STATUTORY INSTRUMENTS

1985 No. 203

OPTICIANS

The General Optical Council (Rules on Publicity) Order of Council 1985

Made - - - -	18*th February* 1985
Laid before Parliament	18*th February* 1985
Coming into Operation	11*th March* 1985

At the Council Chamber, Whitehall the 18th day of February 1985
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of section 25(1)*(a)* of the Opticians Act 1958 (**a**), the General Optical Council have made rules revoking the Rules on Publicity 1981 (scheduled to the General Optical Council (Rules on Publicity) Order of Council 1981 (**b**)) and substituting new provision therefor:

And whereas by subsections (5) to (7) of the said section (**c**) such rules shall not come into force until approved by Order of the Privy Council who may, subject to their notifying the General Optical Council of their intention to do so and considering any observations of the General Optical Council, approve any such rules subject to any modifications appearing to them requisite:

And whereas it appeared to Their Lordships that modifications were requisite to the rules made by the General Optical Council:

And whereas in accordance with subsection (7) of the said section Their Lordships have notified to the General Optical Council the modifications to the said Rules and the General Optical Council have indicated their consent to the terms of this Order in their observations on those modifications:

Now, therefore, Their Lordships, in exercise of powers conferred on Them by section 25(6)*(a)* of that Act, are hereby pleased to approve the rules submitted to Them subject to those modifications, and those rules as so modified and approved are set out in the Schedule to this Order.

This Order may be cited as the General Optical Council (Rules on Publicity) Order of Council 1985, and shall come into operation on 11th March 1985.

G. I. de Deney,
Clerk of the Privy Council.

(**a**) 1958 c.32.
(**b**) S.I. 1981/522.
(**c**) Subsections (5) to (10) were substituted for subsection (5) by section 1(2) of the Health and Social Security Act 1984 (c.48).

SCHEDULE

RULES ON PUBLICITY 1985

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:—

1. These rules may be cited as the Rules on Publicity 1985.

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

"the Act" means the Opticians Act 1958;

"practice or business" means a practice or business of a registered optician or of an enrolled body corporate;

"publicity" includes all forms of publicity, whether by advertisements or not;

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

3. A registered optician or an enrolled body corporate shall not use:—

(a) in relation to his or its practice or business, a means of giving publicity which is not legal, decent, honest or truthful, or which is of a character that could reasonably be regarded as likely to bring the profession of ophthalmic optician or of dispensing optician into disrepute or which contains any reference to the efficiency of, or the facilities given by, other registered opticians or enrolled bodies corporate;

(b) in relation to his or its practice or business a means of giving publicity which makes a claim not capable of substantiation, or a claim which suggests superiority over any other practice or business.

4. These rules shall come into operation on the 11th March 1985 and the Rules on Publicity 1981 (scheduled to the General Optical Council (Rules on Publicity) Order of Council 1981) shall cease to have effect on that day.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order approves (subject to modifications made by the Privy Council) rules made by the General Optical Council controlling the use, by registered opticians and bodies corporate enrolled as opticians, of advertisements and other forms of publicity relating to their business as opticians.

The rules as modified and approved are set out in the Schedule to this Order. The restrictions on publicity are contained in rule 3, and under rule 4 the previous more extensive rules regulating publicity cease to have effect.

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