STATUTORY INSTRUMENTS

1981 No. 522

OPTICIANS
The General Optical Council (Rules on Publicity) Order of Council 1981

Made - - - -	1*st April* 1981
Laid before Parliament	8*th April* 1981
Coming into Operation	1*st May* 1981

At the Council Chamber, Whitehall, the 1st day of April 1981

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 the Rules on Publicity 1981:

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 1981, and shall come into operation on 1st May 1981.

N. E. Leigh.

(**a**) 1958 c.32.

SCHEDULE

THE RULES ON PUBLICITY 1981

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 1981.

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;

"practice or business" means a practice or business of a registered optician or of an enrolled body corporate whether carried on at one or more than one set of premises;

"premises" means premises at which a practice or business or part of a practice or business is carried on.

(*b*) Where a registered optician or an enrolled body corporate acquires a practice or business, the phrase "the course of his or its practice or business" in rules 6, 7, 8 and 10 includes the course of that practice or business before the acquisition.

(*c*) Section 30 of the Act shall apply for the interpretation of these rules as it applies for the interpretation of the Act.

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 not be misleading but 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 Act 1965(**a**).

Reminders

6. 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, but only on the basis of professional judgment and by means of a personal communication.

7. A registered optician or 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, but only on the basis of professional judgment and by means of a personal communication.

Circulars and Pamphlets

8. 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**) 1965 c.12.

(*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*) the 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*) the opening of new premises likely to be more conveniently accessible to such persons than those they have previously visited;

(*g*) an error in the entry relating to that registered optician or enrolled body corporate in, or the omission of such an entry from, a Post Office telephone directory;

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

9. 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.

10. A registered optician or an enrolled body corporate may supply booklets, leaflets, or pamphlets relating to optical appliances or visual welfare: –

(*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

11. 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

12. 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.

13. 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 so far as they are visible from outside the premises shall be separated from displays of photographic equipment or of any other articles for sale.

Exhibitions

14. 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.

Delegation of Powers

15. – (1) The Council may delegate to any of their committees the power to grant, with or without conditions, applications for the approval of the Council under rule 8, or for the consent of the Council under rule 14.

(2) A committee to which power is delegated by the Council under this rule shall not have the power to refuse an application for approval or consent as aforesaid.

Operation of Rules

16. Subject to the provisions of rule 4, 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:

(i) in the type ordinarily used for entries in the directory; or

(ii) in the case of entries other than those in a classified directory, in bold type of the size ordinarily used for entries in that directory; and

not, except by the use of bold type as aforesaid, designed to give special prominence to the practice or business.

17. These rules shall come into operation on the 1st day of May 1981, and the Rules on Publicity 1964 (scheduled to the General Optical Council (Rules on Publicity) Order of Council 1964)(a) shall cease to have effect on that day.

Sealed on the 5th March 1981.

Attested by: – *Mary G. Green,*
Member of Council.

Peter Quilliam,
(L.S.) Member of Council.

J. Daniel Devlin,
Registrar.

EXPLANATORY NOTE

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

The rules approved by this Order prescribe the extent to which registered ophthalmic and dispensing opticians and enrolled bodies corporate trading as opticians may give publicity to their practice or business. They replace more restrictive rules which have been in force since 1964, and in particular allow prices of goods to be displayed in the windows of opticians' premises.

(a) S.I. 1964/167.

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