



Eyecare Guide to Provider Registration

This document was last updated in May 2026. If members have any questions they should contact membership@fodo.com.

Opticians in England

Most opticians in England will not need to be registered with the Care Quality Commission (CQC). As set out in further detail below, a person needs to be registered with the CQC if they are carrying on a regulated activity.

Primary ophthalmic services (for example, high street optometrists) or ophthalmic services that are of the same kind as those provided by high street optometrists (whether provided as an NHS service or on a private basis) shall not be regarded as a regulated activity.

Opticians will only need to consider if they should register with the CQC if they intend to provide services that go beyond primary ophthalmic services such as sight tests, assessment and treatment of eye conditions and selling/supplying spectacles/contact lenses.

Do I need to register with the CQC?

Individuals, companies, and partnerships intending to be responsible for the carrying on of a regulated activity will need to register with the CQC.¹

You will not need to register with the CQC if you are an individual employed to perform a regulated activity and your employer is registered with the CQC as being responsible for the carrying on of that activity.

Will I be carrying out a regulated activity?

The term "regulated activity" means an activity of a prescribed kind². For this purpose, the activities specified in Schedule 1 of the Regulated Activities Regulations are prescribed as regulated activities.³ An activity which is ancillary to or is carried on wholly or mainly in relation to, a regulated activity, shall be treated as part of the regulated activity in question.⁴ Schedule 2 specifies activities that are not regulated activities.⁵

This guide will not set out all those activities which are prescribed as regulated activities. Set out below are the regulated activities in which opticians are mostly likely to become involved.

¹ Section 10(1) of the Health and Social Care Act 2008

² Section 8(1) of the Health and Social Care Act 2008

³ Section 3 (1) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

⁴ Section 3 (2) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

⁵ Section 3 (4) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

Treatment of disease, disorder or injury

The provision of treatment for a disease, disorder or injury is a regulated activity where it is provided by or under the supervision of a healthcare professional, or a team which includes a healthcare professional.⁶

The term healthcare professional here includes medical practitioners and nurses (among others) but does not include optometrists or dispensing opticians.⁷

This means that the provision of treatment for a disease, disorder or injury of the eye, where it is carried out by or under the supervision of an optometrist, will not constitute a regulated activity unless a healthcare professional is involved in providing or supervising the treatment or is part of the team providing or supervising the treatment.

By way of example, if a high street opticians employed an ophthalmologist to provide non-surgical treatment of the eye, that would constitute the treatment of disease, disorder or injury and would constitute a regulated activity requiring registration with the CQC.

The treatment of disease, disorder or injury does not include the provision of treatment by means of surgical procedures or diagnostic and screening procedures.⁸ These are regulated activities themselves (see below). There are certain other exemptions but, as they are unlikely to apply to any treatment of disease, disorder or injury in which opticians would be involved, they are not mentioned here.

Surgical procedures

Surgical Procedures will constitute a regulated activity where they are carried on by a healthcare professional for, among other things, the purpose of treating disease, disorder or injury.⁹

It is important to note that in respect of surgical procedures, the term "healthcare professional" has a different meaning to that set out above. Here, the term "healthcare professional" means a person who is registered as a member of any profession to which Section 60 (2) of the Health Act 1999 applies.¹⁰ This includes professions regulated by the Opticians Act 1999¹¹ (including optometrists and dispensing opticians) alongside a wide range of other professions, including medical practitioners.

This means, by way of example, that if a high street opticians intended to provide YAG laser capsulotomy, it would be carrying on a regulated activity, and would need to be registered with the CQC.

Diagnostic and screening procedures

Various diagnostic and screening procedures are regulated activities¹². This includes the use of equipment to measure or monitor physiological data in relation to the "vision system" for the purposes of obtaining information on the cause and extent of a disease, disorder of injury, or the response to a therapeutic

⁶ Paragraph 4 (1), Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

⁷ Paragraph 4 (4), Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

⁸ Paragraphs 4 (2) and (3), Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

⁹ Paragraph 6(1), Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

¹⁰ Regulation 2(1) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

¹¹ Section 60 (2) (c) of the Health Act 1999 applies

¹² Paragraph 7, Schedule 1, of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

intervention, where such information is needed for the purposes of the planning and delivery of care or treatment.

