STATUTORY INSTRUMENTS

1973 No. 1450

OPTICIANS

The General Optical Council (Registration and Enrolment Rules) Order of Council 1973

Made - - - - *17th August* 1973

At the Council Chamber, Whitehall, the 17th day of August 1973

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

Whereas in pursuance of section 7 of the Opticians Act 1958(a) the General Optical Council have made rules entitled "The Registration and Enrolment Rules 1973":

And whereas by subsection (5) 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 (Registration and Enrolment Rules) Order of Council 1973.

W. G. Agnew.

SCHEDULE

THE REGISTRATION AND ENROLMENT RULES 1973

The General Optical Council, in exercise of their powers under section 7 of the Opticians Act 1958, hereby make the following rules:—

INTERPRETATION

1. These rules may be cited as the Registration and Enrolment Rules 1973.

2. In these rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

"the Act" means the Opticians Act 1958;

"appropriate form" means an application form issued by the Council for the type of application in question and a requirement that an application shall be made on the appropriate form shall imply that the Council are entitled to require the completion of the form;

"the Council" means the General Optical Council established under the Act;

(a) 1958 c. 32.

"enrolment period" means the period commencing on the date of the first enrolment of an enrolled body corporate and ending on a date prescribed by the Council in relation to the enrolment of that body corporate;

"practice address" means an address at which the applicant provides ophthalmic services including testing sight as defined by section 30(2) of the Act, or the fitting and supply of optical appliances, or both, except an address at which he provides such services only in the following circumstances:—

(*a*) when working as an employee of a registered medical practitioner or registered optician, or of an authority or person carrying on a hospital, clinic, nursing home or other institution providing medical or surgical treatment, or of a Minister of the Crown or Government department (including a department of the Government of Northern Ireland), or

(*b*) when working as director, secretary or employee of an enrolled body corporate or

(*c*) in an emergency or in the place of a registered optician who is ill or on holiday;

"the Registrar" means the Registrar of the Council;

"registration period" means the period commencing on the date of the first registration of a registered optician and ending on a date prescribed by the Council in relation to the registration of that optician;

"restoration period" means the period commencing on the date of the restoration of the name of an optician to the registrer or the date of restoration of the name of a body corporate to the list and ending on a date prescribed by the Council in relation to the restoration of that name to the register or list;

"retention period" means the period of retention in the register or list of one year commencing on the day following the last day of a registration period, enrolment period, restoration period or retention period, or, in the case of a retention which relates to a registered optician, such greater period as may be prescribed by the Council.

3. Section 30 of the Act shall apply for the interpretation of these rules as it applies for the interpretation of the Act.

4. The Interpretation Act 1889**(a)** shall apply for the interpretation of these rules as an Act of Parliament.

The Registers and Lists

5. Each register shall contain the following particulars of each optician registered therein:—

(*a*) full name;

(*b*) permanent address with an indication whether or not he works there as an ophthalmic or dispensing optician;

(*c*) practice addresses, if any, other than the permanent address;

(*d*) qualifications held by the optician and recognised by the Council under section 3(2) or section 3(4), or approved by the Council under section 5, of the Act;

(*e*) other optical, academic or professional qualifications approved by the Council for inclusion in the register.

6. Each list shall contain the following particulars of each body corporate enrolled therein:—

(*a*) name;

(*b*) principal place of business;

(*c*) the addresses of all places at which the body corporate carries on business as ophthalmic or dispensing opticians and the name under which such business is carried on at each such place.

(a) 1889 c. 63.

7. The Registrar shall have authority to refuse to enter a name in a register or list, and to refuse to transfer or restore a name to a register or list, until the fees prescribed by these rules for the registration, enrolment, transfer or restoration, as the case may be, have been paid.

Applications for Registration or Enrolment

8.—(1) An application to the Council for the inclusion of a name in the register or the name of a body corporate in the list shall be made on the appropriate form.

(2) The Council may require in a particular case such evidence in verification of the information given on the appropriate form as in their view is necessary to establish whether the applicant is entitled to be registered or the body corporate to be enrolled.

Transfer from one Register or List to another

9.—(1) An application for the transfer of the name of a registered optician from one register to another or for the transfer of the name of an enrolled body corporate from one list to the other shall be made on the appropiate form and shall be accompanied by such information as the Council may reasonably require for establishing whether the registered optician is entitled to be registered in the other register or the body corporate to be enrolled in the other list.

(2) Where the Council are satisfied that the registered optician or body corporate is so entitled, they shall delete the name of the registered optician from one register and insert it in the other, or, as the case may be, shall delete the name of the body corporate from one list and insert it in the other.

