STATUTORY INSTRUMENTS

1964 No. 167

OPTICIANS

The General Optical Council (Rules on Publicity) Order of Council 1964

Made - - - -	*6th February* 1964
Laid before Parliament	13*th February* 1964
Coming into Operation	1*st April* 1964

At the Council Chamber, Whitehall, the 6th day of February 1964

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

Whereas in pursuance of section 25(1) of the Opticians Act 1958(a), the General Optical Council have made and submitted to the Privy Council rules entitled " The Rules on Publicity, 1964 ".

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 (Rules on Publicity) Order of Council 1964, and shall come into operation on 1st April 1964.

W. G. Agnew.

SCHEDULE

The Rules on Publicity, 1964

The General Optical Council, in exercise of their powers under paragraph (*a*) of subsection (1) of section 25 of the Opticians Act, 1958, as limited by subsection (2) of that section, hereby make the following rules:—

General

1. These rules may be cited as the Rules on Publicity, 1964.

2.—(*a*) In these rules, unless the context otherwise requires:—

" the Act " means the Opticians Act, 1958; " the Council " means the General Optical Council established under the Act; and the expressions " dispensing optician ", " enrolled ", " list ", " ophthalmic optician ", " optical appliance ", " register " and " registered optician " have the meanings given them by section 30 of the Act;

" practice or business " means a practice or business of ophthalmic or dispensing opticians;

" premises " means premises included in the register or list at which a practice or business is carried on;

(*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.

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

Restrictions on Publicity

3. A registered optician or an enrolled body corporate shall not, in relation to his or its practice or business, use any means of giving publicity, whether by advertisements or not, except in accordance with these rules.

4. All means of giving publicity to a practice or business, used by registered opticians or enrolled bodies corporate, shall be of a dignified and restrained character and free from any reference to the efficiency of, or the facilities given by, other registered opticians or enrolled bodies corporate.

Trade or Professional Press

5. A registered optician or an enrolled body corporate may publish advertisements or other matter relating to his or its practice or business in periodicals circulating wholly or mainly among registered opticians, registered medical practitioners, pharmaceutical chemists, members of professions ancillary to medicine, manufacturers of or dealers in optical appliances, or employees of registered opticians or enrolled bodies corporate, or among directors and staff of societies registered under the Industrial and Provident Societies Acts, 1893 to 1954(a), or the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955(b).

Newspapers etc.

6.—(*a*) A registered optician or an enrolled body corporate may insert in periodicals registrable as newspapers under the Post Office Act, 1953(c), or in periodicals issued by a society registered under the Industrial and Provident Societies Acts, 1893 to 1954, or the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955, to members of the society, an announcement of any of the following events:—

(i) change of a name under which his or its practice or business is carried on, or of the address or telephone number of any premises of the practice or business;

(ii) the opening of a new practice or business or of new premises, or the acquisition of the goodwill of a practice or business, by the registered optician or enrolled body corporate;

(iii) the transfer of the name of the registered optician or enrolled body corporate from one register or list to another;

and with the approval of the Council, announcements of any other events.

(*b*) Except where upon application to them the Council otherwise permit, an announcement authorised by or under this rule may be made by not more than six insertions, either in different issues of the same periodical or in different periodicals, provided all the insertions of the announcement appear within a period of three months from the date of the first publication of the announcement under this rule.

(*c*) An announcement authorised by or under this rule shall take the form of a simple statement of fact, relevant to the event which gave rise to the announcement, and each insertion of the announcement shall not be more than three inches in depth on the page of the periodical in which it appears or greater in width than two columns of the periodical.

Reminders

7. An ophthalmic optician or a body corporate enrolled in the list of bodies corporate carrying on business as ophthalmic opticians may send to persons who have had their eyes examined in the course of his or its practice or business a reminder that a further test of sight may be desirable:

Provided that the reminder shall:—

(*a*) Normally be sent only where no previous reminder of a similar nature has been sent to the intended recipient since his eyes were last examined in the

(a) 56 & 57 Vict. c. 39; 58 & 59 Vict. c. 30; 15 & 16 Geo. 6 & 1 Eliz. 2. c. 17; 2 & 3 Eliz. 2. c. 43.

(b) (N.I.) 56 & 57 Vict. c. 39; 58 & 59 Vict. c. 30; 3 & 4 Geo. 5. c. 31; 19 & 20 Geo. 5. c. 4; 1952 c. 21; 1955 c. 18.

(c) 1 & 2 Eliz. 2. c. 36.

course of the said practice or business, one further reminder before another test of sight being permissible in exceptional circumstances;

(*b*) be sent only where an ophthalmic optician working in the practice or business is of the opinion that it is justified by the time which has elapsed since the last occasion when to his knowledge the sight of the intended recipient was tested and by other relevant circumstances;

(*c*) take the form either of a signed letter, or of a printed card of reasonable proportions and not more than twenty square inches in area;

(*d*) include the name of the intended recipient;

(*e*) be sent in a sealed envelope containing nothing else; and

(*f*) be worded as follows:—

"This is to remind you that if your eyes have not been examined since you consulted me [*or* this firm *or other phrase as appropriate*] on [*give date*] a further examination is advisable".

