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*Number 22 of 2003*

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**OPTICIANS (AMENDMENT) ACT 2003**

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ARRANGEMENT OF SECTIONS

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[No. 22.] *Opticians (Amendment) Act 2003.* [2003.]

Act Referred to

Opticians Act 1956

1956, No. 17



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*Number 22 of 2003*  
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**OPTICIANS (AMENDMENT) ACT 2003**  
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AN ACT TO AMEND THE OPTICIANS ACT 1956 AND TO  
PROVIDE FOR RELATED MATTERS. [3rd July, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.**—In this Act “Principal Act” means the Opticians Act 1956.      Definition.

**2.**—Section 2 of the Principal Act is amended—      Amendment of  
section 2 of  
Principal Act.

(a) by inserting the following definitions:

“ ‘afocal goggles’ or ‘afocal sunglasses’ means goggles or  
sunglasses containing lenses with no optical power;

‘Member State’ means a state which is a member of the  
European Union;

‘ready-made reading spectacles’ means spectacles that  
have two single vision lenses each of which has the same  
positive spherical power not exceeding four dioptries and  
the purpose of which is to relieve the condition known as  
presbyopia;”

and

(b) by substituting the following for the definition of  
“spectacles”:

“ ‘spectacles’ includes—

(a) contact lenses whether afocal or focal  
lenses,

(b) pince-nez, and

(c) monocles,

but does not include—

(i) afocal goggles or similar articles,

(ii) afocal sunglasses or similar articles, or

(iii) ready-made reading spectacles.”

[No. 22.] *Opticians (Amendment) Act 2003.* [2003.]

Amendment of section 23 of Principal Act.

**3.**—Section 23 of the Principal Act is amended—

(a) by inserting the following after subsection (1):

“(1A) On and after the commencement of this subsection, the Register of Ophthalmic Opticians is to be known as the Register of Optometrists.”,

and

(b) by substituting the following for subsection (5):

“(5) Any person who immediately before the commencement of subsection (1A) of this section was registered in the Register of Ophthalmic Opticians is immediately after the commencement of that subsection considered to be registered in the Register of Optometrists.”.

New title for ophthalmic opticians.

**4.**—The Principal Act is amended by substituting—

(a) “Register of Optometrists” for “Register of Ophthalmic Opticians” wherever the words occur, except in sections 23(1), (1A) and (5),

(b) “registered optometrist” for “registered ophthalmic optician” wherever the words occur,

(c) “registered optometrists” for “registered ophthalmic opticians” wherever the words occur, and

(d) “optometrist” for “ophthalmic optician” wherever the words occur.

Amendment of section 24 of Principal Act.

**5.**—The Principal Act is amended by substituting the following for section 24:

“Registration in the Register of Optometrists of persons trained in the State.

24.—(1) The Board shall, in accordance with the rules and on receipt of the appropriate fee, register in the Register of Optometrists a person who applies for such registration and who—

(a) has undergone the courses of training and passed the examinations (being courses of training and examinations under Part V of this Act) that are specified for the purposes of this section in the rules,

(b) is of good character and repute and has not been declared bankrupt, and

(c) is not prohibited or suspended from practising in the profession by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties.

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(2) If not satisfied that the applicant qualifies for registration, the Board shall send a notice in writing to the applicant as soon as practicable stating the decision, the reason for the decision and the date on which it was made. S.5

(3) An applicant who receives a decision referred to in subsection (2) may, within a period of 3 months beginning on the date of the decision, appeal to the High Court against the decision.

(4) On hearing an appeal under this section, the High Court may make any order it sees fit, including an order—

- (a) affirming or setting aside any decision of the Board relating to the application for registration, or
- (b) remitting the application for registration with or without directions to the Board for reconsideration and the making of a new decision in relation to it.”.

**6.—**The Principal Act is amended by inserting the following:

“Registration in the Register of Optometrists of nationals of other Member States.

24A.—The Board shall, on receipt of the appropriate fee, register in the Register of Optometrists a person who applies for registration and who—

Amendment of Principal Act — insertion of new section 24A.

- (a) is a national of a Member State other than the State, and
- (b) is authorised by virtue of the European Communities (General System for the Recognition of Higher Education Diplomas) Regulations 1991 (S.I. No. 1 of 1991) to take up and pursue the profession of optometrist.”.

**7.—**The Principal Act is amended by substituting the following for section 25:

“Registration in the Register of Optometrists of other persons.

25.—(1) The Board shall, in accordance with the rules and on receipt of the appropriate fee, register in the Register of Optometrists a person, other than a person referred to in sections 24 or 24A, who applies for such registration and who—

Amendment of section 25 of Principal Act.

- (a) has undergone the courses of training and passed the examinations that are specified for the purposes of this section in the rules,
- (b) is of good character or repute and has not been declared bankrupt, and
- (c) is not prohibited or suspended from practising in the profession by reason of—

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(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties.

(2) If not satisfied that the applicant qualifies for registration, the Board shall send a notice in writing to the applicant as soon as practicable stating the decision, the reason for the decision and the date on which the decision was made.

(3) An applicant who receives a decision referred to in subsection (2) may, within a period of 3 months beginning on the date of the decision, appeal to the High Court against the decision.

(4) On hearing an appeal under this section, the High Court may make any order it sees fit, including an order—

(a) affirming or setting aside any decision of the Board relating to the application for registration, or

(b) remitting the application for registration with or without directions to the Board for reconsideration and the making of a new decision in relation to it.”.