As set out above, eye examinations of the kind carried out in primary care are not a regulated activity. If, however, you intend to carry on any diagnostic and screening procedure that is not part of a primary ophthalmic service, such a procedure might constitute a regulated activity that would require you to be registered with the CQC.

What do I need to do if I intend to carry on a regulated activity?

If you intend to carry on a regulated activity, you must make an application to the CQC to be registered as a service provider.¹³ You must register for each regulated activity that you intend to provide unless you are exempt from doing so.¹⁴ Your application may be granted, or may be granted subject to conditions and the CQC must issue you with a certificate of registration.¹⁵

Individuals

An individual who wishes to register as a service provider must:

- a. be of good character;
- b. be able, in terms of their health, after any reasonable adjustments have been made, to properly perform the tasks which are intrinsic to the carrying on of the regulated activity;
- c. have the necessary qualifications, competence, skills and experience to carry on the regulated activity; and
- d. be able to provide or make available to the CQC the required information in Schedule 3 of the Regulated Activities Regulations.¹⁶

You will need to appoint a registered manager if you are not a fit person to manage the carrying on of the regulated activity, or you do not intend to be in full-time day to day charge of the carrying on of the regulated activity.¹⁷

You will only be fit to manage the carrying on of the regulated activity if you:

- a. are of good character;
- b. are physically and mentally fit to manage the carrying on of the regulated activity;
- c. have the necessary qualifications, skills and experience to do so; and
- d. can supply to the CQC or make available the information relating to you specified in Schedule 1 of the Care Quality Commission (Registration) Regulations 2009.

Partnerships

If you are a partnership intending to carry on a regulated activity, each Partner will not need to individually be registered as a service provider. However, the registration of the partnership as a service provider will need to specify the names of each partner.¹⁸

Where a partnership wishes to be registered as a service provider, each of the partners must:

¹³ Sections 10 and 11 of the Health and Social Care Act 2008

¹⁴ CQC Guide to Registration under the Health and Social Care Act 2008, *The scope of registration*, May 2022

¹⁵ Sections 12 (3) and (4) of the Health and Social Care Act 2008

¹⁶ Regulation 4 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

¹⁷ Section 13 (1) of the Health and Social Care Act 2008 and Regulation 5 of the Care Quality Commission (Registration) Regulations 2009

¹⁸ CQC Guide to Registration under the Health and Social Care Act 2008, *The scope of registration*, May 2022

- a. be of good character;
- b. be able, in terms of their health, after any reasonable adjustments have been made, to properly perform the tasks which are intrinsic to their role in the carrying on of the regulated activity; and
- c. be able to provide or make available to the CQC the required information in Schedule 3 of the Regulated Activities Regulations.¹⁹

In addition, the partnership must, through the combination of the qualifications, competence, skills and experience of the partners, have the necessary qualifications, competence, skills and experience to carry on the regulated activity.²⁰

You will also need to appoint a registered manager.²¹

Companies

Where a company or other organisation wishes to be a registered as a service provider, each of the Directors (or persons performing an equivalent function) must:

- a. be of good character;
- b. have the qualifications, competence, skills and experience which are necessary for the relevant office or position, or the work for which they are employed;
- c. be able, in terms of their health, after any reasonable adjustments have been made, to properly perform the tasks which are intrinsic to the office or position to which they are appointed or to work for which they are employed.;
- d. not have been responsible for, been privy to, contributed to, or facilitated any serious misconduct or mismanagement in the course of carrying on a regulated activity or providing a service elsewhere which, if provided in England, would be a regulated activity.
- e. not satisfy any of the grounds of unfitness set out in schedule 4 of the Regulated Activities Regulations.²²

In addition, the company must nominate an individual, employed as a Director, Manager or Secretary, who will be responsible for supervising the management of the carrying on of the regulated activity. This person (the 'nominated individual') must:

- a. be of good character;
- b. have the necessary qualifications, competence, skills and experience to properly supervise the management of the carrying on of the regulated activity;
- c. be able by reason of their health (after any reasonable adjustments have been made) to properly carry out this function; and
- d. be able to provide or make available the information to the CQC all the required information in Schedule 3 of the Regulated Activities Regulations.²³

