



Opticians Act 1989

1989 CHAPTER 44

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

36 Interpretation.

(1) In this Act, unless the context otherwise requires—

[^{F1}“adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered optometrist or registered dispensing optician;]

[^{F2}“approved training establishment” means an establishment approved by the Council under section 12(7)(a) above;

“approved qualification” means any qualification approved by the Council under section 12(7)(b) above;]

[^{F1}“aptitude test” means an assessment with the aim of determining whether a person has the competencies for the time being established under section 12(1)(a) in relation to being granted a qualification as an optometrist or a dispensing optician;]

[^{F3}“body corporate” includes a limited liability partnership and, in Scotland, a partnership; and in relation to such partnerships, a reference to a director or other officer of a body corporate is a reference to a member;]

[^{F4}“business registrant” means a body corporate registered in the register maintained by the Council under section 9 above;]

“the Council” means the General Optical Council;

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“dispensing optician” means a person engaged or proposing to engage in the fitting and supply of optical appliances;

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[^{F6}“electronic communication” has the same meaning as in the Electronic Communications Act 2000;]

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[^{F6}“financial penalty order” means an order under Part 2A above that a registrant shall pay to the Council a sum specified in the order;]

“functions” includes powers and duties;

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“health service ophthalmic lists” means the lists of ophthalmic opticians or dispensing opticians undertaking to provide general ophthalmic services or supplementary eye services which on 1st January 1959 were kept by virtue of the following—

- (a) section 41 of the ^{M1}National Health Service Act 1946 ;
- (b) section 42 of the ^{M2}National Health Service (Scotland) Act 1947; and
- (c) section 21 of the ^{M3}Health Services Act (Northern Ireland) 1948;

[^{F8}“Hearings Panel” means the panel of persons appointed under section 5D(1) above;

“individual registrant” means any person whose name is in a register maintained by the Council under [^{F9}section 7 [^{F10}or 8A]] above;]

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[^{F11}“medical authority” means a body or combination of bodies included in the list maintained by the General Medical Council under section 4(1) of the Medical Act 1983;]

[^{F12}“optometrist” means] a person engaged or proposing to engage in the testing of sight (otherwise than as a registered medical practitioner or a person recognised by a medical authority as a medical student), whether or not he is also engaged or proposing to engage in the fitting and supply of optical appliances;

“optical appliance” means an appliance designed to correct, remedy or relieve a defect of sight;

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“prescribed” means prescribed by rules under this Act;

[^{F13}“register” means, unless the context otherwise requires, any one of the following registers—

- (a) the register of optometrists maintained under section 7 above;
- (b) the register of dispensing opticians maintained under section 7 above;
- (c) the registers of students maintained under section 8A above;

(ca) ^{F14} ...

(e) the register of bodies corporate under section 9 above,

and, [^{F15}except in the expressions “registered medical practitioner”, “registered dispensing optician” and “registered optometrist”], “registered” and “registration” have corresponding meanings;]

[^{F16}“registered dispensing optician” means a person whose name is in the register of dispensing opticians maintained under section 7 ^{F17}...;

“registered optometrist” means a person whose name is in the register of optometrists maintained under section 7 ^{F17}...;]

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[^{F18}“registrant”, except in the expressions “individual registrant”, “business registrant” and “student registrant”, means a person whose name is in the appropriate register;]

[^{F19}“relevant European State” means an EEA State or Switzerland;]

[^{F1}“specified state professional” means a person who holds a specified state qualification;]

[^{F1}“specified state qualification” means a qualification as an optometrist or as a dispensing optician granted in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;]

[^{F18}“student registrant” means a person whose name is in one of the registers maintained by the Council under section 8A above;]

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(2) References in this Act to testing sight are references to testing sight with the object of determining whether there is any and, if so, what defect of sight and of correcting, remedying or relieving any such defect of an anatomical or physiological nature by means of an optical appliance prescribed on the basis of the determination.

[^{F20}(3) References in this Act to the over-arching objective are to the over-arching objective of the Council under section 1(2A) (read with section 1(2B)).]

Textual Amendments

- F1** Words in s. 36 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. 41**
- F2** Words in s. 36 substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(b)** (with Sch. 2)
- F3** Words in s. 36 substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(c)** (with Sch. 2)
- F4** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(d)** (with Sch. 2)
- F5** Words in s. 36 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 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(a)** (with Sch. 2)
- F6** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(e)** (with Sch. 2)
- F7** Words in s. 36(1) 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. 11(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)
- F8** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(f)** (with Sch. 2)
- F9** Words in s. 36(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(c)**
- F10** Words in s. 36(1) substituted (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.**

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11(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)

- F11** Words in s. 36(1) substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(4), [Sch. 2 para. 5](#); S.I. 2008/3150, art. 2(1)
- F12** Words in s. 36 substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [Sch. 1 para. 8\(g\)](#) (with Sch. 2)
- F13** Words in s. 36 substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [Sch. 1 para. 8\(h\)](#) (with Sch. 2)
- F14** Words in s. 36(1) 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. 11\(c\)](#) (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)
- F15** Words in s. 36(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [187\(d\)\(ii\)](#)
- F16** Words in s. 36(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [187\(e\)](#)
- F17** Words in s. 36(1) 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. 11\(d\)](#) (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)
- F18** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [Sch. 1 para. 8\(i\)](#) (with Sch. 2)
- F19** Words in s. 36(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [187\(f\)](#)
- F20** S. 36(3) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), [Sch. para. 2\(6\)](#); S.I. 2016/906, reg. 2(b)

Modifications etc. (not altering text)

- C1** S. 36 applied (27.9.2001) by S.I. 2001/3057, [Sch. para. 5\(1\)](#)

Marginal Citations

- M1** 1946 c.81.
M2 1947 c.27.
M3 1948 c.3. (N.I.)

37 Consequential amendments and repeals.

(1) In the definition of “ophthalmic optician” in section 128(1) of the ^{M4}National Health Service Act 1977 and section 108(1) of the ^{M5}National Health Service (Scotland) Act 1978—

- (a) for “section 2 of the Opticians Act 1958” there shall be substituted “section 7 of the Opticians Act 1989”; and
(b) for “section 4” there shall be substituted “section 9”.

^{F21}(2)

^{F22}(3)

(4) The enactments mentioned in Schedule 2 to this Act are repealed to the extent specified in the third column of that Schedule.

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(5) Paragraphs 3 to 5 of Schedule 3 to the ^{M6}Criminal Justice (Northern Ireland) Order 1986 are revoked.

Textual Amendments

F21 S. 37(2) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

F22 S. 37(3) repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

Marginal Citations

M4 1977 c.49.

M5 1978 c.29.

M6 S.I. 1986 No. 1883 (N.I. 15).

38 Commencement.

This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

39 Short title and extent.

- (1) This Act may be cited as the Opticians Act 1989.
- (2) This Act extends to Northern Ireland.

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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](#)