



# 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—

- [<sup>F1</sup>(a) a register of optometrists; and]
- (b) a register of dispensing opticians,

each containing the [<sup>F2</sup>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.

[<sup>F3</sup>(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

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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.

<sup>F4</sup>(1A) . . . . .

- (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.]

- <sup>F5</sup>(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.

<sup>F6</sup>(2C) . . . . .]

- <sup>F7</sup>(2D) Subsections (2E) to (2H) apply instead of subsections (2) to (2B) in the case of a person whose qualification is a specified state qualification.

- (2E) Subject to subsection (2F), a person is entitled to have the person’s name in the appropriate register if the person satisfies the Council that—
  - (a) the person holds a qualification as an optometrist or as a dispensing optician which is a specified state qualification;
  - (b) the person has had adequate practical experience in the work of an optometrist or dispensing optician; and
  - (c) the person is a fit person to practise as an optometrist or dispensing optician.

- (2F) A person is not entitled to have the person’s name in the appropriate register by virtue of subsection (2E) if the Council determine that one or more of Conditions 1 to 3 are met in relation to the person’s specified state qualification, unless the person satisfies the Council that the person has met the requirement specified in relation to the person under section 8ZA.

- (2G) For the purpose of this section and section 8ZA—

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- (a) Condition 1 is met where there exists a substantial difference between the knowledge and skill evidenced by a person's specified state qualification and the knowledge and skill demonstrated by an approved UK qualification;
  - (b) Condition 2 is met where the professional activities to which an approved UK qualification relates include one or more professional activities that cover substantially different matters from those covered by the person's specified state qualification;
  - (c) Condition 3 is met where requiring the person to take an aptitude test or complete an adaptation period would amount to requiring the person to acquire an approved UK qualification.
- (2H) The Council may determine in relation to a person who holds a qualification as an optometrist or as a dispensing optician which is a specified state qualification that, before being entitled to have the person's name in the appropriate register, the person must pass such test, approved in accordance with section 12(7)(c), as they consider appropriate.
- (2I) Where the Council make a determination that a specified state professional must take a test approved in accordance with section 12(7)(c), the test must be proportionate to the language skills necessary to practise as an optometrist or a dispensing optician.]
- (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 [F<sup>8</sup>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 [F<sup>9</sup>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
  - (b) that he had had adequate practical experience in the work of an [F<sup>10</sup>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 [F<sup>11</sup>optometrist] or dispensing optician; and
  - [F<sup>12</sup>(c) that he is a fit person to practise as an optometrist or a dispensing optician,]

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shall be entitled to be registered in the appropriate register.

- (7) In the case of a person whose qualifications (including experience) are appropriate for [<sup>F13</sup>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.
- [<sup>F14</sup>(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.
- <sup>F15</sup>(10) . . . . .
- [<sup>F16</sup>(11) In this section “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).]

#### 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) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 5 para. 3(a)** (with reg. 12A, Sch. 5 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 13); 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 8(2B)(2C) inserted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 5 para. 3(b)** (with reg. 12A, Sch. 5 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 13); 2020 c. 1, **Sch. 5 para. 1(1)**)
- F6** S. 8(2C) omitted (1.12.2023) by virtue of [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 37(a)**
- F7** S. 8(2D)-(2I) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 37(b)**
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)

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- F13** 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](#))
- F14** 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](#))
- F15** 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)**
- F16** S. 8(11) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 37(c)**

### [<sup>F17</sup>8ZA Section 8: further provision relating to specified state qualifications

- (1) This section applies where a person who holds a specified state qualification applies to have the person's name in the appropriate register under section 8 and the Council determine that one or both of Conditions 1 and 2 are met in relation to the person's qualification.
- (2) This section does not apply if the Council determine that Condition 3 is met in relation to the person's specified state qualification.
- (3) Where this section applies, the Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person before the person is entitled to have the person's name in the appropriate register.
- (4) An aptitude test or adaptation period specified under this section, or an aptitude test and adaptation period together specified under this section, must be proportionate to the difference sought to be addressed.
- (5) The Council must give a person their reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.
- (6) If the Council specify aptitude tests in relation to persons under this section, the Council must ensure that such tests are scheduled with reasonable frequency and at least once a year.]

