



Opticians Act 1989

1989 CHAPTER 44

PART I

THE GENERAL OPTICAL COUNCIL

The Council

1 Constitution and functions of the Council.

- (1) There shall continue to be a body corporate known as the General Optical Council (in this Act referred to as “the Council”).
- (2) The Council shall have the general function of promoting high standards of professional education and professional conduct among opticians and the additional functions assigned to the Council by or under this Act.
- (3) There shall continue to be a registrar of the Council.
- (4) The Council shall be constituted in accordance with Schedule 1 to this Act and the supplementary provisions relating to the Council and the registrar contained in that Schedule shall have effect.

The Council's Committees

2 The Education Committee.

- (1) There shall continue to be a committee of the Council known as the Education Committee, to whom the Council shall refer for advice on all matters relating to optical training and examinations.
- (2) The Education Committee shall continue to be constituted in accordance with rules made by the Council, but the rules shall secure that the Committee includes—
 - (a) one person appearing to the Council to represent persons training student ophthalmic opticians;

Status: Point in time view as at 01/02/1991.

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- (b) one person appearing to the Council to represent persons training student dispensing opticians; and
 - (c) one person nominated by the Secretary of State,
- being in each case persons who are not members of the Council.

3 The Companies Committee.

- (1) There shall continue to be a committee of the Council known as the Companies Committee, to whom the Council shall refer for advice on all matters relating to bodies corporate carrying on business as ophthalmic or dispensing opticians, other than matters required by this Act to be referred to the Investigating Committee or the Disciplinary Committee.
- (2) The Companies Committee shall continue to be constituted in accordance with rules made by the Council, but the rules shall secure that the Committee includes—
 - (a) at least one person appearing to the Council to represent the interests of bodies corporate carrying on business as ophthalmic opticians; and
 - (b) at least one person appearing to them to represent the interests of bodies corporate carrying on business as dispensing opticians,being in each case persons who are not members of the Council.
- (3) Before making rules under this section the Council shall consult organisations appearing to the Council to represent the interests of a substantial number of the bodies corporate carrying on business as ophthalmic opticians and as dispensing opticians respectively.

4 The Investigating Committee.

- (1) There shall continue to be a committee of the Council 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 made against him or it a disciplinary order or a direction under section 19 below.
- (2) Any such case is hereafter in this Act referred to as a “disciplinary case”.
- (3) It shall be the function of the Investigating Committee to decide whether a disciplinary case ought to be referred to the Disciplinary Committee to be dealt with by them in accordance with the following provisions of this Act.
- (4) The Council shall make rules as to the constitution of the Investigating Committee, and any such rules shall include provision requiring the Investigating Committee, on the occasion of a disciplinary case involving an allegation against a body corporate or against a director or employee of a body corporate, to co-opt as a member of the Committee for that occasion a person selected by them from whichever of the following panels is appropriate—
 - (a) a panel of persons appointed by the Council as capable of representing the interests of bodies corporate carrying on business as ophthalmic opticians; and
 - (b) a panel of persons appointed by the Council as capable of representing the interests of bodies corporate carrying on business as dispensing opticians,being, in either case, persons appointed after consultation with organisations appearing to the Council to represent the interests of a substantial number of the bodies concerned.

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5 The Disciplinary Committee.

- (1) There shall continue to be a committee of the Council known as the Disciplinary Committee, for the consideration and determination—
 - (a) of disciplinary cases referred to them under section 4 above; and
 - (b) of any other cases of which they have cognizance under the following provisions of this Act.
- (2) The Council shall make rules—
 - (a) as to the constitution of the Disciplinary Committee;
 - (b) as to the times and places of the meetings of the Committee; and
 - (c) as to the Committee's quorum; and the mode of summoning members of the Committee.
- (3) Rules under this section shall secure that a person, other than the Chairman of the Council, who has acted in relation to any disciplinary case as a member of the Investigating Committee does not act in relation to that case as a member of the Disciplinary Committee.

6 General power to appoint committees.

- (1) The Council may set up a committee for any purpose (other than a purpose for which this Act requires that there shall be a committee of the Council) and may delegate to a committee set up under this section, with or without restrictions or conditions, as they think fit, any functions exercisable by them except the following—
 - (a) the power to make rules under this Act;
 - (b) any functions expressly conferred by this Act on some other committee; and
 - (c) subject to any express provision for delegation in the rules, any functions expressly conferred on the Council by rules under this Act.
- (2) The number of members of a committee set up under this section and their term of office shall be fixed by the Council.
- (3) A committee set up under this section may include persons who are not members of the Council, but at least two-thirds of the members of every such committee shall be members of the Council.
- (4) Every member of a committee set up under this section who at the time of his appointment was a member of the Council shall, upon ceasing to be a member of the Council, also cease to be a member of the committee.
- (5) For the purposes of this section a member of the Council shall not be deemed to have ceased by reason of retirement to be a member of it if he has again been nominated or elected a member of it not later than the date of his retirement.

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