



# Opticians Act 1989

## 1989 CHAPTER 44

### PART II

#### REGISTRATION AND TRAINING OF OPTICIANS

##### *Training and Qualifications*

#### **[<sup>F1</sup>11A. Requirement for continuing education and training**

- (1) The Council may by rules make a scheme providing for the continuing education and training of—
  - (a) registered optometrists and registered dispensing opticians; and
  - (b) others who have been but who are not so registered and who seek registration, whether by way of restoration or otherwise.
- (2) Such a scheme may in particular—
  - (a) impose requirements on persons to whom the scheme applies for continuing education and training;
  - (b) provide for a person appointed by the Council (“the administrator”) to administer the scheme;
  - (c) specify, or provide for the administrator to specify, the steps which persons to whom the scheme applies are expected to take to ensure they meet requirements imposed under the scheme for continuing education and training;
  - (d) specify the procedures which persons to whom the scheme applies must follow in order to satisfy the Council that the requirements imposed upon them under the scheme have been met;
  - (e) provide for the Council to impose additional education and training requirements on those persons against whose name in the appropriate register an entry is made in accordance with rules made under section 10(1A) above; and
  - (f) include provision for education and training undertaken before the scheme comes into force, or undertaken outside the United Kingdom, to count towards

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the satisfaction of any requirement imposed in accordance with the preceding provisions of this subsection.

- (3) The rules may require the administrator to secure the provision of education and training—
  - (a) sufficient in quantity to meet the reasonable needs of persons to whom the scheme applies; and
  - (b) of a quality adequate to meet those needs.
- (4) The rules may—
  - (a) require persons (“providers”) who seek to provide education and training for persons to whom the scheme applies to apply to the administrator for approval;
  - (b) require the approval of the administrator for any curriculum established for the purpose of meeting the educational and training requirements of persons to whom the scheme applies, and for any lessons or activities provided for such persons;
  - (c) provide for the charging of fees by the administrator for approval by him;
  - (d) set the level of fees required to be paid for approval by the administrator and to provide for the collection of fees due;
  - (e) require the keeping of records by providers and specify the period for which those records must be kept;
  - (f) require records kept by providers to be produced for inspection at such time and such place as may be specified in accordance with the rules;
  - (g) specify the procedures which must be followed by providers seeking approval under the rules; and
  - (h) enable the Council to exercise in specified circumstances any of the administrator’s functions.

- F2(5) .....
- F2(6) .....
- F2(7) .....

**Textual Amendments**

**F1** Ss. 11A, 11B inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 14** (with [Sch. 2](#))

**F2** S. 11A(5)-(7) 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. 7** (with [reg. 12A](#), [Sch. 5 Pt. 2](#)) (as amended by [S.I. 2020/1394](#), [regs. 4, 13](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

**11B. Failure to satisfy requirements imposed under a scheme**

- (1) If it appears to the registrar that a person has failed to satisfy requirements for continuing education and training imposed upon him under a scheme made by virtue of section 11A above, the registrar may—
  - (a) remove from the appropriate register, or refuse to retain in the appropriate register, the registrant’s name; or
  - (b) refuse to restore the person’s name to the appropriate register.

F3(1A) .....

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<sup>F3</sup>(1B) .....

<sup>F3</sup>(1C) .....

- (2) If it appears to the registrar that a person has failed to satisfy requirements for additional education and training imposed upon him under a scheme by virtue of section 11A(2)(e) above, the registrar may—
- (a) remove from the appropriate register, or refuse to retain in the appropriate register, the registrant's entry relating to a specialty or proficiency; or
  - (b) refuse to restore the registrant's entry relating to a specialty or proficiency in the appropriate register.
- (3) The registrar must serve on any person whose name or entry he removes from, or whose name he refuses to retain in or restore to, the appropriate register under this section, notice of his decision and the reasons for it.
- (4) If the registrar exercises his powers under subsection (1) above, and the person whose name is removed from, or not retained in, or restored to, the appropriate register—
- (a) subsequently satisfies the registrar that he has met the requirements provided for under the scheme as to continuing education and training; and
  - (b) meets the other requirements for registration,
- the registrar must restore his registration.
- (5) If the registrar exercises his powers under subsection (2) above, and the registrant whose entry relating to a specialty or proficiency is removed from, not retained in, or restored to, the appropriate register—
- (a) subsequently satisfies the registrar that he has now met the requirements for additional education and training; and
  - (b) meets the other requirements for an entry relating to a specialty or proficiency set out in rules made in accordance with section 10(1A) above,
- the registrar must make the entry.
- (6) The Council may make rules as to the procedures to be followed before the registrar—
- (a) may refuse under this section—
    - (i) to retain in the register the name of a person; or
    - (ii) to retain in the register an entry relating to a specialty or proficiency;or
  - (b) may make a decision whether or not to restore a person's name to the appropriate register or to restore an entry relating to a proficiency or specialty in accordance with this section.]

