STATUTORY INSTRUMENTS

1961 No. 1933

OPTICIANS

The General Optical Council (Disciplinary Committee) (Procedure) Order of Council, 1961

Made - - - - 11*th October,* 1961

At the Council Chamber, Whitehall, the 11th day of October, 1961

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of subsection (2) of section fifteen of the Opticians Act, 1958(a), the General Optical Council have made rules entitled "The General Optical Council Disciplinary Committee (Procedure) Rules, 1961":

And whereas by subsection (4) of the said section such rules shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken the said rules into consideration, are hereby pleased to approve the same as set out in the Schedule to this Order.

This Order may be cited as the General Optical Council (Disciplinary Committee) (Procedure) Order of Council, 1961.

W. G. Agnew.

SCHEDULE

THE GENERAL OPTICAL COUNCIL DISCIPLINARY COMMITTEE (PROCEDURE) RULES, 1961

PART I

PRELIMINARY

Citation and Interpretation

1.—(1) These rules may be cited as the General Optical Council Disciplinary Committee (Procedure) Rules, 1961.

(2) In these rules, unless the context otherwise requires:

"the Act" means the Opticians Act, 1958;

"case relating to conduct" means a disciplinary case where it is alleged that the respondent has been guilty of infamous conduct in any professional respect or that he has been guilty of any matter to which any of the provisions of subsections (3) and (4) of section 11 of the Act apply;

"case relating to conviction" means a disciplinary case where it is alleged that a respondent has been convicted by any court in the United Kingdom of any criminal offence to which paragraph (*a*) of sub-section (1) of section 11 of the Act applies or of an offence under the Act or of any other matter to which paragraph (*a*) of subsection (2) of that section applies;

"the Chairman" means the Chairman or the Acting Chairman of the Committee;

(a) 6 & 7 Eliz. 2. c. 32.

"the Committee" means the Disciplinary Committee set up by the Council in pursuance of subsection (1) of section 10 of the Act;

"the complainant" means a person or body by whom a complaint has been made to the Council in a case to which these rules apply; a complainant shall not be deemed to appear in any proceeding if he takes part therein only as a witness;

"the Council" means the General Optical Council;

"disciplinary case" means a disciplinary case as defined in subsection (1) of section 9 of the Act which the Investigating Committee decide ought to be referred to the Disciplinary Committee pursuant to subsection (2) of that section;

"enrolment case" means a disciplinary case where it is alleged that any of the conditions for enrolment of a body corporate to which paragraph (*b*) of subsection (2) of section 11 of the Act applies is no longer satisfied;

"inquiry" means the proceedings at which the Committee consider and determine any disciplinary case or other case to which these rules apply;

"the Investigating Committee" means the Committee set up by the Council in pursuance of subsection (1) of section 9 of the Act for the preliminary consideration of disciplinary cases;

"the Legal Assessor" means an assessor appointed by the Council or the Committee for the purposes of section 16 of the Act;

"register" and "list" have the meanings given them by subsection (1) of section 30 of the Act.

"the Registrar" means the Registrar of the Council;

"the Solicitor" means a solicitor nominated by the Council to act as their solicitor for the purposes of these rules;

"the respondent" means any person or body corporate whose name has been entered in a register or list under the provisions of the Act and in respect of whom a case to which these rules apply has been referred to the Committee for inquiry;

(3) The Interpretation Act, 1889(a), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

PART II

DISCIPLINARY CASES

Application of Part II

2. The provisions contained in this Part of these rules shall apply to all disciplinary cases.

Notice of Inquiry

3.—(1) The Solicitor shall, as soon as may be after the case has been referred to the Committee, serve upon the respondent a notice of inquiry as nearly as may be in the form set out in the Appendix to these rules specifying the matters alleged against the respondent in the form of a charge or charges, and stating the day, time and place at which the Committee will hold an inquiry into these matters, together with a copy of these rules, by post in a registered letter addressed to the respondent in accordance with the provisions of subsection (8) of section 11 of the Act as though it were a notification to which that sub-section applies.