#### Textual Amendments

- F17** S. 8ZA inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 38**

### [<sup>F18</sup>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.

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- (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**  
**F18** 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)

**F198B. Visiting opticians from relevant European States: registers**

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**Textual Amendments**  
**F19** Ss. 8B-8D omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 5 para. 4** (with reg. 12A, Sch. 5 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 13); 2020 c. 1, Sch. 5 para. 1(1)

**F198C. Visiting optometrists: entitlement to registration**

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**Textual Amendments**  
**F19** Ss. 8B-8D omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 5 para. 4** (with reg. 12A, Sch. 5 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 13); 2020 c. 1, Sch. 5 para. 1(1)

**F198D. Visiting dispensing opticians: entitlement to registration**

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### Textual Amendments

**F19** Ss. 8B-8D omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 5 para. 4** (with reg. 12A, Sch. 5 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 13); 2020 c. 1, Sch. 5 para. 1(1)

## 9 List of bodies corporate carrying on business as opticians.

[<sup>F20</sup>(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 [<sup>F21</sup>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 [<sup>F22</sup>registered optometrists or registered dispensing opticians] or, in the case of a body corporate having only one director, that he is [<sup>F22a</sup>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 [<sup>F23</sup>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 [<sup>F24</sup>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 [<sup>F25</sup>optometrist or registered dispensing optician] ; or

(d) if—

(i) it is [<sup>F26</sup>a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered under] the <sup>M1</sup>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 [<sup>F27</sup>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

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[<sup>F28</sup>(b) been the subject of an order for erasure from the register maintained under subsection (1) above.]

#### Textual Amendments

- F20** 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](#))
- F21** 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](#))
- F22** 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](#))
- F23** 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](#))
- F24** 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](#))
- F25** 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](#))
- F26** 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](#))
- F27** 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](#))
- F28** 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.)

## 10 General provisions as to registers and lists.

- (1) The Council may make rules with respect to the form and keeping of the registers <sup>F29</sup>... and the making of entries and alterations in them and, in particular—
- (a) regulating the making of applications for registration <sup>F30</sup>... or for transfer from one register <sup>F30</sup>... to another, and providing for the evidence to be produced in support of any such application;
- [<sup>F31</sup>(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) <sup>F32</sup>[<sup>F33</sup>... prescribing] —
- (i) a fee to be charged;
- (ii) information to be provided to the Council; and



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- (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;]
  - <sup>F34</sup>(d) .....
  - (e) providing for the entry in the register of qualifications (whether or not approved under [<sup>F35</sup>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;
  - <sup>F36</sup>(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 <sup>F37</sup>....
- <sup>F38</sup>(1ZA) .....
- <sup>F39</sup>(1ZB) If rules under this section prescribe a fee to be charged on the entry of a person’s name in the register in a case where the person applies for registration in reliance on a specified state qualification, the fee must be—
- (a) reasonable and proportionate to the cost of dealing with such a person’s application;
  - (b) transparent, and made public in advance; and
  - (c) payable by electronic means through the Council’s own website.
- (1ZC) Where a person applies for registration under section 8 in reliance on a specified state qualification, the Council must—
- (a) within the period of one month beginning with the date of receipt of the application—
    - (i) acknowledge receipt of the application; and
    - (ii) inform the applicant of any missing document required for the purposes of the application;
  - (b) give the applicant adequate time to complete the requirements and procedures of the application process;
  - (c) ensure that the documentary and other evidence which is to accompany applications for registration is no more than is necessary to demonstrate to the Council that the applicant satisfies each of the requirements imposed by or under section 8;
  - (d) accept copies of documents in place of original documents (subject to such provision about verifying copies as is made by rules under subsection (1)) unless the Council require original documents to protect the integrity of the application process;
  - (e) deal promptly with the application; and

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- (f) as soon as reasonably practicable and in any event within four months beginning with the relevant date, notify the applicant in writing of the result of the application.

(1ZD) In subsection (1ZC)(f), “the relevant date”, in relation to an application, is—

- (a) the date on which the Council receive the application; or
- (b) if any document required for the purposes of the application is missing when the Council receive the application, the date on which the Council first have all the documents required for those purposes.

(1ZE) If the Council make a request for further evidence, information or documents from the applicant, the period beginning with the date on which the Council make that request and ending with the date on which the applicant complies with that request is to be disregarded in determining whether the period of four months referred to in subsection (1ZC)(f) has expired.]

