

PART 2
REGISTRATION AND TRAINING OF OPTICIANS

The registers

Registers of optometrists and dispensing opticians

7. The Council shall continue to maintain -
- (a) a register of optometrists; and
 - (b) a register of dispensing opticians,
- each containing the names and addresses, and such other particulars as may be prescribed, of all persons who are entitled under the provisions of this Act to be registered in it and who apply in the prescribed manner to be so registered.

Qualifications for being registered

8. (1) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he -
- (a) holds a qualification -
 - (i) as an optometrist or a dispensing optician;
 - (ii) which, at the time it was granted, was approved by the Council under section 12(7)(b) below; and
 - (iii) which was granted to him after receiving instruction from one or more of the establishments approved by the Council under section 12(7)(a) below;
 - (b) has had adequate practical experience in the work of an optometrist or a dispensing optician; and
 - (c) is a fit person to practise as an optometrist or a dispensing optician.
- (1A) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he -
- (a) either -
 - (i) is a national of an EEA State; or
 - (ii) is not a national of an EEA State but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purpose of access to the profession of optometrist or dispensing optician, no less favourably than a national of such a state;
 - (b) has a right to practise in the United Kingdom as an optometrist by virtue of the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005 or as a dispensing optician by virtue of the European Communities (Recognition of

Professional Qualifications) (Second General System)
Regulations 2002; and

- (c) is a fit person to practise as an optometrist or a dispensing optician.
- (2) Subject to subsection (2A), a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he -
- (a) holds a qualification as an optometrist or as a dispensing optician granted outside the United Kingdom;
 - (b) has had adequate practical experience in the work of an optometrist or a dispensing optician; and
 - (c) is a fit person to practise as an optometrist or a dispensing optician.
- (2A) The Council may determine, in relation to any particular person or class of person to which subsection (2) above applies, that before being entitled to have his name in the appropriate register, a person must -
- (a) obtain such qualification, approved in accordance with section 12(7)(b) below; or
 - (b) pass such test, approved in accordance with section 12(7)(c) below,
- as they consider appropriate.
- (3) Any person who on 1st January 1959 was entitled to have his name included in one of the health service ophthalmic lists, and whose name had not at that time been removed from one of those lists by direction of a health service tribunal, shall be entitled to be registered in the appropriate register.
- (4) Any person who on an application made not later than 1st June 1961 satisfied the Council -
- (a) that on the date of his application he held a qualification as an optometrist or dispensing optician recognised by them for the purposes of this subsection; and
 - (b) that he had had adequate practical experience in the work of an optometrist or dispensing optician; and
 - (c) that he was of good character,
- shall be entitled to be registered in the appropriate register.
- (5) Any person who on an application made after 1st June 1961 but before this Act came into force satisfied the Council -
- (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and
 - (b) that he had had adequate practical experience in the work of an optometrist or dispensing optician; and
 - (c) that he was of good character,

shall be entitled to be registered in the appropriate register.

- (6) Any person who on an application made after this Act comes into force satisfies the Council -
- (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and
 - (b) that he has had adequate practical experience in the work of an optometrist or dispensing optician; and
 - (c) that he is a fit person to practise as an optometrist or a dispensing optician,

shall be entitled to be registered in the appropriate register.

- (7) In the case of a person whose qualifications (including experience) are appropriate for optometrists, the register of optometrists and the register of dispensing opticians are both appropriate registers for the purposes of this section and, in the case of a person whose qualifications (including experience) are only appropriate for a dispensing optician, the register of dispensing opticians is appropriate for those purposes.
- (8) A person may have his name in both the register of dispensing opticians and the register of those undertaking training as optometrists.
- (8A) Except as provided in subsection (8) above, a person may not have his name in more than one register.
- (9) Where the Council have refused to grant an application for registration under subsection (4), (5) or (6) above, the Privy Council, on representations being made to them, may if they think fit, after considering the representations and after communicating with the Council, order the Council to grant the application.
- (10) In this section -
- “EEA State” means a Contracting Party to the EEA Agreement or Switzerland; and
- “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted or amended from time to time.

