



# Hearing Aid Council (Amendment) Act 1989

## 1989 CHAPTER 12

An Act to amend the Hearing Aid Council Act 1968 in order to make further provision for the regulation, conduct and discipline of persons engaged in dispensing hearing aids; to amend the composition of the Hearing Aid Council; and for purposes connected with those matters. [3rd July 1989]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Offences by unregistered persons**

In section 3(2) of the Hearing Aid Council Act 1968 (in this Act referred to as “the principal Act”) for the words “level 3 on the standard scale” there shall be substituted the words “level 4 on the standard scale”.

### **2 Misconduct leading to disciplinary proceedings**

- (1) In section 7(1)(b) of the principal Act after the words “serious misconduct in connection with the dispensing of hearing aids” there shall be inserted the words “or the training of persons to act as dispensers of hearing aids; or
  - (c) is judged by the Disciplinary Committee to have contravened any code of trade practice published by the Council under section 1 of this Act,”.
- (2) In section 10(4)(e) of that Act for the words “serious misconduct in the dispensing of hearing aids” there shall be substituted the words “such misconduct or such a contravention as is mentioned in section 7(1)(b) or (c) of this Act” and after the words “such misconduct” there shall be inserted the words “or contravention”.

### 3 Penalties

- (1) In section 5(1) of the principal Act for the words “liable to have his name erased from the register or list on any grounds specified in section 7 of this Act” there shall be substituted the words “liable to be dealt with under section 7 of this Act on any of the grounds specified in that section.”
- (2) In subsection (1) of section 7 of that Act for the words “direct that his name shall be erased from the register” there shall be substituted the words “impose any one or more of the following penalties—
  - (i) issue an admonition;
  - (ii) impose a monetary penalty not exceeding £1,000;
  - (iii) direct that the registration of that person’s name shall be suspended for such period as the Committee think fit; or
  - (iv) direct that the name of that person shall be erased from the register.”
- (3) In subsection (2) of that section for the words “direct that the name of the person shall be erased from the register” there shall be substituted the words “impose on that person any one or more of the penalties mentioned in subsection (1) of this section.”
- (4) In subsection (3) of that section—
  - (a) after the word “restored)” there shall be inserted the words “or on whom any other penalty mentioned in subsection (1) of this section has been imposed”;
  - (b) for the words “direct that the name of the body corporate be erased from the register” there shall be substituted the words “impose any one or more of those penalties on the body corporate.”
- (5) After subsection (4) of that section there shall be inserted—
  - (5) While the registration of a person’s name is suspended this Act shall have effect as if the name had been erased from the register.
  - (6) The Secretary of State may by order made by statutory instrument increase or further increase the sum mentioned in subsection (1)(ii) of this section but any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (7) Failure to pay within a reasonable time a penalty imposed by virtue of paragraph (ii) of subsection (1) of this section shall be a ground for giving a direction under paragraph (iii) or (iv) of that subsection.”
- (6) In subsection (1) of section 9 of that Act for the words “have under section 7 of this Act directed that the name of a person shall be erased from the register” there shall be substituted the words “have imposed a penalty under section 7 of this Act”; and in subsections (3) and (4) of that section for the word “direction”, wherever it occurs, there shall be substituted the word “penalty”.
- (7) In section 10 of that Act—
  - (a) in subsection (4)(a) for the words “liable to have his name erased from the registers” there shall be substituted the words “liable to a penalty”;
  - (b) in subsection (4)(f) for the words “liable to have his name erased from the register” there shall be substituted the words “liable to a penalty”;

- (c) at the end of subsection (5) there shall be inserted the words “and such organisations as appear to the Council to be representative of the interests of persons with impaired hearing.”

#### **4 Costs**

After section 10(3) of the principal Act there shall be inserted—

- “(3A) The Disciplinary Committee may order any party to any proceedings under this Act before the Committee to pay the whole or part of the costs of the proceedings.”

#### **5 Constitution of Hearing Aid Council**

- (1) The Schedule to the principal Act shall be amended as follows.
- (2) In paragraph 1(1) for the word “eleven” there shall be substituted the word “twelve”.
- (3) In paragraph 1(3)(a) for the word “six” there shall be substituted the word “four”.
- (4) For paragraph 1(3)(b) there shall be substituted—
  - “(b) four persons who are not eligible for appointment under head (a) of this sub-paragraph and who have specialised medical knowledge of deafness or audiological technical knowledge; and
  - (c) four persons who are not eligible for appointment under either of the foregoing heads and who are capable of representing the interests of persons with impaired hearing.”
- (5) In paragraph 2(2) after the words “members of the Council”, where they first occur, there shall be inserted the words “other than the Chairman”.

#### **6 Short title, commencement and extent**

- (1) This Act may be cited as the Hearing Aid Council (Amendment) Act 1989.
- (2) Section 5 above shall come into force on 1st January 1990 and the other provisions of this Act at the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Act extends to Northern Ireland.