

# SCHEDULES

## SCHEDULE 5

### Opticians

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule, “the 1989 Act” means the Opticians Act 1989 <sup>M1</sup>.

#### Commencement Information

- I1** Sch. 5 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M1** 1989 c. 44.

#### Opticians Act 1989

2. The 1989 Act is amended as follows.

#### Commencement Information

- I2** Sch. 5 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In section 8 (qualifications for registration) <sup>M2</sup>—

- (a) omit subsection (1A);
- (b) after subsection (2A) insert—

“(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.

(2C) In subsection (2B), “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).”.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

**Commencement Information**

**I3** Sch. 5 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M2** Relevant amending instruments are **S.I. 2005/848**, 2007/3101.

4. Omit sections 8B to 8D (registration of visiting European practitioners) <sup>M3</sup>.

**Commencement Information**

**I4** Sch. 5 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M3** Sections 8B to 8D were inserted by **S.I. 2007/3101**. Sections 8C and 8D were amended by **S.I. 2016/1030**.

5. In section 10 (general provisions as to registers and lists) <sup>M4</sup>—  
(a) in subsection (1)(c), omit “subject to subsection (1ZA),”;  
(b) omit subsection (1ZA).

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M4** Relevant amending instruments are **S.I. 2005/848**, 2007/3101.

6. In section 10A (indemnity arrangements) <sup>M5</sup>, omit subsection (11).

**Commencement Information**

**I6** Sch. 5 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M5** Section 10A was inserted by **S.I. 2005/848** and substituted by **S.I. 2014/1887**.

7. In section 11A (continuing education and training), omit subsections (5) to (7) <sup>M6</sup>.

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M6** Section 11A was inserted by **S.I. 2005/848** and subsections (5) to (7) were inserted by **S.I. 2007/3101**.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

8. In section 11B (failure to satisfy continuing education and training requirements)<sup>M7</sup>, omit subsections (1A) to (1C).

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M7** Section 11B was inserted by **S.I. 2005/848** and subsections (1A) to (1C) were inserted by **S.I. 2007/3101**.

9. In section 23G (appeals)<sup>M8</sup>—

- (a) in subsection (1)—
  - (i) in paragraph (c), at the end insert “ and ”;
  - (ii) omit paragraph (e) and the “and” before it;
- (b) in subsection (4), in paragraphs (b) and (c), for “(e)” substitute “ (d) ”;
- (c) omit subsection (8).

**Commencement Information**

**I9** Sch. 5 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M8** Section 23G was inserted by **S.I. 2005/848**. Relevant amending instrument is **S.I. 2016/1030**.

10. In section 29 (death or bankruptcy)<sup>M9</sup>, omit subsection (2A).

**Commencement Information**

**I10** Sch. 5 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M9** Subsection 2A was inserted by **S.I. 2007/3101**.

11. In section 36 (interpretation)<sup>M10</sup>, in subsection (1)—

- (a) omit the definitions of “exempt person” and “General Systems Regulations”;
- (b) in the definition of “individual registrant”, for “, 8A or 8B” substitute “ or 8A ”;
- (c) in the definition of “register”, omit paragraph (ca);
- (d) in the definitions of “registered dispensing optician” and “registered optometrist”, omit the words from “or in” to the end.

**Commencement Information**

**I11** Sch. 5 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

**Marginal Citations**

**M10** Relevant amending instruments are [S.I. 2005/848](#), 2007/3101, 2011/1043, 2016/1030.

**12.** In Schedule 1 (constitution of the General Council) <sup>M11</sup>, in paragraph 1A(1)(b)(ii), omit “or 8B”.

**Commencement Information**

**I12** Sch. 5 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M11** Relevant amending instrument is [S.I. 2008/1774](#).

**National Health Service (Scotland) Act 1978**

**13.** In the National Health Service (Scotland) Act 1978 <sup>M12</sup>, in section 108 (interpretation), in subsection (1), in the definition of “ophthalmic optician” omit from “, or in” to “that Act” (where it first occurs).

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M12** 1978 c. 29. Relevant amending instruments are [S.I. 2005/848](#), 2007/3101.

**National Health Service Act 2006**

**14.** In the National Health Service Act 2006 <sup>M13</sup>, in section 275 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act.”.

**Commencement Information**

**I14** Sch. 5 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M13** 2006 c. 41. Relevant amending instrument is [S.I. 2007/3101](#).