Amendment of section 33 of Principal Act.

**8.**—The Principal Act is amended by substituting the following for section 33:

“Registration in the Register of Dispensing Opticians of Persons trained in the State.

33.—(1) The Board shall, in accordance with the rules and on receipt of the appropriate fee, register in the Register of Dispensing Opticians a person who applies for such registration and who—

(a) has undergone the courses of training and passed the examinations being courses of training and examinations under Part V of this Act that are specified for the purposes of this section in the rules,

(b) is of good character and repute and has not been declared bankrupt, and

(c) is not prohibited or suspended from practising in the profession by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties.

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(2) If not satisfied that the applicant qualifies S.8  
for registration, the Board shall send a notice in  
writing to the applicant as soon as practicable  
stating the decision, the reason for the decision  
and the date on which the decision was made.

(3) An applicant who receives a decision  
referred to in subsection (2) may, within a period  
of 3 months beginning on the date of the decision,  
appeal to the High Court against the decision.

(4) On hearing an appeal under this section,  
the High Court may make any order it sees fit,  
including an order—

- (a) affirming or setting aside any decision of  
the Board in relation to the appli-  
cation for registration, or
- (b) remitting the application for registration  
with or without directions to the  
Board for reconsideration and the  
making of a new decision in relation  
to it.”.

**9.**—The Principal Act is amended by inserting the following:

Amendment of  
Principal Act —  
insertion of new  
section 33A.

“Registration in the  
Register of  
Dispensing  
Opticians of  
Nationals of other  
Member States.

33A.—The Board shall, on receipt of the  
appropriate fee, register in the Register of Dis-  
pensing Opticians a person who applies for regis-  
tration and who—

- (a) is a national of a Member State other  
than the State, and
- (b) is authorised by virtue of the European  
Communities (Second General Sys-  
tem for the Recognition of Pro-  
fessional Education and Training)  
Regulations 1996 (S.I. No. 135 of  
1996) to take up and pursue the pro-  
fession of dispensing optician.”.

**10.**—The Principal Act is amended by substituting the following  
for section 34:

Amendment of  
section 34 of  
Principal Act.

“Registration in the  
Register of  
Dispensing  
Opticians of other  
persons.

34.—(1) The Board shall, in accordance with  
the rules and on receipt of the appropriate fee  
register in the Register of Dispensing Opticians a  
person other than a person referred to in section  
33 or 33A who applies for such registration and  
who—

- (a) has undergone the courses of training  
and passed the examinations that are  
specified for the purposes of this  
section in the rules,
- (b) is of good character and repute and has  
not been declared bankrupt, and

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(c) is not prohibited or suspended from practising in the profession by reason of—

- (i) a conviction for an offence, or
- (ii) serious misconduct,

in connection with the carrying out of professional duties.

(2) If not satisfied that the applicant qualifies for registration, the Board shall send a notice in writing to the applicant as soon as practicable stating the decision, the reason the decision was taken and the date on which the decision was made.

(3) An applicant who receives a decision referred to in subsection (2) may, within a period of 3 months beginning on the date of the decision, appeal to the High Court against the decision.

(4) On hearing an appeal under this section, the High Court may make any order it sees fit, including an order—

- (a) affirming or setting aside any decision of the Board in relation to the application for registration, or
- (b) remitting the application for registration with or without directions to the Board for reconsideration and the making of a new decision in relation to it.”.

Increase of monetary penalties.

**11.**—The Principal Act is amended by—

- (a) substituting in section 47(5)—
  - (i) “€1,000” for “twenty pounds”, and
  - (ii) “€3,000” for “one hundred pounds”,
- (b) substituting in section 48(2)—
  - (i) “€1,000” for “twenty pounds”, and
  - (ii) “€3,000” for “one hundred pounds”,
- (c) substituting in section 49(4)—
  - (i) “€500” for “ten pounds”, and
  - (ii) “€1,500” for “fifty pounds”,
- (d) substituting in section 50(8)—
  - (i) “€500” for “ten pounds”, and
  - (ii) “€1,500” for “fifty pounds”,



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(e) substituting in section 51(2)— S.11

(i) “€500” for “ten pounds”, and

(ii) “€1,500” for “fifty pounds”,

and

(f) substituting in section 52(2)—

(i) “€1,000” for “twenty pounds”, and

(ii) “€3,000” for “one hundred pounds”.

**12.**—Section 48 of the Principal Act is amended by—

Amendment of  
section 48 of  
Principal Act.

(a) substituting the following for subsection (1):

“(1) A registered optician who is not a registered medical practitioner shall not suggest by any written or oral statement or by any action that the registered optician has made or is capable of making a medical diagnosis of a disease of the eye or that, in relation to the treatment of the eyes, the registered optician has done or is capable of doing anything other than—

(a) in the case of a registered optometrist, the prescribing or provision of spectacles, or

(b) in the case of a registered dispensing optician, the provision of spectacles.”,

and

(b) inserting the following subsection:

“(4) Where in the course of an eye examination, a registered optician referred to in subsection (1) suspects the presence of a disease or condition of the eye, the registered optician shall inform the patient of this and recommend that the patient consult with a registered medical practitioner.”.

**13.**—This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions. Commencement.

**14.**—(1) This Act may be cited as the Opticians (Amendment) Act 2003. Short title and collective citation.

(2) The Opticians Act 1956 and this Act may be cited together as the Opticians Acts 1956 and 2003 and shall be read together as one.

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BAILE ÁTHA CLIATH  
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