
STATUTORY INSTRUMENTS

2005 No. 1473

**HEALTH CARE AND
ASSOCIATED PROFESSIONS
OPTICIANS**

**The General Optical Council (Continuing Education
and Training Rules) Order of Council 2005**

<i>Made</i>	- - - -	<i>27th May 2005</i>
<i>Laid before Parliament</i>		<i>8th June 2005</i>
<i>Coming into force</i>	- -	<i>1st July 2005</i>

At the Council Chamber, Whitehall, the 27th day of May 2005
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas, in exercise of their powers under sections 11A, 11B(6) and 31A of the Opticians Act 1989⁽¹⁾ and of all other powers enabling them in that behalf, the General Optical Council have made the General Optical Council (Continuing Education and Training) Rules 2005 as set out in the Schedule to this Order:

And whereas by section 34(1) of that Act, such Rules shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken these Rules into consideration, are pleased to, and do hereby approve them.

This Order may be cited as the General Optical Council (Continuing Education and Training Rules) Order of Council 2005, and shall come into force on 1st July 2005.

A. K. Galloway
Clerk of the Privy Council

(1) 1989 c. 44. Sections 11A, 11B and 31A were inserted by S.I.2005/848.

Status: This is the original version (as it was originally made).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

SCHEDULE

The General Optical Council (Continuing Education and Training) Rules 2005

The General Optical Council, in exercise of their powers under sections 11A, 11B(6) and 31A of the Opticians Act 1989⁽²⁾ and of all other powers enabling them in that behalf, hereby make the following Rules:

PART 1

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These Rules may be cited as the General Optical Council (Continuing Education and Training) Rules 2005 and shall come into force on 1st July 2005.

Interpretation

2.—(1) In these Rules—

“administrator” means—

- (a) any person who is for the time being appointed under rule 3(a) or
- (b) in a case falling within rule 3(b), the Council;

“approved event” means a continuing education and training event which is approved under rule 10;

“CET point” means a general CET point or a specialist CET point;

“the Council” means the General Optical Council;

“continuing education and training event” means a learning event, lecture, seminar, curriculum or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of optometrists or dispensing opticians;

“general CET point” means a CET point specified as such under rule 10(2);

“initial relevant period” means the period commencing on 1st July 2005 and ending on 31st December 2006;

“listed provider” means a person whose application under rule 5 for his name to be added to the list of event providers is granted under rule 9;

“month” means a calendar month;

“reference number”, in relation to an approved event, means a number allocated to that event under rule 10(1)(b);

“registrant” means a registered optometrist or registered dispensing optician;

“registrar” means the registrar of the Council referred to in section 1(3) (constitution and functions of the Council);

“Registration Rules” means the General Optical Council (Registration) Rules 2005⁽³⁾;

“relevant period” means each period of one year, commencing with 1st January 2007;

(2) 1989 c. 44. Sections 11A, 11B and 31A were inserted by S.I. 2005/848.

(3) The Rules are scheduled to S.I. 2005/ 1478

“shortfall of points”, in relation to the initial relevant period or any subsequent relevant period, means any CET points which a registrant was required to obtain in that period but has failed to obtain;

“specialty” means a specialty or level of proficiency particulars of which may, by virtue of rule 10 of the Registration Rules, be entered in a register against a registrant’s name;

“specialist CET point” means a CET point specified as such under rule 10(3); and

“year” means a calendar year.

(2) In these Rules, references to the type of CET point specified or obtained in relation to an approved event are references to whether the CET points specified or obtained for that event are general CET points or specialist CET points.

(3) In these Rules any reference to a numbered section is a reference to the section of the Opticians Act 1989 which bears that number.

PART 2

CONTINUING EDUCATION AND TRAINING SCHEME

The scheme and the scheme administrators

3. The scheme for continuing education and training referred to in section 11A (requirement for continuing education and training)(4) shall be administered by—

- (a) one or more persons who are appointed by the Council to carry out some or all of the functions of administering the scheme; or
- (b) to the extent that no appointment is in force in respect of any one or more such functions, the Council.

