

1968 No. 1965

OPTICIANS

The General Optical Council (Registration and Enrolment Rules) Order of Council 1968*Made - - - - 11th December 1968*

At the Council Chamber, Whitehall, the 11th day of December 1968

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of section 7 of the Opticians Act 1958(a) the General Optical Council have made rules entitled "The Registration and Enrolment Rules 1968":

And whereas by subsection (5) of the said section such rules shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken the said rules into consideration, are hereby pleased to approve the same as set out in the Schedule to this Order.

This Order may be cited as the General Optical Council (Registration and Enrolment Rules) Order of Council 1968.

W. G. Agnew.

SCHEDULE

THE REGISTRATION AND ENROLMENT RULES 1968

The General Optical Council, in exercise of their powers under section 7 of the Opticians Act 1958, hereby make the following rules:—

Interpretation

1. These rules may be cited as the Registration and Enrolment Rules 1968.

2. In these rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Act" means the Opticians Act 1958;

"appropriate form" means an application form issued by the Council for the type of application in question and a requirement that an application shall be made on the appropriate form shall imply that the Council are entitled to require the completion of the form;

"the Council" means the General Optical Council established under the Act;

"dispensing optician", "enrolled", "enrolment", "list", "optical appliance", "ophthalmic optician", "register" and "registered optician" have the meanings given them by section 30(1) of the Act;

"financial year" means the financial year of the Council running from the first day of April to the thirty-first day of March;

“practice address” means an address at which the applicant provides ophthalmic services including testing sight as defined by section 30(2) of the Act, or the fitting and supply of optical appliances, or both, except an address at which he provides such services only in the following circumstances:

- (a) when working as an employee of a registered medical practitioner or registered optician, or of an authority or person carrying on a hospital, clinic, nursing home or other institution providing medical or surgical treatment, or of a Minister of the Crown or Government department (including a department of the Government of Northern Ireland), or
- (b) when working as director, secretary or employee of an enrolled body corporate, or
- (c) in an emergency or in the place of a registered optician who is ill or on holiday;

“the Registrar” means the registrar of the Council.

3. The Interpretation Act 1889(a) applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

The Registers and Lists

4. Each register shall contain the following particulars of each optician registered therein:—

- (a) Full name.
- (b) Permanent address with an indication whether or not he works there as an ophthalmic or dispensing optician.
- (c) Practice addresses, if any, other than the permanent address.
- (d) Qualifications held by the optician and recognised by the Council under section 3(2) or section 3(4), or approved by the Council under section 5, of the Act.
- (e) Other optical, academic or professional qualifications approved by the Council for inclusion in the register.

5. Each list shall contain the following particulars of each body corporate enrolled therein:—

- (a) Name.
- (b) Principal place of business.
- (c) The addresses of all places at which the body corporate carries on business as ophthalmic or dispensing opticians and the name under which such business is carried on at each such place.

6. The Registrar shall have authority to refuse to enter a name in a register or list, and to refuse to transfer or restore a name to a register or list, until the fees prescribed by these rules for the entry, transfer or restoration have been paid.

Applications for Registration or Enrolment

7. An application to the Council for the inclusion of a name in the register or the name of a body corporate in the list shall be made on the appropriate form. The Council may require in a particular case such evidence in verification of the information given on the appropriate form as in their view is necessary to establish whether the applicant is entitled to be registered or the body corporate to be enrolled.

Transfer from one Register or List to another

8. An application for the transfer of the name of a registered optician from one register to another or for the transfer of the name of an enrolled body corporate from one list to the other shall be accompanied by such information as the Council may reasonably require for establishing whether the applicant

is entitled to be registered in the other register or the body corporate to be enrolled in the other list. Where the Council are satisfied that the applicant or body corporate is so entitled, they shall delete the name of the applicant from one register and insert it in the other, or, as the case may be, shall delete the name of the body corporate from one list and insert it in the other.

*Retention of a name in the Register or List and removal
for non-payment of fee*

9. Not later than the fourteenth day of March in each year the Registrar shall send to the permanent address of every registered optician the appropriate form of application for the retention of a name in the register, and to the principal place of business of every body corporate the appropriate form of application for retention of a name in the list together, in each case, with a notice of the fees payable and a warning that non-payment entails erasure from the register or list respectively, but failure by a registered optician or enrolled body corporate to receive a form or notice shall not constitute a ground for retention or restoration of a name.

10. Where the Registrar shall not have received by the thirty-first day of March in any year a retention fee or fee for retention of enrolment due on that date he shall send a warning that failure to pay the fee will result in the removal from the register or the list of the name in relation to which the fee was due, and if the fee is not received within fourteen days of the issue of the warning he shall remove the name from the register or list.

Changes in particulars notified to the Council

11. A registered optician shall notify the Council within one month of any of the following changes bearing on the particulars entered in the register:—

- (i) Change of name.
- (ii) Change or abandonment of any address entered in the register or addition of any further practice address to those entered in the register.
- (iii) Loss of any qualification entered in the register.

12. An enrolled body corporate shall notify the Council within one month of any of the following changes bearing on the particulars entered in the list:—

- (i) Change of name.
- (ii) Change or abandonment of any address entered in the list.
- (iii) Inception by the body corporate of business as ophthalmic or dispensing opticians at an address additional to those entered in the list, the notification to include the name under which business is carried on at the additional address.

13. An enrolled body corporate shall notify the Council forthwith if at any time any particulars supplied by it in or in support of its application for enrolment no longer apply in any respect which may materially affect the application to the body corporate of any of the conditions of enrolment set out in section 4(2) of the Act.