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**Textual Amendments**

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- F3** S. 11B(1A)-(1C) 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. 8** (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)

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## **[<sup>F4</sup>12 Education and training**

- (1) The Council shall from time to time establish—
  - (a) the competencies which a person must be able to demonstrate in order to be granted a qualification as an optometrist or a dispensing optician; and
  - (b) the content and the standard of education and training (including practical experience) required for the purpose of achieving those competencies.
- (2) The Council must consult and seek advice from—
  - (a) the Standards Committee before establishing the competencies specified in subsection (1)(a) above;
  - (b) the Education Committee before establishing the requirements specified in subsection (1)(b) above.
- (3) The competencies and requirements established under subsection (1) above shall be published by the Council from time to time in such form as appears to the Council to be appropriate.
- (4) The Standards Committee and the Education Committee—
  - (a) must respectively keep under review the competencies and requirements established under subsection (1) above; and
  - (b) must each advise the Council if they consider changes to be necessary.
- (5) The Council must take into account any advice received from the Standards Committee and the Education Committee under subsection (4) above and must, if the Council consider it appropriate to do so, establish and publish revised competencies or requirements.
- (6) The Council must ensure that those establishments approved by the Council under subsection (7)(a) below who are engaged in the education, training or assessment of optometrists or dispensing opticians are notified of—
  - (a) the competencies and requirements established under subsections (1) and (5) above; and
  - (b) the requirements for the approval of any form of assessment under subsection (7)(b) below.
- (7) The Council may approve—
  - (a) establishments where the instruction given to persons receiving education or training as optometrists or as dispensing opticians appears to the Council to be such as to provide them with adequate knowledge and skills to achieve the competencies for the practice of their profession;
  - (b) a qualification as an optometrist or a dispensing optician granted to candidates following success in an examination or other form of assessment which in the Council's opinion indicates that the candidate has attained all the competencies for the time being established under subsections (1)(a) and (5) above; and
  - (c) any test of a candidate's competency in, or knowledge of, the English language carried out by an educational establishment on candidates seeking entry to courses for optometrists or dispensing opticians offered by that establishment.
- (8) If—
  - (a) an establishment referred to in subsection (7)(a) above is outside the United Kingdom; or

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- (b) a qualification referred to in subsection (7)(b) above is granted by an establishment which is outside the United Kingdom, the Council may, before determining whether to give their approval, commission others to advise and report on the suitability of the establishment or qualification.
- (9) The Council may also approve—
- (a) establishments which provide only some of the education or training; or
  - (b) qualifications which meet only some of the requirements, needed to achieve the competencies referred to in subsection (1)(a) above.
- (10) The Council must from time to time publish, in such form (including electronic form) as they consider appropriate, a list of establishments and qualifications approved by them, indicating the purposes for which the approval was granted.
- (11) Subsections (1) to (10) above shall apply in relation to specialties and proficiencies specified under section 10(1A) above as they apply in relation to qualifications as an optometrist or a dispensing optician.]