(2) If there is a complainant, the Solicitor shall send him a copy of the notice of inquiry and a copy of these rules.

(3) The Committee shall not hold an inquiry unless a notice of inquiry has been served upon the respondent in accordance with the foregoing provisions of this rule.

(4) Except with the agreement of the respondent, the inquiry shall not be held on any day earlier than twenty-eight days after the date of posting the notice of inquiry.

(a) 52 & 53 Vict. c. 63.

Postponement or Cancellation of Inquiry

4.—(1) The Chairman, of his own motion or upon the application of any party thereto, may postpone the hearing of an inquiry, or may refer the matter to the Investigating Committee for further consideration as to whether an inquiry should be held.

(2) Where before the inquiry opens it appears to the Chairman, or at any stage of the proceedings it appears to the Committee, that a notice of inquiry is defective, he or they shall cause the notice to be amended, unless it appears to him or them that the required amendment cannot be made without injustice, or, if he or they consider that the circumstances in which an amendment is made require it, may direct that the amended notice shall be served on the respondent, and that the inquiry shall be postponed.

(3) The Solicitor, shall, as soon as may be, give to all parties to whom a notice of inquiry has been sent notification of any decision to postpone or not to hold an inquiry, informing them of the date fixed for the hearing of a postponed inquiry.

Access to Documents

5. Upon application by any party to the inquiry the Solicitor shall send to that party a copy of any statutory declaration, complaint, answer, admission, explanation or other similar document sent to the Council by any party to the inquiry.

The Reading of the Charge

6.—(1) The charge shall be read in the presence of the respondent, and of the complainant if one appears: Provided that if the respondent does not appear but the Committee nevertheless decide that the inquiry shall proceed the charge shall be read in his absence.

(2) As soon as the charge has been read the respondent may, if he so desires, object to the charge, or to any part of it, in point of law, and any other party may reply to any such objection; and, if any such objection is upheld, no further proceedings shall be taken on that charge or on that part of the charge to which the objection relates.

Proof of the facts alleged in cases relating to conviction

7.—(1) In cases relating to conviction, the following order of proceedings shall be observed concerning proof of facts alleged in the charge or charges:—

(*a*) If the respondent appears, the Chairman shall ask him as to every conviction alleged in the charge or charges, whether he admits it.

(*b*) The complainant, or if no complainant appears the Solicitor

(i) if the respondent has not appeared, or has not admitted every conviction alleged, shall adduce evidence of any conviction not admitted, and

(ii) shall, in the case of a criminal offence by a registered optician, whether the conviction alleged is admitted or not, address the Committee, and may adduce evidence, with regard to the nature and circumstances of the offence, to show that if the convictions alleged are proved or admitted the respondent is unfit by reason thereof to have his name on the register.

(*c*) If no evidence is adduced concerning any particular conviction which has not been admitted by the respondent, the Chairman shall thereupon announce that the charge in relation to that conviction has not been proved.

(2) (*a*) If, where the respondent appears, he does not admit every conviction alleged, he may then adduce evidence concerning any conviction which he has not admitted, on the question whether he was convicted as alleged, and may address the Committee on that question.

(*b*) In the case of a criminal offence by a registered optician, the respondent may also address the Committee, and adduce evidence with regard to the nature and circumstances of the offence, to show that he is not unfit by reason thereof to have his name on the register.

(*c*) Except with the leave of the Committee, only one address may be made under this paragraph, and where the respondent adduces evidence that address shall be made either before that evidence is begun, or after it is concluded.

(*d*) Where evidence is adduced under this paragraph, the complainant, or if no complainant appears the Solicitor, may adduce evidence to rebut such evidence.

