



Opticians Act 1989

1989 CHAPTER 44

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

36 Interpretation.

(1) In this Act, unless the context otherwise requires—

[^{F1}“approved training establishment” means an establishment approved by the Council under section 12(7)(a) above;

“approved qualification” means any qualification approved by the Council under section 12(7)(b) above;]

[^{F2}“body corporate” includes a limited liability partnership and, in Scotland, a partnership; and in relation to such partnerships, a reference to a director or other officer of a body corporate is a reference to a member;]

[^{F3}“business registrant” means a body corporate registered in the register maintained by the Council under section 9 above;]

“the Council” means the General Optical Council;

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“dispensing optician” means a person engaged or proposing to engage in the fitting and supply of optical appliances;

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[^{F5}“electronic communication” has the same meaning as in the Electronic Communications Act 2000;]

[^{F6}“exempt person”, in relation to the profession of optometrist or the profession of dispensing optician, means—

(a) a national of a relevant European State other than the United Kingdom;

Status: Point in time view as at 03/12/2007. This version of this provision has been superseded.

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- (b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession by virtue of an enforceable Community right; or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;]

[^{F5}“financial penalty order” means an order under Part 2A above that a registrant shall pay to the Council a sum specified in the order;]

“functions” includes powers and duties;

[^{F7}“General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781);]

“health service ophthalmic lists” means the lists of ophthalmic opticians or dispensing opticians undertaking to provide general ophthalmic services or supplementary eye services which on 1st January 1959 were kept by virtue of the following—

- (a) section 41 of the ^{M1}National Health Service Act 1946 ;
- (b) section 42 of the ^{M2}National Health Service (Scotland) Act 1947; and
- (c) section 21 of the ^{M3}Health Services Act (Northern Ireland) 1948;

[^{F8}“Hearings Panel” means the panel of persons appointed under section 5D(1) above;

“individual registrant” means any person whose name is in a register maintained by the Council under [^{F9}section 7, 8A or 8B] above;]

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“medical authority” means one of the universities and other bodies who choose appointed members of the General Medical Council;

[^{F10}“optometrist” means] a person engaged or proposing to engage in the testing of sight (otherwise than as a registered medical practitioner or a person recognised by a medical authority as a medical student), whether or not he is also engaged or proposing to engage in the fitting and supply of optical appliances;

“optical appliance” means an appliance designed to correct, remedy or relieve a defect of sight;

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“prescribed” means prescribed by rules under this Act;

[^{F11}“register” means, unless the context otherwise requires, any one of the following registers—

- (a) the register of optometrists maintained under section 7 above;
- (b) the register of dispensing opticians maintained under section 7 above;
- (c) the registers of students maintained under section 8A above;
- (ca) [^{F12}the registers of visiting optometrists from relevant European States and visiting dispensing opticians from relevant European States maintained under section 8B;]
- (e) the register of bodies corporate under section 9 above,

and, [^{F13}except in the expressions “registered medical practitioner”, “registered dispensing optician” and “registered optometrist”], “registered” and “registration” have corresponding meanings;]

[^{F14}“registered dispensing optician” means a person whose name is in the register of dispensing opticians maintained under section 7 or in the register of

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visiting dispensing opticians from relevant European States maintained under section 8B;

“registered optometrist” means a person whose name is in the register of optometrists maintained under section 7 or in the register of visiting optometrists from relevant European States maintained under section 8B;]

[^{F15}“registrant”, except in the expressions “individual registrant”, “business registrant” and “student registrant”, means a person whose name is in the appropriate register;]

[^{F16}“relevant European State” means an EEA State or Switzerland;]

[^{F15}“student registrant” means a person whose name is in one of the registers maintained by the Council under section 8A above;]

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- (2) References in this Act to testing sight are references to testing sight with the object of determining whether there is any and, if so, what defect of sight and of correcting, remedying or relieving any such defect of an anatomical or physiological nature by means of an optical appliance prescribed on the basis of the determination.

Textual Amendments

- F1** Words in s. 36 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. 8(b)** (with [Sch. 2](#))
- F2** Words in s. 36 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. 8(c)** (with [Sch. 2](#))
- F3** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(d)** (with [Sch. 2](#))
- F4** Words in s. 36 omitted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(a)** (with [Sch. 2](#))
- F5** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(e)** (with [Sch. 2](#))
- F6** Words in s. 36(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(a)**
- F7** Words in s. 36(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(b)**
- F8** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(f)** (with [Sch. 2](#))
- F9** Words in s. 36(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(c)**
- F10** Words in s. 36 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. 8(g)** (with [Sch. 2](#))
- F11** Words in s. 36 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. 8(h)** (with [Sch. 2](#))
- F12** Words in s. 36(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(d)(i)**
- F13** Words in s. 36(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(d)(ii)**

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- F14** Words in s. 36(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(e)**
- F15** Words in s. 36 inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 8(i)** (with Sch. 2)
- F16** Words in s. 36(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **187(f)**

Modifications etc. (not altering text)

- C1** S. 36 applied (27.9.2001) by [S.I. 2001/3057](#), **Sch. para. 5(1)**

Marginal Citations

- M1** 1946 c.81.
M2 1947 c.27.
M3 1948 c.3. (N.I.)

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