DISCIPLINARY PROCEEDINGS

1960 No. 1934

The General Optical Council (Disciplinary Committee Rules) Order of Council, 1960

Made - - - -	*24th October*, 1960
Laid before Parliament	*27th October*, 1960
Coming into Operation	*28th October*, 1960

At the Council Chamber, Whitehall, the 24th day of October, 1960

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

Whereas in pursuance of subsections (2) and (3) of section ten of the Opticians Act, 1958(a), the General Optical Council have made rules entitled "The Disciplinary Committee Rules, 1960":

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 Rules) Order of Council, 1960, and shall come into operation on the twenty-eighth day of October, 1960.

W. G. Agnew.

SCHEDULE

THE DISCIPLINARY COMMITTEE RULES, 1960

The General Optical Council, in exercise of their powers under section 10 (2) of the Opticians Act, 1958, hereby make the following rules:—

1. These rules may be cited as the Disciplinary Committee Rules, 1960.

2. (*a*) In these rules "the Act" means the Opticians Act, 1958, and "the Schedule" means the Schedule to the Act; "the Committee" means the Disciplinary Committee established under section 10 of the Act; "the Council" means the General Optical Council established under the Act; the phrase "disciplinary case" has the meaning assigned to it in section 9 of the Act; and "Wales" includes the administrative county of Monmouth and the county borough of Newport. A registered optician shall be deemed to be resident at the address entered in the appropriate register kept by the Council under the Act as his permanent address.

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

3. The Committee shall consist of twelve members of the Council, who shall be appointed by the Council in accordance with the requirements of these rules.

4. In making appointments to the Committee, the Council shall secure that, except so far as there are no such persons among the members of the Council, the Committee shall include at least one person resident in Scotland, at least one person resident in Northern Ireland, and at least one person resident in Wales.

(a) 6 & 7 Eliz. 2. c. 32. (b) 52 & 53 Vict. c. 63.

5. The Chairman of the Council shall be appointed a member of the Committee and shall be Chairman thereof.

6. Two members of the Committee, additional to the Chairman of the Council, shall be appointed from among the members of the Council nominated under sub-paragraph (*a*) or sub-paragraph (*f*) of paragraph 1 of the Schedule.

7. Three members of the Committee, one of whom shall be the general medical practitioner nominated by the Privy Council under sub-paragraph (*c*) of paragraph 5 of the Schedule, shall be appointed from among the registered medical practitioners referred to in sub-paragraph (*e*) of paragraph 1 of the Schedule.

8. Four members of the Committee shall be appointed from among the following members of the Council; that is to say, the members chosen to represent registered ophthalmic opticians under sub-paragraph (*b*) of paragraph 1 of the Schedule, and the members nominated by examining bodies under sub-paragraph (*d*) of that paragraph other than the member who under paragraph 4 of the Schedule is nominated by the Association of Dispensing Opticians.

9. Two members of the Committee shall be appointed from among the following members of the Council; that is to say, the members chosen to represent dispensing opticians under sub-paragraph (*c*) of paragraph 1 of the Schedule, and the member nominated by the Association of Dispensing Opticians under sub-paragraph (*d*) of paragraph 1 and under paragraph 4 of the Schedule.

10. The first appointments to the Committee shall remain in force until the thirty-first day of January, 1962, and shall then expire, and subsequent appointments shall be for a period of one year expiring on the thirty-first day of January. Provided that where a member ceases to be a member of the Council he shall cease to be a member of the Committee.

11. A member of the Committee may at any time, by notice in writing addressed to the Registrar of the Council, resign his office.

12. Where a casual vacancy occurs among the members of the Committee, it shall be filled by a person appointed to the Council as being a person having qualifications for membership under Rule 5, 6, 7, 8, or 9 of these rules, as the case may be, similar to those of the member whose office is vacant. In making any appointment to fill a casual vacancy, the Council shall comply so far as may be with the requirements of Rule 4 of these rules.

13. A person appointed to fill a casual vacancy in the Committee shall hold office until the date upon which the member whose vacancy he has filled would have regularly retired.

14. No person who has acted in relation to any disciplinary case as a member of the Investigating Committee established under section 9 of the Act shall act in relation to that case as a member of the Committee.

15. The quorum of the Committee shall be five.

16. If the Chairman of the Committee is absent when a disciplinary case is due for hearing by the Committee, the Committee shall either adjourn the case or elect one of the members present to preside as Acting Chairman over the hearing of the case.

17. The Committee shall meet at least twice in every year, on days and at times to be fixed by the Chairman of the Committee.

18. The Committee shall meet at the offices of the Council unless the Chairman of the Committee directs that a meeting shall be held elsewhere in the United Kingdom, on the ground that this would be for the convenience of the Committee or of parties and witnesses in disciplinary cases to be heard at the meeting, or would be desirable in the special circumstances of such cases.

19. Not less than seven clear days before the date fixed for a meeting of the Committee, the Registrar of the Council shall inform every member of the Committee of the date, time and place of the meeting, and shall send to every such member a programme of business for that meeting which shall include particulars of the allegations against registered opticians or enrolled bodies corporate in every disciplinary case to be considered at the meeting.

EXPLANATORY NOTE

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

The Opticians Act, 1958, section 10, requires the General Optical Council to set up a committee, to be known as the Disciplinary Committee, for the consideration and determination of disciplinary cases referred to them. The rules approved by this Order provide for the constitution of this Committee.