

## 1977 No. 176

## OPTICIANS

**The General Optical Council (Registration and Enrolment Rules) Order of Council 1977**

Made - - - - 7th February 1977

At the Council Chamber, Whitehall, the 7th day of February 1977

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 1976":

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 1977.

*N. E. Leigh,*  
Clerk of the Privy Council.

## SCHEDULE

## THE REGISTRATION AND ENROLMENT RULES 1976

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 1976.
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;

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(a) 1958 c. 32.

“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;

“enrolment period” means the period commencing on the date of the first enrolment of an enrolled body corporate and ending on the following thirty-first day of March;

“the Registrar” means the Registrar of the Council;

“registration period” means the period commencing on the date of the first registration of a registered optician and ending on the following thirty-first day of March;

“restoration period” means the period commencing on the date of the restoration of the name of an optician to the register or the date of restoration of the name of a body corporate to the list and ending on the following thirty-first day of March;

“retention period” means the period of retention of a name in the register or list of one year commencing on the day following the last day of a registration period, enrolment period, restoration period or retention period.

3. Section 30 of the Act shall apply for the interpretation of these rules as it applies for the interpretation of the Act.

4. The Interpretation Act 1889(a) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

#### *The Registers and Lists*

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

(a) full name;

(b) permanent address;

(c) 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;

(d) other optical, academic or professional qualifications approved by the Council for inclusion in the register.

6. Each list shall contain the following particulars, that is to say, the name and principal place of business of each body corporate enrolled therein.

7. 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 registration, enrolment, transfer or restoration, as the case may be, have been paid.

#### *Applications for Registration or Enrolment*

8.—(1) An application to the Council for the inclusion of a name in the register or list shall be made on the appropriate form.

(2) 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 enrolled.

#### *Transfer from one Register or List to another*

9.—(1) An application for the transfer of the name of a registered optician from one

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(a) 1889 c. 63.

register to another or for the transfer of the name of an enrolled body corporate from one list to the other shall be made on the appropriate form and shall be accompanied by such information as the Council may reasonably require for establishing whether the registered optician is entitled to be registered in the other register or the body corporate to be enrolled in the other list.

(2) Where the Council are satisfied that the registered optician or body corporate is so entitled, they shall delete the name of the registered optician 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*

10.—(1) Applications to the Council for the retention of the names of registered opticians in the register or the names of bodies corporate in the list shall be made on the appropriate form and shall be accompanied by such information as the Council may reasonably require for establishing whether a registered optician or enrolled body corporate who or which applies for such retention is entitled to have his or its name retained in the register or list.

(2) Subject to Rule 30, 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 retention of a name in the register, and to the principal place of business of every enrolled body corporate the appropriate form of application for retention of a name in the list.

(3) When the appropriate form is sent to a registered optician or to an enrolled body corporate in pursuance of this rule it shall be accompanied by a notice of the fees payable to the Council on application for retention of a name in the register or list and a warning that failure to pay the appropriate fees will entail removal from the register or list.

(4) Failure to receive a form or notice shall not constitute a ground for retention in the register or list.

11. Subject to Rule 30, where the Registrar shall not have received from a registered optician or enrolled body corporate by the thirty-first day of March in any year, a retention fee due on that date he shall send a warning to that registered optician or enrolled body corporate 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*

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

- (a) change of name;
- (b) change of permanent address;
- (c) loss of any qualification entered in the register.

13. An enrolled body corporate shall notify the Council within one month of the change of its name or address of its principal place of business.

14. 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*

15.—(1) 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, and satisfies 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.

(2) No charge shall be made for a correction or alteration under this rule.

16. 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.

17. 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*

18. Subject to the provisions of sections 12 and 13 of the Act, the Council may restore a name to the register on receipt of an application made on the appropriate form and accompanied by:—

- (a) the appropriate fees mentioned in Rules 21 and 22 and prescribed in the Appendix to these rules; and
- (b) where the name of the applicant has not been included in the register at any time during the five years immediately preceding the date on which the application is made, evidence establishing to the satisfaction of the Council—
  - (i) his identity, and
  - (ii) in a case where the applicant is entitled to be registered under section 3(2) of the Act, his good character.

19. Subject to the provisions of sections 12 and 13 of the Act, the Council may restore a name to the list on receipt of an application made on the appropriate form and accompanied by:—

- (a) the appropriate fees mentioned in Rules 26 and 27 and prescribed in the Appendix to these rules; and
- (b) evidence establishing to the satisfaction of the Council the continuance of entitlement to enrolment.

*Fees payable by Ophthalmic and Dispensing Opticians*

20.—(1) The fee for the entry of a name of an optician in the register shall be called the registration fee and shall be paid at the time of the application for registration.

(2) Payment of the registration fee shall, subject to sections 11, 13 and 14 of the Act, entitle an optician to the retention of his name in the register until the end of the registration period.