Appointment of persons as administrators

4.—(1) Any appointment of a person under rule 3(a) shall be made on such terms (including terms as to the duration and termination of his appointment) as the Council consider appropriate.

(2) In addition to terminating the appointment of such a person in the circumstances specified in his terms of appointment, the Council may by notice terminate the appointment before it would otherwise expire if they are at any time satisfied that such a person is unable or unfit to carry out his functions.

PART 3

LISTING OF PROVIDERS AND APPROVAL OF EVENTS

Application to become a listed provider

5.—(1) Any person who wishes to provide a continuing education and training event to optometrists or dispensing opticians shall apply to the administrator for his name to be entered on the list of event providers for a period of twelve months.

(2) An application shall be made in such form (including electronic) as is specified by the Council.

(4) Section 11A was inserted by S.I. [2005/848](#).

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Fee payable for application to be a listed provider

6. A fee of £35 shall be payable in respect of each application to become a listed provider.

Application by a listed provider for approval of an event

7.—(1) Any listed provider who wishes to provide a continuing education and training event in the United Kingdom or elsewhere shall apply to the administrator for the event to be approved.

(2) An application shall be made in such form (including electronic) as is specified by the Council.

Application by a person undertaking an event outside the United Kingdom for approval of the event

8.—(1) Any person who wishes to undertake a continuing education and training event provided outside the United Kingdom by a person other than a listed provider shall apply to the administrator for the event to be approved.

(2) An application shall be made in such form (including electronic) as is specified by the Council.

Grant or refusal of application to become a listed provider

9.—(1) Where an application under rule 5 has been submitted to the administrator, together with the appropriate fee specified in rule 6, the administrator shall grant or refuse the application and, if he grants it, he shall enter the applicant's name to the list of event providers.

(2) The administrator shall notify the applicant of his decision in respect of the application.

(3) A person's entry on the list of event providers shall expire at the end of the period of twelve months beginning with the date on which the entry is made.

Grant or refusal of application for approval of an event

10.—(1) Where an application under rule 7 or 8 for approval of an event has been submitted to the administrator, the administrator shall grant or refuse the application and, if he grants it, he shall—

(a) specify—

(i) the number of CET points that a registrant who undertakes the approved event will obtain, and

(ii) whether those points are to be general CET points under paragraph (2) or specialist CET points under paragraph (3); and

(b) allocate a reference number to the approved event.

(2) Where the administrator considers that an approved event is relevant to competencies which—

(a) are established by the Council under section 12(1)(a) (education and training)(5); and

(b) a registrant must be able to demonstrate in order to be granted a qualification as an optometrist or dispensing optician,

he shall specify that the type of points to be obtained by undertaking the event are general CET points.

(3) Where the administrator considers that an approved event is relevant to competencies which—

(a) are established in relation to a specialty by the Council under section 12(1)(a) (as applied to specialties by section 12(11)); and

(b) a registrant must be able to demonstrate in order to be permitted to practise that specialty,

(5) Section 12 was substituted by S.I. 2005/848.

he shall specify that the type of points to be obtained by undertaking the event are specialist CET points.

(4) The administrator shall notify the applicant of his decision in respect of the application and, if he grants it, he shall notify the applicant of the number and type of points specified, and the reference number allocated, under paragraph (1).

Information to be provided by listed provider

11.—(1) The person who is the listed provider of an approved event shall—

- (a) provide to the administrator the names of persons who have undertaken the event and, if they have one, their registration number as optometrists or dispensing opticians;
- (b) provide to a person who has undertaken the event a statement of—
 - (i) the listed provider's name,
 - (ii) the number and type of CET points specified under rule 10(1)(a) for the event, and
 - (iii) the reference number of the approved event allocated under rule 10(1)(b).

(2) The information required under paragraph (1) shall be supplied in such form (including electronic) as is specified by the Council.

PART 4

CET POINTS

Requirement to obtain general CET points

12.—(1) A registrant shall obtain the number of general CET points determined under paragraphs (2) and (3).

