

# Business registration legislation: Frequently Asked Questions (FAQ)

*In this FAQ, “contact lens optician”, “dispensing optician” and “optometrist” mean someone registered with the General Optical Council (GOC) as such. “Registered medical practitioner” means someone who is registered with the General Medical Council and holds a current licence to practise.*

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## 1. Who can register with the GOC?

Under section 9 of the Opticians Act 1989 (“the Act”), the GOC can register businesses:

- that are a body corporate (i.e. a “legal person” such as a limited liability partnership (LLP) or a Scottish partnership); and
- that are carrying on business as a dispensing optician and/or optometrist; and
- where one of the criteria in section 9(2) of the Act applies, including (i) a majority of the directors are dispensing opticians or optometrists, or (ii) the testing sight and fitting/supplying optical appliances, which is a minority of its business, is managed by a dispensing optician or optometrist.

## 2. How do protected titles relate to business registration?

Under section 28(5) of the Act, it is an offence for a body corporate to use a protected title (or description) if it is not GOC registered.

The Act protects the titles “ophthalmic optician”, “optometrist”, “dispensing optician” or “registered optician”.

The title “optician” is semi-protected, and cannot be used without registration unless nobody could reasonably think that the business is GOC registered. Registration is also needed to use any other name, title or description that implies GOC registration.

## 3. Which businesses must the GOC register?

The GOC must register a business that meets the statutory criteria at section 9 of the Act, and cannot register a business that does not meet the criteria.

#### **4. Which businesses must register with the GOC?**

Bodies corporate must register with the GOC if they use a protected title or other description that implies GOC registration.

#### **5. Which businesses can register with the GOC but don't have to?**

Bodies corporate that comply with section 9(2) of the Act but are not using a protected title don't have to register with the GOC but can do so.

#### **6. Which businesses don't have to and can't register with the GOC?**

Businesses that are not bodies corporate don't have to register, and can't do so, even if they are using a protected title.

They must however ensure that their title usage does not misrepresent the registration status of any individual connected with the business.

#### **7. Which businesses can't register with the GOC but would be legally required to?**

Bodies corporate that are *not* complying with section 9(2) of the Act but *are* using a protected title should be registered with the GOC but are not able to do so.

Such businesses would be committing an offence, and would need to (a) make the changes necessary to qualify for GOC registration, (b) cease using a protected title, or (c) change their form so that they are no longer a body corporate.