
STATUTORY INSTRUMENTS

2007 No. 3101

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

PART 13

OPTICIANS: OTHER LEGISLATION

Amendment of the National Health Service Act 1977

189. In the National Health Service Act 1977(1), in section 128 (interpretation and construction), in subsection (1), in the definition of “ophthalmic optician”, after “Opticians Act 1989” insert “, or in the register

of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act(2),”.

Amendment of the National Health Service (Scotland) Act 1978

190. In the National Health Service (Scotland) Act 1978(3), in section 108 (interpretation and construction), in subsection (1), in the definition of “ophthalmic optician”, after “Opticians Act 1989” insert “, or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act,”.

Amendment of the Medicines (Contact Lens Fluids and Other Substances) (Exemption from Licences) Order 1979

191. In the Medicines (Contact Lens Fluids and Other Substances) (Exemption from Licences) Order 1979(4), in article 1 (citation, commencement and interpretation), in paragraph (2), for the definition of “optician” substitute—

““optician” means a person whose name is entered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989, or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act.”.

(1) 1977 c.49. The definition of “ophthalmic optician” was substituted by S.I. 2005/848, and is prospectively amended by the Health Act 2006 (c.28), Schedule 8, paragraph 24(b). The National Health Service Act 1977 (“the 1977 Act”) was repealed by the National Health Service (Consequential Provisions) Act 2006 (c.43) (“the 2006 Act”). However, by virtue of section 8(4) (q) and (5) of the 2006 Act, the repeal of the definition of “ophthalmic optician” in the 1977 Act has not yet come into force.

(2) Section 8B was inserted by S.I. 2007/3101

(3) 1978 c.29.

(4) S.I. 1979/1585; a relevant amendment was made by S.I. 2005/848.

Amendment of the Medicines (Contact Lens Fluids and Other Substances) (Advertising and Miscellaneous Amendments) Regulations 1979

192. In the Medicines (Contact Lens Fluids and Other Substances) (Advertising and Miscellaneous Amendments) Regulations 1979(5), in regulation 2 (interpretation), in paragraph (1), for the definition of “optician” substitute—

““optician” means a person whose name is entered in the register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989, or in the register of visiting optometrists from relevant European States or visiting dispensing opticians from relevant European States maintained under section 8B of that Act; and”.

Amendment of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980

193. In the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980(6), in regulation 1 (citation, commencement and interpretation), in paragraph (2), for the definition of “registered optometrist” substitute—

““registered optometrist” means a person whose name is registered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989, or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act;”.

Amendment of the National Health Service (General Ophthalmic Services) Regulations 1986

194. In the National Health Service (General Ophthalmic Services) Regulations 1986(7), in regulation 2 (interpretation), in paragraph (1), in the definition of “optician”, after “Opticians Act 1989” insert “or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act;”.

Amendment of the National Health Service (Service Committees and Tribunal) Regulations 1992

195. In the National Health Service (Service Committees and Tribunal) Regulations 1992(8), in regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “optician”, after “section 7(a) of that Act” insert “or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act;”.

Amendment of the General Optical Council (Testing of Sight by Persons Training as Ophthalmic Opticians) Rules 1993

196. In the General Optical Council (Testing of Sight by Persons Training as Ophthalmic Opticians) Rules 1993(9), in rule 4 (classes of persons training as optometrists), in paragraph (c)—

- (a) for “Regulation 6 of the European Communities (Recognition of Professional Qualifications) Regulations 1991” substitute “the General Systems Regulations(10)”; and
- (b) for “that regulation” substitute “those Regulations”.

(5) S.I. 1979/1760, amended by S.I. 2005/848.

(6) S.I. 1980/1923; a relevant amendment was made by S.I. 2005/1520.

(7) S.I. 1986/975; a relevant amendment was made by S.I. 2005/1481.

(8) S.I. 1992/664; a relevant amendment was made by S.I. 2005/848.

(9) Scheduled to S.I. 1994/70; relevant amendments were made by S.I. 2005/848.

(10) The “General Systems Regulations” are defined in section 36 of the Opticians Act 1989.

Amendment of the Prescription Only Medicines (Human Use) Order 1997

197. In the Prescription Only Medicines (Human Use) Order 1997(**11**), in article 1 (citation, commencement and interpretation), in paragraph (2), for the definition of “registered optometrist” substitute—

““registered optometrist” means a person whose name is registered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989, or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act;”.

Amendment of the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999

198. In the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(**12**), in regulation 1 (citation, commencement and interpretation), in paragraph (2), in paragraph (d) of the definition of “health professional”, after “section 7” insert “or 8B”.