You will also need to appoint a registered manager.²⁴

¹⁹ Regulation 4 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

²⁰ Regulation 4 (6) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

²¹ Section 13 (1) of the Health and Social Care Act 2008 and Regulation 5 of the Care Quality Commission (Registration) Regulations 2009

²² Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

²³ Regulation 6 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

²⁴ Section 13 (1) of the Health and Social Care Act 2008 and Regulation 5 of the Care Quality Commission (Registration) Regulations 2009

If you are a company that is part of a group, your company (not the parent company) will need to be registered if you intend to carry on a regulated activity. The same principle applies to franchises and joint ventures. The individual franchise/joint venture will require registration if it intends to carry on a regulated activity.²⁵

What If I carry on a regulated activity without being registered?

If you carry on a regulated activity without being registered in respect of the carrying on of that activity, you will be guilty of an offence.²⁶

Will I need a registered manager?

If you are a partnership, company, or other organisation, you must have a registered manager for every regulated activity that you carry on unless you are a health service body. You will also need a registered manager if you are an individual who is not fit to manage the carrying on of the regulated activity or does not intend to be in full-time day to day charge of the carrying on of the regulated activity (see above).

Are there any other helpful sources of information?

Further information regarding registration with the CQC is available on the CQC website.

<https://www.cqc.org.uk/guidance-providers/registration>

This includes their guide to the scope of registration.

Disclaimer

This guide is not intended to be and should not be relied upon as a comprehensive statement of the law. If you are in any doubt regarding whether or not you need to register with the CQC/whether you satisfy the requirements for registration, we would recommend that you obtain legal advice.

²⁵ CQC Guide to Registration under the Health and Social Care Act 2008, *The scope of registration*, May 2022

²⁶ Section 10 (1) of the Health and Social Care Act 2008

Opticians in Wales

Most opticians in Wales will not need to be at registered with Healthcare Inspectorate Wales (HIW). As set out in further detail below, there are limited circumstances in which registration shall be necessary. Opticians will only need to consider if they should register with HIW if they intend to provide services that go beyond performing primary ophthalmic services and selling/supplying spectacles/contact lenses.

Do I need to register with HIW?

Individuals and companies who are running the business of an opticians will need to register with HIW if the service being provided constitutes an independent hospital or independent clinic. It is not possible for a partnership to register with HIW (see below).

You will not need to register with HIW if you are an individual employed to work in an independent hospital or independent clinic and your employer is registered with HIW as being responsible for the carrying on of that activity.

Will I be running an independent hospital or independent clinic?

Independent Hospital

An independent hospital is an establishment, which is not a health service hospital:

- a. the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
- b. in which (whether or not other services are also provided) any of the listed services are provided.²⁷

Listed services include "treatment using prescribed techniques or prescribed technology".²⁸ This includes treatment using a class 3B or class 4 laser product, as defined in Part 1 of British Standard EN 60825-1.²⁹

Listed services do not include treatment using a Class 3B laser product where such treatment is carried out by or under the supervision of a health care professional³⁰. However, an establishment providing such a service would be considered an independent clinic (see below).

This means that an opticians, if it offered any form of laser eye surgery on site, might, depending upon the class of laser used, be classed as an independent hospital requiring registration with HIW.

Independent Clinic

An "independent clinic" is an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).³¹

A surgery or consulting room is prescribed as an independent clinic if a medical practitioner (who provides no NHS services in that establishment) provides medical services of any kind (subject to certain exemptions).

²⁷ Section 2 (3) of The Care Standards Act 2000.

²⁸ Section 2 (7) of The Care Standards Act 2000.

²⁹ Section 3 (1) (a) of the Independent Healthcare (Wales) Regulations 2011.

³⁰ Section 3 (2) (b) of the Independent Healthcare (Wales) Regulations 2011.

³¹ Section 2 (4) of The Care Standards Act 2000.

Any opticians that were to employ an ophthalmologist to consult with or provide treatment to patients would be likely to meet the definition of an "independent clinic" requiring registration with HIW.

What do I need to do if my business will be an independent hospital or independent clinic?