(3) Payment of the registration fee shall not constitute an entitlement for the retention of a name in the register for any period beyond the registration period.

21. The fee for the retention of a name in the register for any retention period or restoration period shall be called the retention fee and, in relation to a retention period, shall be paid before the beginning of the retention period to which it relates.

22. The fee for restoration of a name to the register shall be called the restoration fee and shall be in addition to the retention fee in relation to the restoration period following that restoration.

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

24. The fees set out in Table A of the Appendix to these rules shall be the fees which shall be charged under Rules 20 to 23.

*Fees payable by Bodies Corporate*

25.—(1) The fee for the entry of a name of a body corporate in the list shall be called the enrolment fee and shall be paid at the time of the application for enrolment.

(2) Payment of the enrolment fee shall, subject to sections 11, 13 and 14 of the Act, entitle a body corporate to the retention of its name in the list until the end of the enrolment period.

(3) Payment of the enrolment fee shall not constitute an entitlement for the retention of a name in the list for any period beyond the enrolment period.

26. The fee for the retention of a name in the list for any retention period or restoration period shall be called the retention fee and, in relation to a retention period, shall be paid before the beginning of the retention period to which it relates.

27. The fee for restoration of a name to the list shall be called the restoration fee and shall be in addition to the retention fee in relation to the restoration period following that restoration.

28. The fee for the transfer of a name from one list to the other shall be called the transfer fee and shall be paid at the time of the application for transfer.

29. The fees set out in Table B of the Appendix to these rules shall be the fees which shall be charged under Rules 25 to 28.

*Transitional Provisions*

30.—(1) This rule applies to those opticians whose names were shown in the register on the thirty-first day of March 1977.

(2) In relation to applications for retention in the register of the names of registered opticians to whom this rule applies Rules 10 and 11 of these rules shall have application as if—

(i) paragraph (2) of 10 were replaced by the following paragraph:

“(2) During the year ending on the thirty-first day of March 1978, not later than the seventeenth day before the end of a period of retention in the register of the name of a registered optician, the Registrar shall send to the optician’s permanent address the appropriate form of application for retention of a name on the register.”  
and

(ii) the words, “thirty-first day of March in any year” were replaced by the words, “last day of the period of retention”.

(3) An optician to whom this rule applies and who seeks the retention of his name in the register from any date during the year ending on the thirty-first day of March 1978 shall be given the opportunity by the Council of electing to apply for retention in the register either for the period until the thirty-first day of March 1978 or for the period until the thirty-first day of March 1979 (periods which, in this and the next following rule, are referred to as the reduced retention period and the extended retention period, respectively):

Provided that if the optician does not unequivocally elect to apply for retention for the extended retention period, he shall be taken as electing to apply for retention for the reduced retention period.

31. The fee for the retention in the register of the name of a registered optician to whom Rule 30 applies, notwithstanding Rule 21 and the Appendix hereto, shall be a sum equal to £1 for each month in the reduced retention period or extended retention period, as the case may be, in relation to that optician.

*Operation of these Rules*

32. These rules shall come into operation on the first day of April 1977 and shall apply to applications for registration, enrolment, retention, restoration or transfer to take effect on or after the first day of April 1977, whether made before, on or after that date.

33. The Registration and Enrolment Rules 1973, scheduled to the General Optical Council (Registration and Enrolment Rules) Order of Council 1973(a), as subsequently amended (b), shall cease to have effect on the first day of April 1977.

Sealed on the 18th  
day of November 1976

Attested by:

J. E. RICHARDSON,  
*Member of Council.*

(L.S.)

J. P. QUILLIAM,  
*Member of Council.*

J. DANIEL DEVLIN,  
*Registrar.*

#### APPENDIX

##### FEEs

##### TABLE A

##### *Fees payable by Ophthalmic and Dispensing Opticians (Rules 20 to 23)*

Registration fee:

If the registration period is longer than three months in duration	...	£12
if the registration period is of three months or less in duration	...	£6
Retention fee	...	£12
Restoration fee	...	£3
Transfer fee	...	£3

##### TABLE B

##### *Fees payable by Bodies Corporate (Rules 25 to 28)*

Enrolment fee:

if the enrolment period is longer than three months in duration	...	£12
if the enrolment period is of three months or less in duration	...	£6
Retention fee	...	£12
Restoration fee	...	£3
Transfer fee	...	£3

#### 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 of opticians and the enrolment of bodies corporate carrying on business as opticians. Provision is made for the inclusion in the register of one address only, and for increased fees to be charged in respect of the registration or enrolment and retention of a name in the register or list.

(a) S.I. 1973/1450 (1973 II, p. 4418).

(b) S.I. 1973/2215, 1975/51, 1976/157 (1973 III, p. 7817; 1975 I, p. 161; 1976 I, p. 437).



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