#### Textual Amendments

- F4** S. 12 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. 15](#) (with [Sch. 2](#))

### 13 Supervision of training [<sup>F5</sup>establishments] and qualifying [<sup>F6</sup>assessments] .

- (1) It shall be the duty of the Council to keep themselves informed of the nature of the instruction given by any approved training [<sup>F5</sup>establishment] to persons training as [<sup>F7</sup>optometrists or dispensing opticians] and of the [<sup>F8</sup>assessments] on the results of which approved qualifications are granted.
- (2) For the purposes of their duty under subsection (1) above the Council may appoint persons to visit approved training [<sup>F5</sup>establishments] and to attend at the [<sup>F8</sup>assessments] held by the bodies which grant approved qualifications.
- (3) No visitor shall interfere with the giving of any instruction or the holding of any [<sup>F9</sup>assessment] .
- (4) It shall be the duty of visitors to report to the Council—
- (a) as to the sufficiency of the instruction given by the [<sup>F5</sup>establishments] visited by them, or of the [<sup>F10</sup>assessments] attended by them; and
  - (b) as to any other matters relating to such [<sup>F5</sup>establishments] or [<sup>F10</sup>assessments] which may be specified by the Council either generally or in any particular case.
- (5) Where it appears to the Council (as a result of a report under subsection (4) above or otherwise)—
- (a) that—
    - (i) the instruction given by any approved training [<sup>F5</sup>establishment] to persons training as [<sup>F11</sup>optometrists or dispensing opticians] ; or
    - (ii) the [<sup>F12</sup>assessment undertaken] by such persons,are not such as to secure the possession by them of adequate knowledge and skill for the practice of their profession; and

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- (b) that for that reason the approval of the [F5 establishment] or qualification in question should be withdrawn,
- the Council shall give notice in writing to the [F5 establishment] or body of their opinion, sending with the notice a copy of any report on which their opinion is based.
- [F13(5A) Where rules are made under section 23A(2) above, a notice under subsection (5) above or subsection (8) below may be given by means of an electronic communication.]
- (6) On the receipt of the notice the [F5 establishment] or body may, within such period (not being less than one month) as the Council may have specified in the notice, make to the Council observations on the notice and any report sent with it or objections to the notice and report.
- (7) As soon as may be after the expiration of the period specified under subsection (6) above the Council shall determine whether or not to withdraw their approval of the [F5 establishment] or qualification, taking into account any observations or objections duly made under that subsection.
- (8) The Council shall give notice in writing of any decision under this section to withdraw approval of an [F5 establishment] or qualification to the [F5 establishment] or body concerned and the decision shall not take effect until the expiration of one month from the date of the giving of the notice or, if during that time that [F5 establishment] or body makes representations with respect to the decision to the Privy Council, until the representations are finally dealt with.
- (9) Where an [F5 establishment] has been approved as suitable for more than one purpose, the Council, instead of entirely withdrawing approval of the [F5 establishment], may withdraw approval in relation to one or some of the purposes only and references in this section to the withdrawal of approval shall be construed accordingly.
- (10) Where the Council have decided to withdraw approval of an [F5 establishment] or a qualification (whether entirely or to a limited extent), the Privy Council, on representations being made to them within one month from the giving of notice of the decision may, if they think fit, after considering the representations and after communicating with the Council, order the Council to annul the withdrawal of approval or, in the case of an [F5 establishment] approved as suitable for more than one purpose, to withdraw approval in relation to one or some of the purposes only.
- (11) The Council may pay to visitors appointed under this section such fees and such travelling and subsistence allowances, to be paid as part of the expenses of the Council, as the Council may <sup>F14</sup>... determine.

#### Textual Amendments

- F5** Words in s. 13 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. 1(a)** (with [Sch. 2](#))
- F6** Word in s. 13 heading 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. 1(c)** (with [Sch. 2](#))
- F7** Words in s. 13(1) 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. 1(b)** (with [Sch. 2](#))
- F8** Word in s. 13(1)(2) 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. 1(c)** (with [Sch. 2](#))

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- F9** Word in s. 13(3) 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. 1(d)** (with [Sch. 2](#))
- F10** Word in s. 13(4)(a)(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 \(S.I. 2005/848\)](#), **Sch. 1 para. 1(c)** (with [Sch. 2](#))
- F11** Words in s. 13(5)(a)(i) 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. 1(b)** (with [Sch. 2](#))
- F12** Words in s. 13(5)(a)(ii) 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. 1(e)** (with [Sch. 2](#))
- F13** S. 13(5A) 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. 1(f)** (with [Sch. 2](#))
- F14** Words in s. 13(11) 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. 1(g)** (with [Sch. 2](#))

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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](#)