(3) On the conclusion of proceedings under the foregoing paragraphs of this rule the Committee shall consider whether the facts alleged in the charge or charges have been proved, and shall determine whether the respondent has been convicted of an offence to which paragraph (*a*) of subsection (1) or paragraph (*a*) of subsection (2) of section 11 of the Act applies. The Committee shall record, and the Chairman shall announce, their findings in such terms as the Committee may approve.

Proof of the facts alleged in cases relating to conduct and in enrolment cases

8.—(1) In cases relating to conduct and in enrolment cases the following order of proceedings shall be observed concerning proof of the facts alleged in the charge or charges:—

(*a*) If the respondent appears, the Chairman shall ask him concerning each fact alleged in the charge or charges, whether he admits it.

(*b*) The complainant, or if no complainant appears the Solicitor,

(i) if the respondent does not appear, or has not admitted all the facts alleged in the charge or charges, shall adduce evidence of the facts not admitted, and

(ii) whether the facts alleged are admitted or not, shall address the Committee to show that if such facts are proved the respondent is by reason thereof unfit to have his name on the register or list.

(*c*) If no evidence is adduced concerning any particular charge on which there has been no admission of fact by the respondent, the Committee shall record a finding on this charge in favour of the respondent, and the Chairman shall announce their findings in the appropriate terms.

(2) (*a*) At the close of the case against him, the respondent may, if he so desires, make any of the following submissions which may be appropriate to any charge concerning which evidence has been adduced, namely

(i) that no sufficient evidence has been adduced upon which the Committee could find that all or any of the facts alleged in the charge have been proved,

(ii) if the charge is that the respondent is guilty of infamous conduct in any professional respect, that the facts alleged in the charge are not such as to constitute such conduct,

(iii) if the charge is that the respondent is liable to have his name erased from the register or list under subsection (3) or subsection (4) of section 11 of the Act, that the facts alleged in that charge are not such as to render him unfit to have his name on the register or list under subsection (3) or do not constitute arrangements to which subsection (4) applies;

(iv) in an enrolment case, that the facts alleged in the charge do not establish that the condition or any of the conditions to which paragraph (*b*) of subsection (2) of section 11 of the Act applies is no longer satisfied.

Where any such submission is made, the complainant, or if no complainant appears the Solicitor, may reply thereto.

(*b*) If a submission is made under the last foregoing sub-paragraph in respect of any charge, the Committee shall consider and determine whether it should be upheld, and shall record, and the Chairman shall announce, their finding in the appropriate terms.

(*c*) The respondent may adduce evidence in answer to any charge concerning which evidence has been adduced and, whether he adduces evidence or not, may address the Committee. Except with the leave of the Committee only one address may be made under this paragraph, and where the respondent adduces evidence the address shall be made either before that evidence is begun or after it is concluded.

(*d*) At the close of the case for the respondent the complainant, or if no complainant appears the Solicitor, may with the leave of the Committee adduce evidence to rebut any evidence adduced by the respondent; and if he does so, the respondent may make a further address limited to the rebutting evidence.

(*e*) The complainant, or if no complainant appears the Solicitor, may address the Committee by way of reply to the respondent's case either:

(i) if oral evidence (not being evidence as to character) other than that of the respondent himself has been given on the respondent's behalf, or

(ii) with the leave of the Committee, where no such evidence has been given.

(*f*) Without prejudice to the last foregoing sub-paragraph, if the respondent has made a submission to the Committee on a point of law the complainant, or if no complainant appears the Solicitor, shall have the right of reply limited to that submission.

(3) On the conclusion of proceedings as aforesaid the Committee shall consider and determine as respects each charge which remains outstanding whether the facts alleged therein have been proved to their satisfaction, and shall record, and the Chairman shall announce, their findings in the appropriate terms.

(4) If the Committee record, and the Chairman announces, a finding under this rule in favour of the respondent, the appropriate terms thereof shall be:—

(*a*) In a case relating to conduct, that in respect of the matters to which the charge relates the respondent is not guilty of infamous conduct in a professional respect, or, in a case where it is alleged that the respondent is liable to have his name erased from the register or list under subsection (3) or subsection (4) of section 11 of the Act, is not guilty of the matters alleged.

