



Opticians Act 1989

1989 CHAPTER 44

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

34 Subordinate legislation procedure.

(1) Rules made by the Council under this Act ^{F1}... shall not come into force until approved by order of the Privy Council.

[^{F2}(1A) Subsection (1) above shall not apply to rules made under section 10 above in so far as they relate to fees.]

[^{F3}(2) The Privy Council may approve rules under section 23C above either in the form submitted to them or subject to such modifications as appear to the Privy Council requisite.]

(3) Where the Privy Council propose to approve any such rules ^{F4}... subject to modifications, they shall notify to the Council the modifications they propose to make and consider any observations of the Council on them.

^{F5}(4)

(5) The powers—

(a) of the Privy Council to make orders under this Act;

^{F6}(b)

(c) of the Secretary of State to make regulations under [^{F7}section 25 or 26 above], shall be exercisable by statutory instrument.

(6) Subject to subsection (7) below, a statutory instrument containing—

(a) an order of the Privy Council to which this subsection applies; or

(b) regulations made by the Secretary of State under [^{F8}section 25 or 26 above],

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shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Subsection (6) above applies to the following orders of the Privy Council—

(a) an order approving rules under section 4, 5 or 31 above^{F9} ...; and

^{F10}(b)

^{F11}(c) an order under section 1(4) or 27.]

^{F12}(8)

^{F13}(9)

(10) The power of the Department of Health and Social Services for Northern Ireland to make regulations under [^{F14}section 25 or 26 above] shall be exercisable by statutory rule for the purposes of the ^{M1}Statutory Rules (Northern Ireland) Order 1979; and any such regulations shall be subject to negative resolution within the meaning of the ^{M2}Interpretation Act (Northern Ireland) 1954.

Textual Amendments

- F1** Words in s. 34(1) omitted (1.4.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(4), [Sch. 2 para. 4\(a\)](#); S.I. 2008/3150, art. 2(3)(a)(ii)
- F2** S. 34(1A) inserted (22.3.2005) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(2\)](#) (with [Sch. 2](#))
- F3** S. 34(2) substituted (22.3.2005) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(3\)](#) (with [Sch. 2](#))
- F4** Words in s. 34(3) omitted (22.3.2005) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(4\)](#) (with [Sch. 2](#))
- F5** S. 34(4) omitted (22.3.2005) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(6\)](#) (with [Sch. 2](#))
- F6** S. 34(5)(b) omitted (22.3.2005) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(6\)](#) (with [Sch. 2](#))
- F7** Words in s. 34(5)(c) substituted (22.3.2005) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(5\)](#) (with [Sch. 2](#))
- F8** Words in s. 34(6)(b) substituted (22.3.2005) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(5\)](#) (with [Sch. 2](#))
- F9** Words in s. 34(7)(a) omitted (1.4.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(4), [Sch. 2 para. 4\(b\)\(i\)](#); S.I. 2008/3150, art. 2(3)(a)(ii)
- F10** S. 34(7)(b) omitted (1.4.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(4), [Sch. 2 para. 4\(b\)\(ii\)](#); S.I. 2008/3150, art. 2(3)(a)(ii)
- F11** S. 34(7)(c) substituted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), [Sch. 2 para. 4\(b\)\(iii\)](#); S.I. 2008/3150, art. 2(3)(a)(i)
- F12** S. 34(8) omitted (22.3.2005) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(6\)](#) (with [Sch. 2](#))
- F13** S. 34(9) omitted (22.3.2005) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(6\)](#) (with [Sch. 2](#))
- F14** Words in s. 34(10) substituted (22.3.2005) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), arts. 1(2), [25\(5\)](#) (with [Sch. 2](#))

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Marginal Citations

M1 [S.I. 1979 No. 1573](#) (N.I. 12).

M2 [1954 c.33](#) (N.I.).

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