



Opticians Act 1989

1989 CHAPTER 44

PART IV

RESTRICTIONS ON TESTING OF SIGHT, FITTING OF CONTACT LENSES, SALE AND SUPPLY OF OPTICAL APPLIANCES AND USE OF TITLES AND DESCRIPTIONS

27 Sale and supply of optical appliances

- (1) Subject to the following provisions of this section, a person shall not sell any optical appliance unless the sale is effected by or under the supervision of a registered medical practitioner or registered optician.
- (2) Subsection (1) above shall not apply to an excluded sale.
- (3) In subsection (2) above “excluded sale” means a sale for a person not under the age of 16 of spectacles which have two single vision lenses of the same positive spherical power not exceeding 4 dioptries where the sale is wholly for the purpose of correcting, remedying or relieving the condition known as presbyopia; and for the purposes of this subsection lenses are to be taken to have the same positive spherical power if the difference between them is within the tolerances relating to the power of such lenses specified from time to time in the British Standard Specification.
- (4) Subsection (1) above shall apply to the supply of an optical appliance in the course of the practice or business of an ophthalmic optician or dispensing optician, whether by the person carrying on the practice or business or by a person employed by him, if the supply was effected in pursuance of arrangements made—
 - (a) with a Minister of the Crown or Government department (including a Northern Ireland department); or
 - (b) with any body on whom functions are conferred by or by virtue of—
 - (i) the National Health Service Act 1977 ;
 - (ii) the National Health Service (Scotland) Act 1978 ; or
 - (iii) the Health and Personal Social Services (Northern Ireland) Order 1972 ,as it applies to the sale of an optical appliance.

- (5) Subsection (1) above shall not apply to the sale of an optical appliance—
- (a) to a registered medical practitioner, registered optician or enrolled body corporate for the purposes of his practice or of his or its business;
 - (b) to a manufacturer of or dealer in optical appliances for the purposes of his business;
 - (c) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical or surgical treatment;
 - (d) to a Minister of the Crown or Government department (including a Northern Ireland department);
 - (e) for the purpose of its export; or
 - (f) in accordance with an order under subsection (6) below.
- (6) An order under this subsection is an order made by the Privy Council and specifying—
- (a) optical appliances to which it applies; and
 - (b) conditions subject to which their sale is exempted from the requirements of subsection (1) above.
- (7) Any such order relating to optical appliances consisting of or including one or more lenses shall specify, as a condition subject to which the sale of any such appliance is so exempted, the condition that the appliance must be in accordance with a written prescription which—
- (a) has been given by a registered medical practitioner or registered ophthalmic optician following a testing of sight by him; and
 - (b) bears a date not more than such time as is specified in the order before the prescription is presented to the proposed seller of the appliance.
- (8) An order under subsection (6) above may not specify as appliances to which it applies—
- (a) contact lenses; or
 - (b) any optical appliance for a person under 16 years of age.
- (9) On any prosecution for selling an optical appliance in contravention of subsection (1) above it shall be a defence for the defendant to prove—
- (a) that he sold the appliance as an antique or secondhand article; and
 - (b) that he did not know, and had no reason to believe, that the appliance was bought for the purpose of being used for correcting, remedying or relieving a defect of sight.
- (10) A person who contravenes subsection (1) above shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale.