



# 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

#### **29 Provision as to death or bankruptcy of registered optician.**

(1) Where a [<sup>F1</sup>registered optometrist or registered dispensing optician] dies at a time when he is carrying on business or is in practice as [<sup>F2</sup>an optometrist or dispensing optician] , then during the three years beginning with his death or such longer period as the Council may in any particular case allow, section 28 above shall not operate to prevent—

- (a) his executors or administrators;
- (b) [<sup>F3</sup>his surviving spouse or his surviving civil partner] ;
- (c) any of his children; or
- (d) trustees on behalf of [<sup>F4</sup>his surviving spouse or his surviving civil partner] or any of his children,

from taking or using in relation to that business or practice, but in conjunction with the name in which he carried it on, any title which he was entitled to take or use immediately before his death.

(2) Where a [<sup>F1</sup>registered optometrist or registered dispensing optician] becomes bankrupt at a time when he is carrying on business or is in practice as [<sup>F2</sup>an optometrist or dispensing optician], then, during the three years beginning with the bankruptcy, section 28 above shall not operate to prevent his trustee in bankruptcy from taking or using in relation to that business or practice, but in conjunction with the name in which he carried it on, any title which he was entitled to take or use immediately before the bankruptcy.

<sup>F5</sup>(2A) .....

(3) Where—

*Changes to legislation: Opticians Act 1989, Section 29 is up to date with all changes known to be in force on or before 11 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*

- (a) a person by virtue of subsection (1) or (2) above takes or uses any title in relation to the business or practice—
- (i) of a deceased [<sup>F6</sup>optometrist or dispensing optician]; or
  - (ii) of an [<sup>F6</sup>optometrist or dispensing optician] who has become bankrupt; and
- (b) an offence under section 24, 25 or 27 above is committed in the course of that business or practice,
- the [<sup>F7</sup>Fitness to Practise Committee] may, if they think fit, direct that subsection (1) or (2) above shall cease to apply in relation to that business or practice.
- (4) This Act shall have effect in relation to any case in which it is alleged that there has been a conviction of any such offence and to any direction under subsection (3) above as it has effect in relation to [<sup>F8</sup>a case in which it is alleged that a registrant's fitness to practise or as the case may be a business registrant's fitness to carry on business as an optometrist or a dispensing optician or both, is impaired and the making of an order under Part 2A above].
- (5) In its application to Scotland subsection (2) above shall have effect as if—
- (a) for the reference to a [<sup>F9</sup>registered optometrist or registered dispensing optician] becoming bankrupt there were substituted a reference to the estate of a [<sup>F9</sup>registered optometrist or registered dispensing optician] being sequestrated (cognate expressions being construed accordingly); and
  - (b) for the reference to a registered [<sup>F10</sup>optometrist's or registered dispensing optician's] trustee in bankruptcy there were substituted a reference to the permanent trustee on his sequestrated estate.
- (6) In its application to Northern Ireland subsection (2) above shall have effect as if for a [<sup>F11</sup>registered optometrist's or a registered dispensing optician's] trustee in bankruptcy there were substituted a reference to the assignee in bankruptcy.

#### Textual Amendments

- F1** Words in s. 29(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. 4(a)(i)** (with Sch. 2)
- F2** Words in s. 29(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. 4(a)(ii)** (with Sch. 2)
- F3** Words in s. 29(1)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 135**; S.I. 2005/3175, art. 2(2)
- F4** Words in s. 29(1)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 135**; S.I. 2005/3175, art. 2(2)
- F5** S. 29(2A) 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. 10** (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)
- F6** Words in s. 29(3)(a)(i)(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. 4(b)(i)** (with Sch. 2)
- F7** Words in s. 29(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. 4(b)(ii)** (with Sch. 2)

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- F8** Words in s. 29(4) 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. 4(c)** (with [Sch. 2](#))
- F9** Words in s. 29(5)(a) 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. 4(d)(i)** (with [Sch. 2](#))
- F10** Words in s. 29(5)(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. 4(d)(ii)** (with [Sch. 2](#))
- F11** Words in s. 29(6) 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. 4(e)** (with [Sch. 2](#))

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**Changes and effects yet to be applied to :**

- s. 29(3) words substituted by [2008 c. 14 Sch. 7 para. 47](#)

**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](#)