



# Opticians Act 1989

## 1989 CHAPTER 44

### [<sup>F1</sup>PART 3A

#### PROCEEDINGS AND APPEALS

##### [<sup>F1</sup>23A. Service of notification

- (1) A notification under this Act which is required to be served on any person may be served, subject to subsections (2) and (5) below, by—
  - (a) being delivered to that person personally;
  - (b) leaving it at that person's registered address, or his last known address if that address differs from the address in the appropriate register and it appears to the registrar that the notification is more likely to reach him at that address;
  - (c) being sent by post in a registered letter; or
  - (d) sending it by a postal service which provides for the delivery of the notice by post to be recorded.
- (2) The Council may make rules providing for a notification which is required to be served on any person under this Act to be served by an electronic communication.
- (3) Rules under subsection (2) above shall secure that a notice cannot be served by an electronic communication unless the person consents in writing to the receipt of notices from the Council by electronic communication and the communication is sent to the number or address specified by that person when giving consent.
- (4) For the purposes of this section, and of section 7 of the Interpretation Act 1978 (which defines "service by post") in its application to this section, a letter to an individual containing such a notification shall be deemed to be properly addressed if it is addressed to him at his—
  - (a) address in the appropriate register; or
  - (b) last known address if that address differs from the address in the appropriate register and it appears to the registrar that the notification is more likely to reach him at that address.

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*Changes to legislation: Opticians Act 1989, Section 23A 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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- (5) A notification which is required to be served on a body corporate shall be duly served if it is served on an officer, secretary or clerk of that body.
- (6) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, a letter to a body corporate, or to an officer, secretary or clerk of that body, containing such a notification shall be deemed to be properly addressed if it is addressed to it or him at—
- (a) that body’s address in the register of bodies corporate under section 9 above; or
  - (b) the address of that body’s registered or principal office if that address differs from its address in that register and it appears to the registrar that the notification is more likely to reach the body corporate or its officer, secretary or clerk at that address.
- (7) An electronic communication received outside a person’s normal business hours shall be taken to have been received on the next working day, and for this purpose “working day” means any day which is not a Saturday, Sunday, bank holiday or other public holiday.]

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**Textual Amendments**

- F1** Pt. 3A 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. 17(2)** (with Sch. 2)

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**Modifications etc. (not altering text)**

- C1** S. 23A applied (30.6.2005) by [The General Optical Council \(Registration Appeals Rules\) Order of Council 2005 \(S.I. 2005/1477\)](#), Sch. rules 1, **45**
- C2** S. 23A applied (30.6.2005) by [The General Optical Council \(Fitness to Practise Rules\) Order of Council 2005 \(S.I. 2005/1475\)](#), Sch. rules 1, **65(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](#)