(*b*) In an enrolment case, that the allegation made in the charge has not been proved.

(5) If the Committee record, and the Chairman announces, a finding under this rule against the respondent, the appropriate terms thereof shall be:—

(*a*) In a case relating to conduct, that in respect of the matters to which the charge relates the respondent is guilty of infamous conduct in a professional respect, or, in a case where it is alleged that the respondent is liable to have his name erased from the register or list under subsection (3) or subsection (4) of section 11 of the Act, is guilty of the matters alleged.

(*b*) In an enrolment case, that the allegation made in the charge has been proved.

Procedure upon proof of the facts alleged

9.—(1) Where the Committee have found in a case relating to conviction that the facts alleged in a charge have been proved, the Chairman shall invite the complainant, or if no complainant appears the Solicitor, to address the Committee and to adduce evidence as to the circumstances leading up to the conviction and as to the character and previous history of the respondent. The Chairman shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

(2) Where in a case relating to conduct the Committee have recorded a finding against the respondent, the Chairman shall invite the complainant, or if no complainant appears the Solicitor, to address the Committee and to adduce evidence as to circumstances leading up to the facts found proved and as to the character and previous history of the respondent. The Chairman shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

(3) The Committee shall next consider and determine whether they should postpone judgment.

(4) If the Committee determine to postpone judgment, the judgment of the Committee shall stand postponed until such future meeting of the Committee as they may determine; and the Chairman shall announce their determination in such terms as the Committee may approve.

(5) If the Committee determine not to postpone judgment, they shall determine whether by reason of their finding against the respondent the Registrar shall be directed to erase the name of the respondent from the register or list, and the Chairman shall announce their determination in such terms as they may approve: Provided that in any case to which subsection (6) of section 11 of the Act applies the Committee may instead direct that a body corporate shall not use the title of ophthalmic optician, dispensing optician, registered optician or enrolled optician in connection with a particular set of premises.

Procedure in cases falling under both Rule 7 and Rule 8

10. Where the charges against the respondent fall within the provisions both of Rule 7 and of Rule 8, the Committee shall proceed upon the charge or charges of each kind separately under Rule 7 of these rules where the charge relates to a conviction or under Rule 8 of these rules where the charge relates to conduct or to enrolment and shall then proceed under so much of Rule 9 of these rules as may be applicable either upon the charge or charges of each kind separately or upon the charges of all kinds concurrently, as the circumstances of the case may require.

Procedure upon postponement of judgment

11.—(1) Where under the foregoing provisions of these rules the judgment of the Committee in any case stands postponed, the following shall be the procedure:—

(*a*) The Solicitor shall, not later than six weeks before the day fixed for the resumption of the proceedings, send to the respondent a notice which shall

(i) specify the day, time and place at which the proceedings are to be resumed and invite him to appear thereat,

(ii) unless the Chairman otherwise directs, invite the respondent to furnish the Registrar with the names and addresses of persons to whom reference may be made confidentially or otherwise concerning his character and conduct, and

(iii) invite the respondent to send to the Solicitor, not less than three weeks before the day fixed for the resumption of proceedings, a copy of any statement or statutory declaration, whether made by the respondent or not, relating to his conduct or other matters since the hearing of his case or setting out any material facts which have arisen since that hearing.

(*b*) A copy of the notice and of any statement or statutory declaration sent in accordance with the provisions of the last foregoing subparagraph shall be sent to the complainant, if any, if he is a party to the proceedings, and he may in turn, if he so desires, send to the Solicitor a statement or statutory declaration, whether made by himself or not, concerning any matter raised by the respondent.

(*c*) At the meeting at which the proceedings are resumed the Chairman shall first invite the Solicitor to recall, for the information of the Committee, the position in which the case stands and the Committee may then receive further oral or documentary evidence in relation to the case, or to the conduct of the respondent since the hearing, and shall hear any party to the proceedings who desires to be heard.

