



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—

- (a) two registers of ophthalmic opticians, one for the registration of persons engaged or proposing to engage both in the testing of sight and in the fitting and supply of optical appliances and the other for the registration of persons engaged or proposing to engage in the testing of sight, but not in the fitting and supply of optical appliances; and
- (b) a register of dispensing opticians,

each containing the names, addresses and qualifications, 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.

8 Qualifications for being registered

(1) Any person who satisfies the Council—

- (a) that he holds a qualification as an ophthalmic optician or dispensing optician for the time being approved by them under section 12 below, being a qualification granted to him after receiving instruction from one or more of the institutions so approved; and
- (b) that he has had adequate practical experience in the work of an ophthalmic or dispensing optician,

shall be entitled to be registered in the appropriate register.

(2) Any person who satisfies the Council—

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- (a) that he holds a qualification as an ophthalmic optician or dispensing optician for the time being recognised by them for the purposes of this subsection, being a qualification granted outside the United Kingdom; and
 - (b) that he has had adequate practical experience in the work of an ophthalmic or dispensing optician; and
 - (c) that he is of good character,shall be entitled to be registered in the appropriate register.
- (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 ophthalmic optician 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 ophthalmic 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 ophthalmic 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 ophthalmic or dispensing optician; and
 - (c) that he is of good character,shall be entitled to be registered in the appropriate register.
- (7) In the case of a person whose qualifications (including experience) are appropriate for an ophthalmic optician, both registers of ophthalmic opticians and the register of dispensing opticians are 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.
- (8) A person shall not be registered at the same time 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.

9 List of bodies corporate carrying on business as opticians

- (1) The Council shall continue to maintain—
- (a) a list of bodies corporate carrying on business as ophthalmic opticians; and
 - (b) a list of bodies corporate carrying on business as dispensing opticians,
- each containing the names, principal places of business and such other particulars as may be prescribed of the bodies which are entitled under the following provisions of this Act to be enrolled in it and apply in the prescribed manner to be so enrolled.
- (2) Subject to subsection (3) below, a body corporate shall be entitled to be enrolled in the appropriate list—
- (a) if it satisfies the Council that a majority of its directors are registered opticians or, in the case of a body corporate having only one director, that he is a registered 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 enrolled 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 ophthalmic optician; 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 optician; or
 - (d) if—
 - (i) it is a society registered under the Industrial and Provident Societies Act 1965 or the 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 enrolled 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
 - (b) been erased from the list maintained under subsection (1) above in consequence of an erasure order.

10 General provisions as to registers and lists

- (1) The Council may make rules with respect to the form and keeping of the registers and lists and the making of entries and alterations in them and, in particular—

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- (a) regulating the making of applications for registration or enrolment or for transfer from one register or list to another, and providing for the evidence to be produced in support of any such application;
 - (b) providing for the notification to the Council of any change in the particulars entitling a person to be registered or a body corporate to be enrolled;
 - (c) prescribing a fee to be charged on the entry of a name in, or the restoration of a name to, the register or list;
 - (d) prescribing a fee to be charged in respect of the retention in the register or list of any name in any year subsequent to the year in which the name was first entered in the register or list;
 - (e) providing for the entry in the register of qualifications (whether or not approved under section 12(2) 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;
 - (f) authorising the registrar—
 - (i) to refuse to enter a name in, or restore it to, the register or list until a fee prescribed for the entry or restoration has been paid; and
 - (ii) to erase from the register or list the name of a person who or body corporate which, after the prescribed notices and warnings, fails to pay the fee prescribed in respect of the retention of that name in the register or list;
 - (g) prescribing anything required or authorised to be prescribed by the provisions of this Act relating to the registers or lists.
- (2) On registering the death of an ophthalmic or dispensing optician 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.
- (3) Rules under this section which provide for the erasure of a name from the register or list on failure to pay a fee shall provide for its restoration to the register or list on the making of the prescribed application in that behalf and on payment of that fee and any additional fee prescribed in respect of the restoration.
- (4) Rules under this section prescribing fees may provide for the charging of different fees in different classes of cases.

11 Publication of registers and lists

- (1) The Council shall cause the registers and lists to be printed and published as often as they think fit.
- (2) Where any of the registers or lists is not published in any year, the Council shall cause any alterations in the entries in that register or list which have been made since its last publication to be printed and published within that year.
- (3) A copy of any of the registers or lists purporting to be printed and published by the Council shall, as altered by any alterations purporting to be printed and published by the Council, be evidence in all proceedings that the individuals specified in that register are registered in it or, as the case may be, that the bodies corporate specified in that list are enrolled in it, and the absence of the name of any individual or body corporate from any such copy of a register or list shall be evidence, until the contrary

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is shown, that he is not registered in that register or, as the case may be, that it is not enrolled in that list.

- (4) In the case of an individual or body corporate whose name does not appear in any such copy of a register or list as altered, a certified copy, under the hand of the registrar, of the entry relating to that individual or body corporate in the register or list shall be evidence of the entry.