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STATUTORY INSTRUMENTS

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**2005 No. 1474**

**HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
OPTICIANS**

The General Optical Council (Committee  
Constitution 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>30th June 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 2(2), 3(2), 4(3), 5(2), 5A(3), 5B(2), 5C(3) and 5D(5) of, and paragraph 12A of Schedule 1 to, the Opticians Act 1989<sup>(1)</sup> and of all other powers enabling them in that behalf, the General Optical Council have made the General Optical Council (Committee Constitution) 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.

**Citation and commencement**

1. This Order may be cited as the General Optical Council (Committee Constitution Rules) Order of Council 2005 and shall come into force on 30th June 2005.

**Revocations**

2. The following Orders (which become spent upon the revocations provided for in rule 34 of the Rules scheduled to this Order) are hereby revoked—

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(1) 1989 c. 44. Section 2 was amended by, sections 3, 4 and 5 were substituted by, and sections 5A, 5B, 5C, 5D and paragraph 12A of Schedule 1 were inserted by S.I.2005/848.

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- (a) the General Optical Council (Investigating Committee Rules) Order of Council 1960<sup>(2)</sup>;
- (b) the General Optical Council (Companies Committee Rules) Order of Council 1994<sup>(3)</sup>; and
- (c) the General Optical Council (Education Committee Rules) Order of Council 1999<sup>(4)</sup>.

*A K Galloway*  
Clerk of the Privy Council

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<sup>(2)</sup> S.I. 1960/1935, as amended by S.I. 1971/1528 and 1984/1248.  
<sup>(3)</sup> S.I. 1994/2579.  
<sup>(4)</sup> S.I. 1999/1211.

## SCHEDULE

### THE GENERAL OPTICAL COUNCIL (COMMITTEE CONSTITUTION) RULES 2005

The General Optical Council, in exercise of their powers under sections 2(2), 3(2), 4(3), 5(2), 5A(3), 5B(2), 5C(3) and 5D(5) of, and paragraph 12A of Schedule 1 to, the Opticians Act 1989<sup>(5)</sup> and of all other powers enabling them in that behalf, after consultation with such organisations representing the interests of substantial numbers of business registrants as they consider appropriate<sup>(6)</sup>, hereby makes the following Rules:

## PART 1

### CITATION, COMMENCEMENT AND INTERPRETATION

#### Citation and commencement

1. These Rules may be cited as the General Optical Council (Committee Constitution) Rules 2005 and shall come into force on 30th June 2005.

#### Interpretation

2.—(1) In these Rules—

“appropriate person” means a natural person of good character who is a fit and proper person to act as a member of the Hearings Panel;

“Companies Committee” means the committee referred to in section 3(1) (the Companies Committee);

“the Council” means the General Optical Council;

“Education Committee” means the committee referred to in section 2(1) (the Education Committee)<sup>(7)</sup>;

“Fitness to Practise Committee” means the committee referred to in section 5C(1) (the Fitness to Practise Committee)<sup>(8)</sup>;

“Hearings Panel” means the panel of persons appointed by the Council under section 5D (the Hearings Panel)<sup>(9)</sup>;

“Investigation Committee” means the committee referred to in section 4(1) (the Investigation Committee)<sup>(10)</sup>;

“lay person” means a natural person who is neither a registrant nor an employee of a registrant;

“Registration Appeals Committee” means the committee referred to in section 5A(1) (the Registration Appeals Committee)<sup>(11)</sup>;

“Registration Committee” means the committee referred to in section 5(1) (the Registration Committee)<sup>(12)</sup>; and

(5) 1989 c. 44. Section 2 was amended by, sections 3, 4 and 5 were substituted by, and sections 5A, 5B, 5C, 5D and paragraph 12A of Schedule 1 were inserted by S.I. 2005/848.

(6) See section 3(3) of the Opticians Act 1989 (c. 44). Section 3 was substituted by S.I. 2005/848.

(7) Section 2(1) was amended by S.I. 2005/848.

(8) Section 5C was inserted by S.I. 2005/848.

(9) Section 5D was inserted by S.I. 2005/848.

(10) Section 4(1) was substituted by S.I. 2005/848.

(11) Section 5A was inserted by S.I. 2005/848.

(12) Section 5(1) was amended by S.I. 2005/848.

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“Standards Committee” means the committee referred to in section 5B(1) (the Standards Committee)(13).

