Opticians Act 1989

1989 CHAPTER 44

PART II

REGISTRATION AND TRAINING OF OPTICIANS

The registers and lists

9 List of bodies corporate carrying on business as opticians.

(1) The Council shall continue to maintain—

(a) a list of bodies corporate carrying on business as ophthalmic opticians; and
(b) a list of bodies corporate carrying on business as dispensing opticians,

each containing the names, principal places of business and such other particulars as
may be prescribed of the bodies which are entitled under the following provisions of
this Act to be enrolled in it and apply in the prescribed manner to be so enrolled.

(2) Subject to subsection (3) below, a body corporate shall be entitled to be enrolled in
the appropriate list—

(a) if it satisfies the Council that a majority of its directors are registered opticians
or, in the case of a body corporate having only one director, that he is a
registered 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 enrolled 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 ophthalmic optician; 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 optician; or

(d) if—

(i) it is a society registered under the \textsuperscript{M1}Industrial and Provident Societies Act 1965 or the \textsuperscript{M2}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 enrolled 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 erased from the list maintained under subsection (1) above in consequence of an erasure order.
Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Opticians Act 1989. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to:
- s. 9(1) substituted by S.I. 2005/848 art. 10(2)
- s. 9(2) words substituted by S.I. 2005/848 art. 10(3)(a)
- s. 9(2)(a) words substituted by S.I. 2005/848 art. 10(3)(b)
- s. 9(2)(b) word substituted by S.I. 2005/848 art. 10(3)(c)
- s. 9(2)(c)(ii) word substituted by S.I. 2005/848 art. 10(3)(d)
- s. 9(2)(c)(iii) words substituted by S.I. 2005/848 art. 10(3)(e)
- s. 9(2)(d)(i) words substituted by 2014 c. 14 Sch. 4 para. 44
- s. 9(3) word substituted by S.I. 2005/848 art. 10(4)(a)
- s. 9(3) substituted by S.I. 2005/848 art. 10(4)(b)
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 5

Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- Pt. 2A inserted by S.I. 2005/848 art. 16
- Pt. 3A inserted by S.I. 2005/848 art. 17(2)
- s. 3-5C substituted for s. 3-5 by S.I. 2005/848 art. 4(2)
- s. 5A(1) words substituted by 2008 c. 14 Sch. 7 para. 27
- s. 5C repealed by 2008 c. 14 Sch. 7 para. 28 Sch. 15 Pt. 2
- s. 5D inserted by S.I. 2005/848 art. 5
- s. 5D(1) words repealed by 2008 c. 14 Sch. 7 para. 29 Sch. 15 Pt. 2
- s. 6A inserted by S.I. 2005/848 art. 6(2)
- s. 8A inserted by S.I. 2005/848 art. 9
- s. 8B-8D inserted by S.I. 2007/3101 reg. 180
- s. 10A inserted by S.I. 2005/848 art. 12
- s. 10A substituted by S.I. 2014/1887 Sch. 1 para. 7
- s. 10A(6A) inserted by S.I. 2007/3101 reg. 182
- s. 11A 11B inserted by S.I. 2005/848 art. 14
- s. 11B(1A)-(1C) inserted by S.I. 2007/3101 reg. 184
- s. 13D words substituted by 2009 c. 26 s. 81(2)(s. 81(3)(d)
- s. 13D(2)(f) text amended by S.I. 2008/1774 Sch. 2 para. 2
- s. 13D(2)(g) words inserted by 2008 c. 14 Sch. 7 para. 31(2)
- s. 13D(2)(h)(i) inserted by S.I. 2008/1774 Sch. 2 para. 2
- s. 13D(3)(g) words inserted by 2008 c. 14 Sch. 7 para. 31(3)
- s. 13D(5) word substituted by 2008 c. 14 Sch. 7 para. 31(4)
- s. 13D(6) word substituted by 2008 c. 14 Sch. 7 para. 31(5)
- s. 13D(7) word substituted by 2008 c. 14 Sch. 7 para. 31(6)
- s. 13D(8) word substituted by 2008 c. 14 Sch. 7 para. 31(6)
- s. 13D(9) word substituted by 2008 c. 14 Sch. 7 para. 31(7)(a)
- s. 13D(9)(b) words substituted by 2008 c. 14 Sch. 7 para. 31(7)(b)
- s. 13F heading word substituted by 2008 c. 14 Sch. 7 para. 32(2)
- s. 13F(1) word substituted by 2008 c. 14 Sch. 7 para. 32(3)
- s. 13F(2) words substituted by 2008 c. 14 Sch. 7 para. 32(4)(a)
- s. 13F(2) words substituted by 2008 c. 14 Sch. 7 para. 32(4)(b)
- s. 13F(3)(c) words substituted by 2008 c. 14 Sch. 7 para. 32(5)(a)
- s. 13F(3)(c) words substituted by 2008 c. 14 Sch. 7 para. 32(5)(b)
- s. 13F(4) words substituted by 2008 c. 14 Sch. 7 para. 32(6)(a)
- s. 13F(4) words substituted by 2008 c. 14 Sch. 7 para. 32(6)(b)
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**Commencement Orders yet to be applied to the Opticians Act 1989**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/833 art. 2 commences (2002 c. 17)
- S.I. 2004/2626 art. 2 commences (2003 c. 43)
- S.I. 2005/3175 art. 2 Sch. 1 commences (2004 c. 33)
- S.I. 2006/2603 art. 2 Sch. 2 commences (2006 c. 28)
- S.I. 2008/3150 art. 2 commences (S.I. 2008/1774)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)