



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 registered optician dies at a time when he is carrying on business or is in practice as an 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) his widow;
 - (c) any of his children; or
 - (d) trustees on behalf of his widow 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 registered optician becomes bankrupt at a time when he is carrying on business or is in practice as an 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.
- (3) Where—
 - (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 optician; or
 - (ii) of an optician who has become bankrupt; and

Status: This is the original version (as it was originally enacted).

- (b) an offence under section 24, 25 or 27 above is committed in the course of that business or practice,

the Disciplinary 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 a disciplinary case and a disciplinary order.
- (5) In its application to Scotland subsection (2) above shall have effect as if—
 - (a) for the reference to a registered optician becoming bankrupt there were substituted a reference to the estate of a registered optician being sequestrated (cognate expressions being construed accordingly); and
 - (b) for the reference to a registered 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 registered optician's trustee in bankruptcy there were substituted a reference to the assignee in bankruptcy.