**EXPLANATORY MEMORANDUM TO**

**THE GENERAL OPTICAL COUNCIL (CONTINUING EDUCATION AND TRAINING)(AMENDMENT NO 2) RULES ORDER OF COUNCIL 2006**

**2006 No. 2901**

**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 This SI amends the General Optical Council (continuing education and Training) Rules (SI 2005 No 1473). Those Rules ("the 2005 Rules") made provision for a scheme of compulsory continuing education and training ("CET") to be followed by those optometrists and dispensing opticians registered by the General Optical Council ("the GOC") under the Opticians Act 1989 ("the Act"). The 2005 Rules provided for the arrangements for administering the CET scheme, established the infrastructure for the approval of listed providers and events, and governed the approval of applications to become a listed provider (and the fees payable). The administrator specifies for each approved event the number and type of CET points obtainable by persons undertaking it.

2.2 The 2005 Rules also dealt with CET points and sets out how the number of points each person needs is to be determined. Rule 13 contains the equivalent provision for specialist CET points. Each registrant with a specialty entered on the register is obliged to obtain a number of specialist CET points in addition to the general CET points. Rule 14 provides for CET points to be given for events attended before the Rules come into force. Rule 15 sets out certain requirements as to the calculation of the CET points and rule 16 provides for a limited relaxation of those requirements in relation to the initial relevant period.

2.3 The amendment Rules now laid before Parliament make minor changes to the 2005 Rules. They change the period of calculation for the required CET points from one year to three years, and raise the fee charged to course providers from £35 to £45. The amendment Rules also set out how a person applying for restoration to the register, or for the restoration of an entry relating to a specialty, is to satisfy the General Optical Council's CET requirements.

## 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 establishing a scheme for compulsory continuing education and training.

4.2 These Rules are made by the GOC, in the exercise of the powers conferred upon them by sections 11A, 11B and 31A of the Opticians Act 1989.

## 5. Extent

5.1 This instrument applies to the United Kingdom.

## 6. European Convention on Human Rights

6.1 The Minister of State for Delivery and Quality at the Department of Health, Andy Burnham MP has made the following statement regarding Human Rights:

"In my view the provisions of the Pharmacists and Pharmacy Technicians Order 2006 are compatible with the Convention rights."

## 7. Policy background

7.1 The General Optical Council engaged in appropriate consultation on the CET Scheme and the draft Amendment Rules and in particular explored with all the optical professional and representative bodies the suggested draft Rules. The draft Rules were published on the General Optical Council website. There was broad support for the content of the Rules.

## 8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as its impact on business, charities or voluntary bodies is extremely minor (increase in fees to register as a CET provider by £10).

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

## 9. Contact

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