

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^(a) 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^(b):

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

^(a) 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).
^(b) S.I. 1960/1936.

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(a), 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 registered optician that a person consulting him is suffering from an injury or disease of the eye the registered 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 the optician shall forthwith report to that practitioner any findings of injury or disease of the eye of which the practitioner may be unaware.
4. In referring a person to a registered medical practitioner, a registered 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.
5. If a person who appears to a registered optician to be suffering from injury or disease of the eye is unwilling, on conscientious or other grounds, to consult a registered medical practitioner, the optician shall record that fact and the grounds which the person gives for his unwillingness to consult a registered medical practitioner.
6. If in the professional judgement of a registered 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 registered 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 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).
7. As an exception to the duty of a registered optician to refer under rule 3, a dispensing optician may refer the person consulting him to an ophthalmic optician; and in that event, he shall record that he has so referred together with details of the injury or disease from which that person appears to be suffering and of any advice tendered to that person.

(a) 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).

8. Nothing in these rules shall operate to prevent a registered 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.
9. The Rules relating to Injury or Disease of the Eye 1960(a) are hereby revoked.

Sealed on the 4th day of March 1999.



Attested by:

Thomas Klima
Member of Council

Peter Brogan
Member of Council

R. D. Wilshin
Registrar

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.

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

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