
STATUTORY INSTRUMENTS

2009 No. 442

The General Optical Council (Constitution) Order 2009

PART 3

Chair of the Council

Appointment, term of office and cessation of office of the chair

8.—(1) The Privy Council shall, as one of its functions relating to the appointment of members of the Council, appoint a lay member of the Council to be the chair of the Council.

(2) The Privy Council may appoint a person to be chair of the Council—

- (a) when it appoints that person to be a member of the Council; or
- (b) whom it has already appointed as a member of the Council.

(3) The term of office of a member of the Council as chair is to be determined by the Privy Council on appointment of the member as chair, but it shall be for a period that is no longer than the period between the chair's date of appointment as chair and the date on which the chair's term of office as a member is due to expire (irrespective of whether or not they are thereafter reappointed as a member).

(4) A member serving as chair shall cease to be chair—

- (a) on ceasing to be a member;
- (b) if the member resigns as chair, which the member may do at any time by a notice in writing to the Council;
- (c) if the member's membership of the Council is suspended by the Privy Council; or
- (d) if a majority of the Council, excluding the chair (but not simply a majority at a quorate meeting), votes to terminate the member's appointment as chair.

Transitional arrangements in respect of the first chair of the new Council as constituted on 1st April 2009

9.—(1) Notwithstanding article 8(1) to (3), the person who was chairman of the Council on 31st March 2009 shall, if reappointed to serve as a member of the Council from 1st April 2009, be appointed by the Privy Council to serve as the chair of the Council as constituted on 1st April 2009 for a term of four years.

(2) As regards any person so appointed, notwithstanding article 3(3), for the purposes of the computation of years under article 3(2), service as a member of the Council before 1st April 2009 is to be discounted, unless before 1st April 2009 that person has served on the Council for more than six months.

Deputising arrangements in respect of the chair

10.—(1) Subject to paragraph (2), if, for any reason, the chair is absent from a meeting of the Council, the members who are present at that meeting shall nominate one of their number to serve as chair at that meeting.

(2) If, for any reason—

(a) the Council is on notice that their chair is likely—

(i) to be absent for more than one meeting of the Council, or

(ii) to be unavailable to perform the duties of a chair for more than one month; or

(b) the office of chair is vacant,

the Council may nominate a member (“deputy chair”) to serve as chair during the absence or unavailability of the chair or the vacancy.

(3) A member serving as deputy chair shall cease to be deputy chair—

(a) in the case of—

(i) the absence or unavailability of the chair, on the date which the chair notifies the General Council in writing as the date on which they are able to resume their duties, or

(ii) the office of chair being vacant, once the vacancy is filled;

(b) if the member ceases to be a member;

(c) if the member resigns as deputy chair, which the member may do at any time by a notice in writing to the Council;

(d) if the member’s membership of the Council is provisionally suspended by the Council or suspended by the Privy Council; or

(e) if the Council votes (by a majority at a quorate meeting) to terminate the member’s appointment as deputy chair.