Retention of a name in the Register or List and removal for non-payment of fee

10.—(1) Applications to the Council for the retention of the names of registered opticians in the register or the names of bodies corporate in the list shall be made on the appropriate form and shall be accompanied by such information as the Council may reasonably require for establishing whether a registered optician or enrolled body corporate who or which applies for such retention is entitled to have his or its name retained in the register or list.

(2) Not later than the seventeenth day before the end of a registration period, restoration period or retention period, the Registrar shall send to every registered optician whose period as aforesaid is about to expire the appropriate form of application for retention of a name in the register.

(3) Not later than the seventeenth day before the end of an enrolment period, restoration period or retention period, the Registrar shall send to every enrolled body corporate the aforesaid period of which is about to expire the appropriate form of application for retention of a name in the list.

(4) When the appropriate form is sent to a registered optician or to an enrolled body corporate in pursuance of this rule it shall be accompanied by a notice of the fees payable to the Council on application for retention of a name in the register or list and a warning that failure to pay the appropriate fees will entail removal from the register or list.

(5) Failure to receive a form or notice shall not constitute a ground for retention in the register or list.

(6) The appropriate form sent to a registered optician or enrolled body corporate in accordance with this rule shall be addressed to the registered optician or enrolled body corporate at his permanent address or, as the case may be, its principal place of business.

(7) For the purpose of this rule a registration period, enrolment period, restoration period or retention period shall be deemed to be about to expire when less than one month of the period remains unexpired.

11. Where the Registrar shall not have received from a registered optician or enrolled body corporate by the last day of a registration period, enrolment period, retention

period or restoration period, as the case may be, a retention fee due on that date he shall send a warning to that registered optician or enrolled body corporate that failure to pay the fee will result in the removal from the register or the list of the name in relation to which the fee was due, and if the fee is not received within fourteen days of the issue of the warning he shall remove the name from the register or list.

Changes in particulars notified to the Council

12. A registered optician shall notify the Council within one month of any of the following changes bearing on the particulars entered in the register:—

(*a*) change of name;

(*b*) change or abandonment of any address entered in the register or addition of any further practice address to those entered in the register;

(*c*) loss of any qualification entered in the register.

13. An enrolled body corporate shall notify the Council within one month of any of the following changes bearing on the particulars entered in the list:—

(*a*) change of name;

(*b*) change or abandonment of any address entered in the list;

(*c*) inception by the body corporate of business as ophthalmic or dispensing opticians at an address additional to those entered in the list, the notification to include the name under which business is carried on at the additional address.

14. An enrolled body corporate shall notify the Council forthwith if at any time any particulars supplied by it or in support of its application for enrolment no longer apply in any respect which may materially affect the application to the body corporate of any of he conditions of enrolment set out in section 4(2) of the Act.

Alteration or removal of an entry in the Register or List

15.—(1) When the Registrar receives information that an entry in the register or the list has become incorrect, or application is made by or on behalf of a registered optician or an enrolled body corporate for an entry in the register or list to be altered, if he has satisfied himself by means of a statutory declaration or otherwise that the information is true or the ground of the application is sufficient, he shall make the required correction or alteration.

(2) No charge shall be made for a correction or alteration under this rule unless it involves the inclusion in the register or list of addresses in respect of which additional fees are chargeable under Rule 23 or Rule 29 of these rules, in which case the appropriate fees prescribed in the Appendix to these rules shall be payable.

16. The Registrar may remove from the register or the list the name of any registered optician or enrolled body corporate upon receipt of a written application by or on behalf of the registered optician or enrolled body corporate stating the grounds on which the application is made and accompanied by a statutory declaration that the applicant is not aware of any reason for the institution of proceedings which might lead to the erasure of the name under section 11 or section 13 of the Act.

17. The Registrar shall erase from the register or the list the name of any registered optician or enrolled body corporate in respect of which he shall receive a direction to that effect from the Disciplinary Committee under section 11 or section 13 of the Act, on the date upon which such direction takes effect in accordance with section 14 of the Act.

Restoration of a name to the Register or List

18. Subject to the provisions of sections 12 and 13 of the Act, the Council may restore a name to the register on receipt of an application made on the appropriate form and accompanied by:—

(*a*) the appropriate fees mentioned in Rules 21, 22 and 23 and prescribed in the Appendix to these rules; and

(*b*) where the name of the applicant has not been included in the register at any time during the five years immediately preceding the date on which the application is made, evidence establishing to the satisfaction of the Council—

(i) his identity, and

(ii) in a case where the applicant is entitled to be registered under section 3(2) of the Act, his good character.

