



Opticians Act 1989

1989 CHAPTER 44

PART II

REGISTRATION AND TRAINING OF OPTICIANS

The registers and lists

8 Qualifications for being registered.

[^{F1}(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
 - (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.

[^{F2}(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.

Changes to legislation: Opticians Act 1989, Section 8 is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.]
- [^{F3}(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.
- ^{F4}(2C)]
- [^{F5}(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—
- (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.

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- (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 [F6optometrist] 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 [F7optometrist] 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 [F8optometrist] 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 [F9optometrist] or dispensing optician; and
- [F10(c) that he is a fit person to practise as an optometrist or a dispensing optician.] shall be entitled to be registered in the appropriate register.
- (7) In the case of a person whose qualifications (including experience) are appropriate for [F11optometrists, 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.
- [F12(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.

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^{F13}(10)

^{F14}(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

- F1** 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)
- F2** 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)
- F3** 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)**)
- F4** 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)**
- F5** 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)**
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)**
- F14** 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)**

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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](#)