(2) In respect of the initial relevant period, the required number of general CET points is the number equivalent to—

- (a) where the registrant's name is in the register on 30th June 2005, two multiplied by the number of whole months in the initial relevant period during which he is registered; and
- (b) where his name is entered in the register on or after 1st July 2005, the number of whole months in the initial relevant period during which he is registered.

(3) In respect of each subsequent relevant period, the required number of general CET points is the number equivalent to the number of whole months in the relevant period during which he is registered.

Requirement to obtain specialist CET points

13.—(1) A registrant against whose name in an appropriate register one or more entries relating to a specialty is made shall obtain in respect of each specialty the number of specialist CET points determined under paragraphs (2) and (3).

(2) In respect of the initial relevant period, the required number of specialist CET points is the number equivalent to—

- (a) where the entry relating to the specialty is in the register on 30th June 2005, the number of whole months in the initial relevant period during which he has the entry in the appropriate register; and
- (b) where the entry is made on or after 1st July 2005, half the number of whole months during the initial relevant period during which he has the entry in the appropriate register.

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(3) In respect of each subsequent relevant period, the required number of specialist CET points is the number equivalent to half the number of whole months during the relevant period for which he has the entry relating to the specialty in the appropriate register.

(4) For the purposes of this rule, no account may be taken of half numbers.

Voluntary CET points

14. Where a registrant has undertaken one or more continuing education and training events in the period beginning on 1st January 2004 and ending on 30th June 2005, the registrar may, having taken into account the quantity and type of such events —

- (a) for the purposes of the initial relevant period and compliance with rule 12(2)(a), treat the registrant as having obtained such number of general CET points as he may determine, up to a maximum of 24; and
- (b) for the purposes of the initial relevant period and compliance with rule 13(2)(a), treat the registrant as having obtained such number of specialist CET points as he may determine, up to a maximum of 12.

Calculation of CET points

15.—(1) This rule applies to calculations made for the purposes of rule 12, 13, 23 or 24 in order to determine the total number of CET points obtained by a registrant in respect of the initial relevant period or any subsequent relevant period.

(2) No general CET points obtained by a registrant may be taken into account in calculating the number of the registrant's specialist CET points.

(3) In the case of a registrant against whose name in a register an entry relating to a specialty is made—

- (a) the specialist CET points he is required to obtain under rule 13 shall be additional to (and not in place of) the general CET points he is required to obtain under rule 12; and
- (b) no specialist CET points he obtains may be taken into account in calculating the number of his general CET points.

(4) Paragraph (3) shall be subject to rule 16 in respect of the initial relevant period.

(5) No account may be taken of any CET points which a person obtains in the course of a relevant period in order to make up any shortfall of points in respect of the immediately preceding period.

Double-counting of certain specialist points for initial relevant period

16.—(1) In this Rule “relevant points” means any specialist CET points which a registrant—

- (a) obtains in the initial relevant period; or
- (b) is treated as having obtained for the purposes of that period under rule 14(b).

(2) Relevant points may be counted as both general CET points and specialist CET points (and accordingly one specialist CET point may be counted twice) but—

- (a) the number of relevant points falling within paragraph (1)(a) shall not exceed four; and
- (b) the number of relevant points falling within paragraph (1)(b) shall not exceed twelve.

Obtaining of CET points

17. A registrant who has undertaken an approved event shall obtain the number and type of CET points specified under rule 10(1)(a) for the event.

PART 5 RECORDS

Requirement to keep records: listed providers

18.—(1) Listed providers shall keep records of the information provided by them under rule 11(1).

(2) The records shall be stored in such form (including electronic) as is specified by the Council.

(3) The records shall be retained for at least two complete relevant periods after the end of the period to which the records relate.

Requirement to keep records: the administrator

19.—(1) The administrator shall keep records in relation to each approved event of—

(a) the title of the event, its reference number and the listed provider (if any) providing the event;

(b) the number and type of CET points specified under rule 10(1)(a); and

(c) the information provided to him under rule 11(1)(a) by the listed provider.

(2) The records shall be stored in such form (including electronic) as is specified by the Council.

(3) The records shall be retained for at least two complete relevant periods after the end of the period to which the records relate.