[<sup>F40</sup>(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 [<sup>F41</sup>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 shall be payable by the registrar of the Council to the registrar of births and deaths from whom it is received.

<sup>F42</sup>(3) .....

<sup>F42</sup>(4) .....

[<sup>F43</sup>(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.]

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### 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

- F29** 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](#))
- F30** 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](#))
- F31** 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](#))
- F32** Words in s. 10(1)(c) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), [reg. 1\(2\)](#), [Sch. 5 para. 5\(a\)](#) (with [reg. 12A](#), [Sch. 5 Pt. 2](#)) (as amended by S.I. 2020/1394, [regs. 4, 13](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F33** 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\(a\)](#)
- F34** 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](#))
- F35** 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](#))
- F36** 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](#))
- F37** 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](#))
- F38** S. 10(1ZA) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), [reg. 1\(2\)](#), [Sch. 5 para. 5\(b\)](#) (with [reg. 12A](#), [Sch. 5 Pt. 2](#)) (as amended by S.I. 2020/1394, [regs. 4, 13](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F39** S. 10(1ZB)-(1ZE) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), [reg. 1](#), [Sch. 3 para. 39](#)
- F40** 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](#))
- F41** 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](#))
- F42** 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](#))
- F43** 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](#))

### [<sup>F44</sup>10A. Indemnity arrangements for individual registrants and persons applying for their name to be registered

- (1) A registered optometrist or registered dispensing optician who practises as such must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.

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- (2) For the purposes of this section, an “indemnity arrangement” may comprise—
  - (a) a policy of insurance;
  - (b) an arrangement made for the purposes of indemnifying a person;
  - (c) a combination of the two.
- (3) For the purposes of this section, “appropriate cover”, in relation to practice as a registered optometrist or registered dispensing optician, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.
- (4) The Council may make rules in connection with the information provided to the registrar—
  - (a) by or in respect of a person seeking registration in the register of optometrists or dispensing opticians for the purpose of determining whether, if his name is entered in the appropriate register, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;
  - (b) by or in respect of a person seeking restoration of his name in the register of optometrists or dispensing opticians for the purpose of determining whether, if his name is restored in the appropriate register, there will be in force in relation to him by the time he resumes practice an indemnity arrangement which provides appropriate cover; and
  - (c) by or in respect of a registered optometrist or registered dispensing optician seeking retention of his name in the register of optometrists or dispensing opticians for the purpose of determining whether, if his name is retained in the appropriate register, there will continue to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (5) Rules made under subsection (4)(c) may require the information mentioned there to be provided—
  - (a) at the request of the registrar; or
  - (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to individual registrants or registrants of a particular description.
- (6) The Council may also make rules requiring a registered optometrist or registered dispensing optician to inform the registrar if there ceases to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (7) The Council may also make rules requiring a registered optometrist or registered dispensing optician to inform the registrar if there is in force in relation to him, appropriate cover provided under an indemnity arrangement provided by an employer.
- (8) Where a person fails to comply with rules made under subsection (4), or there is a failure to comply with rules made under subsection (4) in relation to him, the registrar may—
  - (a) refuse to register his name in the appropriate register;
  - (b) refuse to restore his name to the appropriate register; or
  - (c) remove his name from the appropriate register.
- (9) Where a registered optometrist or registered dispensing optician is in breach of subsection (1) or fails to comply with rules made under this section—

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- (a) the registrar may remove that person’s name from the appropriate register; or
  - (b) the breach or failure may be treated as misconduct for the purposes of section 13D(2)(a), and the registrar may refer the matter to the Investigation Committee under section 13D(5).
- (10) Where a person’s name has been removed from the appropriate register under subsection (8)(c) or (9)(a), that name shall be restored to the appropriate register on that person’s application, if the registrar is satisfied that the person meets the requirements of—
- (a) section 8(1) or (2);
  - (b) this section; and
  - (c) any rules made under section 7, 11A or 11B(6) which apply to that person’s case.

<sup>F45</sup>(11) . . . . .]

**Textual Amendments**

- F44** S. 10A substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 7** (with Sch. 3 paras. 6-9)
- F45** S. 10A(11) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 5 para. 6** (with reg. 12A, Sch. 5 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 13); 2020 c. 1, Sch. 5 para. 1(1)

**[<sup>F46</sup>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.

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- (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.]

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**Textual Amendments**

**F46** 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](#))

**Changes to legislation:**

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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](#)