You must make an application to HIW and satisfy them that you are fit to carry on your establishment (independent hospital or independent clinic).

Individuals

An individual who wishes to register as a registered provider must satisfy the following requirements:

- a. you must be of suitable integrity and good character to carry on the establishment;
- b. you must be physically and mentally fit to carry on the establishment; and
- c. full and satisfactory information or documentation must be available in relation to you in respect of each of the matters specified.³²

You will not be regarded as fit to carry on an establishment if you have:

- a. been made bankrupt or sequestration of your estate has been awarded and (in either case) you have not been discharged and the bankruptcy order has not been annulled or rescinded, or a moratorium period under a debt relief order applies to you; or
- b. made a composition or arrangement with your creditors and have not been discharged in respect of it.³³

You will need to appoint a registered manager if you do not intend to be in full time day to day charge of the establishment.³⁴

The registered manager must:

- a. be of suitable integrity and good character to be responsible for the management of the establishment;
- b. have the qualifications, skills and experience necessary to manage the establishment; and
- c. be physically and mentally fit to be responsible for management of the establishment.³⁵

Full and satisfactory information must be available in relation to the registered manager in respect of each of the matters specified.³⁶

³² Section 10 (3) of the Independent Healthcare Wales Regulations 2011 requires that full and satisfactory information or documentation is available in respect of each of the matters specified in paragraphs 1, 2 and 4 to 8 of Schedule 1 of the Regulations

³³ Regulation 10 (4) of the Independent Healthcare Wales Regulations 2011

³⁴ Regulation 11 (1) of the Independent Healthcare Wales Regulations 2011

³⁵ Regulation 12 (2) of the Independent Healthcare Wales Regulations 2011

³⁶ Regulation 12 (2) (c) of the Independent Healthcare Wales Regulations 2011

You will also need to appoint a registered manager if you are not fit to manage the establishment.³⁷ You will only be fit to manage the establishment if you satisfy the above requirements.

Companies

If you are a company that wishes to be registered as a registered provider:

- a. the company must nominate a director, manager, secretary or other officer of the company who is responsible for supervising the management of the establishment to act as the "responsible individual".³⁸
- b. the responsible individual must:
 - i. be of suitable integrity and good character to be responsible for the supervision of the establishment; and
 - ii. be physically and mentally fit to be responsible for the supervision of the establishment.³⁹
- c. full and satisfactory information must be available in relation to the responsible individual in respect of each of the matters specified.⁴⁰

In addition, you will need to appoint a registered manager.⁴¹

The registered manager must:

- a. be of suitable integrity and good character to be responsible for the management of the establishment;
- b. have the qualifications, skills and experience necessary to manage the establishment; and
- c. be physically and mentally fit to be responsible for management of the establishment.⁴²

Full and satisfactory information must be available in relation to the registered manager in respect of each of the matters specified.⁴³

Partnerships

The only persons who are fit to carry on an establishment are individuals and bodies corporate.⁴⁴ A partnership is not a body corporate.

³⁷ Regulation 11 (1) (b) (ii) of the Independent Healthcare Wales Regulations 2011

³⁸ Regulation 10 (2) of the Independent Healthcare Wales Regulations 2011

³⁹ Regulation 10 (3) of the Independent Healthcare Wales Regulations 2011

⁴⁰ Section 10 (3) of the Independent Healthcare Wales Regulations 2011 requires that full and satisfactory information or documentation is available in respect of each of the matters specified in paragraphs 1, 2 and 4 to 8 of Schedule 1 of the Regulations

⁴¹ Regulation 11 (1) of the Independent Healthcare Wales Regulations 2011

⁴² Regulation 12 (2) of the Independent Healthcare Wales Regulations 2011

⁴³ Section 10 (3) of the Independent Healthcare Wales Regulations 2011 requires that full and satisfactory information or documentation is available in respect of each of the matters specified in paragraphs 1, 2 and 4 to 8 of Schedule 1 of the Regulations

⁴⁴ Section 10(2) of the Independent Healthcare Wales Regulations 2011 and Section 2, which defines 'organisation' as meaning a body corporate.