8. A registered optician or an enrolled body corporate may send to persons who have been supplied in the course of his or its practice or business with an optical appliance a reminder or service letter that the appliance may need adjustment:

Provided that the reminder or service letter shall:—

(*a*) normally be sent only where no previous reminder of a similar nature has been sent to the intended recipient since he was last supplied in the course of the said practice or business with an optical appliance, further reminders or service letters before the supply of another such appliance being permissible in exceptional circumstances;

(*b*) be sent only where a registered optician working in the practice or business is of the opinion that it is justified by the time which has elapsed since the last occasion when to his knowledge the intended recipient was supplied with an optical appliance and by other relevant circumstances;

(*c*) take the form either of a signed letter, or of a printed card of reasonable proportions and not more than twenty square inches in area;

(*d*) include the name of the intended recipient;

(*e*) be sent in a sealed envelope containing nothing else; and

(*f*) contain no indication, direct or implied, that the adjustment can only be carried out by the sender or by any named person or firm.

Circulars and Pamphlets

9. A registered optician or an enrolled body corporate may send to persons who have had their sight tested or have been supplied with an optical appliance in the course of his or its practice or business a notice to inform them of:—

(*a*) a change in the address or telephone number of the premises where their eyes were examined or where they were supplied with an optical appliance, or of the closing of those premises, or of a change in the hours of opening of the premises, or of the name under which the practice or business is carried on at those premises;

(*b*) the acquisition by the registered optician or enrolled body corporate of the goodwill of a practice or business;

(*c*) transfer of the goodwill of his or its practice or business to some other registered optician or enrolled body corporate;

(*d*) the fact that a registered optician has or will become, or has ceased or will cease to be, a partner in the practice or a director of the body corporate;

(*e*) the transfer of the name of the registered optician or enrolled body corporate from one register or list to another;

(*f*) such other event as the Council may in a particular case approve as occasion for the issue of a notice.

10. A registered optician or an enrolled body corporate may send circular letters, booklets, leaflets, or pamphlets, to registered opticians, enrolled bodies corporate or registered medical practitioners.

11. A registered optician or an enrolled body corporate may issue gratuitously booklets, leaflets, or pamphlets, relating to optical appliances and of an informative nature:—

(*a*) by making them available at his or its premises;

(*b*) by sending them to persons who have had their sight tested or have been supplied with an optical appliance in the course of his or its practice or business; and

(*c*) by sending them to any person who has specifically requested that they should be sent to him.

Letter Headings

12. A registered optician or an enrolled body corporate may use letter headings, bill or account headings and other business stationery referring to his or its practice or business.

Publicity at Premises

13. A registered optician or an enrolled body corporate may display signs at his or its premises or in or upon any building in which such premises are situate, provided they are appropriate to his or its practice or business.

14. Optical appliances and parts thereof which are displayed at premises or in any building in which premises are situate may be associated with displays of accessories to optical appliances, of sunglasses, and of optical instruments, but shall be separated from displays of photographic equipment or of any other articles for sale. Optical appliances and parts thereof thus displayed may be accompanied by descriptive matter, provided no statement of prices is displayed.

Exhibitions

15. A registered optician or an enrolled body corporate may take part in relation to his or its practice or business:—

(*a*) in trade shows or exhibitions which are not open to the general public and are wholly or mainly related to the display of optical appliances and parts thereof, or of fittings, appliances, apparatus, and instruments intended for use or for sale by registered opticians, enrolled bodies corporate or registered medical practitioners;

(*b*) in other shows or exhibitions with the consent of the Council and subject to any conditions the Council may impose.

Operation of Rules

16. The limitations on the use of means of giving publicity imposed by or under these rules shall not extend to:—

(*a*) advertisements or other statements or announcements required by or under any statutory provisions;

(*b*) advertisements designed solely to obtain staff, accommodation or equipment;

(*c*) advertisements concerned only with the purchase or sale of goodwill, premises, equipment, or other assets, of a practice or business;

(*d*) references incidental to an item of current news and not designed to give publicity to a practice or business;

(*e*) references incidental to an election in which a registered optician is a candidate and not designed to give publicity to a practice or business;

(*f*) entries in the text of a telephone directory, a street directory or the like, containing an indication that they relate to a practice or business, which are in the type ordinarily used for entries in the directory and are not designed to give special prominence to the practice or business.

17. These rules shall come into operation on the 1st day of April, 1964.

EXPLANATORY NOTE

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

The rules approved by this Order regulate the use by registered opticians and enrolled bodies corporate of means of giving publicity to their practice or business of ophthalmic or dispensing opticians.