STATUTORY INSTRUMENTS

# 2005 No. 1476

# HEALTH CARE AND ASSOCIATED PROFESSIONS

# OPTICIANS

## The General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules Order of Council 2005

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| *Made - - - -* | *2nd June 2005* |
| *Laid before Parliament* | *8th June 2005* |
| *Coming into force - -* | *30th June 2005* |

At the Council Chamber, Whitehall, the 2nd day of June 2005

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

Whereas, in exercise of their powers under sections 27(3B) and 31(5) and (5A) of the Opticians Act 1989(**a**) and of all other powers enabling it in that behalf, the General Optical Council has made the General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules 2005 as set out in the Schedule to this Order:

And whereas by section 34(1) of that Act, such Rules shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken these Rules into consideration, are pleased to, and do hereby approve them.

This Order may be cited as the General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules Order of Council 2005, and shall come into force on 30th June 2005.

*A K Galloway*
Clerk of the Privy Council

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(**a**) 1989 (C.44); section 27(3B) was inserted by and section 31(5) was amended by S.I. 2005/848.

# SCHEDULE

# THE GENERAL OPTICAL COUNCIL (INJURY OR DISEASE OF THE EYE AND CONTACT LENS (QUALIFICATIONS)) (AMENDMENT) RULES 2005

The General Optical Council, in exercise of its powers under sections, 27(3B) and 31(5) and (5A) of the Opticians Act 1989, hereby make the following Rules—

**Citation and commencement**

**1.** These Rules may be cited as the General Optical Council (Injury or Disease of the Eye and Contact Lens (Qualifications)) (Amendment) Rules 2005 and shall come into force on 30th June 2005.

**Amendments to the Rules relating to Injury or Disease of the Eye 1999**

**2.**—(1) the Rules relating to Injury or Disease of the Eye 1999(**a**) shall be amended in accordance with the following provisions of this rule.

(2) In rules 3 and 5, there shall be substituted for the words "the optician", the words "the optometrist or dispensing optician".

(3) In rule 6(a)(iii), there shall be inserted after the word "advice", the words "or medical or clinical treatment".

(4) For rule 7 there shall be substituted the following rules—

"**7.** As an exception to the duty to refer to a registered medical practitioner under rule 3—

(a) a registered dispensing optician may refer the person consulting him to a registered optometrist; or

(b) a registered optometrist or dispensing optician may refer the person consulting him to—

(i) a person other than a registered medical practitioner who provides and who has the appropriate qualifications or expertise to provide medical or clinical treatment for the injury or disease of the eye from which the person consulting him appears to be suffering, or

(ii) a person or body one of whose functions is to refer or to organise the referral of persons who having consulted a registered optometrist or dispensing optician appear to that optometrist or dispensing optician to be suffering from an injury or disease of the eye to a registered medical practitioner or a person falling within sub-paragraph (i),

provided that he is satisfied that the referral to that person or body is appropriate in the circumstances of the case.

**7A.** Where a registered optometrist or dispensing optician makes a referral under rule 7, he shall—

(a) record in respect of the person consulting him—

(i) that he has made the referral and the date of the referral,

(ii) a sufficient description of the injury or disease from which that person appears to be suffering, and

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(**a**) Scheduled to S.I. 1999/3267 and amended by S.I. 2005/848.

(iii) details of any advice or medical or clinical treatment tendered to the patient; and

(b) provide to the person to whom the referral is made a written report of his findings indicating—

(i) his grounds for thinking that the person may be suffering from injury or disease of the eye;

(ii) the urgency of the case, and

(iii) where the referral is made to a person falling within rule 7(b)(ii), instructions as to whether the patient should be referred to—

(aa) a registered medical practitioner; or

(bb) a person who is not a registered medical practitioner, in which case the instructions shall include what qualifications or expertise that person must have.

**7B.** The duty to refer under rule 3 shall not apply to a registered optometrist who—

(a) has the supplementary prescriber specialty entered on the register against his name under rule 10 of the General Optical Council (Registration Rules) 2005(**a**); and

(b) is acting under and in accordance with article 3B of the Prescription Only Medicines (Human Use) Order 1997(**b**).”

**Amendment to the Contact Lens (Qualifications Etc.) Rules 1988**

**3.** In rule 15 of the Contact Lens (Qualifications Etc.) Rules 1988(**c**) the word “supply” shall be substituted for the word “fit”.

Given under the official seal of the General Optical Council on the 9th day of May 2005.

Attested by:
*Moria Black*
Member of Council

L.S.

*Rosie Varley*
Member of Council

*Peter Coe*
Registrar

(**a**) Scheduled to S.I 2005/ .
(**b**) S.I. 1997/1830; relevant amending instruments are S.I. 1998/1178, 2000/2899, 2002/549, 2003/696 and 2915, 2004/2, 696 and 1189 and 2005/848 and 2005/ .
(**c**) Scheduled to S.I. 1988/1305 and amended by S.I. 2005/848.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order approves Rules made by the General Optical Council, which amend those approved by the General Optical Council (Rules relating to Injury or Disease of the Eye) Order of Council 1999 and the General Optical Council (Contact Lens (Qualifications Etc.) Rules) Order of Council 1988.

Rule 2 makes amendments to the Rules relating to Injury or Disease of the Eye 1999 ("the 1999 Rules"). Rule 3 of the 1999 Rules imposes a duty on a registered optometrist or dispensing optician to refer a patient to a registered medical practitioner where it appears that the patient is suffering from an injury or disease of the eye. New rule 7 of the 1999 Rules (inserted by rule 2(4) of the Rules approved by this Order) provides a discretion for the optometrist or dispensing optician to refer to other persons or bodies. New rule 7A of the 1999 Rules sets out various requirements to be met where a referral is made under rule 7. New rule 7B of the 1999 Rules exempts a registered optometrist with a supplementary prescribing specialty who is acting in accordance with a clinical management plan from the duty to refer under rule 3 of the 1999 Rules. Rule 2 of the Rules approved by this Order also makes other minor amendments to the 1999 Rules.

Rule 3 amends rule 15 of the Contact Lens (Qualifications Etc.) Rules 1988 which concerns the duty on registered opticians to provide aftercare to those persons for whom they have supplied contact lenses.

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