(2) In these Rules—

- (a) any reference to a numbered section is a reference to the section of the Opticians Act 1989 which bears that number; and
- (b) any reference to the Schedule is a reference to Schedule 1 to that Act (constitution etc of the Council).

## PART 2

### COMMITTEES CONSTITUTION

#### The Education Committee

3.—(1) The Education Committee shall consist of fourteen members who are appointed by the Council under paragraph (2).

(2) The members of the Committee shall be selected from amongst the members of the Council and appointed so that—

- (a) three are persons nominated under paragraph 1(a) of the Schedule(14);
- (b) five are persons chosen under paragraph 1(b) of the Schedule or nominated pursuant to paragraph 4(a) or (c) of the Schedule(15);
- (c) four are persons chosen under paragraph 1(c) of the Schedule or nominated pursuant to paragraph 4(d) of the Schedule(16); and
- (d) two are registered medical practitioners referred to in paragraph 1(e) of the Schedule(17).

(3) One of the members selected under paragraph (2)(a) shall be the person nominated in accordance with paragraph 2(2) of the Schedule as being specially qualified to advise the Council on educational problems generally.

4. The quorum of the Education Committee shall be five and shall include at least one member of the Committee appointed under rule 3(2)(a), one member of the Committee appointed under rule 3(2)(b) and one member of the Committee appointed under rule 3(2)(c).

#### Companies Committee

5. The Companies Committee shall consist of eleven members who are appointed by the Council under rules 6 and 7.

6. Four members of the Companies Committee shall be selected from amongst the members of the Council and appointed so that—

- (a) one is a person nominated under paragraph 1(a) of the Schedule;
- (b) one is a person chosen under paragraph 1(b) of the Schedule;
- (c) one is a person chosen under paragraph 1(c) of the Schedule; and

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(13) Section 5B was inserted by S.I. [2005/848](#).

(14) Paragraph 1(a) was amended by S.I. [1998/3117](#).

(15) Paragraphs 1(b) and 4(a) were amended by, and paragraph 4(c) was substituted by, S.I. [1998/3117](#). Paragraph 4(c) was amended by S.I. [2005/848](#).

(16) Paragraph 1(c) was amended by, and paragraph 4(d) was substituted by, [1998/3117](#). Paragraph 4(d) was amended by S.I. [2005/848](#).

(17) Paragraph 1(e) was amended by S.I. [1998/3117](#).

(d) one is a registered medical practitioner referred to in paragraph 1(e) of the Schedule.

7. Seven members of the Companies Committee shall be selected from amongst persons who are not members of the Council and appointed only if they appear to the Council to represent the interests of business registrants.

8. The quorum of the Companies Committee shall be four and shall include at least two members of the Committee appointed under rule 6 and two members of the Committee appointed under rule 7.

### **The Investigation Committee**

9.—(1) The Investigation Committee shall consist of nine members who are appointed by the Council under paragraph (2).

(2) The members of the Committee shall be selected from amongst the members of the Council and appointed so that—

- (a) three are persons nominated under paragraph 1(a) of the Schedule, provided that the Chairman of the Council shall not be appointed a member of the Committee;
- (b) three are persons chosen under paragraph 1(b) of the Schedule or nominated pursuant to paragraph 4(a) or (c) of the Schedule;
- (c) two are persons chosen under paragraph 1(c) of the Schedule or nominated pursuant to paragraph 4(d) of the Schedule; and
- (d) one is a registered medical practitioner referred to in paragraph 1(e) of the Schedule.

10. The quorum of the Investigation Committee shall be five and shall include at least one member of the Committee appointed under rule 9(2)(a), one member of the Committee appointed under rule 9(2)(b) and one member of the Committee appointed under rule 9(2)(c).

### **The Registration Committee**

11.—(1) The Registration Committee shall consist of nine members who are appointed under paragraph (2).

(2) The members of the Committee shall be selected from amongst the members of the Council and appointed so that—

- (a) three are persons nominated under paragraph 1(a) of the Schedule;
- (b) three are persons chosen under paragraph 1(b) of the Schedule or nominated pursuant to paragraph 4(a) or (c) of the Schedule;
- (c) two are persons chosen under paragraph 1(c) of the Schedule or nominated pursuant to paragraph 4(d) of the Schedule; and
- (d) one is a registered medical practitioner referred to in paragraph 1(e) of the Schedule.

12. The quorum of the Registration Committee shall be five and shall include at least one member of the Committee appointed under rule 11(2)(a), one member of the Committee appointed under rule 11(2)(b) and one member of the Committee appointed under rule 11(2)(c).