Although there is guidance which suggests that an unincorporated association can be registered as a registered provider, this does not include partnerships.⁴⁵

As such, individuals forming a partnership wishing to conduct business as an independent hospital or clinic will need no register individually.

What If I carry on a regulated activity without being registered?

Any person who carries on or manages an independent hospital or clinic without being registered in respect of it shall be guilty of an offence.⁴⁶

Will I need a registered manager?

You will require a registered manager (see above) if:

- a. you are an individual who does not intend to be in fulltime day to day charge of the establishment or you are not fit to manage the establishment;
- b. you are a company;
- c. you are a partnership.

Are there any other helpful sources of information?

Further information regarding registration with Healthcare Inspectorate Wales is available on their website:

<https://www.hiw.org.uk/register-independent-healthcare-service>

This includes guidance for new providers who are applying to register under the Independent Health Care (Wales) Regulations 2011.

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⁴⁵ Registration under the Care Standards Act 2000 - Guidance for new providers who are applying to register under the Independent Health Care (Wales) Regulations 2011

⁴⁶ Section 11(1) of the Care Standards Act 2000

Opticians in Scotland

Most opticians in Scotland will not need to be registered with Healthcare Improvement Scotland (HIS). As set out in further detail below, there are limited circumstances in which registration shall be necessary. Opticians will only need to consider if they should register with HIS if they intend to provide services that go beyond performing primary ophthalmic services and selling/supplying spectacles/contact lenses.

Do I need to register with HIS?

Individuals, companies, and partnerships running the business of an opticians will need to register with HIS if the service being provided constitutes an independent health care service.⁴⁷

You will not need to register with HIS if you are an individual employed to work in an independent health care service and your employer is registered with HIS as being responsible for the carrying on of that service.

Will I be running an independent health care service?

The term independent health care service includes independent hospitals and independent clinics.⁴⁸

Subject to certain exemptions, an "independent clinic" is a clinic which is not comprised in a hospital and in or from which services are provided by certain healthcare professionals, not including optometrists, but including medical practitioners.⁴⁹ A "medical practitioner" is someone who is registered with the GMC.⁵⁰

An institution for the reception and treatment of persons suffering from illness (including any injury or disability requiring medical treatment or nursing) that is not a health service hospital will be an independent hospital⁵¹

Any opticians that employs an ophthalmologist to consult with or provide treatment to patients is likely to require registration with HIS, most likely as an "independent clinic".

What do I need to do if my business will be an independent clinic?

You must make an application to HIS:

- a. containing the required information
- b. identifying an individual (who may be the applicant) who is to manage the service; and
- c. giving any other information which HIS may reasonably require you to give.⁵²

The following persons (individuals/companies) are deemed unfit to provide an independent health care service and will therefore not be permitted registration:

- a. a person who is not of integrity and good character;
- b. a person who has been convicted whether in the United Kingdom or elsewhere of any offence which is punishable by a period of imprisonment (whether or not suspended or deferred) for a period of 3 months without the option of a fine and who in the reasonable opinion of HIS is unsuitable to be a provider of an independent health care service;

⁴⁷ Section 10P (1) of the National Health Service (Scotland) Act 1978

⁴⁸ Section 10F (1) of the National Health Service (Scotland) Act 1978

⁴⁹ Section 10F (2) of the National Health Service (Scotland) Act 1978

⁵⁰ Schedule 1 to the Interpretation Act 1978

⁵¹ Sections 10F (2) and 108 of the National Health Service (Scotland) Act 1978

⁵² Section 10P (2) of the National Health Service (Scotland) Act 1978

- c. a person whose estate has been sequestrated or who has been adjudged bankrupt unless (in either case) the person has been discharged or the bankruptcy order annulled;
- d. a person who has been made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986 or sections 56A to 56K of the Bankruptcy (Scotland) Act 1985 unless that order has ceased to have effect or has been annulled;
- e. a person who has made a composition or arrangement with, or granted a trust deed for, the person's creditors unless the person has been discharged in respect of it;
- f. a person who has had an administrator, administrative receiver or a receiver appointed (which appointment is still in effect);
- g. a person who has been
 - i. removed under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 (powers of the Court of Session) from being concerned in the management or control of any body; or
 - ii. removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission for England and Wales or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which the person was responsible or to which the person was privy, or which the person by that person's conduct contributed to or facilitated;
- h. a person who is subject to a disqualification order under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); and
- i. a person who is subject to proceedings outside the United Kingdom which are equivalent to those listed at paragraphs (b) to (h) above.⁵³

