
STATUTORY INSTRUMENTS

2005 No. 848

The Opticians Act 1989 (Amendment) Order 2005

PART 2

The Council, its Committees and Registration

Amendment of section 8

8.—(1) Section 8 (qualifications for being registered) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(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.

(1A) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he—

(a) either—

(i) is a national of an EEA State; or

(ii) is not a national of an EEA State but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purpose of access to the profession of optometrist or dispensing optician, no less favourably than a national of such a state;

(b) has a right to practise in the United Kingdom as an optometrist by virtue of the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005(1) or as a dispensing optician by virtue of the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(2); and

(c) is a fit person to practise as an optometrist or a dispensing optician.

(1) S.I.2005/18.

(2) S.I. 2002/2934.

(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.”.

(3) In subsection (4)(a), for the words “ophthalmic optician” substitute “optometrist”.

(4) In subsections (4)(b), (5)(b) and (6)(b), for the word “ophthalmic” substitute “optometrist”.

(5) In subsection (6), for paragraph (c) substitute—

“(c) that he is a fit person to practise as an optometrist or a dispensing optician.”.

(6) In subsection (7), for the words “an ophthalmic optician, both registers of ophthalmic opticians and the register of dispensing opticians are appropriate registers” substitute “optometrists, the register of optometrists and the register of dispensing opticians are both appropriate registers”.

(7) For subsection (8), substitute—

“(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.”.

(8) After subsection (9), add—

“(10) In this section—

“EEA State” means a Contracting Party to the EEA Agreement or Switzerland; and

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted or amended from time to time.”.