



# Opticians Act 1989

## 1989 CHAPTER 44

### PART II

#### REGISTRATION AND TRAINING OF OPTICIANS

##### *Training and Qualifications*

#### **[<sup>F1</sup>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.

<sup>F2</sup>(1A) .....

<sup>F2</sup>(1B) .....

<sup>F2</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.

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*Changes to legislation: Opticians Act 1989, Section 11B is up to date with all changes known to be in force on or before 13 June 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*

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- (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.]

#### 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. 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)

**Changes to legislation:**

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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](#)