(4) Where the appointment of the administrator comes to an end, that person shall, within 28 days of being notified by the Council of the termination of appointment, pass the information stored in the records to the Council.

Requirement to keep records: registrants

20.—(1) The registrant shall keep records of each approved event that he has undertaken.

(2) In relation to each approved event provided by a listed provider, the records must contain—

(a) the listed provider's name;

(b) a statement of the number and type of CET points which he has obtained; and

(c) the reference number of the event.

(3) In relation to each approved event provided outside the United Kingdom by a person other than a listed provider, the records must contain—

(a) the name of the person who provided the event;

(b) a statement of the number and type of CET points which he has obtained; and

(c) the reference number of the event.

(4) The records shall be retained for at least two complete relevant periods after the end of the period to which the records relate.

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PART 6

NOTIFICATION AND DISPUTES

Notification of points obtained

21.—(1) Before the end of the initial relevant period and of each subsequent relevant period, a registrant who is subject to the requirements of these Rules shall provide the administrator with the information required to be recorded in relation to that period under rule 20.

(2) The information shall be provided in such form (including electronic) as is specified by the Council.

Disputes as to points obtained

22.—(1) This rule applies where the information provided by a registrant under rule 21 in relation to the immediately preceding relevant period is not in accordance with the information recorded by the administrator under rule 19 in relation to that period.

(2) Not later than 14th January in the year following the period to which the discrepancy relates, the administrator shall send a request to the registrant asking him to produce to the registrar for each approved event in relation to which there is a discrepancy—

- (a) if the event was provided by a listed provider, a copy of the statement provided to the registrant under rule 11(1)(b);
- (b) if the event was provided outside the United Kingdom by a person other than a listed provider, a copy of the records kept by him under rule 20(3), together with evidence to show he attended the event.

(3) Where the registrant has received a request for information under paragraph (2), he shall produce to the registrar within 28 days copies of the documents requested.

(4) Where the administrator sends a request for information under paragraph (2) to the registrant, he shall also send to the registrar—

- (a) a copy of the request for information; and
- (b) a copy of the relevant extract from his records kept in accordance with rule 19.

(5) The number and type of CET points the registrant has obtained shall be determined by the registrar within the period of 14 days beginning with the due date for receipt of information under paragraph (3).

(6) In making a determination under paragraph (5) the registrar shall take into account the information provided by the registrant under paragraph (3) and that provided by the administrator under paragraph (4).

(7) The registrar shall immediately notify the registrant and the administrator of his determination.

(8) Where the registrar's determination is adverse to the registrant and as a result there is a shortfall of points in respect of the initial relevant period or any subsequent relevant period, the notice under paragraph (7) shall—

- (a) additionally inform the registrant of the shortfall; and
- (b) state that, unless he obtains CET points equivalent to the shortfall by 15th March in the year following the period in which the shortfall occurred, the registrar may remove from or refuse to retain in the register—
 - (i) the name of the registrant, or

- (ii) in any case where the shortfall relates to a specialty, particulars of which are entered in a register against his name, the entry relating to the specialty.

PART 7

FAILURE TO OBTAIN CET POINTS

Notice of shortfall

23.—(1) This rule applies where a registrant has a shortfall of points in respect of the initial relevant period or any subsequent relevant period.

(2) Not later than 14th January in the year following the period in which the shortfall occurred, the administrator shall inform the registrar of:

- (a) the name of the registrant;
- (b) the number and type of CET points obtained by the registrant in the period in which the shortfall occurred; and
- (c) the shortfall.

(3) Not later than the 21st January in the year following the period in which the shortfall occurred, the registrar shall serve a notice on the registrant:

- (a) informing him of the information provided by the administrator under paragraph (2); and
- (b) stating that, unless he obtains CET points equivalent to the shortfall by 15th March of that year, the registrar may remove from or refuse to retain in the register—
 - (i) the name of the registrant, or
 - (ii) in any case where the shortfall relates to a specialty, particulars of which are entered in a register against his name, the entry relating to the specialty.

