

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Opticians Act 1989, Cross Heading: Membership etc. is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### CONSTITUTION ETC. OF COUNCIL

##### *Membership etc.*

- 1 The Council shall consist of—
- (a) [<sup>F1</sup>nine] persons nominated by the Privy Council;
  - (b) seven persons chosen to represent registered ophthalmic opticians;
  - (c) three persons chosen to represent registered dispensing opticians;
  - (d) [five] persons nominated by the examining bodies mentioned in this Schedule; and
  - (e) [<sup>F1</sup>four] registered medical practitioners.

#### Textual Amendments

**F1** Words in Sch. 1 para. 1(a)(d)(e) substituted (1.1.1999) by S.I. 1998/3117, art. 2(2)(a)-(c)

- 2 (1) Subject to sub-paragraph (2) below, any person nominated by the Privy Council under paragraph 1(a) above shall not be—
- (a) a registered optician;
  - (b) a registered medical practitioner; or
  - (c) a director of a body corporate carrying on business as opticians.
- (2) One of the persons so nominated by the Privy Council shall be a person appearing to them to be specially qualified to advise the Council on educational problems generally and may be a registered optician or registered medical practitioner so long as he is not in practice as an optician or medical practitioner.
- 3 (1) The persons chosen to represent the registered ophthalmic or dispensing opticians on the Council shall be elected, subject to the provisions of this Schedule relating to casual vacancies, in accordance with the scheme under paragraph 3 of Schedule 1 to the Opticians Act 1958 approved by the Privy Council on 13th May 1974, as that scheme has effect at the commencement of this Act.
- (2) The Council may at any time submit to the Privy Council a scheme for the variation or for the revocation and replacement of the scheme mentioned in sub-paragraph (1) above or any scheme varying or replacing that scheme.
- 4 Of the persons nominated by the examining bodies—
- (a) [<sup>F2</sup>two] shall be nominated by [<sup>F2</sup>the College of Optometrists];

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- (b) two shall be nominated by the Association of British Dispensing Opticians; and
- [<sup>F3</sup>(c) one, who shall be a person engaged in the education or examination of persons training as ophthalmic opticians, shall be nominated jointly by—
- (i) the Anglia Polytechnic University;
  - (ii) the University of Aston;
  - (iii) the University of Bradford;
  - (iv) the City University;
  - (v) the Glasgow Caledonian University;
  - (vi) the University of Manchester Institute of Science and Technology;
  - (vii) the University of Ulster; and
  - (viii) the University of Wales, Cardiff.]

#### Textual Amendments

- F2** Words in Sch. 1 para. 4(a) substituted (1.1.1999) by S.I. 1998/3117, art. 2(2)(d)(i)
- F3** Sch. 1 para. 4(c) substituted (1.1.1999) by S.I. 1998/3117, art. 2(2)(d)(ii)

- [<sup>F45</sup> The four registered medical practitioners on the Council shall be ophthalmologists and shall be nominated by the Royal College of Ophthalmologists and one of the four shall be a person appearing to the College to be a suitable person to represent ophthalmologists practising in Scotland.]

#### Textual Amendments

- F4** Sch. 1 para. 5 substituted (1.1.1999) by S.I. 1998/3117, art. 2(2)(e)

- 6 (1) On 1st January 1992, and at the end of each succeeding period of five years commencing on that date, the following members of the Council shall retire, that is to say—
- (a) two of the members nominated by the Privy Council under paragraph 1(a) above, neither of them being the person appointed as specially qualified to advise on educational problems generally;
  - (b) those chosen to represent registered opticians; and
  - (c) the four ophthalmologists nominated by [<sup>F5</sup>the Royal College of Ophthalmologists].
- (2) [<sup>F6</sup>Subject to sub-paragraph (2A) below,] All the members who do not retire under sub-paragraph (1) above shall retire on 1st January 1994 and at the end of each succeeding period of five years commencing on that date.
- [<sup>F7</sup>(2A) The two persons nominated by the Association of British Dispensing Opticians who hold office from 1st January 1999 shall retire at the end of the period of three years commencing on that date.]
- (3) Elections or nominations required to fill any vacancy occurring at the end of any period shall, so far as is practicable, be held or made before the end of that period.

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#### Textual Amendments

**F5** Words in Sch. 1 para. 6(1)(c) substituted (1.1.1999) by S.I. 1998/3117, art. 2(2)(f)

**F6** Words in Sch. 1 para. 6(2) inserted (1.1.1999) by S.I. 1998/3117, art. 2(2)(g)

**F7** Sch. 1 para. 6(2A) inserted (1.1.1999) by S.I. 1998/3117, art. 2(2)(h)

- 7 (1) A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office.
- (2) Where a casual vacancy occurs among the members of the Council—
- (a) if the member whose office has become vacant was chosen to represent registered opticians, the vacancy shall be filled by a person nominated by the Council as being a person having qualifications for membership similar to that member's;
- (b) in any other case, the vacancy shall be filled by a person nominated by the like authority after the like consultation, if any, as in the case of the member whose office has become vacant.
- (3) A person nominated to fill a casual vacancy shall hold office until the date upon which the member whose vacancy he has filled would have regularly retired.
- 8 (1) The chairman of the Council shall be nominated by the Privy Council from among the members nominated by the Privy Council under paragraph 1(a) above.
- (2) The chairman shall hold office until he next retires from membership of the Council.
- 9 A person ceasing to be chairman or member of the Council shall be eligible to be again nominated or elected chairman or member.

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