Registers of students

- 8A. (1) The Council shall maintain a register of persons undertaking training as optometrists and a register of persons undertaking training as dispensing opticians.
- (2) A person who is undertaking training provided by an approved training establishment or obtaining practical experience in the work of an optometrist or a dispensing optician shall have his name in the appropriate register.

- (3) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he is fit to undertake training as an optometrist or a dispensing optician, and either -
 - (a) he is undertaking, or will be undertaking, training provided by an approved training establishment; or
 - (b) he is obtaining, or will be obtaining, practical experience in the work of -
 - (i) an optometrist under the supervision of a registered medical practitioner or a registered optometrist; or
 - (ii) a dispensing optician under the supervision of a registered medical practitioner, a registered optometrist or a registered dispensing optician.
- (4) Each register shall contain the names and addresses of the persons who are registered under this section, together with such other particulars as the Council may prescribe in rules.
- (5) The Council may make rules as to the circumstances in which a person's name may be removed from a register maintained under this section.

Register of bodies corporate carrying on business as an optometrist or a dispensing optician or both

9. (1) The Council shall maintain a register of bodies corporate carrying on business as an optometrist or a dispensing optician or both, containing the names, principal places of business and such other particulars, as may be prescribed by the Council, of the bodies which are entitled under the following provisions of this Act to be registered in it and apply in the prescribed manner to be registered or to have their registration retained in the register.
- (2) Subject to subsection (3) below, a body corporate shall be entitled to be registered in the register if it satisfies the Council that it is fit to carry on business as an optometrist or a dispensing optician or to carry on both businesses and -
 - (a) if it satisfies the Council that a majority of its directors are registered optometrists or registered dispensing opticians or, in the case of a body corporate having only one director, that he is a registered optometrist or registered dispensing optician;
 - (b) if on 20th November 1957 its name or a name under which it carried on business was included in one of the health service ophthalmic lists or if it subsequently came into existence on the reconstruction of a body corporate entitled to be registered by virtue of this paragraph;
 - (c) if it satisfies the Council -

- (i) that the greater part of its business consists of activities other than the testing of sight and the fitting and supply of optical appliances; and
 - (ii) that so much of its business as consists of the testing of sight is carried on under the management of a registered optometrist; and
 - (iii) that so much of its business as consists of the fitting and supply of optical appliances is carried on under the management of a registered optometrist or registered dispensing optician; or
- (d) if -
- (i) it is a society registered under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969; and
 - (ii) it satisfies the Council that so much of its business as consists of the testing of sight, or of the fitting and supply of optical appliances, as the case may be, is carried on under such management as is mentioned in paragraph (c)(ii) and (iii) above.
- (3) A body corporate shall not be entitled to be registered by virtue of subsection (2)(b) above if its name, or the name of any body on whose reconstruction it came into existence, or a name under which it or any such body carried on business has at any time -
- (a) been removed from one of the health service ophthalmic lists by direction of a health service tribunal; or
 - (b) been the subject of an order for erasure from the register maintained under subsection (1) above.

General provisions as to registers

10. (1) The Council may make rules with respect to the form and keeping of the registers and the making of entries and alterations in them and, in particular -
- (a) regulating the making of applications for registration or for transfer from one register to another, and providing for the evidence to be produced in support of any such application;
 - (b) providing for -
 - (i) the notification to the Council of any change in the information provided by the registrant to the Council in accordance with rules made under paragraph (c)(ii) below; and
 - (ii) the removal from the appropriate register of the name of the registrant if he fails to notify the Council of any such change;
 - (c) prescribing -

- (i) a fee to be charged;
- (ii) information to be provided to the Council; and
- (iii) the time within which the fee is to be paid and the information provided,

for the entry or retention of a name in, or the restoration of a name to, a register;