Removal of registration or an entry relating to a specialty

24. Where rule 22(8) or 23 applies and the registrant has failed to obtain CET points equivalent to the shortfall of points by 15th March in any year, the registrar may on or after 1st April of that year remove from or refuse to retain in the register—

- (a) the name of the registrant; or
- (b) in any case where the shortfall relates to a specialty, particulars of which are entered in a register against his name, the entry relating to the specialty.

PART 8

RESTORATION OF REGISTRATION OR ENTRY RELATING TO A SPECIALTY

Restoration of registration

25.—(1) This rule applies where the registrar has received an application for a person's name to be restored to the register under—

- (a) rule 3(1)(b) of the Registration Rules (restoration following removal by the registrar); or

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- (b) section 13K(1) (restoration following erasure of a name on a direction of the Fitness to Practise Committee)(6).
- (2) Rule 12 shall apply to the applicant as if his name had been in the register throughout—
 - (a) the period commencing with the 1st July 2005 and ending on the date upon which the application was received; or
 - (b) the 12 month period preceding the date upon which the application was received,whichever is the shorter.

Restoration of an entry relating to a specialty

26.—(1) This rule applies where the registrar has received an application for a person’s entry relating to a specialty to be restored to the register under—

- (a) rule 4(1)(b) of the Registration Rules (restoration following removal by the registrar); or
- (b) section 13K(1) (restoration following removal of an entry on a direction of the Fitness to Practise Committee).

(2) Rule 13 shall apply to the applicant as if particulars of the specialty had been entered against his name in the register throughout—

- (a) the period commencing with 1st July 2005 and ending on the date upon which the application was received; or
 - (b) the 12 month period preceding the date upon which the application was received,
- whichever is the shorter.

Given under the official seal of the General Optical Council on the 9th day of May 2005.
Attested by:

Moir Black
Member of Council.

(6) Section 13K was inserted by S.I. 2005/848.

L.S.

Rosie Varley
Peter Coe
Member of Council.Registrar.

EXPLANATORY NOTE

(This note is not part of the Order)

The Rules approved by this Order require optometrists and dispensing opticians registered by the General Optical Council (“the GOC”) under the Opticians Act 1989 to undertake continuing education and training (“the CET scheme”).

Part 1 provides for the Rules to come into force on 1st July 2005 and sets out the definitions of terms used in the Rules.

Part 2 provides for the arrangements for administering the CET scheme. The Council may appoint an administrator to carry out functions of operating the CET scheme which are conferred by the Rules. Any functions for which no appointment is in force are to be exercisable by the Council.

Part 3 establishes the infrastructure for the approval of listed providers and continuing education and training events. Rules 5 to 7, 9 and 10 govern the approval of applications to become a listed provider (and the fees payable) and the approval of events provided by them, whether in the United Kingdom or elsewhere. Rules 8 and 10 deal with the approval of events provided outside the United Kingdom by persons who are not listed providers. Rule 10 also provides for the specification of a reference number for each approved event and the type of CET points obtainable by persons undertaking them. Rule 11 sets out the information to be provided by listed providers to the administrator or to persons undertaking the event.

Part 4 makes provision for obtaining CET points. Rule 12 deals with general CET points and sets out how the number of points each person needs is to be determined. Rule 13 contains the equivalent provision for specialist CET points. Rule 14 provides for CET points to be given for events attended before the Rules come into force. Rule 15 sets out certain requirements as to the calculation of the CET points and rule 16 provides for a limited relaxation of those requirements in relation to the initial relevant period.

Part 5 makes provision with regard to the records that are to be kept by listed providers, the administrator and registrants.

Part 6 establishes the procedure to be followed where there is a dispute as to the CET points obtained.

Part 7 applies where a registrant fails to obtain the requisite number of CET points for any period. The registrar may send a notice to the registrant warning that his registration may be removed. The registrar may remove his name from the appropriate register if the shortfall is not made up by 15th March following the end of the period in question.

Part 8 governs the restoration of a person’s registration or any entry of his relating to a specialty. Persons seeking restoration are required to obtain CET points over the period specified in rule 25 or 26, as if they had been in the register for that period.