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SCHEDULES

SCHEDULE 2

DISCIPLINARY PROVISIONS OF OPTICIANS ACT 1958

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

- 3 The Opticians Act 1958 shall also have effect subject to the amendments specified in the following paragraphs of this Schedule.
- 4 In subsection (1) of section 9 (preliminary investigations), for the words from " his " to " eleven " there shall be substituted the words " made against him or it a disciplinary order or an order under section thirteen ".
- 5 (1) in subsection (1) of section 12 of that Act (restoration to register), for the words from " the name " to " direction " there shall be substituted the words " an erasure order has been made against an individual or body corporate ".
- (2) In subsection (2)(b) of that section, after the word " of " there shall be inserted the words " the Committee's decision on ".
- 6 The following section shall be inserted after section 13—

“13A Service of notifications.

- (1) A notification under section 11 or 13 above which is required to be served on a person may be served by being delivered personally, or being sent by post in a registered letter or by the recorded delivery service.
- (2) For the purposes of this section, and of section 7 of the Interpretation Act 1978 (which defines " service by post") in its application to this section, a letter to a person other than a body corporate containing such a notification shall be deemed to be properly addressed if it is addressed to him at his address in the register or at his last known address if that address differs from his address in the register and it appears to the registrar that the notification is more likely to reach him at his last known address.
- (3) A notification which is required to be served on a body corporate shall be duly served if it is served on the secretary or clerk of that body.
- (4) For the purposes of this section, and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a person, in the case of a body corporate or the secretary or clerk of a body corporate, shall be its address in the list or the address of its registered or principal office if that address differs from its address in the list and it appears to the registrar that the notification is more likely to reach the body corporate or its secretary or clerk there.”.

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- 7 (1) In subsection (1) of section 14 (appeals), for the words from " that", in the first place where it occurs, to " premises " there shall be substituted the words " in relation to an individual or body corporate under section 11 or 13 of this Act ".
- (2) In subsection (3) of that section, for the words from the beginning to "the", in the first place where it occurs, there shall be substituted the words " Where no appeal is brought against—
- (a) a disciplinary order ; or
 - (b) a direction under subsection (9) of section eleven of this Act; or
 - (c) a direction under section thirteen of this Act,
- or where such an appeal is brought but withdrawn or struck out for want of prosecution, the order or " .
- (3) In subsection (4) of that section, for the words " direction under either of those sections, the direction " there shall be substituted the words " any such order or direction, it " .
- 8 In subsection (2) of section 15 (procedure)—
- (a) in paragraph (a), for the words " his or its name erased from the register or list" there shall be substituted the words " a disciplinary order or a direction under section thirteen of this Act made against him or it " ;
 - (b) in paragraph (e), for the words " infamous conduct in a professional respect" there shall be substituted the words " serious professional misconduct ";
 - (c) in paragraph (f), for the words " his " to " (4) " there shall be substituted the words " a disciplinary order made against him or it under subsection (4) or (5) " ; and
 - (d) in the proviso, for " (6)" there shall be substituted " (9) " .
- 9 In subsection (3) of section 23 (death or bankruptcy of registered optician), for the words " any direction that the name of a body corporate shall be erased from the list" there shall be substituted the words " a disciplinary order " .
- 10 In section 24 (offences by bodies corporate), for the words from " director " to " capacity " there shall be substituted the words " responsible officer of the body corporate " .
- 11 In subsection (1) of section 27 (expenses and accounts of General Optical Council), after the word " money " there shall be inserted the words " , other than a sum paid under a penalty order or recovered under section 10C(6) above, " .
- 12 In subsection (1) of section 29 (powers of Privy Council), for the words " directions to erase names from the register or list" there shall be substituted the words " disciplinary orders or directions under section 13 above " .
- 13 In subsection (1) of section 30—
- (a) the following definition shall be inserted after the definition of " disciplinary case " —
 - “" disciplinary order " has the meaning assigned to it by section 10A of this Act;”;
 - (b) the following definition shall be inserted after the definition of " enrolled " —
 - “" erasure order " has the meaning assigned to it by section 10A of this Act;”;

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- (c) the following definition shall be inserted after the definition of " optical appliance " —
 - “" penalty order " has the meaning assigned to it by section 10A of this Act;”;
 - and
- (d) the following definitions shall be inserted after the definition of " registered dispensing optician " —
 - “" responsible officer " has the meaning assigned to it by subsection (13) of section 11 of this Act;
 - " suspension order " has the meaning assigned to it by section 10A of this Act.”.