



Opticians Act 1989

1989 CHAPTER 44

PART II

REGISTRATION AND TRAINING OF OPTICIANS

Training and Qualifications

13 Supervision of training [^{F1}establishments] and qualifying [^{F2}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 [^{F1}establishment] to persons training as [^{F3}optometrists or dispensing opticians] and of the [^{F4}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 [^{F1}establishments] and to attend at the [^{F4}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 [^{F5}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 [^{F1}establishments] visited by them, or of the [^{F6}assessments] attended by them; and
 - (b) as to any other matters relating to such [^{F1}establishments] or [^{F6}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 [^{F1}establishment] to persons training as [^{F7}optometrists or dispensing opticians] ; or
 - (ii) the [^{F8}assessment undertaken] by such persons,

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are not such as to secure the possession by them of adequate knowledge and skill for the practice of their profession; and

- (b) that for that reason the approval of the [F1 establishment] or qualification in question should be withdrawn,

the Council shall give notice in writing to the [F1 establishment] or body of their opinion, sending with the notice a copy of any report on which their opinion is based.

[F9(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 [F1 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 [F1 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 [F1 establishment] or qualification to the [F1 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 [F1 establishment] or body makes representations with respect to the decision to the Privy Council, until the representations are finally dealt with.

- (9) Where an [F1 establishment] has been approved as suitable for more than one purpose, the Council, instead of entirely withdrawing approval of the [F1 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 [F1 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 [F1 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 ^{F10}... determine.

Textual Amendments

- F1** 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](#))
- F2** 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](#))
- F3** 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](#))

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- F4** 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](#))
- F5** 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](#))
- F6** 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](#))
- F7** 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](#))
- F8** 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](#))
- F9** 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](#))
- F10** 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](#)