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STATUTORY INSTRUMENTS

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**1999 No. 3267**

**OPTICIANS**

**The General Optical Council (Rules relating to  
Injury or Disease of the Eye) Order of Council 1999**

<i>Made</i>	- - - -	<i>6th December 1999</i>
<i>Laid before Parliament</i>		<i>9th December 1999</i>
<i>Coming into force</i>	- -	<i>1st January 2000</i>

At the Council Chamber, Whitehall, the 6th day of December 1999  
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of sections 31(5) and (5A) of the Opticians Act 1989<sup>(1)</sup> the General Optical Council have made the Rules relating to Injury or Disease of the Eye 1999 as set out in the Schedule to this Order:

And whereas by section 34 of the said Act such rules shall not come into force until approved by Order of the Privy Council:

And whereas upon rule 9 of the said rules coming into force the revocation mentioned therein will render wholly spent the General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1960<sup>(2)</sup>:

Now, therefore, their Lordships, having taken the said rules into consideration, are hereby pleased to approve the same, and hereby revoke with effect from 1st January 2000 the General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1960.

This Order may be cited as the General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1999, and shall come into force on 1st January 2000.

*A.K. Galloway*  
Clerk of the Privy Council

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(1) 1989 c. 44. Section 31(5) was amended by, and section 31(5A) was inserted by, section 30 of the National Health Service (Primary Care) Act 1997 (c. 46).  
(2) S.I.1960/1936.

**Status:** Point in time view as at 14/08/2012.

**Changes to legislation:** There are currently no known outstanding effects for the The General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1999. (See end of Document for details)

## SCHEDULE

### THE GENERAL OPTICAL COUNCIL

#### The Rules relating to Injury or Disease of the Eye, 1999

The General Optical Council, in exercise of their powers under sections 31(5) and (5A) of the Opticians Act 1989<sup>(3)</sup>, hereby make the following rules:—

1. These Rules may be cited as the Rules relating to Injury or Disease of the Eye, 1999.
2. In these Rules:—
  - “the Act” means the Opticians Act 1989;
  - “the eye” means the organ of vision and associated structures involved in normal vision;
  - “injury or disease” means any abnormality of the eye of an anatomical, pathological or physiological nature.
3. Where it appears to a [<sup>F1</sup>registered optometrist or registered dispensing optician] that a person consulting him is suffering from an injury or disease of the eye the [<sup>F1</sup>registered optometrist or registered dispensing optician] shall, subject to rules 5 to 8 below, refer that person to a registered medical practitioner, unless he is acting on the advice or instructions of a registered medical practitioner (other than a medical recommendation for a sight test) in testing the sight of such a person or in fitting and supplying such a person with an optical appliance, but in such case [<sup>F2</sup>the optometrist or dispensing optician] shall forthwith report to that practitioner any findings of injury or disease of the eye of which the practitioner may be unaware.

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| <b>F1</b> | Words in Sch. Rules substituted (30.6.2005 as notified in the London Gazette dated 3.6.2005) by <a href="#">The Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848)</a> , <a href="#">Sch. 1 para. 29(a)</a>  |
| <b>F2</b> | Words in Sch. rule 3 substituted (30.6.2005) by <a href="#">The General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules Order of Council 2005 (S.I. 2005/1476)</a> , <a href="#">Sch. rule 1, 2(2)</a> |

4. In referring a person to a registered medical practitioner, a [<sup>F1</sup>registered optometrist or registered dispensing optician] shall take the following steps:
  - (a) he shall advise the person to consult such a practitioner;
  - (b) he shall wherever practicable furnish a registered medical practitioner named by the person with a written report of his findings indicating his grounds for thinking the person may be suffering from injury or disease of the eye; and
  - (c) where action appears urgent, he shall also take such measures as are open to him to inform a registered medical practitioner immediately.

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| <b>F1</b> | Words in Sch. Rules substituted (30.6.2005 as notified in the London Gazette dated 3.6.2005) by <a href="#">The Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848)</a> , <a href="#">Sch. 1 para. 29(a)</a> |
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5. If a person who appears to a [<sup>F1</sup>registered optometrist or registered dispensing optician] to be suffering from injury or disease of the eye is unwilling, on conscientious or other grounds, to consult

(3) [1989 c. 44](#). Section 31(5) was amended by, and section 31(5A) was inserted by, section 30 of the National Health Service (Primary Care) Act [1997 \(c. 46\)](#).

a registered medical practitioner, [<sup>F3</sup>the optometrist or dispensing optician] shall record that fact and the grounds which the person gives for his unwillingness to consult a registered medical practitioner.

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| <b>F1</b> | Words in Sch. Rules substituted (30.6.2005 as notified in the London Gazette dated 3.6.2005) by <a href="#">The Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848)</a> , <b>Sch. 1 para. 29(a)</b>  |
| <b>F3</b> | Words in Sch. rule 5 substituted (30.6.2005) by <a href="#">The General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules Order of Council 2005 (S.I. 2005/1476)</a> , Sch. rule 1, <b>2(2)</b> |

6. If in the professional judgement of a [<sup>F1</sup>registered optometrist or registered dispensing optician] there is no justification to refer a person consulting him to a registered medical practitioner, or that it would be impracticable or inexpedient to do so, the [<sup>F1</sup>registered optometrist or registered dispensing optician] may at his discretion decide not to refer that person on that occasion; but in that event he:—

- (a) shall record in respect of the person consulting him:—
  - (i) a sufficient description of the injury or disease from which that person appears to be suffering;
  - (ii) his reason for deciding not to refer on that occasion;
  - (iii) details of advice [<sup>F4</sup>or medical or clinical treatment] tendered to the patient;
  - (iv) an account of any action taken under the provisions of rule 7; and
- (b) if appropriate, and with the consent of the person consulting him, shall inform that person's general medical practitioner of those matters recorded in accordance with rule 6(a).

