EXPLANATORY MEMORANDUM TO

THE GENERAL OPTICAL COUNCIL (COMMITTEE CONSTITUTION RULES) ORDER OF COUNCIL 2005

2005 No. 1474

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 These Rules set out the constitutional framework for the Committees of the General Optical Council under the Opticians Act 1989. They set out the number of members for each Committee, the persons who may be members and the quorum. They relate to the Education Committee, the Companies Committee, the Investigation Committee, the Registration Committee and the Standards Committee.

2.2 The Rules also covers the new Registration Appeals Committee and the Fitness to Practise Committee. These two Committees are to consist of members of the Hearings Panel who are appointed by the GOC. Rule 29 provides for members of the Panel to be selected to serve on each Committee according to the matter under consideration. Rules 14 to 16 set out the categories of panel member who are to make up the Registration Appeals Committee for matters relating to optometrists, dispensing opticians or business registrants respectively. Rules 22 to 24 make equivalent provision in relation to the Fitness to Practise Committee.

2.3 The Rules then make provision as to the terms of appointment of members of Committees other than the Registration Appeals Committee and Fitness to Practise Committee. Rule 31 governs the filling of casual vacancies on Committees other than the Registration Appeals Committee and Fitness to Practise Committee. Rule 33 provides for the validity of proceedings.

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 1989 Act to make rules with regard to the constitution of its Committees.

4.2 These Rules are made by the GOC, in the exercise of the powers conferred upon them by sections 2(2), 3(2), 4(3), 5(2), 5A(3), 5B(2), 5C(3) and 5D(5) of, and paragraph 12A of Schedule 1 to, the Opticians Act 1989.

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 (Committee Constitution 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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