- (d) ...
- (e) providing for the entry in the register of qualifications (whether or not approved under section 12(7)(b) below) possessed by persons whose names are registered in it and for the removal of such qualifications from the register, and prescribing a fee to be charged in respect of the entry;
- (f) authorising the registrar to refuse to enter or retain a name in, or restore a name to, the appropriate register until the fee prescribed under paragraph (c)(i) has been paid, and the information prescribed under paragraph (c)(ii) and the evidence required by section 10A(3) has been provided, to the Council;
- (ff) authorising the registrar to remove a person's name from the appropriate register if he ceases to satisfy the requirements for registration specified in section 8, 8A or 9 above, or ceases to satisfy the requirement to be insured under section 10A(1) below, or fails to pay any fee due or provide any information he is required to provide;
- (g) prescribing anything required or authorised to be prescribed by the provisions of this Act relating to the registers.

(1A) The Council may make rules -

- (a) specifying specialties or levels of proficiency which a registered optometrist or registered dispensing optician may be permitted to register;
- (b) enabling the registrar to enter in the appropriate register particulars of a registered optometrist's or registered dispensing optician's specialties or proficiencies where such requirements as may be prescribed for inclusion of such an entry have been met;
- (c) enabling the registrar to remove from the appropriate register particulars of a registered optometrist's or registered dispensing optician's specialties or proficiencies in such circumstances as may be prescribed;
- (d) applying with or without modification rules made under subsection (1) above to specialties and proficiencies;
- (e) specifying the activities or work which may be performed by registered optometrists or registered dispensing opticians whose registration in the appropriate register includes

particulars registered in accordance with rules made under paragraph (b) above; and

- (f) providing that the performing of such activities or work by a registered optometrist or registered dispensing optician whose registration in the appropriate register does not include such particulars shall be treated as adversely affecting a registered optometrist's or registered dispensing optician's fitness to practise.
- (2) On registering the death of a registrant a registrar shall send forthwith by post to the registrar of the Council a copy certified under his hand of the entry relating to the death in the register of deaths; and the cost of the certificate and of sending it by post shall be payable by the registrar of the Council to the registrar of births and deaths from whom it is received.
- (3) ...
- (4) ...
- (5) The Council may make rules providing for -
 - (a) the communication of documents in electronic form to the Council; and
 - (b) the electronic storage of documents communicated to the Council whether or not in electronic form.

Insurance for individual registrants and persons applying for their name to be registered

- 10A. (1) A registered optometrist or registered dispensing optician must be covered by adequate and appropriate insurance throughout the period during which he is registered in the appropriate register.
- (2) A registered optometrist or registered dispensing optician seeking retention of his name in the register must supply to the Council evidence that he is covered by insurance as specified in subsection (1) above.
 - (3) A person seeking registration or restoration of his name in the register of optometrists or dispensing opticians must supply the Council with evidence that, if his name were to be entered in the appropriate register, he would be covered by adequate and appropriate insurance commencing, at the latest, on the date on which his name was so entered.
 - (4) The Council may at any other time require a registered optometrist or registered dispensing optician to supply evidence that he is covered by adequate and appropriate insurance.
 - (5) The Council may make rules specifying the types and amounts of insurance they consider to be adequate and appropriate for the purposes of this section.
 - (6) A registered optician or registered dispensing optician, or a person seeking registration as an optometrist or a dispensing optician,

must inform the Council forthwith if he is no longer covered by insurance which meets the requirements of this section.

- (7) If a person fails to comply with the requirements of this section, the registrar may -
- (a) refuse to register his name in the appropriate register;
 - (b) refuse to retain his name in the appropriate register;
 - (c) refuse to restore his name to the appropriate register; or
 - (d) remove his name from the appropriate register,
- under section 10(1)(f) or (ff) above, or refer the matter to the Investigation Committee for investigation under section 13D(5) below as if the failure to comply with the requirements of this section constituted an allegation of misconduct for the purposes of section 13D(2)(a) below.
- (8) In this section, “insurance” means -
- (a) a policy of insurance providing cover for liabilities which may be incurred in carrying out work as a registered optometrist or registered dispensing optician; and
 - (b) an arrangement made for the purposes of indemnifying the person concerned against such liabilities.

