



Opticians Act 1989

1989 CHAPTER 44

PART II

REGISTRATION AND TRAINING OF OPTICIANS

The registers and lists

9 List of bodies corporate carrying on business as opticians.

[^{F1}(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 [^{F2}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 [^{F3}registered optometrists or registered dispensing opticians] or, in the case of a body corporate having only one director, that he is [^{F3}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 [^{F4}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 [^{F5}optometrist] ; and

Changes to legislation: Opticians Act 1989, Section 9 is up to date with all changes known to be in force on or before 05 March 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

- (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 [^{F6}optometrist or registered dispensing optician] ; or
- (d) if—
- (i) it is [^{F7}a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered under] the ^{M1}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 entitled to be [^{F8}registered] by virtue of subsection (2) (b) above if its name, or the name of any body on whose reconstruction it came into 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
- [^{F9}(b) been the subject of an order for erasure from the register maintained under subsection (1) above.]

Textual Amendments

- F1** 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](#))
- F2** 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](#))
- F3** 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](#))
- F4** 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](#))
- F5** 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](#))
- F6** 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](#))
- F7** Words in s. 9(2)(d)(i) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 44](#) (with [Sch. 5](#))
- F8** 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](#))
- F9** 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** 1969 c.24. (N.I.)

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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](#)