Individuals

Any individual wishing to be a service provider who is not fit to act as a manager⁵⁴ or does not intend to be in full time day to day charge of the service must appoint an individual to be the manager of the service.⁵⁵

Companies

If you are a company wishing to be a service provider, in addition to other information that you will be required to provide to the HIS, you will need to provide them with the full name, date of birth and address of every person who is, or who purports to act in the capacity of a person who is a director, manager or secretary of the company and whether registration of any service provided by such a person has ever been cancelled and the reasons for that cancellation.⁵⁶

You must also appoint an individual to be the manager of the service.⁵⁷

Partnerships

If you are a partnership wishing to be a service provider, in addition to other information that you will be required to provide to the HIS, you will need to provide them with the full name, date of birth and address of

⁵³ Regulation 5 (2) of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

⁵⁴ Regulation 6 of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

⁵⁵ Regulation 14 of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

⁵⁶ Paragraph 2, Schedule 1 to the Healthcare Improvement Scotland (Applications and Registration) Regulations 2011

⁵⁷ Regulation 14 (a) of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

every person who is, or who purports to act in the capacity of a partner in the firm and whether registration of any service provided by such a person has ever been cancelled and the reasons for that cancellation.⁵⁸

You must also appoint an individual to be the manager of the service.⁵⁹

What If I carry on a regulated activity without being registered?

Any person who provides an independent health care service while it is not registered or, with intent to deceive, pretends that an independent health care service is so registered, commits an offence and is liable to a fine (up to £5,000) or imprisonment of up to three months.⁶⁰

Will I need a registered manager?

You will require a registered manager (see above) if:

- a. you are an individual who is not fit to act as a manager or does not intend to be in fulltime day to day charge of the establishment;
- b. you are a company;
- c. you are a partnership.

Are there any other helpful sources of information?

Further information regarding registration is available on the Healthcare Improvement Scotland website:

[Independent healthcare: Find out if you need to register – Healthcare Improvement Scotland](#)

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⁵⁸ Paragraph 2, Schedule 1 to the Healthcare Improvement Scotland (Applications and Registration) Regulations 2011

⁵⁹ Regulation 14 (a) of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

⁶⁰ Section 10Z9 of the National Health Service (Scotland) Act 1978

Opticians in Northern Ireland

Most opticians in Northern Ireland will not need to be at registered with the Regulation and Quality Improvement Authority (RQIA). As set out in further detail below, there are limited circumstances in which registration shall be necessary. Opticians will only need to consider if they should register with the RQIA if they intend to provide services that go beyond performing primary ophthalmic services and selling/supplying spectacles/contact lenses.

Do I need to register with the RQIA?

Individuals, companies, and partnerships running the business of an opticians will need to register with the RQIA if the service being provided constitutes an independent hospital or independent clinic.⁶¹

You will not need to register with the RQIA if you are an individual employed to work in an independent hospital or independent clinic and your employer is registered with the RQIA as being responsible for the carrying on of that activity.

Will I be running an independent hospital or independent clinic?

Independent Hospital

Subject to any exception that might apply, an independent hospital is an establishment which is not vested in the Department of Health, Social Services and Public Safety or managed by a Health and Social Care Trust:

- a. the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
- b. in which (whether or not other services are also provided) any of the listed services are provided.⁶²

Listed services include the use of prescribed techniques or prescribed technology,⁶³ including treatment using a Class 3B or Class 4 laser product, as defined in Part I of British Standard EN 60825-1.⁶⁴

Listed services do not include treatment using a Class 3B laser where such treatment is carried out by or under the supervision of a health care professional⁶⁵. However, an establishment providing such a service would be considered an independent clinic (see below).

This means that an opticians, if it offers any form of laser eye surgery on site, might, depending upon the class of laser used, be classed as an independent hospital requiring registration with the RQIA.