Publication of registers and proof of registration

11. (1) The Council shall publish from time to time information from each register in such form (including electronic form) as they consider appropriate.
- (2) The information published by the Council shall include -
- (a) a list of all persons or bodies whose names are in the registers on a date specified by the Council at the time of publication;
 - (b) the number assigned to the person or body on the appropriate register; and
 - (c) such other particulars (if any) as the Council may direct in relation to registrants or a particular class of registrants.
- (3) A copy of the appropriate register purporting to be published by the Council shall be evidence (and in Scotland sufficient evidence) in all proceedings that the persons or bodies whose names are in the appropriate register are registrants, and the absence of the name of any person or body from such a copy of the appropriate register shall be evidence, until the contrary is shown, that that person or body is not a registrant.
- (4) The registrar may issue a certificate that -
- (a) a person’s or body’s name is in the appropriate register;
 - (b) a person’s or body’s name is not in the appropriate register;

- (c) a person's or body's name was in the appropriate register at a specified date or during a specified period;
 - (d) a person's or body's name was not in the appropriate register at a specified date or during a specified period; or
 - (e) a person's or body's name has never been in the appropriate register.
- (5) A certificate issued under subsection (4) above shall be evidence (and in Scotland sufficient evidence) of the matters certified.
- (6) Subsections (3) and (4) above shall apply to entries made in accordance with rules made under section 10(1A) above as they apply to registration in the appropriate register.

Training and Qualifications

Requirement for continuing education and training

- 11A. (1) The Council may by rules make a scheme providing for the continuing education and training of -
- (a) registered optometrists and registered dispensing opticians; and
 - (b) others who have been but who are not so registered and who seek registration, whether by way of restoration or otherwise.
- (2) Such a scheme may in particular -
- (a) impose requirements on persons to whom the scheme applies for continuing education and training;
 - (b) provide for a person appointed by the Council ("the administrator") to administer the scheme;
 - (c) specify, or provide for the administrator to specify, the steps which persons to whom the scheme applies are expected to take to ensure they meet requirements imposed under the scheme for continuing education and training;
 - (d) specify the procedures which persons to whom the scheme applies must follow in order to satisfy the Council that the requirements imposed upon them under the scheme have been met;
 - (e) provide for the Council to impose additional education and training requirements on those persons against whose name in the appropriate register an entry is made in accordance with rules made under section 10(1A) above; and
 - (f) include provision for education and training undertaken before the scheme comes into force, or undertaken outside the United Kingdom, to count towards the satisfaction of any requirement imposed in accordance with the preceding provisions of this subsection.

- (3) The rules may require the administrator to secure the provision of education and training -
 - (a) sufficient in quantity to meet the reasonable needs of persons to whom the scheme applies; and
 - (b) of a quality adequate to meet those needs.
- (4) The rules may -
 - (a) require persons (“providers”) who seek to provide education and training for persons to whom the scheme applies to apply to the administrator for approval;
 - (b) require the approval of the administrator for any curriculum established for the purpose of meeting the educational and training requirements of persons to whom the scheme applies, and for any lessons or activities provided for such persons;
 - (c) provide for the charging of fees by the administrator for approval by him;
 - (d) set the level of fees required to be paid for approval by the administrator and to provide for the collection of fees due;
 - (e) require the keeping of records by providers and specify the period for which those records must be kept;
 - (f) require records kept by providers to be produced for inspection at such time and such place as may be specified in accordance with the rules;
 - (g) specify the procedures which must be followed by providers seeking approval under the rules; and
 - (h) enable the Council to exercise in specified circumstances any of the administrator’s functions.