(*d*) The Committee shall then consider and determine whether they should further postpone their judgment on the charges on which their judgment was previously postponed; and if the Committee determine further to postpone judgment, the judgment of the Committee shall stand postponed until such future meeting of the Committee as they may determine; and the Chairman shall announce their determination in such terms as they may approve. The provisions of this rule shall apply to any case in which judgment is further postponed.

(*e*) If the Committee determine that judgment shall not be further postponed paragraph (5) of Rule 9 of these rules shall apply.

(2) At any resumed proceedings any new charge alleged against the respondent in accordance with these rules shall first be dealt with in accordance with such of Rules 6 to 8, and so much of Rule 9, as may be applicable and if the Committee determine not to postpone judgment in respect of any such new charge, the Committee may apply paragraph (5) of Rule 9 simultaneously to the new charge and the charge in respect of which they had postponed judgment.

(3) Nothing in the last foregoing paragraph shall prevent the Committee from receiving evidence at any resumed proceedings of any conviction recorded against the respondent which has not been made the subject of a charge under these rules.

(4) Subject to the provisions of the Act, the validity of any resumed proceedings shall not be called into question by reason only that members of the Committee who were present at any former meeting were not present at the resumed meeting or that members present at the resumed meeting were not present at any former meeting.

PART III

REMOVAL OF NAME OF BODY CORPORATE FROM THE LIST UNDER SUB-SECTION (5) OF SECTION ELEVEN OF THE ACT

Notice of Inquiry

12.—(1) Where

(i) the name of a director of an enrolled body corporate is erased from the register under subsection (1) of section 11 of the Act or

(ii) a director of an enrolled body corporate is convicted of an offence under the Act or

(iii) the name of a registered optician employed by an enrolled body corporate is erased from the register (unless the Committee are satisfied that the act or omission constituting the ground on which it was erased was not instigated or connived at by a director of the body corporate or, if the act or omission was a continuing act or omission, that a director of the body had not nor was reasonably required to have had knowledge of the continuance thereof)

and the period within which might be brought proceedings by way of appeal which might render the sub-section inapplicable has expired, or any such proceedings by way of appeal have taken place, the following steps shall be taken:—

(*a*) The Solicitor shall send by post to the respondent a notice of inquiry stating the day, time and place of the meeting of the Committee to be held for the purpose of considering whether the name of the respondent should be erased from the list. The provisions of Rule 3 shall apply as though such notice were a notice of inquiry such as is mentioned in that rule.

(*b*) A copy of the notice shall be sent by post to the complainant (if any) and to every person who is named therein and to every other person who is or appears to be a director of the respondent. The Chairman may direct that a copy of the notice shall also be sent to any other person or body.

(2) Any person or body other than the complainant or the respondent or a director of the respondent may with the leave of the Chairman or of the Committee appear at the inquiry as an additional respondent.

(3) Any erasure from the register shall be proved by a certificate to that effect under the hand of the Registrar.

(4) The inquiry shall proceed as though any question relating to the conviction of a director of a body corporate of an offence under the Act gave rise to a case relating to a conviction and any question arising under paragraph (*c*) of subsection (5) of section 11 of the Act gave rise to a case relating to conduct.

Subject to the provisions of this rule the provisions of Part II of these rules shall apply accordingly to any proceedings to which this rule applies.

PART IV

CASES RELATING TO FRAUDULENT OR INCORRECT ENTRIES IN REGISTER OR LIST

Procedure

13.—(1) Where any question whether an entry in the register or list has been fraudulently or incorrectly made has been referred to the Committee the Solicitor shall send to the respondent (being the person or body corporate in relation to whom the entry was made) a notice of inquiry specifying the nature of the fraud or mistake alleged, stating the day, time and place at which the Committee will hold an inquiry into the question, inviting his attendance at such inquiry, and containing such further information as the nature of the case may require. The provisions of Rule 3 shall apply as though such notice were a notice of inquiry such as is mentioned in that rule.

