

**EXPLANATORY MEMORANDUM TO
THE GENERAL OPTICAL COUNCIL (REGISTRATION) RULES ORDER
OF COUNCIL 2005**

2005 No. 1478

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**
 - 2.1 The General Optical Council (Registration) Rules 2005 make provision for the procedures to be followed and decisions to be made in relation to persons seeking registration by the General Optical Council (“the GOC”) under the Opticians Act 1989 (“the Act”).
 - 2.2 The Rules establish the procedures for making applications to be registered in the registers of the GOC. The Act provides for the Council to maintain five registers – a register of optometrists, a register of dispensing opticians, a register of persons undertaking training as optometrists, a register of persons undertaking training as dispensing opticians and a register of bodies corporate carrying on business as an optometrist or a dispensing optician, or both. Applications to obtain registration or to restore a person’s name to a register following its removal by the registrar are dealt with under rule 3 of these Rules. Applications for the making of an entry relating to a specialty, or for restoration of such an entry following its removal by the registrar are covered by rule 4. Rules 5 to 9 specify the supporting information required from applicants.
 - 2.3 The Rules establish the specialties particulars of which may be entered in a register against a registrant’s name. Rule 10 specifies the work or activities which those registrants with a particular specialty in the register may perform. Rule 11 provides that, if a registrant performs such work or activities without an entry against his name, this to be treated as adversely affecting his fitness to practise.
 - 2.4 The Rules then provide for the acceptance of applications made under the Rules, including the making of entries in a register, provided the registrar is satisfied as to specified criteria. If a person’s name or entry relating to a specialty has previously been erased or removed on a direction by the Fitness to Practise Committee, the registrar may only restore it if directed to do so by the GOC’s Registration Appeals Committee (rules 15 and 16).
 - 2.5 Under the Rules the GOC will operate an annual procedure for the retention of a name in the register. Most registrants are required to apply for retention by 15th March (for student registrants the date is 15th July). Rule 17 requires the registrar to send out the relevant application forms and rule 18 identifies the supporting information that must be provided. Where a person fails to apply,

the registrar must send a warning notice under rule 19 and, in the circumstances set out in rule 20, he may remove a person's name from the register. Rule 21 describes the information to be entered in a register.

- 2.6 Rules 22 to 24 set out the procedure for changes to the register which are made otherwise than in the course of procedures applying to an application for retention of registration.

3. Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None

4. Legislative background

- 4.1 The GOC is empowered under the Act to make rules about the registration of optometrists and dispensing opticians and the entering of particulars of specialties in the register.
- 4.2 These Rules are made by the GOC, in the exercise of the powers conferred upon them by sections 7, 8A(4) and (5), 9(1), 10(1), (1A) and (5) and 31A of the Act.

5. Extent

- 5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

- 6.1 N/A

7. Policy background

- 7.1 In 2000 the GOC agreed proposals for wide ranging legislative change.
- 7.2 The GOC consulted with patient and consumer groups, representative and professional bodies within the optical profession and a wide range of other organisations with an interest in reform of the law in this area.
- 7.3 The Government welcomed these proposals as consistent with its overall aim of setting up a modern, comprehensive regulatory framework, with all regulatory bodies of the healthcare professions:
- Having as their main objection the need to safeguard the health and well-being of persons using the services of registrants;
 - Being open and transparent in their procedures and requirements; and
 - Having fair and fast decision making processes.
- 7.4 In April 2004 the Government launched a statutory consultation on a draft Order to amend the Act providing for reform in this area of law and modernisation of

the GOC. The document contained proposals for radical reform in a number of key areas:

- (a) The introduction of a new student register;
- (b) The ability for registrants to apply for particulars of specified specialties to be entered on the register;
- (c) The introduction of a system of continuing education and training for all registered optometrists and dispensing opticians;
- (d) A fundamental restructuring of the GOC's fitness to practise framework, to deliver more efficient and simplified procedures; and
- (e) The introduction of a requirement for compulsory insurance.

7.5 A summary of the responses was published by the Department of Health in February 2005 when the revised Order was laid before Parliament.

7.6 The Rules which are the subject of this memorandum form part of the same package of changes as the Order. The Opticians Act Amendment (Order) 2005 (S.I. 2005/848) substantially amended the 1989 Act. Most of its provisions are due to come into force on 30 June 2005, as are those of these Rules.

7.7 The GOC consulted on the draft General Optical Council (Registration Rules) during August of 2004.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There are no identified costs to either the public or the Exchequer arising from this Instrument.

9. Contact

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