providing for—

- (a) the communication of documents in electronic form to the Council; and
- (b) the electronic storage of documents communicated to the Council whether or not in electronic form.]

Subordinate Legislation Made

P1 S.10: power exercised by [S.I. 1991/79](#) and for previous exercises of this power see Index to Government Orders

Textual Amendments

- F23** Words in s. 10(1) 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. 11\(2\)\(a\)](#) (with [Sch. 2](#))
- F24** Words in s. 10(1)(a) 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. 11\(2\)\(b\)](#) (with [Sch. 2](#))
- F25** S. 10(1)(b)(c) 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. 11\(2\)\(c\)](#) (with [Sch. 2](#))
- F26** Word in s. 10(1)(c) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [181\(a\)](#)
- F27** S. 10(1)(d) 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. 11\(2\)\(d\)](#) (with [Sch. 2](#))
- F28** Words in s. 10(1)(e) 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. 11\(2\)\(e\)](#) (with [Sch. 2](#))
- F29** S. 10(1)(f)(ff) substituted for s. 10(1)(f) (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. 11\(2\)\(f\)](#) (with [Sch. 2](#))
- F30** Words in s. 10(1)(g) 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. 11\(2\)\(g\)](#) (with [Sch. 2](#))
- F31** [S. 10\(1ZA\)](#) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [181\(b\)](#)
- F32** S. 10(1A) 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. 11\(3\)](#) (with [Sch. 2](#))
- F33** Words in s. 10(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. 11\(4\)](#) (with [Sch. 2](#))
- F34** S. 10(3)(4) 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. 11\(5\)](#) (with [Sch. 2](#))
- F35** S. 10(5) 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. 11\(6\)](#) (with [Sch. 2](#))

Status: Point in time view as at 03/12/2007.

Changes to legislation: Opticians Act 1989, Cross Heading: The registers and lists is up to date with all changes known to be in force on or before 20 May 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)

[^{F36}10A. Insurance for individual registrants and persons applying for their name to be registered

- (1) A registered optometrist or registered dispensing optician must be covered by adequate and appropriate insurance throughout the period during which he is registered in the appropriate register.
- (2) A registered optometrist or registered dispensing optician seeking retention of his name in the register must supply to the Council evidence that he is covered by insurance as specified in subsection (1) above.
- (3) A person seeking registration or restoration of his name in the register of optometrists or dispensing opticians must supply the Council with evidence that, if his name were to be entered in the appropriate register, he would be covered by adequate and appropriate insurance commencing, at the latest, on the date on which his name was so entered.
- (4) The Council may at any other time require a registered optometrist or registered dispensing optician to supply evidence that he is covered by adequate and appropriate insurance.
- (5) The Council may make rules specifying the types and amounts of insurance they consider to be adequate and appropriate for the purposes of this section.
- (6) A registered optician or registered dispensing optician, or a person seeking registration as an optometrist or a dispensing optician, must inform the Council forthwith if he is no longer covered by insurance which meets the requirements of this section.

[Subsections (1) to (6) do not apply in relation to persons who are registered, or who ^{F37}(6A) are seeking registration, in a register maintained under section 8B.]

- (7) If a person fails to comply with the requirements of this section, the registrar may—
 - (a) refuse to register his name in the appropriate register;
 - (b) refuse to retain his name in the appropriate register;
 - (c) refuse to restore his name to the appropriate register; or
 - (d) remove his name from the appropriate register,under section 10(1)(f) or (ff) above, or refer the matter to the Investigation Committee for investigation under section 13D(5) below as if the failure to comply with the requirements of this section constituted an allegation of misconduct for the purposes of section 13D(2)(a) below.
- (8) In this section, “insurance” means—
 - (a) a policy of insurance providing cover for liabilities which may be incurred in carrying out work as a registered optometrist or registered dispensing optician; and
 - (b) an arrangement made for the purposes of indemnifying the person concerned against such liabilities.]

Textual Amendments

F36 S. 10A 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. 12** (with Sch. 2)

F37 S. 10A(6A) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **182**

Status: Point in time view as at 03/12/2007.

Changes to legislation: Opticians Act 1989, Cross Heading: The registers and lists is up to date with all changes known to be in force on or before 20 May 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)

[^{F38}11 Publication of registers and proof of registration

- (1) The Council shall publish from time to time information from each register in such form (including electronic form) as they consider appropriate.
- (2) The information published by the Council shall include—
 - (a) a list of all persons or bodies whose names are in the registers on a date specified by the Council at the time of publication;
 - (b) the number assigned to the person or body on the appropriate register; and
 - (c) such other particulars (if any) as the Council may direct in relation to registrants or a particular class of registrants.
- (3) A copy of the appropriate register purporting to be published by the Council shall be evidence (and in Scotland sufficient evidence) in all proceedings that the persons or bodies whose names are in the appropriate register are registrants, and the absence of the name of any person or body from such a copy of the appropriate register shall be evidence, until the contrary is shown, that that person or body is not a registrant.
- (4) The registrar may issue a certificate that—
 - (a) a person's or body's name is in the appropriate register;
 - (b) a person's or body's name is not in the appropriate register;
 - (c) a person's or body's name was in the appropriate register at a specified date or during a specified period;
 - (d) a person's or body's name was not in the appropriate register at a specified date or during a specified period; or
 - (e) a person's or body's name has never been in the appropriate register.
- (5) A certificate issued under subsection (4) above shall be evidence (and in Scotland sufficient evidence) of the matters certified.
- (6) Subsections (3) and (4) above shall apply to entries made in accordance with rules made under section 10(1A) above as they apply to registration in the appropriate register.]

Textual Amendments

F38 S. 11 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. 13](#) (with [Sch. 2](#))

Status:

Point in time view as at 03/12/2007.

Changes to legislation:

Opticians Act 1989, Cross Heading: The registers and lists is up to date with all changes known to be in force on or before 20 May 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.