Independent Clinic

⁶¹ Section 12(1) and Section 8(1) of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003

⁶² Section 2(2) of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003

⁶³ Section 2 (7) (e) of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003

⁶⁴ Regulation 4 (1) (a) of the Independent Health Care Regulations (Northern Ireland) 2005

⁶⁵ Regulation 4 (2) (b) of the Independent Health Care Regulations (Northern Ireland) 2005

Subject to any exception that might apply, an "independent clinic" is an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).⁶⁶

RQIA also regulates the use of IPL (Intense Pulsed Light) devices, even though they are not lasers. Any cosmetic or medical IPL treatment offered on-site would normally require registration as an independent hospital unless an exemption applies.⁶⁷

A surgery or consulting room is prescribed as an independent clinic if a medical practitioner (who provides no NHS services in that establishment) provides medical services of any kind (subject to certain exemptions).⁶⁸

Any opticians that employs an ophthalmologist to consult with or provide treatment to patients is likely to meet the definition of an "independent clinic" requiring registration with the RQIA.

What do I need to do if my business will be an independent hospital or independent clinic?

You must make an application to the RQIA and satisfy them that you are fit to carry on your establishment (independent hospital or independent clinic).

If the medical practitioner provides **any NHS services at that same location**, the premises may fall outside the definition of an independent clinic.⁶⁹

Individuals

An individual who wishes to register as a registered provider must satisfy the following requirements:

- a. you must be of suitable integrity and good character to carry on the establishment;
- b. you must be physically and mentally fit to carry on the establishment; and
- c. full and satisfactory information or documentation must be available in relation to you in respect of each of the matters specified in Schedule 2 of the Independent Health Care Regulations (Northern Ireland) 2005.⁷⁰

You will not be regarded as fit to carry on an establishment if:

- a. you have been made bankrupt or sequestration of your estate has been awarded and (in either case) you have not been discharged and the bankruptcy order has not been annulled or rescinded;
- b. you are the subject of a bankruptcy restrictions order;
- c. a moratorium period under a debt relief order applies to you or you are the subject of a debt relief restrictions order; or
- d. you have made a composition or arrangement with your creditors and have not been discharged in respect of it.⁷¹

⁶⁶ Section 2(2) of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003

⁶⁷ RQIA – Regulation of Laser and IPL Services (NI guidance).

⁶⁸ Regulation 5(1) of the Independent Health Care Regulations (Northern Ireland) 2005

⁶⁹ Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Article 2(2).

⁷⁰ Regulations 10(2) and (3) of the Independent Health Care Regulations (Northern Ireland) 2005

⁷¹ Regulation 10(4) of the Independent Health Care Regulations (Northern Ireland) 2005

You will need to appoint a registered manager if you do not intend to be in fulltime day to day charge of the establishment.⁷² The registered manager must:

- a. be of suitable integrity and good character to be responsible for the management of the establishment;
- b. have the qualifications, skills and experience necessary to manage the establishment; and
- c. be physically and mentally fit to be responsible for management of the establishmentThe registered manager will need to meet the requirements set out above.⁷³

Schedule 2 information includes **enhanced Access NI checks, employment history, references, identity verification, and professional registration checks.**⁷⁴

Full and satisfactory information must be available in relation to the registered manager in respect of each of the matters specified.⁷⁵

You will also need to appoint a registered manager if you are not fit to manage the establishment.⁷⁶ You will only be fit to manage the establishment if you satisfy the above requirements.

Companies

If you are a company that wishes to be registered as a registered provider:

- a. the company must nominate a director, manager, secretary or other officer of the company who is responsible for supervising the management of the establishment to act as the "responsible individual". The responsible individual must:
 - i. be of suitable integrity and good character to be responsible for the supervision of the establishment; and
 - ii. be physically and mentally fit to be responsible for the supervision of the establishment;
- b. full and satisfactory information must be available in relation to the responsible individual in respect of each of the matters specified in Schedule 2 of the Independent Health Care Regulations (Northern Ireland) 2005.⁷⁷

In addition, you will need to appoint a registered manager.⁷⁸

The registered manager must:

- d. be of suitable integrity and good character to be responsible for the management of the establishment;
- e. have the qualifications, skills and experience necessary to manage the establishment; and