Amendment of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

199. In the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(**13**), in regulation 5 (disqualification for appointment: chairman and non-officer members), in paragraph (5)(d), after “section 7” insert “or 8B”.

Amendment of the General Social Care Council (Appointments and Procedure) Regulations 2001

200. In the General Social Care Council (Appointments and Procedure) Regulations 2001(**14**), in regulation 4 (disqualification for appointment), in paragraph (7)(d), after “section 7” insert “or 8B”.

Amendment of the Medicines for Human Use (Clinical Trials) Regulations 2004

201. In the Medicines for Human Use (Clinical Trials) Regulations 2004(**15**), in regulation 2 (interpretation), in paragraph (1), for paragraph (e) of the definition of “health care professional” substitute—

“(e) a person registered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989, or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act;”.

Amendment of the General Optical Council (Registration Rules) 2005

202. In the General Optical Council (Registration Rules) 2005(**16**)—

(a) in rule 2 (interpretation), after paragraph (1) insert—

“(1A) These Rules do not apply in relation to registration in a register maintained under section 8B (registers relating to visiting opticians from relevant European States), except for rules 21A (visiting opticians from relevant European States: registration information),

(11) S.I. 1997/1830; a relevant amendment was made by S.I. 2005/848.

(12) S.I. 1999/2337; a relevant amendment was made by S.I. 2005/848.

(13) S.I. 2000/89; a relevant amendment was made by S.I. 2005/848.

(14) S.I. 2001/1744; a relevant amendment was made by S.I. 2005/848.

(15) S.I. 2004/1031; there are no relevant amending instruments.

(16) Scheduled to S.I. 2005/1478.

- 21B (visiting opticians from relevant European States: changes in information provided to the Council) and 25(a) (erasure of registration).”;
- (b) in rule 12 (registration and restoration of registration)—
- (i) the existing provision shall be numbered as paragraph (1), and
 - (ii) after that provision add—
 - “(2) In determining an application by a person who falls within section 8(1A) (a), the Council—
 - (a) shall take into account all his qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of his application; and
 - (b) if the person holds a qualification which—
 - (i) was granted otherwise than in a relevant European State⁽¹⁷⁾, but
 - (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as an optometrist or a dispensing optician in that State,
- shall take that acceptance into account.”;
- (c) in rule 13 (entry and restoration of an entry relating to a speciality in a register), in paragraph (2)(a), for “another EEA State” substitute “a relevant European State other than the United Kingdom”; and
- (d) after rule 21 insert—

“Visiting opticians from relevant European States: registration information

21A. The register of visiting optometrists from relevant European States and the register of visiting dispensing opticians from relevant European States shall contain, in respect of each person whose name is registered in either of those registers, the following particulars—

- (a) the person’s full name;
- (b) the person’s registration number;
- (c) the date of the person’s registration; and
- (d) the person’s contact address in the United Kingdom.

Visiting opticians from relevant European States: changes in information provided to the Council

21B. A person whose name is registered in the register of visiting optometrists from relevant European States or in the register of visiting dispensing opticians from relevant European States shall notify the Council forthwith of—

- (a) any change to the name under which he practises; or
- (b) any change to the contact details that he has notified to the Council.”.

(17) “Relevant European State” is defined in section 36 of the Opticians Act 1989.

Amendment of the National Health Service Act 2006

203. In the National Health Service Act 2006(18), in section 275 (interpretation), in subsection (1), in the definition of “optometrist”, after “Act 1989 (c.44)” insert “, or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act,”.

Amendment of the National Health Service (Wales) Act 2006

204. In the National Health Service (Wales) Act 2006(19), in section 206 (interpretation), in subsection (1), in the definition of “optometrist”, after “Act 1989 (c.44)” insert “, or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act,”.

Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006

205. In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(20), in regulation 2(1) (interpretation), in the definitions of “optometrist” and “register”, after “Opticians Act 1989” insert “or in the register of visiting optometrists from relevant European States maintained under section 8B(1)(a) of that Act”.

(18) 2006 c.41. By virtue of section 277(3)(o) and (4) of the National Health Service Act 2006, the definition of “optometrist” in that Act does not come into force until the commencement of paragraph 24(b) of Schedule 8 to the Health Act 2006 (c.28) (which amends the definition of “ophthalmic optician” in the National Health Service Act 1977 (c.49)). See also paragraph 4 of Schedule 3 to the National Health Service (Consequential Provisions) Act 2006 (c.43).

(19) 2006 c.42.

(20) S.S.I. 2006/135.