



# Opticians Act 1989

## 1989 CHAPTER 44

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

### 31 Miscellaneous matters with respect to which rules may be made.

- (1) Subject to subsection (2) below, the Council may make rules prohibiting or regulating—
  - <sup>F1</sup>(a) .....
  - [<sup>F2</sup>(b) the carrying on of a practice or business by registered optometrists, registered dispensing opticians and business registrants under names other than those under which they are registered;]
  - [<sup>F3</sup>(c) the prescription, sale, supply and administration of drugs by registered optometrists, registered dispensing opticians or business registrants, their employees and persons providing services to them in the course of their practice or business of an optometrist or a dispensing optician;]
  - (d) the practice of orthoptics by [<sup>F4</sup>registered optometrists, registered dispensing opticians, business registrants] and their employees;
  - [<sup>F5</sup>(e) the prescription, sale, supply and fitting of contact lenses by registered optometrists, registered dispensing opticians, business registrants, their employees and persons providing services to them.]
- <sup>F6</sup>(2) .....
- [<sup>F7</sup>(3) The Council may make rules specifying requirements which registered optometrists, registered dispensing opticians and business registrants or employees of or persons providing services to them must meet if they are to prescribe, fit, supply or sell contact lenses.]
- (4) The power conferred by subsection (3) above is a power—

*Changes to legislation: Opticians Act 1989, Section 31 is up to date with all changes known to be in force on or before 27 July 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*

- [<sup>F8</sup>(a) in relation to registered optometrists, registered dispensing opticians and business registrants or employees of or persons providing services to them, to specify qualifications which they must have; and]
- (b) in relation to [<sup>F9</sup>business registrants] , to specify conditions which they must satisfy.
- (5) The Council shall make and submit to the Privy Council rules providing that where it appears to a [<sup>F10</sup>registered optometrist or registered dispensing optician] that a person consulting him is suffering from an injury or disease of the eye, the [<sup>F10</sup>registered optometrist or registered dispensing optician] shall, [<sup>F11</sup>except—
- (a) in an emergency,
- (b) where that person is consulting him for the purpose of being given treatment in accordance with rules under subsection (1)(d) above, or
- (c) in such other cases as may be prescribed,
- take the prescribed steps] to refer that person to a registered medical practitioner for advice and treatment.
- [<sup>F12</sup>(5A) Rules made by virtue of subsection (5)(c) may impose conditions which must be satisfied if the exception for which those rules provide is to apply.]
- <sup>F13</sup>(6) . . . . .

#### Textual Amendments

- F1** S. 31(1)(a) 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. 6(a)(i)** (with Sch. 2)
- F2** S. 31(1)(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. 6(a)(ii)** (with Sch. 2)
- F3** S. 31(1)(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 \(S.I. 2005/848\)](#), **Sch. 1 para. 6(a)(iii)** (with Sch. 2)
- F4** Words in s. 31(1)(d) 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. 6(a)(iv)** (with Sch. 2)
- F5** S. 31(1)(e) 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. 6(a)(v)** (with Sch. 2)
- F6** S. 31(2) 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. 6(b)** (with Sch. 2)
- F7** S. 31(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. 6(c)** (with Sch. 2)
- F8** S. 31(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 \(S.I. 2005/848\)](#), **Sch. 1 para. 6(d)** (with Sch. 2)
- F9** Words in s. 31(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 \(S.I. 2005/848\)](#), **Sch. 1 para. 6(e)** (with Sch. 2)
- F10** Words in s. 31(5) 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. 6(f)** (with Sch. 2)
- F11** Words in s. 31(5) substituted and s. 31(5)(a)-(c) inserted (15.8.1997) by 1997 c. 46, s. 30(2); S.I. 1997/1780, art. 2(1), **Sch.**
- F12** S. 31(5A) inserted (15.8.1997) by 1997 c. 46, s. 30(3); S.I. 1997/1780, art. 2(1), **Sch.**
- F13** S. 31(6) 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. 6(g)** (with Sch. 2)

**Changes to legislation:**

Opticians Act 1989, Section 31 is up to date with all changes known to be in force on or before 27 July 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.

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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](#)