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| <b>F1</b> | Words in Sch. Rules substituted (30.6.2005 as notified in the London Gazette dated 3.6.2005) by <a href="#">The Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848)</a> , <b>Sch. 1 para. 29(a)</b>   |
| <b>F4</b> | Words in Sch. rule 6(a)(iii) inserted (30.6.2005) by <a href="#">The General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules Order of Council 2005 (S.I. 2005/1476)</a> , Sch. rule 1, <b>2(3)</b> |

[<sup>F5</sup>7. As an exception to the duty to refer to a registered medical practitioner under rule 3—

- (a) a registered dispensing optician may refer the person consulting him to a registered optometrist; or
- (b) a registered optometrist or dispensing optician may refer the person consulting him to—
  - (i) a person other than a registered medical practitioner who provides and who has the appropriate qualifications or expertise to provide medical or clinical treatment for the injury or disease of the eye from which the person consulting him appears to be suffering, or
  - (ii) a person or body one of whose functions is to refer or to organise the referral of persons who having consulted a registered optometrist or dispensing optician appear to that optometrist or dispensing optician to be suffering from an injury or disease of the eye to a registered medical practitioner or a person falling within subparagraph (i),

provided that he is satisfied that the referral to that person or body is appropriate in the circumstances of the case.]

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| <b>F5</b> | Sch. rules 7-7B substituted for Sch. rule 7 (30.6.2005) by <a href="#">The General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules Order of Council 2005 (S.I. 2005/1476)</a> , Sch. rule 1, <b>2(4)</b> |
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**Status:** Point in time view as at 14/08/2012.

**Changes to legislation:** There are currently no known outstanding effects for the *The General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1999*. (See end of Document for details)

<sup>F5</sup>**7A.** Where a registered optometrist or dispensing optician makes a referral under rule 7, he shall—

- (a) record in respect of the person consulting him—
  - (i) that he has made the referral and the date of the referral,
  - (ii) a sufficient description of the injury or disease from which that person appears to be suffering, and
  - (iii) details of any advice or medical or clinical treatment tendered to the patient; and
- (b) provide to the person to whom the referral is made a written report of his findings indicating—
  - (i) his grounds for thinking that the person may be suffering from injury or disease of the eye;
  - (ii) the urgency of the case, and
  - (iii) where the referral is made to a person falling within rule 7(b)(ii), instructions as to whether the patient should be referred to—
    - (aa) a registered medical practitioner; or
    - (bb) a person who is not a registered medical practitioner, in which case the instructions shall include what qualifications or expertise that person must have.

**F5** Sch. rules 7-7B substituted for Sch. rule 7 (30.6.2005) by [The General Optical Council \(Injury or Disease of the Eye and Contact Lens \(Qualifications\)\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/1476\)](#), Sch. rule 1, **2(4)**

**7B.** The duty to refer under rule 3 shall not apply to a registered optometrist who—

- (a) has the supplementary prescriber specialty entered on the register against his name under rule 10 of the General Optical Council (Registration Rules) 2005; and
- (b) is acting under and in accordance with [<sup>F6</sup>regulation 215 (prescribing and administration by supplementary prescribers) of the Human Medicines Regulations 2012].]

**F5** Sch. rules 7-7B substituted for Sch. rule 7 (30.6.2005) by [The General Optical Council \(Injury or Disease of the Eye and Contact Lens \(Qualifications\)\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/1476\)](#), Sch. rule 1, **2(4)**

**F6** Words in Sch. rule 7B substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 72** (with Sch. 32)

**8.** Nothing in these rules shall operate to prevent a [<sup>F1</sup>registered optometrist or registered dispensing optician] from:

- (a) rendering in an emergency whatever services are, having regard to the circumstances, in the best interests of the person consulting him;
- (b) giving treatment in accordance with rules made under paragraph (d) of subsection (1) of section 31 of the Act.

**F1** Words in Sch. Rules substituted (30.6.2005 as notified in the London Gazette dated 3.6.2005) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), **Sch. 1 para. 29(a)**

9. The Rules relating to Injury or Disease of the Eye 1960(4) are hereby revoked.

Sealed on the 4th day of March 1999.

L.S.

Attested by:

*Thomas Klima*

*Peter Brogan*

*R.D. Wilshin*

Member of CouncilMember of CouncilRegistrar

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## EXPLANATORY NOTE

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

The Rules approved by this Order replace those approved by the General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1960. They provide that where it appears to a registered optician that a person consulting him is suffering from an injury or disease of the eye, he shall take the steps set out in rule 4 to refer that person to a registered medical practitioner for advice and treatment, except in the circumstances set out in rules 5 to 8. The power to specify such circumstances was extended by the amendment to the Opticians Act 1989 made by section 30 of the NHS (Primary Care) Act 1997, and these Rules give registered opticians the discretion to decide not to refer persons where in their judgement there is no justification to do so, or where it would be impracticable or inexpedient.

This Order also revokes a previous Order of Council which becomes spent on the revocation of the rules which are scheduled to it by these Rules.

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(4) Scheduled to the General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1960 (S.I. 1960/1936).

**Status:**

Point in time view as at 14/08/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the The General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1999.