

SCHEDULES

SCHEDULE 5

Opticians

PART 1

Amendments to legislation

Interpretation

1. In this Schedule, “the 1989 Act” means the Opticians Act 1989⁽¹⁾.

Opticians Act 1989

2. The 1989 Act is amended as follows.
3. In section 8 (qualifications for registration)⁽²⁾—
 - (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).”.
 4. Omit sections 8B to 8D (registration of visiting European practitioners)⁽³⁾.
 5. In section 10 (general provisions as to registers and lists)⁽⁴⁾—
 - (a) in subsection (1)(c), omit “subject to subsection (1ZA),”;
 - (b) omit subsection (1ZA).
 6. In section 10A (indemnity arrangements)⁽⁵⁾, omit subsection (11).
 7. In section 11A (continuing education and training), omit subsections (5) to (7)⁽⁶⁾.

(1) 1989 c. 44.

(2) Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#).

(3) Sections 8B to 8D were inserted by [S.I. 2007/3101](#). Sections 8C and 8D were amended by [S.I. 2016/1030](#).

(4) Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#).

(5) Section 10A was inserted by [S.I. 2005/848](#) and substituted by [S.I. 2014/1887](#).

(6) Section 11A was inserted by [S.I. 2005/848](#) and subsections (5) to (7) were inserted by [S.I. 2007/3101](#).

Status: This is the original version (as it was originally made).

8. In section 11B (failure to satisfy continuing education and training requirements)(**7**), omit subsections (1A) to (1C).

9. In section 23G (appeals)(**8**)—

(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).

10. In section 29 (death or bankruptcy)(**9**), omit subsection (2A).

11. In section 36 (interpretation)(**10**), 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.

12. In Schedule 1 (constitution of the General Council)(**11**), in paragraph 1A(1)(b)(ii), omit “or 8B”.

National Health Service (Scotland) Act 1978

13. In the National Health Service (Scotland) Act 1978(**12**), in section 108 (interpretation), in subsection (1), in the definition of “ophthalmic optician” omit from “, or in” to “that Act” (where it first occurs).

National Health Service Act 2006

14. In the National Health Service Act 2006(**13**), in section 275 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act,”.

National Health Service (Wales) Act 2006

15. In the National Health Service (Wales) Act 2006(**14**), in section 206 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act,”.

National Health Service (General Ophthalmic Services) Regulations 1986

16. In the National Health Service (General Ophthalmic Services) Regulations 1986(**15**), in regulation 2 (interpretation), in paragraph (1), in the definition of “optician” omit from “or in” to “that Act”.

(7) Section 11B was inserted by [S.I. 2005/848](#) and subsections (1A) to (1C) were inserted by [S.I. 2007/3101](#).

(8) Section 23G was inserted by [S.I. 2005/848](#). Relevant amending instrument is [S.I. 2016/1030](#).

(9) Subsection 2A was inserted by [S.I. 2007/3101](#).

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

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

(12) [1978 c. 29](#). Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#).

(13) [2006 c. 41](#). Relevant amending instrument is [S.I. 2007/3101](#).

(14) [2006 c. 42](#). Relevant amending instrument is [S.I. 2007/3101](#).

(15) [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(16), in regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “optician” omit from “or in” to “that Act”.

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(17), in rule 4 (classes of exempt person), omit paragraph (c).

Medicines for Human Use (Clinical Trials) Regulations 2004

19. In the Medicines for Human Use (Clinical Trials) Regulations 2004(18), in regulation 2 (interpretation), in paragraph (1), in paragraph (e) of the definition of “health care professional” omit from “or in” to “that Act”.

General Optical Council (Registration) Rules 2005

20. In the General Optical Council (Registration) Rules 2005(19)—

- (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).

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

21. In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(20), 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).

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

22. In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(21), in regulation 2 (interpretation), in paragraph (1), in paragraph (a) of the definition of “optometrist independent prescriber”, omit from “, or in” to “that Act”.

(16) S.I. 1992/664. Relevant amending instruments are S.I. 2005/848, 2007/3101.

(17) 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.

(18) S.I. 2004/1031. Relevant amending instrument is S.I. 2007/3101.

(19) 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.

(20) S.S.I. 2006/135. Relevant amending instrument is S.I. 2007/3101.

(21) S.S.I. 2009/183.

Status: This is the original version (as it was originally made).

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

23. In the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012(**22**), in regulation 1(2) (interpretation), in the definition of “ophthalmic optician”, omit from “, or in” to “that Act” (where it first occurs).

Human Medicines Regulations 2012

24. In the Human Medicines Regulations 2012(**23**), 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.

(22) S.S.I. 2012/110.

(23) S.I. 2012/1916.