Failure to satisfy requirements imposed under a scheme

- 11B. (1) If it appears to the registrar that a person has failed to satisfy requirements for continuing education and training imposed upon him under a scheme made by virtue of section 11A above, the registrar may -
- (a) remove from the appropriate register, or refuse to retain in the appropriate register, the registrant’s name; or
 - (b) refuse to restore the person’s name to the appropriate register.
- (2) If it appears to the registrar that a person has failed to satisfy requirements for additional education and training imposed upon him under a scheme by virtue of section 11A(2)(e) above, the registrar may -
- (a) remove from the appropriate register, or refuse to retain in the appropriate register, the registrant’s entry relating to a specialty or proficiency; or

- (b) refuse to restore the registrant's entry relating to a specialty or proficiency in the appropriate register.
- (3) The registrar must serve on any person whose name or entry he removes from, or whose name he refuses to retain in or restore to, the appropriate register under this section, notice of his decision and the reasons for it.
- (4) If the registrar exercises his powers under subsection (1) above, and the person whose name is removed from, or not retained in, or restored to, the appropriate register -
 - (a) subsequently satisfies the registrar that he has met the requirements provided for under the scheme as to continuing education and training; and
 - (b) meets the other requirements for registration,the registrar must restore his registration.
- (5) If the registrar exercises his powers under subsection (2) above, and the registrant whose entry relating to a specialty or proficiency is removed from, not retained in, or restored to, the appropriate register -
 - (a) subsequently satisfies the registrar that he has now met the requirements for additional education and training; and
 - (b) meets the other requirements for an entry relating to a specialty or proficiency set out in rules made in accordance with section 10(1A) above,the registrar must make the entry.
- (6) The Council may make rules as to the procedures to be followed before the registrar -
 - (a) may refuse under this section -
 - (i) to retain in the register the name of a person; or
 - (ii) to retain in the register an entry relating to a specialty or proficiency; or
 - (b) may make a decision whether or not to restore a person's name to the appropriate register or to restore an entry relating to a proficiency or specialty in accordance with this section.

Education and training

- 12. (1) The Council shall from time to time establish -
 - (a) the competencies which a person must be able to demonstrate in order to be granted a qualification as an optometrist or a dispensing optician; and
 - (b) the content and the standard of education and training (including practical experience) required for the purpose of achieving those competencies.
- (2) The Council must consult and seek advice from -

- (a) the Standards Committee before establishing the competencies specified in subsection (1)(a) above;
 - (b) the Education Committee before establishing the requirements specified in subsection (1)(b) above.
- (3) The competencies and requirements established under subsection (1) above shall be published by the Council from time to time in such form as appears to the Council to be appropriate.
- (4) The Standards Committee and the Education Committee -
 - (a) must respectively keep under review the competencies and requirements established under subsection (1) above; and
 - (b) must each advise the Council if they consider changes to be necessary.
- (5) The Council must take into account any advice received from the Standards Committee and the Education Committee under subsection (4) above and must, if the Council consider it appropriate to do so, establish and publish revised competencies or requirements.
- (6) The Council must ensure that those establishments approved by the Council under subsection (7)(a) below who are engaged in the education, training or assessment of optometrists or dispensing opticians are notified of -
 - (a) the competencies and requirements established under subsections (1) and (5) above; and
 - (b) the requirements for the approval of any form of assessment under subsection (7)(b) below.
- (7) The Council may approve -
 - (a) establishments where the instruction given to persons receiving education or training as optometrists or as dispensing opticians appears to the Council to be such as to provide them with adequate knowledge and skills to achieve the competencies for the practice of their profession;
 - (b) a qualification as an optometrist or a dispensing optician granted to candidates following success in an examination or other form of assessment which in the Council's opinion indicates that the candidate has attained all the competencies for the time being established under subsections (1)(a) and (5) above; and
 - (c) any test of a candidate's competency in, or knowledge of, the English language carried out by an educational establishment on candidates seeking entry to courses for optometrists or dispensing opticians offered by that establishment.
- (8) If -
 - (a) an establishment referred to in subsection (7)(a) above is outside the United Kingdom; or

