
STATUTORY INSTRUMENTS

2005 No. 848

The Opticians Act 1989 (Amendment) Order 2005

PART 2

The Council, its Committees and Registration

The Council's Committees

- 4.—(1) In section 2 (the Education Committee)—
- (a) in subsection (1), for the words “to whom the Council shall refer for advice on all matters relating to optical training and examinations” substitute “for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to optical training, education and assessment”; and
 - (b) in subsection (2), omit the words from “, but the rules shall secure” to the end of the subsection.
- (2) For sections 3 to 5 (the Companies Committee, the Investigating Committee and the Disciplinary Committee) substitute—

“The Companies Committee

3.—(1) There shall continue to be a committee of the Council known as the Companies Committee for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to business registrants, other than matters required by this Act to be considered by the Investigation Committee, the Registration Appeals Committee or the Fitness to Practise Committee.

(2) The Companies Committee shall continue to be constituted as provided by rules made under this subsection by the Council.

(3) Before making rules under subsection (2) above, the Council shall consult organisations appearing to the Council to represent the interests of substantial numbers of business registrants.

The Investigation Committee

4.—(1) There shall be a committee of the Council known as the Investigation Committee for the purpose of investigating any allegation that—

- (a) a registered optometrist's or a registered dispensing optician's fitness to practise is impaired;
- (b) a business registrant's fitness to carry on business as an optometrist or a dispensing optician or both is impaired; or
- (c) a student registrant's fitness to undertake training as an optometrist or a dispensing optician is impaired.

(2) The Investigation Committee may refer any allegation before it to the Fitness to Practise Committee for consideration.

(3) The Investigation Committee shall be constituted as provided by rules made under this subsection by the Council.

The Registration Committee

5.—(1) There shall be a committee of the Council known as the Registration Committee, for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to registration, other than matters required by this Act to be considered by the Registration Appeals Committee.

(2) The Registration Committee shall be constituted as provided by rules made under this subsection by the Council.

The Registration Appeals Committee

5A.—(1) There shall be a committee of the Council known as the Registration Appeals Committee, for the purpose of hearing and determining appeals against any decision of the registrar refusing to enter the name of an individual or body corporate in, or to restore it to, the appropriate register.

(2) All the members of the Registration Appeals Committee shall be members of the Hearings Panel.

(3) Subject to subsection (2) above, the Registration Appeals Committee shall be constituted as provided by rules made under this subsection by the Council.

(4) The members of the Registration Appeals Committee who are to hear any particular case shall be determined in accordance with rules made by the Council under subsection (3) above.

The Standards Committee

5B.—(1) There shall be a committee of the Council known as the Standards Committee for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to the standards of conduct and performance expected of registrants or those seeking admission to a register.

(2) The Standards Committee shall be constituted as provided by rules made under this subsection by the Council.

The Fitness to Practise Committee

5C.—(1) There shall be a Committee of the Council known as the Fitness to Practise Committee for the purpose of inquiring into and determining allegations relating to—

- (a) the fitness of registered optometrists and registered dispensing opticians to practise;
- (b) the fitness of business registrants to carry on business as an optometrist or a dispensing optician or both; and
- (c) the fitness of student registrants to undertake training as an optometrist or a dispensing optician.

(2) All the members of the Fitness to Practise Committee shall be members of the Hearings Panel.

(3) Subject to subsection (2) above, the Fitness to Practise Committee shall be constituted as provided by rules made under this subsection by the Council.

- (4) The members of the Fitness to Practise Committee who are to hear any particular case shall be determined in accordance with rules made by the Council under subsection (3) above.”.
- (3) The Disciplinary Committee and the Investigating Committee are abolished.