Alteration or removal of an entry in the Register or List

14. When the Registrar receives information that an entry in the register or the list has become incorrect, or application is made by or on behalf of a registered optician or an enrolled body corporate for an entry in the register or list to be altered, if he has satisfied himself by means of a statutory declaration or otherwise that the information is true or the ground of the application is sufficient, he shall make the required correction or alteration. No charge shall be made for a correction or alteration under this rule unless it involves the inclusion in the register or list of additional particulars in respect of which increased fees are chargeable under Rule 22 or Rule 27 of these rules, in which case the amount added by those rules to the registration and enrolment fees in respect of the insertion of additional particulars shall be chargeable.

15. The Registrar may remove from the register or the list the name of any registered optician or enrolled body corporate upon receipt of a written application by or on behalf of the registered optician or enrolled body corporate stating the grounds on which the application is made and accompanied by a statutory declaration that the applicant is not aware of any reason for the institution of proceedings which might lead to the erasure of the name under section 11 or section 13 of the Act.

16. The Registrar shall erase from the register or the list the name of any registered optician or enrolled body corporate in respect of which he shall receive a direction to that effect from the Disciplinary Committee under section 11 or section 13 of the Act, on the date upon which such direction takes effect in accordance with section 14 of the Act.

Restoration of a name to the Register or List

17. Subject to the provisions of section 12 and section 13 of the Act, the Council may restore a name to the register on receipt of an application accompanied by:—

- (i) the fee prescribed by Rule 25 and the fee due under Rules 19 and 24 of these rules for the period to which the application relates, and
- (ii) where the name of the applicant has not been included in the register during any of the five financial years immediately preceding that in which the application is made, evidence establishing to the satisfaction of the Council his identity and good character.

18. Subject to the provisions of section 12 and section 13 of the Act, the Council may restore a name to the list on receipt of an application accompanied by:—

- (i) the fee prescribed by Rule 31 and the fee due under Rules 26 and 30 of these Rules for the period to which the application relates, and
- (ii) evidence establishing to the satisfaction of the Council the continuance of entitlement to enrolment.

Fees payable by Ophthalmic and Dispensing Opticians

19. The fee for the entry of a name in the register and the retention of the name for the period specified in Rule 21 of these rules shall be called the registration fee. A further fee shall be charged for the retention of a name in the register for each financial year beyond the period covered by the registration fee and shall be called the retention fee.

20. The registration fee shall be paid at the time of the application for registration. The fee shall be £8 except that it shall be £5 only for a person who first applies for registration either within six months of the date when he first became entitled to receive a qualification recognised by the Council for the purpose of section 3(2) or section 3(4), or approved by the Council under section 5, of the Act, or within three years of that date and within six months of the date when he has completed practical experience required by the Council under section 3 of the Act.

21. Subject to the provisions of sections 11, 13 and 14 of the Act, the registration fee shall entitle a registered optician to the retention of his name in the register until the end of the financial year in which his name was first included therein:

Provided that a registration fee paid in the financial year ending on the 31st day of March 1969 shall cover the retention of the name in the register until the 31st day of March 1970.

22. The registration fee shall cover the inclusion in the register of particulars inserted under paragraphs (a), (b), (d) and (e) of Rule 4 of these rules, but shall be increased by £1 for each address entered under paragraph (c) of that rule.

23. The fee for transfer of a name from one register to another shall be £2 and shall be paid at the time of the application for the transfer.

24. The retention fee shall be £3 per annum, and shall be paid before the beginning of the financial year to which it relates. It shall cover the retention in the register of particulars under paragraphs (a), (b), (d) and (e) of Rule 4 of these rules but shall be increased by £1 per annum for each address entered under paragraph (c) of that rule.

25. The fee for restoration of a name to the register shall be £2 and shall be additional to the retention fee for any year during which the name is included in the register.

Fees payable by bodies corporate

26. The fee for the entry of a name of a body corporate in the list and the retention of the name for the period specified in Rule 28 of these rules shall be called the enrolment fee. A further fee shall be charged for retention of such a name in the list for each financial year beyond the period covered by the enrolment fee and shall be called the fee for retention of enrolment.

27. The enrolment fee shall be paid at the time of the application for enrolment and shall be £2. The fee shall cover the entry in the list of particulars inserted under paragraphs (a) and (b) of Rule 5 of these rules but shall be increased by £1 for each address inserted under paragraph (c) of that rule other than the address of the principal place of business.

28. Subject to the provisions of sections 11, 13 and 14 of the Act, the enrolment fee shall entitle an enrolled body corporate to the retention of its name in the list until the end of the financial year in which the name was first included therein:

Provided that an enrolment fee paid in the financial year ending on the 31st day of March 1969 shall cover the retention of the name in the list until the 31st day of March 1970.

29. The fee for transfer of the name of a body corporate from one list to the other shall be £2 and shall be paid at the time of the application for the transfer.

30. The fee for retention of enrolment shall be £2 per annum, and shall be paid before the beginning of the financial year to which it relates. It shall cover the retention in the list of the principal place of business and shall be increased by £1 per annum for each further address retained in the list.

31. The fee for restoration of a name to the list shall be £2 and shall be additional to the fee for retention of enrolment for any year during which the name is included in the list.

Operation of these rules

32. These rules shall come into operation on the 1st day of April 1969, and the Registration and Enrolment Rules 1959, as amended by the Registration and Enrolment (Amendment) Rules 1963, 1965 and 1968, shall cease to have effect on that date.

Sealed on the 6th day of November 1968.



Attested by :

G. R. ROUGIER,
Member of Council.

RONALD RUSSELL,
Member of Council.

A. T. GERARD,
Registrar.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The rules approved by this Order consolidate, with amendments, the rules relating to the registration and enrolment of opticians.

The principal change effected by the rules is that after 31st March 1969 the payment of a registration or enrolment fee will cover only the year to which the fee relates and not, as hitherto, the following year also.