- (b) a qualification referred to in subsection (7)(b) above is granted by an establishment which is outside the United Kingdom, the Council may, before determining whether to give their approval, commission others to advise and report on the suitability of the establishment or qualification.
- (9) The Council may also approve -
 - (a) establishments which provide only some of the education or training; or
 - (b) qualifications which meet only some of the requirements, needed to achieve the competencies referred to in subsection (1)(a) above.
- (10) The Council must from time to time publish, in such form (including electronic form) as they consider appropriate, a list of establishments and qualifications approved by them, indicating the purposes for which the approval was granted.
- (11) Subsections (1) to (10) above shall apply in relation to specialties and proficiencies specified under section 10(1A) above as they apply in relation to qualifications as an optometrist or a dispensing optician.

Supervision of training institutions and qualifying assessments

- 13. (1) It shall be the duty of the Council to keep themselves informed of the nature of the instruction given by any approved training establishment to persons training as optometrists or dispensing opticians and of the assessments on the results of which approved qualifications are granted.
- (2) For the purposes of their duty under subsection (1) above the Council may appoint persons to visit approved training establishments and to attend at the assessments held by the bodies which grant approved qualifications.
- (3) No visitor shall interfere with the giving of any instruction or the holding of any assessment.
- (4) It shall be the duty of visitors to report to the Council -
 - (a) as to the sufficiency of the instruction given by the establishments visited by them, or of the assessments attended by them; and
 - (b) as to any other matters relating to such establishments or assessments which may be specified by the Council either generally or in any particular case.
- (5) Where it appears to the Council (as a result of a report under subsection (4) above or otherwise) -
 - (a) that -

- (i) the instruction given by any approved training establishment to persons training as optometrists or dispensing opticians; or
 - (ii) the assessment undertaken by such persons, are not such as to secure the possession by them of adequate knowledge and skill for the practice of their profession; and
- (b) that for that reason the approval of the establishment or qualification in question should be withdrawn,

the Council shall give notice in writing to the establishment or body of their opinion, sending with the notice a copy of any report on which their opinion is based.

- (5A) Where rules are made under section 23A(2) above, a notice under subsection (5) above or subsection (8) below may be given by means of an electronic communication.
- (6) On the receipt of the notice the establishment or body may, within such period (not being less than one month) as the Council may have specified in the notice, make to the Council observations on the notice and any report sent with it or objections to the notice and report.
- (7) As soon as may be after the expiration of the period specified under subsection (6) above the Council shall determine whether or not to withdraw their approval of the establishment or qualification, taking into account any observations or objections duly made under that subsection.
- (8) The Council shall give notice in writing of any decision under this section to withdraw approval of an establishment or qualification to the establishment or body concerned and the decision shall not take effect until the expiration of one month from the date of the giving of the notice or, if during that time that establishment or body makes representations with respect to the decision to the Privy Council, until the representations are finally dealt with.
- (9) Where an establishment has been approved as suitable for more than one purpose, the Council, instead of entirely withdrawing approval of the establishment, may withdraw approval in relation to one or some of the purposes only and references in this section to the withdrawal of approval shall be construed accordingly.
- (10) Where the Council have decided to withdraw approval of an establishment or a qualification (whether entirely or to a limited extent), the Privy Council, on representations being made to them within one month from the giving of notice of the decision may, if they think fit, after considering the representations and after communicating with the Council, order the Council to annul the withdrawal of approval or, in the case of an establishment approved as suitable for more than one purpose, to withdraw approval in relation to one or some of the purposes only.

- (11) The Council may pay to visitors appointed under this section such fees and such travelling and subsistence allowances, to be paid as part of the expenses of the Council, as the Council may determine.