
STATUTORY INSTRUMENTS

1998 No. 1338

OPTICIANS

**The General Optical Council (Disciplinary Committee
(Constitution) Rules) Order of Council 1998**

<i>Made</i>	- - - -	<i>27th May 1998</i>
<i>Laid before Parliament</i>		<i>28th May 1998</i>
<i>Coming into force</i>	- -	<i>10th June 1998</i>

At the Council Chamber, Whitehall, the 27th day of May 1998
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of section 5(2) of the Opticians Act 1989⁽¹⁾ the General Optical Council have made the Disciplinary Committee (Constitution) Rules 1998 as set out in the Schedule to this Order:

And whereas by section 34 of the said Act such rules shall not come into force until approved by order of the Privy Council:

Now, therefore, Their Lordships, having taken the said rules into consideration, are hereby pleased to approve the same.

The General Optical Council (Disciplinary Committee Rules) Order of Council 1960⁽²⁾, the General Optical Council (Disciplinary Committee Rules) (Amendment) Order of Council 1971⁽³⁾ and the General Optical Council (Disciplinary Committee Rules) Order of Council 1984⁽⁴⁾ are hereby revoked.

This Order may be cited as the General Optical Council (Disciplinary Committee (Constitution) Rules) Order of Council 1998, and shall come into force on 10th June 1998.

N. H. Nicholls
Clerk of the Privy Council

(1) 1989 c. 44.
(2) S.I. 1960/1934.
(3) S.I. 1971/1526.
(4) S.I. 1984/1250.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

GENERAL OPTICAL COUNCIL

The Disciplinary Committee (Constitution) Rules 1998

The General Optical Council, in exercise of their powers under section 5(2) of the Opticians Act 1989⁽⁵⁾, hereby make the following Rules:

1. These Rules may be cited as the Disciplinary Committee (Constitution) Rules 1998.
2. In these Rules “the Act” means the Opticians Act 1989 and “the Schedule” means Schedule 1 to the Act; “the Committee” means the Disciplinary Committee whose existence is continued under section 5 of the Act. A registered optician shall be deemed to be resident at the address entered in the appropriate register kept by the Council under the Act as his permanent address.
3. The Committee shall consist of fifteen members of the Council appointed by the Council in accordance with the requirements of these Rules.
4. The Chairman of the Committee shall be appointed from among the members of the Council nominated under sub-paragraph (a) of paragraph 1 of the Schedule.
5. Two members of the Committee additional to the Chairman shall be appointed from among the members of the Council nominated under sub-paragraph (a) of paragraph 1 of the Schedule.
6. Two members of the Committee shall be appointed from among the registered medical practitioners referred to in sub-paragraph (e) of paragraph 1 of the Schedule.
7. Four members of the Committee shall be appointed from among the members of the Council chosen to represent registered ophthalmic opticians under sub-paragraph (b) of paragraph 1 of the Schedule and the members nominated by the British College of Optometrists under sub-paragraph (d) of that paragraph.
8. Three members of the Committee shall be appointed from among the members of the Council chosen to represent registered dispensing opticians under sub-paragraph (c) of paragraph 1 of the Schedule and the members nominated by the Association of British Dispensing Opticians under sub-paragraph (d) of that paragraph.
9. Three further members of the Committee shall be appointed from among any members of the Council eligible for appointment under Rules 5 to 8.
10. Appointments to the Committee shall be for a period of one year expiring on the 31st December, provided that where a member ceases to be a member of the Council he shall cease to be a member of the Committee.
11. A member of the Committee may at any time, by notice in writing addressed to the Registrar of the Council, resign his office.
12. Where a casual vacancy occurs among the members of the Committee, it shall be filled by a person appointed to the Council as being a person having the same qualifications for membership of the Committee as those under which the person who formerly filled the vacancy was appointed.
13. A person appointed to fill a casual vacancy in the Committee shall hold office until the date upon which the member whose vacancy he has filled would have regularly retired.
14. No person, other than the Chairman of the Council, who has acted in relation to any disciplinary case as a member of the Investigating Committee whose existence is continued under section 4 of the Act shall act in relation to that case as a member of the Committee. No person shall act as a member of the Committee in a disciplinary case if he considers that his judgement may be

(5) 1989 c. 44.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

impaired by his personal acquaintance with the respondent, or for some other special reason; but this shall not exclude from acting any person who had acted as a member of the Committee on the occasion of a previous disciplinary case against the respondent.

15. The quorum of the Committee shall be five and shall include a member of the Committee appointed under each of Rules 6, 7 and 8. In the event of there not being a quorum due to a member of the Committee withdrawing pursuant to Rule 14, a member of the Council may be co-opted to the Committee in order for the Committee to be quorate. A member who has not been present throughout the Committee's deliberations preceding a decision may not take part in the determination and does not count towards the quorum.

16. If the Chairman of the Committee is absent when a disciplinary case is due for hearing by the Committee, the Committee shall elect one of the members present to preside as Acting Chairman over the hearing of the case.

17. The Committee shall meet at least once in every year, on days and at times to be fixed by the Chairman of the Committee.

18. The Committee shall meet at the offices of the Council unless the Chairman of the Committee directs that a meeting shall be held elsewhere in the United Kingdom, on the ground that this would be for the convenience of the Committee or of parties and witnesses in disciplinary cases to be heard at the meeting, or would be desirable in the special circumstances of such cases.

19. Before the date fixed for a meeting of the Committee, the Registrar of the Council shall inform every member of the Committee of the date, time and place of the meeting, and shall send to every such member a programme of business for that meeting which shall include particulars of the allegation against registered opticians or enrolled bodies corporate in every disciplinary case to be considered at the meeting.

20. The Disciplinary Committee Rules 1960(6), the Disciplinary Committee (Amendment) Rules 1971(7) and the Disciplinary Committee (Amendment) Rules 1984(8) are hereby revoked.

Sealed on the 5th day of March 1998.

Attested by:

David J. Burt
Member of Council

George D. Miller
Member of Council

(6) Scheduled to the General Optical Council (Disciplinary Committee Rules) Order of Council 1960 (S.I. [1960/1934](#)).

(7) Scheduled to the General Optical Council (Disciplinary Committee Rules) (Amendment) Order of Council 1971 (S.I. [1971/1526](#)).

(8) Scheduled to the General Optical Council (Disciplinary Committee Rules) (Amendment) Order of Council 1984 (S.I. [1984/1250](#)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Richard D. Wilshin
Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules made by the General Optical Council which replace those approved by the General Optical Council (Disciplinary Committee Rules) Order of Council 1960 (S.I. [1960/1934](#)) (as amended). The main difference between these Rules and those replaced is to increase the membership of the Disciplinary Committee to 15 from 12 and to reduce the quorum to 3. The Order also revokes the 1960 Order and 2 subsequent amending Orders, all of which become spent on the revocation of Rules which are Scheduled to them.