(2) Where the question is whether the entry in the register or list has been fraudulently made a copy of the notice shall be sent to any person who is alleged to have been a party to the fraud and to such other persons (if any) as the Chairman may direct. Any such person may with the leave of the Chairman or of the Committee appear at the inquiry as an additional party thereto.

(3) The inquiry shall proceed as though the question were a charge contained in a notice of inquiry in a case relating to conduct and the provisions of Rule 8 shall accordingly apply thereto so far as may be.

(4) If the Committee determine that the entry has been proved to their satisfaction to have been fraudulently or incorrectly made, they shall make an order in writing, under the hand of the Chairman, that the entry having been proved to the satisfaction of the Committee to have been fraudulently or incorrectly made shall be erased from the register or list, and the Chairman shall announce the determination in terms indicating whether in the view of the Committee the entry was made fraudulently or was made incorrectly but not fraudulently.

(5) Where an inquiry relates to two or more entries, the Committee may proceed under the foregoing provisions of this rule in respect of those entries either separately or taken together, as the Committee may think fit; and where an inquiry relates to an entry specifying two or more particulars, the Committee may proceed thereunder in respect of so much of the entry as specifies each of those particulars as if it were a separate entry.

PART V

RESTORATION OF NAMES AFTER ERASURE

Procedure

14. Where an application is made:

(*a*) in accordance with the provisions of section 12 of the Act by a person or body whose name has been erased from a register or list in pursuance of a direction made under the provisions of section 11 of the Act; or

(*b*) in accordance with the provisions of subsection (2) of section 13 of the Act by a person or body whose name has been erased from a register or list on the ground of fraud in pursuance of a direction by the Committee under sub-section (1) of that section; or

(*c*) in accordance with subsection (6) of section 11 of the Act by a body corporate that a direction made in respect of it by the Committee under that sub-section should not remain in force;

the following provisions shall have effect:

(i) The Committee shall afford to the applicant an opportunity of being heard by the Committee and of adducing evidence.

(ii) The Committee may require such evidence as they think necessary concerning the identity or character of the applicant, or his conduct since his name was erased from the register or list, and for this purpose may receive written or oral evidence.

Subject to the foregoing provisions of this rule, and to Part VI of these rules, the procedure of the Committee in connection with the application shall be such as they may determine.

PART VI

GENERAL

Hearing and Adjournment

15.—(1) Subject to the provisions of subsection (3) of section 16 of the Act, and of any rules made thereunder the Committee may deliberate in camera (with or without the Legal Assessor) at any time and for any purpose during or after the hearing of any proceedings.

(2) Save as aforesaid all proceedings before the Committee shall take place in the presence of all parties thereto who appear therein and shall be held in public except as provided by the next following paragraph of this rule.

(3) Where in the interests of justice it appears to the Committee that the public should be excluded from any proceedings or part thereof, the Committee may direct that the public shall be so excluded; but a direction under this paragraph shall not apply to the announcement in pursuance of any of these rules of a determination of the Committee.

(4) The Committee may adjourn their proceedings from time to time as they think fit.

Evidence

16.—(1) Where any respondent or applicant under Rule 14 has supplied to the Committee or to the Registrar on their behalf the name of any person to whom reference may be made confidentially as to his character or conduct, the Committee may consider any information received from such person in consequence of such reference without disclosing the same to the respondent or applicant.

(2) The Committee may receive oral, documentary, or other evidence of any fact which appears to them relevant to the inquiry into the case before them: Provided that, where a fact which it is sought to prove or the form in which any evidence is tendered, is such that it would not be admissible in criminal proceedings in an English court, the Committee shall not receive evidence of that fact or in that form, unless after consultation with the Legal Assessor they are satisfied that it is desirable in the interests of justice to receive it having regard to the difficulty and expense of obtaining evidence which would be so admissible.