**National Health Service (Wales) Act 2006**

**15.** In the National Health Service (Wales) Act 2006 <sup>M14</sup>, in section 206 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act.”.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

**Commencement Information**

**I15** Sch. 5 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M14** 2006 c. 42. Relevant amending instrument is [S.I. 2007/3101](#).

**National Health Service (General Ophthalmic Services) Regulations 1986**

**16.** In the National Health Service (General Ophthalmic Services) Regulations 1986 <sup>M15</sup>, in regulation 2 (interpretation), in paragraph (1), in the definition of “optician” omit from “or in” to “that Act”.

**Commencement Information**

**I16** Sch. 5 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M15** [S.I. 1986/975](#). Relevant amending instruments are [S.I. 2005/1481](#), 2007/122 (W.12), 2007/3101.

**National Health Service (Service Committees and Tribunal) Regulations 1992**

**17.** In the National Health Service (Service Committees and Tribunal) Regulations 1992 <sup>M16</sup>, in regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “optician” omit from “or in” to “that Act”.

**Commencement Information**

**I17** Sch. 5 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M16** [S.I. 1992/664](#). Relevant amending instruments are [S.I. 2005/848](#), 2007/3101.

**General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993**

**18.** In the General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993 <sup>M17</sup>, in rule 4 (classes of exempt person), omit paragraph (c).

**Commencement Information**

**I18** Sch. 5 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

#### Marginal Citations

**M17** As set out in the Schedule to the [General Optical Council \(Testing of Sight by Persons Training as Ophthalmic Opticians Rules\) Order of Council 1994 \(S.I. 1994/70\)](#). Relevant amending instrument is [S.I. 2007/3101](#).

### Medicines for Human Use (Clinical Trials) Regulations 2004

**19.** In the Medicines for Human Use (Clinical Trials) Regulations 2004 <sup>M18</sup>, in regulation 2 (interpretation), in paragraph (1), in paragraph (e) of the definition of “health care professional” omit from “or in” to “that Act,”.

#### Commencement Information

**I19** Sch. 5 para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M18** [S.I. 2004/1031](#). Relevant amending instrument is [S.I. 2007/3101](#).

### General Optical Council (Registration) Rules 2005

- 20.** In the General Optical Council (Registration) Rules 2005 <sup>M19</sup>—
- (a) in rule 2 (interpretation), omit paragraph (1A);
  - (b) in rule 5(1) (information from applicants)—
    - (i) in sub-paragraph (d), omit from “(except” to “registered)”;
    - (ii) in sub-paragraph (f), omit from “except” to “8(1A),”;
  - (c) in rule 12 (entries on the register), omit paragraph (2);
  - (d) in rule 13 (entries relating to specialties), omit paragraph (2);
  - (e) omit rules 21A and 21B (visiting opticians from relevant European states).

#### Commencement Information

**I20** Sch. 5 para. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M19** As set out in the Schedule to the [General Optical Council \(Registration Rules\) Order of Council 2005 \(S.I. 2005/1478\)](#). Relevant amending instrument is [S.I. 2007/3101](#).

### National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006

- 21.** In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 <sup>M20</sup>, in regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “optometrist”, omit from “or in” to “that Act”;
  - (b) in paragraph (b) of the definition of “register”, omit from “or in” to “that Act” (where it first occurs).

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

**Commencement Information**

**I21** Sch. 5 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M20** [S.S.I. 2006/135](#). Relevant amending instrument is [S.I. 2007/3101](#).

**National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

**22.** In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 <sup>M21</sup>, in regulation 2 (interpretation), in paragraph (1), in paragraph (a) of the definition of “optometrist independent prescriber”, omit from “, or in” to “that Act”.

**Commencement Information**

**I22** Sch. 5 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M21** [S.S.I. 2009/183](#).

**Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012**

**23.** In the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012 <sup>M22</sup>, in regulation 1(2) (interpretation), in the definition of “ophthalmic optician”, omit from “, or in” to “that Act” (where it first occurs).

**Commencement Information**

**I23** Sch. 5 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M22** [S.S.I. 2012/110](#).

**Human Medicines Regulations 2012**

**24.** In the Human Medicines Regulations 2012 <sup>M23</sup>, in regulation 8 (interpretation), in paragraph (1)—

- (a) in the definition of “registered optometrist”, omit the words from “or the” to the end;
- (b) in paragraph (c) of the definition of “the relevant register”, omit the words from “or the” to the end.

**Commencement Information**

**I24** Sch. 5 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

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**M23** [S.I. 2012/1916](#).



**Changes to legislation:**

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1.