### **Registration Appeals Committee**

13. The Registration Appeals Committee shall consist of the members of the Hearings Panel.

14. When considering any matter relating to an optometrist or a student undertaking training as an optometrist, the Registration Appeals Committee shall consist of—

- (a) two registered optometrists; and
- (b) three lay persons,

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who are each to be selected in accordance with rule 29.

**15.** When considering any matter relating to a dispensing optician or student undertaking training as a dispensing optician, the Registration Appeals Committee shall consist of—

- (a) two registered dispensing opticians; and
- (b) three lay persons,

who are each to be selected in accordance with rule 29.

**16.** When considering any matter relating to a body corporate, the Registration Appeals Committee shall consist of—

- (a) a registered optometrist;
- (b) a registered dispensing optician; and
- (c) three lay persons,

who are each to be selected in accordance with rule 29.

**17.** The quorum of the Registration Appeals Committee shall be—

- (a) one registered optometrist or registered dispensing optician; and
- (b) two lay persons.

**18.** The Chairman of the Registration Appeals Committee at any of its proceedings shall be a lay person elected at the commencement of the proceedings from amongst those members present.

### **The Standards Committee**

**19.—(1)** The Standards Committee shall consist of nine members who are appointed by the Council in accordance with paragraph (2).

(2) The members of the Committee shall be selected from amongst the members of the Council and appointed so that—

- (a) three are persons nominated under paragraph 1(a) of the Schedule;
- (b) three are persons chosen under paragraph 1(b) of the Schedule or nominated pursuant to paragraph 4(a) or (c) of the Schedule;
- (c) two are persons chosen under paragraph 1(c) of the Schedule or nominated pursuant to paragraph 4(d) of the Schedule; and
- (d) one is a registered medical practitioner referred to in paragraph 1(e) of the Schedule.

**20.** The quorum of the Standards Committee shall be five, and shall include at least one member of the Committee appointed under rule 19(2)(a), one member of the Committee appointed under rule 19(2)(b) and one member of the Committee appointed under rule 19(2)(c).

### **Fitness to Practise Committee**

**21.** The Fitness to Practise Committee shall consist of the members of the Hearings Panel.

**22.** When considering any matter relating to the fitness to practise of a registered optometrist, or of a registered student training as an optometrist, the Fitness to Practise Committee shall consist of—

- (a) two registered optometrists; and
- (b) three lay persons,

who are each to be selected in accordance with rule 29.

**23.** When considering any matter relating to the fitness to practise of a registered dispensing optician, or of a registered student training as a dispensing optician, the Fitness to Practise Committee shall consist of—

- (a) two registered dispensing opticians; and
- (b) three lay persons,

who are each to be selected in accordance with rule 29.

**24.** When considering any matter relating to the fitness of a business registrant to carry on the business of an optometrist or a dispensing optician, or both, the Fitness to Practise Committee shall consist of—

- (a) one registered optometrist;
- (b) one registered dispensing optician; and
- (c) three lay persons,

who are each to be selected in accordance with rule 29.

**25.** The quorum of the Fitness to Practise Committee shall be—

- (a) one registered optometrist or registered dispensing optician; and
- (b) two lay persons.

**26.** The Chairman of the Fitness to Practise Committee at any of its proceedings shall be a lay person elected at the commencement of the proceedings from amongst those members present.

### **Hearings Panel**

**27.** The Hearings Panel shall consist of—

- (a) no more than forty members of whom at least—
  - (i) twelve are registered optometrists,
  - (ii) eight are registered dispensing opticians, and
  - (iii) twelve are lay persons; and
- (b) no fewer than thirty two members of whom at least—
  - (i) nine are registered optometrists,
  - (ii) six are registered dispensing opticians, and
  - (iii) nine are lay persons.

**28.** The Council shall—

- (a) appoint to the Hearings Panel appropriate persons selected from amongst those applying for appointment;
- (b) maintain and publish a list of the appointed persons; and
- (c) remove from that list the name of any person—
  - (i) who resigns from the list by giving notice in writing to that effect to the registrar,
  - (ii) whose name has been entered in the list for a total of ten years, or
  - (iii) who in the opinion of the Council has ceased to be an appropriate person.

**29.—(1)** Prior to each meeting of the Registration Appeals Committee or the Fitness to Practise Committee, an officer of the Council (other than the registrar) nominated by the Council for the purpose shall select from amongst the persons whose names are entered in the list maintained under rule 28 the requisite number of persons to serve as members of the Committee at that meeting.

