

Changes to legislation: *Opticians Act 1989, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUTION ETC. OF COUNCIL

Membership etc.

Membership: general

- [^{F1}1A. (1) The Council shall consist of—
- (a) registrant members, that is members who are registered optometrists or registered dispensing opticians; and
 - (b) lay members, that is members who—
 - (i) are not and never have been registered in a register, or a director of a body corporate registered in a register, maintained by the Council, and
 - (ii) do not hold qualifications which would entitle them to apply for registration in one of the registers maintained under section 7 ^{F2}....
- (2) The members of the Council shall be appointed by the Privy Council.
- (3) The Privy Council shall ensure that, at any time, at least one member of the Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.
- ^{F3}(4)

Textual Amendments

- F1** Sch. 1 paras. 1A-1C substituted for Sch. 1 paras. 1-9 (9.7.2008 for specified purposes) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), [Sch. 2 para. 6\(2\)](#)
- F2** Words in Sch. 1 para. 1A(1)(b)(ii) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 5 para. 12](#) (with [reg. 12A](#), [Sch. 5 Pt. 2](#)) (as amended by [S.I. 2020/1394](#), regs. 4, 13); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Sch. 1 para. 1A(4) omitted (31.10.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 20 para. 6\(c\)](#); [S.I. 2012/1831](#), art. 2(3)

Matters for the order of the Privy Council under section 1(4)

- 1B. (1) An order under section 1(4) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the Council;

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- (b) the terms of office for which members of the Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
 - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the Council;
 - (d) the appointment of a chair of the Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
 - (e) deputising arrangements in respect of the chair;
 - (f) the quorum of the Council; and
 - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(4) must not include any provision which would have the effect that a majority of the members of the Council would be lay members.
- (3) An order under section 1(4) may include provision with regard to—
- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;
 - (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
 - (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of their members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the Council at meetings of the Council;
 - (e) the effect (if any) of any vacancy in the membership of the Council or any defect in the appointment of a member; and
 - (f) enabling the Privy Council to appoint as the chair of the Council, for a specified period, the person who held office as chairman of the Council on the day before the first order under section 1(4) comes into force.
- (4) An order under section 1(4) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

Textual Amendments

- F1** Sch. 1 paras. 1A-1C substituted for Sch. 1 paras. 1-9 (9.7.2008 for specified purposes) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), [Sch. 2 para. 6\(2\)](#)

Registration of members' private interests

- 1C. (1) The Council must establish and maintain a system for the declaration and registration of private interests of their members.

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- (2) The Council must publish in such manner as they see fit entries recorded in the register of members' private interests.]

Textual Amendments

- F1** Sch. 1 paras. 1A-1C substituted for Sch. 1 paras. 1-9 (9.7.2008 for specified purposes) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), [Sch. 2 para. 6\(2\)](#)

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Textual Amendments

- F1** Sch. 1 paras. 1A-1C substituted for Sch. 1 paras. 1-9 (9.7.2008 for specified purposes) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), [Sch. 2 para. 6\(2\)](#)

The registrar

- 10 The registrar shall be appointed by the Council and shall hold and vacate office in accordance with the terms of his appointment.

Powers of Council

- 11 (1) Subject to the following provisions of this Schedule, the Council shall have power to do anything which in their opinion is calculated to facilitate the proper discharge of their functions.
- (2) The Council shall, in particular, have power—
- (a) to appoint, in addition to a registrar, such officers and servants as the Council may determine;
 - (b) to pay to the members of the Council or of the Council's committees such fees for attendance at meetings of the Council or committees and such travelling and subsistence allowances while attending such meetings or while on any other business of the Council as the Council may ^{F5}... determine;
 - (c) to pay to their officers and servants such remuneration as the Council may determine;
 - (d) as regards any officers or servants in whose case they may determine to do so, to pay to or in respect of them such pensions and gratuities, or provide and maintain for them such superannuation schemes (whether contributory or not), as the Council may determine.
- (3) The powers of ^{F6}... any of the Council's committees may be exercised notwithstanding any vacancy and no proceedings of ^{F6}...a committee shall be invalidated by any defect in the nomination or election of a member.
- [^{F7}(4) Standing orders of the Council may make provision with regard to the provisional suspension of a member of the Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(4).]