⁷² Regulation 11(1) of the Independent Health Care Regulations (Northern Ireland) 2005

⁷³ Regulation 12 of the Independent Health Care Regulations (Northern Ireland) 2005

⁷⁴ Schedule 2 of the Independent Health Care Regulations (Northern Ireland) 2005

⁷⁵ Regulation 12 of the Independent Health Care Regulations (Northern Ireland) 2005

⁷⁶ Regulation 11(1) of the Independent Health Care Regulations (Northern Ireland) 2005

⁷⁷ Regulations 10 (2) (c) and (3) of the Independent Health Care Regulations (Northern Ireland) 2005

⁷⁸ Regulation 11 (1) of the Independent Health Care Regulations (Northern Ireland) 2005

- f. be physically and mentally fit to be responsible for management of the establishment.⁷⁹

Full and satisfactory information must be available in relation to the registered manager in respect of each of the matters specified in Schedule 2 of the Independent Health Care Regulations (Northern Ireland) 2005.⁸⁰

Partnerships

If you are a partnership that wishes to be registered as a registered provider:

- a. each of the partners must:
 - i. be of suitable integrity and good character to carry on the establishment; and
 - ii. be physically and mentally fit to carry on the establishment;
- c. full and satisfactory information needs to be available in relation to the responsible individual in respect of each of the matters specified in Schedule 2 of the Independent Health Care Regulations (Northern Ireland) 2005.⁸¹

In addition, you will need to appoint a registered manager.⁸²

The registered manager must:

- a. be of suitable integrity and good character to be responsible for the management of the establishment;
- b. have the qualifications, skills and experience necessary to manage the establishment; and
- c. be physically and mentally fit to be responsible for management of the establishment.⁸³

Full and satisfactory information must be available in relation to the registered manager in respect of each of the matters specified in Schedule 2 of the Independent Health Care Regulations (Northern Ireland) 2005.⁸⁴

What If I carry on a regulated activity without being registered?

Any person who carries on or manages an independent hospital or clinic without being registered in respect of it shall be guilty of an offence⁸⁵.

RQIA may take enforcement action, including improvement notices, urgent cancellation of registration, or prosecution.⁸⁶

Will I need a registered manager?

⁷⁹ Regulation 12 of the Independent Health Care Regulations (Northern Ireland) 2005

⁸⁰ Regulation 12 of the Independent Health Care Regulations (Northern Ireland) 2005

⁸¹ Regulation 10 (2) (b) and (3) of the Independent Health Care Regulations (Northern Ireland) 2005

⁸² Regulation 11 (1) of the Independent Health Care Regulations (Northern Ireland) 2005

⁸³ Regulation 12 of the Independent Health Care Regulations (Northern Ireland) 2005

⁸⁴ Regulation 12 of the Independent Health Care Regulations (Northern Ireland) 2005

⁸⁵ Section 12(1) of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003

⁸⁶ Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Articles 23–26.

You will require a registered manager (see above) if:

- (a) you are an individual who does not intend to be in fulltime day to day charge of the establishment;
- (b) you are a company; or
- (c) you are a partnership.

Are there any other helpful sources of information?

Further information regarding registration with the RQIA is available on their website:

[Registration Guidance | Regulation and Quality Improvement Authority](#)

RQIA charges **application fees and annual fees**, which vary by service type.⁸⁷

RQIA will inspect the premises and expect evidence of:

- governance arrangements
- safeguarding policies
- infection control procedures
- complaints processes
- risk assessments
- laser/IPL safety documentation (LPA appointment, local rules, EMP)⁸⁸

Disclaimer

This guide is not intended to be and should not be relied upon as a comprehensive statement of the law. If you are in any doubt regarding whether or not you need to register with the RQIA/whether you satisfy the requirements for registration, we would recommend that you obtain legal advice.

⁸⁷ RQIA Fees and Charges Guidance

⁸⁸ Independent Health Care Regulations (Northern Ireland) 2005, Regulations 14–26, RQIA Minimum Standards for Independent Healthcare Establishments (governance, safeguarding, infection control, complaints, risk management) British Standard BS EN 60825-1