(3) The Committee may cause any person to be called as a witness in any proceedings before them whether or not the parties consent thereto. Questions may be put to any witness by the Committee through the Chairman or by the Legal Assessor with the leave of the Chairman.

Voting

17.—(1) Any question put to the vote shall be put in the form of a motion. The Chairman shall call upon the members present to vote for or against the motion by raising their hands and shall declare that the motion appears to him to have been carried or not carried as the case may be.

(2) Where the result so declared is challenged by any member, the Chairman shall call upon the Registrar to read the roll, and as his name is read every member present including the Chairman (who shall be called last) shall say "For" or "Against" according to whether his vote is given for or against the

motion. The Chairman shall thereupon declare the number of members who have voted for and the number who have voted against the motion and whether the motion has been carried or not carried.

(3) Where on any of the questions the votes are equal, the question shall be deemed to have been resolved in favour of the respondent or of the applicant under Rule 14, as the case may be, and for the purposes of this paragraph a decision to postpone judgment shall be taken to be in favour of the respondent or applicant unless he has indicated to the Committee that he is opposed to postponement.

Procedure where there is more than one respondent

18. Nothing in this part of the rules shall prevent one inquiry being held into charges against two or more respondents; and where such an inquiry is held the foregoing rules shall apply with the necessary adaptations, and subject to any directions given by the Committee as to the order in which proceedings shall be taken under any of these rules by or in relation to the several respondents, so however that any of the rights ensured to a respondent under these rules shall be exercised separately by each of the respondents who desires to invoke that right.

Supplementary

19.—(1) Any party being an individual may appear either in person or by counsel or solicitor, or if the party so elects by any officer or member of any organisation of which he is a member, or by any member of his family.

(2) Any party being a body corporate or an unincorporated body of persons may appear by their secretary or other officer duly appointed for the purpose or by counsel or solicitor.

20. A shorthand-writer shall be appointed by the Committee to take shorthand notes of their proceedings (except that the Committee may dispense with a shorthand-writer in proceedings under Part V of these rules) and any party to proceedings of the Committee shall, on application to the Solicitor and on payment of the proper charges, be furnished by the Solicitor with a transcript of the shorthand notes of any part of the proceedings at which the parties were entitled to be present.

APPENDIX

General Optical Council

Form of Notice of Proceedings for the Purposes of Section 10 of the Opticians Act, 1958

SIR/MADAM [*Date*]

On behalf of the General Optical Council notice is hereby given to you that in consequence of (a complaint made against you to the Council) [*or*] (information received by the Council) an inquiry is to be held into the following charge against you:

[*Here set out particulars of the charge or charges. Where there is more than one charge the charges are to be numbered consecutively.*]

Notice is further given to you that on [day of the week], the ..... day of ..... 19....., a meeting of the Disciplinary Committee of the Council will be held at ..... at ..... to consider the above mentioned charge (charges) against you and to determine whether or not they should direct the Registrar to erase your name from the register or list pursuant to section 11 of the Opticians Act, 1958, or give any other direction provided for in that section.

You are hereby invited to answer in writing the above mentioned charge (charges) and also to appear before the Committee at the place and time specified above for the purpose of answering it (them). The Committee have

power, if you do not appear, to hear and decide upon the said charge (charges) in your absence.

Any answer, admission, or other statement or communication which you may desire to make with respect to the said charge (charges) should be addressed to the Solicitor to the Council.

If you desire to make any application that the inquiry should be postponed you should send the application to the Solicitor to the Council as soon as may be, stating the grounds upon which you desire a postponement. Any such application will be considered by the Chairman of the General Optical Council in accordance with the General Optical Council Disciplinary Committee (Procedure) Rules, 1961, a copy of which is sent herewith for your information.

Your attention is drawn to the provisions of Rule 19 of these rules with regard to your right to be represented by counsel, solicitor or other persons.

I am, Sir/Madam,
Your obedient servant,

Solicitor to the General Optical Council.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The rules approved by this Order provide for the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee of the General Optical Council.