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## SCHEDULES

### SCHEDULE 1

#### CONSTITUTION ETC. OF COUNCIL

##### *Powers of Council*

- 11 (1) Subject to the following provisions of this Schedule, the Council shall have power to do anything which in their opinion is calculated to facilitate the proper discharge of their functions.
- (2) The Council shall, in particular, have power—
- (a) to appoint, in addition to a registrar, such officers and servants as the Council may determine;
  - (b) to pay to the members of the Council or of the Council's committees such fees for attendance at meetings of the Council or committees and such travelling and subsistence allowances while attending such meetings or while on any other business of the Council as the Council may <sup>F1</sup>... determine;
  - (c) to pay to their officers and servants such remuneration as the Council may determine;
  - (d) as regards any officers or servants in whose case they may determine to do so, to pay to or in respect of them such pensions and gratuities, or provide and maintain for them such superannuation schemes (whether contributory or not), as the Council may determine.
- (3) The powers of <sup>F2</sup>... any of the Council's committees may be exercised notwithstanding any vacancy and no proceedings of <sup>F2</sup>...a committee shall be invalidated by any defect in the nomination or election of a member.
- [<sup>F3</sup>(4) Standing orders of the Council may make provision with regard to the provisional suspension of a member of the Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(4).]

#### Textual Amendments

- F1** Words in Sch. 1 para. 11(2)(b) omitted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 26(9)** (with Sch. 2)
- F2** Words in Sch. 1 para. 11(3) omitted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(3)(a)**; S.I. 2008/3150, art. 2(3)(a)(i)
- F3** Sch. 1 para. 11(4) inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(3)(b)**; S.I. 2008/3150, art. 2(3)(a)(i)

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- [<sup>F4</sup>11A(1) In exercising their functions, the Council shall—
- (a) have proper regard for—
    - (i) the interests of persons using or needing the services of registered optometrists, registered dispensing opticians or business registrants in the United Kingdom, and
    - (ii) any differing interests of different categories of registrants;
  - (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
    - (i) the employment (whether or not under a contract of service) of registered optometrists or registered dispensing opticians,
    - (ii) the education or training of individual registrants or other health care professionals,
    - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
    - (iv) the regulation of health services, and
    - (v) the provision, supervision or management of health services.
- (2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the Council shall have regard to any differing considerations relating to practising as a registered optometrist or a registered dispensing optician, or carrying on a business as a business registrant, which apply in England, Scotland, Wales or Northern Ireland.
- (3) In sub-paragraph (1), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, other than the Council.]

#### Textual Amendments

- F4** Sch. 1 para. 11A inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(4)**; S.I. 2008/3150, art. 2(3)(a)(i)

- 12 [<sup>F5</sup>Subject to any provision made by or under this Act,] The Council may make standing orders for regulating the proceedings <sup>F6</sup>... of the Council and the proceedings of any of its committees except [<sup>F7</sup>the Investigation Committee, the Registration Appeals Committee and the Fitness to Practise Committee] .

#### Textual Amendments

- F5** Words in Sch. 1 para. 12 inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(5)(a)**; S.I. 2008/3150, art. 2(3)(a)(i)
- F6** Words in Sch. 1 para. 12 omitted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(5)(b)**; S.I. 2008/3150, art. 2(3)(a)(i)
- F7** Words in Sch. 1 para. 12 substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 26(10)** (with Sch. 2)

- [<sup>F8</sup>12A. Rules under section 2(2), 3(2), 4(3), 5(2), 5A(3), 5B(2) and 5C(3) above may make provision as to quorum.]

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**Textual Amendments**

**F8** Sch. 1 para. 12A inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 26(11)** (with Sch. 2)

[<sup>F9</sup>12B. Rules under sections 2 to 5D may make provision for a body (including a committee of the Council which is not one of the committees to which any of those sections relate) to assist the Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the committees or the panel to which those sections relate, including any function relating to tenure of office or suspension or removal from office.]

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**Textual Amendments**

**F9** Sch. 1 para. 12B inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(6)**; S.I. 2008/3150, **art. 2(3)(a)(i)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13D(2)(h)(i) inserted by [S.I. 2008/1774 Sch. 2 para. 2](#) (This amendment not applied to legislation.gov.uk. It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 13AA inserted by [2008 c. 14 Sch. 7 para. 30](#)
- s. 23I inserted by [2008 c. 14 Sch. 7 para. 46](#)
- s. 23AA inserted by [2008 c. 14 Sch. 7 para. 39](#)
- s. 23CA inserted by [2008 c. 14 Sch. 7 para. 42](#)