1960 No. 1935

The General Optical Council (Investigating 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 subsection (3) of section nine of the Opticians Act, 1958(a), the General Optical Council have made rules entitled "The Investigating 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 (Investigating Committee Rules) Order of Council, 1960, and shall come into operation on the twenty-eighth day of October, 1960.

W. G. Agnew.

SCHEDULE

The Investigating Committee Rules, 1960

The General Optical Council in exercise of their powers under section 9 (3) of the Opticians Act, 1958, hereby make the following rules:—

1. These rules may be cited as the Investigating 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 Investigating Committee established under section 9 of the Act; "the Council" means the General Optical Council established under the Act; and the phrase "disciplinary case" has the meaning assigned to it in section 9 of the Act.

(*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 the following members of the Council, who shall be appointed by the Council in accordance with the requirements of these rules:—

(*a*) Two members from among the members of the Council nominated under sub-paragraph (*a*) or sub-paragraph (*f*) of paragraph 1 of the Schedule:

Provided that the Chairman of the Council shall not be appointed a member of the Committee.

(*b*) One member from among the registered medical practitioners referred to in paragraph (*e*) of paragraph 1 of the Schedule.

(*c*) Two members 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 the 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.

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

(*d*) One member from among the following members of the Council: that is to say, the members chosen to represent registered 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.

(*e*) A further member of the Council, not being a member chosen under sub-paragraph (*b*) or sub-paragraph (*c*), or nominated under sub-paragraph (*d*), of paragraph 1 of the Schedule, to serve as a member of the Committee only on occasions when the member of the Committee appointed under paragraph (*d*) of this rule has given notice to the Registrar of the Council that he is of opinion that it would be improper for him to join in the proceedings of the Committee because he has a special acquaintance or connection with a disciplinary case coming before the Committee.

4. (*a*) After consulting organisations appearing to them to represent the interests of a substantial number of bodies corporate carrying on business as ophthalmic opticians the Council shall appoint a panel of persons capable of representing the interests of such bodies corporate.

(*b*) After consulting organisations appearing to them to represent a substantial number of bodies corporate carrying on business as dispensing opticians, the Council shall appoint a panel of persons capable of representing the interests of such bodies corporate.

5. (*a*) The Committee shall co-opt a member of the panel established under paragraph (*a*) of Rule 4 of these rules as a member of the Committee on the occasion of a disciplinary case involving an allegation against a body corporate carrying on business as ophthalmic opticians or against a director or an employee of such a body corporate.

(*b*) The Committee shall co-opt a member of the panel established under paragraph (*b*) of Rule 4 of these rules as a member of the Committee on the occasion of a disciplinary case involving an allegation against a body corporate carrying on business as dispensing opticians or against a director or an employee of such a body corporate.

6. The first appointments to the Committee under Rule 3 of these rules 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.

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

8. Where a casual vacancy occurs among the members of the Committee, it shall be filled by a person appointed by the Council as being a person having qualifications for membership of the Committee similar to those of the member whose seat is vacant.

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

EXPLANATORY NOTE

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

The Opticians Act, 1958, s. 9, requires the General Optical Council to set up a committee, to be known as the Investigating Committee for the preliminary investigation of cases in which it is alleged that an individual or body corporate is liable to have his or its name erased from the register or list on certain specified grounds. The rules approved by this Order provide for the constitution of this Committee.