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- (2) In selecting persons under paragraph (1) the officer shall—
- (a) ensure that the membership of the meeting of the Committee complies with the applicable requirements of these Rules;
  - (b) ensure that no person sits as a member of the Committee for the hearing of any case if he has previously sat as a member of a Committee that has considered that case, or has adjudicated on it elsewhere in any other capacity; and
  - (c) have regard to the availability and reasonable convenience of those persons whose names are entered in the list maintained under rule 28.

## PART 3

### MISCELLANEOUS

#### **Term of appointment etc.**

**30.**—(1) Subject to paragraphs (2) and (3), appointments to a Committee, other than the Registration Appeals Committee and the Fitness to Practise Committee, shall expire on 31st December in each year.

(2) Where a member of a Committee ceases to be a member of the Council, he shall cease to be a member of that Committee.

(3) A member of a Committee may resign from a Committee at any time by notifying the Council accordingly.

#### **Casual vacancies**

**31.**—(1) Where a casual vacancy occurs on a Committee, other than the Registration Appeals Committee and the Fitness to Practise Committee—

- (a) where the member of the Committee whose office has become vacant was a member of the Council chosen to represent registered optometrists or registered dispensing opticians, the Council shall fill the vacancy by appointing a member of the Council who was chosen to represent the same profession;
- (b) where the member whose office has become vacant was a member of the Companies Committee appointed under rule 7, the Council shall fill the vacancy by appointing a person in accordance with the requirements of that rule;
- (c) in any other case, the Council shall fill the vacancy by appointing a person who became a member of the Council by virtue of the same provision of paragraph 1 of the Schedule as applied to his predecessor.

(2) A person appointed to fill a casual vacancy in accordance with paragraph (1) shall hold office until the date on which the term of office of his predecessor would have expired.

#### **Chairmen**

**32.** Subject to rules 18 and 26, each Committee shall elect a Chairman.

#### **Validity of proceedings**

**33.** The validity of any proceedings of the Committee shall not be affected by any defect in the appointment of a member.



## PART 4

### REVOCATIONS

34. The following rules are hereby revoked:
- (a) The Investigating Committee Rules 1960(18);
  - (b) The Companies Committee Rules 1994(19); and
  - (c) The Education Committee Rules 1999(20).

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

Attested by:

*Moira Black*  
Member of Council

L.S.

*Rosie Varley*  
Member of Council

*Peter Coe*  
Registrar

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

These Rules set out the constitutional framework for the Committees of the General Optical Council under the Opticians Act 1989.

In Part 1, rule 1 provides for these Rules to come into force on 30th June 2004 and rule 2 sets out definitions of terms used in them.

Part 2 makes provision as to the constitution of the Committees. It sets out the number of members for each Committee, the persons who may be members and the quorum.

Rules 3 and 4 relate to the Education Committee, rules 5 to 8 relate to the Companies Committee, rules 9 and 10 relate to the Investigation Committee, rules 11 and 12 relate to the Registration Committee and rules 19 and 20 relate to the Standards Committee. Rule 32 (in Part 3) provides for a Chairman of each of those Committees.

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(18) The Rules were scheduled to S.I. 1960/1935 and amended by S.I. 1971/1528 and S.I. 1984/1248.

(19) The Rules were scheduled to S.I. 1994/ 2579.

(20) The Rules were scheduled to S.I 1999/1211.

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Part 2 also covers the Registration Appeals Committee and the Fitness to Practise Committee. Each of these Committees is to consist of members of the Hearings Panel. Rules 27 and 28 set out who may be appointed to the Panel. Rule 29 provides for members of the Panel to be selected to serve on each Committee according to the matter under consideration. Rules 14 to 16 set out the categories of panel member who are to make up the Registration Appeals Committee for matters relating to optometrists, dispensing opticians or business registrants respectively. Rules 22 to 24 make equivalent provision in relation to the Fitness to Practise Committee. The Chairmanship of each of these Committees is dealt with in rules 18 and 26.

Part 3 contains miscellaneous provisions. Rule 30 makes provision as to the terms of appointment of members of Committees other than the Registration Appeals Committee and Fitness to Practise Committee. Rule 31 governs the filling of casual vacancies on Committees other than the Registration Appeals Committee and Fitness to Practise Committee. Rule 33 provides for the validity of proceedings

Part 4 makes certain revocations.