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Textual Amendments

- F5** Words in Sch. 1 para. 11(2)(b) omitted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by virtue of [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 26(9)** (with [Sch. 2](#))
- F6** Words in Sch. 1 para. 11(3) omitted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(3)(a)**; S.I. 2008/3150, art. 2(3)(a)(i)
- F7** Sch. 1 para. 11(4) inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(3)(b)**; S.I. 2008/3150, art. 2(3)(a)(i)

[^{F8}11A(1) In exercising their functions, the Council shall—

- (a) have proper regard for—
 - (i) the interests of persons using or needing the services of registered optometrists, registered dispensing opticians or business registrants in the United Kingdom, and
 - (ii) any differing interests of different categories of registrants;
 - (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
 - (i) the employment (whether or not under a contract of service) of registered optometrists or registered dispensing opticians,
 - (ii) the education or training of individual registrants or other health care professionals,
 - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
 - (iv) the regulation of health services, and
 - (v) the provision, supervision or management of health services.
- (2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the Council shall have regard to any differing considerations relating to practising as a registered optometrist or a registered dispensing optician, or carrying on a business as a business registrant, which apply in England, Scotland, Wales or Northern Ireland.
- (3) In sub-paragraph (1), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, other than the Council.]

Textual Amendments

- F8** Sch. 1 para. 11A inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(4)**; S.I. 2008/3150, **art. 2(3)(a)(i)**

12 [F⁹Subject to any provision made by or under this Act,] The Council may make standing orders for regulating the proceedings ^{F10}... of the Council and the proceedings of any of its committees except [F¹¹the Investigation Committee, the Registration Appeals Committee and the Fitness to Practise Committee] .

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- F9** Words in Sch. 1 para. 12 inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(5)(a)**; S.I. 2008/3150, art. 2(3)(a)(i)
- F10** Words in Sch. 1 para. 12 omitted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(5)(b)**; S.I. 2008/3150, art. 2(3)(a)(i)
- F11** Words in Sch. 1 para. 12 substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 26(10)** (with Sch. 2)

[^{F12}12A. Rules under section 2(2), 3(2), 4(3), 5(2), 5A(3), 5B(2) and 5C(3) above may make provision as to quorum.]

Textual Amendments

- F12** Sch. 1 para. 12A inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **art. 26(11)** (with Sch. 2)

[^{F13}12B. Rules under sections 2 to 5D may make provision for a body (including a committee of the Council which is not one of the committees to which any of those sections relate) to assist the Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the committees or the panel to which those sections relate, including any function relating to tenure of office or suspension or removal from office.]

Textual Amendments

- F13** Sch. 1 para. 12B inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 2 para. 6(6)**; S.I. 2008/3150, **art. 2(3)(a)(i)**

Power of Privy Council to alter membership of Council etc.

[^{F14}13]

Textual Amendments

- F14** Sch. 1 para. 13 omitted (9.7.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(c), **Sch. 2 para. 6(7)**

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Changes and effects yet to be applied to :

- [Sch. 1 para. 12](#) words substituted by [2008 c. 14 Sch. 7 para. 51](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13D(2)(h)(i) inserted by [S.I. 2008/1774 Sch. 2 para. 2](#) (This amendment not applied to [legislation.gov.uk](#). It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by [2012 c. 9, s. 75\(6\)](#), [Sch. 10 Pt. 5](#); [S.I. 2012/2234, art. 2](#))
- s. 13AA inserted by [2008 c. 14 Sch. 7 para. 30](#)
- s. 23I inserted by [2008 c. 14 Sch. 7 para. 46](#)
- s. 23AA inserted by [2008 c. 14 Sch. 7 para. 39](#)
- s. 23CA inserted by [2008 c. 14 Sch. 7 para. 42](#)