19. Subject to the provisions of sections 12 and 13 of the Act, the Council may restore a name to the list on receipt of an application made on the appropriate form and accompanied by:—

(*a*) the appropriate fees mentioned in Rules 27, 28 and 29 and prescribed in the Appendix to these rules; and

(*b*) evidence establishing to the satisfaction of the Council the continuance of entitlement to enrolment.

Fees payable by Ophthalmic and Dispensing Opticians

20.—(1) The fee for the entry of a name of an optician in the register shall be called the registration fee and shall be paid at the time of the application for registration.

(2) Payment of the registration fee shall, subject to sections 11, 13 and 14 of the Act, entitle an optician to the retention of his name in the register until the end of the registration period.

(3) Payment of the registration fee shall not constitute an entitlement for the retention of a name in the register for any period beyond the registration period.

21. The fee for the retention of a name in the register for any retention period or restoration period shall be called the retention fee and, in relation to a retention period, shall be paid before the beginning of the retention period to which it relates.

22. The fee for restoration of a name to the register shall be called the restoration fee and shall be in addition to the retention fee in relation to the restoration period following that restoration.

23.—(1) A fee shall be paid in addition to the registration fee, retention fee and restoration fee in respect of each practice address, other than a permanent address, included in the particulars of an optician entered in the register.

(2) Each such fee shall be called an additional fee and shall be paid at the time of the application for registration, retention or restoration, as the case may be.

24.—(1) The fee for the transfer of a name from one register to another shall be called the transfer fee and shall be paid at the time of the application for transfer.

(2) Additional fees shall not be payable in relation to practice addresses other than a permanent address, included in an entry to be transferred from one register to another.

25. The fees set out in Table A of the Appendix to these rules shall be the fees which shall be charged under Rules 20 to 24.

Fees payable by Bodies Corporate

26.—(1) The fee for the entry of a name of a body corporate in the list shall be called the enrolment fee and shall be paid at the time of the application for enrolment.

(2) Payment of the enrolment fee shall, subject to sections 11, 13 and 14 of the Act, entitle a body corporate to the retention of its name in the list until the end of the enrolment period.

(3) Payment of the enrolment fee shall not constitute an entitlement for the retention of a name in the list for any period beyond the enrolment period.

27. The fee for the retention of a name in the list for any retention period or restoration period shall be called the retention fee and, in relation to a retention period, shall be paid before the beginning of the retention period to which it relates.

28. The fee for restoration of a name to the list shall be called the restoration fee and shall be in addition to the retention fee in relation to the restoration period following that restoration.

29.—(1) A fee shall be paid in addition to the enrolment fee, retention fee and restoration fee in respect of each address, other than the address of the principal place of business of a body corporate, included in the particulars of the body corporate entered in the list.

(2) Each such fee shall be called an additional fee and shall be paid at the time of the application for enrolment, retention or restoration, as the case may be.

30.—(1) The fee for the transfer of a name from one list to the other shall be called the transfer fee and shall be paid at the time of the application for transfer.

(2) Additional fees shall not be payable in relation to business addresses other than the address of a principal place of business included in an entry to be transferred from one list to the other.

31. The fees set out in Table B of the Appendix to these rules shall be the fees which shall be charged under Rules 26 to 30.

Operation of these Rules

32. These rules shall come into operation on the 1st day of April 1974 and shall apply to applications for registration, enrolment, retention, resoration or tranfer to take effect on or after the 1st day of April 1974, whether made before, on or after that date.

33. The Registration and Enrolment Rules 1971**(a)** shall cease to have effect on 1st day of April 1974.

Sealed on the 28th
day of June 1973.

Attested by:

G. R. ROUGIER,
Member of Council.

A. G. CROSS,
Member of Council.

J. DANIEL DEVLIN,
Registrar.

(a) S.I. 1971/2128 (1971 III, p. 6281)

APPENDIX

FEES

TABLE A

Fees payable by Ophthalmic and Dispensing Opticians
(*Rules* 20 *to* 24)

Registration fee:	
if the registration period is longer than three months in duration	£5
if the registration period is of three months or less in duration	£3
Retention fee	£5
Additional fee:	
in respect of each practice address other than a permanent address	£1
Restoration fee	£2
Transfer fee	£2

TABLE B

Fees payable by bodies corporate
(*Rules* 26 *to* 30)

Enrolment fee:	
if the enrolment period is longer than three months in duration	£5
if the enrolment period is of three months or less in duration	£3
Retention fee	£5
Additional fee:	
in respect of each address other than the address of the principal place of business	£1
Restoration fee	£2
Transfer fee	£2

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

The rules approved by this Order consolidate, with amendments, the rules relating to the registration of opticians and the enrolment of bodies corporate.

The changes made include provisions for the payment in certain circumstances of a reduced registration fee and an alteration in the procedures governing applications for the restoration of names in the register.

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