

*Status: Point in time view as at 19/10/2004.*

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## SCHEDULES

### SCHEDULE 1

Section 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) [<sup>F2</sup>six] persons chosen to represent registered ophthalmic opticians;
  - (c) [<sup>F2</sup>five] persons chosen to represent registered dispensing opticians;
  - [<sup>F3</sup>(d) four persons nominated by the examining bodies mentioned in this Schedule;]
  - (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\(2\)\(a\)-\(c\)](#)  
**F2** Words in Sch. 1 para. 1(b)(c) substituted (1.1.2002) by [S.I. 1998/3117, art. 3\(2\)\(a\)\(b\)](#)  
**F3** Sch. 1 para. 1(d) substituted (1.1.2002) by [S.I. 1998/3117, art. 3\(2\)\(c\)](#)

- 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.
- [<sup>F4</sup>2A (1) This paragraph applies if, under section 187 of the Health and Social Care (Community Health and Standards) Act 2003, the Secretary of State has given a direction to a Special Health Authority to exercise any function of a Minister of the Crown relating to the making of appointments to a body mentioned in that section.
- (2) The Privy Council may direct the Special Health Authority to exercise to the extent specified in the direction—
- (a) its functions under paragraphs 1 and 2 in relation to the nomination of persons to be members of the Council;
  - (b) its functions under paragraph 8 in relation to the nomination of the Chairman of the Council.]

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#### Textual Amendments

**F4** Sch. 1 para. 2A inserted (19.10.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 12 para. 4](#); S.I. 2004/2626, art. 2

- 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>F5</sup>two] shall be nominated by [<sup>F5</sup>the College of Optometrists];
- <sup>F6</sup>(b) .....
- [<sup>F7</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.]
- [<sup>F8</sup>; and
- (d) one, who shall be a person engaged in the education or examination of persons training as dispensing opticians, shall be nominated by the Association of British Dispensing Opticians, after consulting—
- (i) the Anglia Polytechnic University;
- (ii) the Bradford and Ilkley Community College;
- (iii) the City and Islington College (City Campus); and
- (iv) the Glasgow Caledonian University.]

#### Textual Amendments

**F5** Words in Sch. 1 para. 4(a) substituted (1.1.1999) by [S.I. 1998/3117](#), [art. 2\(2\)\(d\)\(i\)](#)

**F6** Sch. 1 para. 4(b) and at the end of that paragraph “and” repealed (1.1.2002) by [S.I. 1998/3117](#), [art. 3\(2\)\(d\)](#)

**F7** Sch. 1 para. 4(c) substituted (1.1.1999) by [S.I. 1998/3117](#), [art. 2\(2\)\(d\)\(ii\)](#)

**F8** Sch. 1 para. 4(d) and the “and” preceding it added (1.1.2002) by [S.I. 1998/3117](#), [art. 3\(2\)\(e\)](#)

- [<sup>F9</sup>5 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.]

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#### Textual Amendments

**F9** 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>F10</sup>the Royal College of Ophthalmologists].
- (2) [<sup>F11</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>F12</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.

#### Textual Amendments

**F10** Words in Sch. 1 para. 6(1)(c) substituted (1.1.1999) by [S.I. 1998/3117](#), [art. 2\(2\)\(f\)](#)

**F11** Words in Sch. 1 para. 6(2) inserted (1.1.1999) by [S.I. 1998/3117](#), [art. 2\(2\)\(g\)](#)

**F12** 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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*The registrar*

- 10       The registrar shall be appointed by the Council and shall hold and vacate office in accordance with the terms of his appointment.

*Powers of Council*

- 11       (1) Subject to the following provisions of this Schedule, the Council shall have power to do anything which in their opinion is calculated to facilitate the proper discharge of their functions.
- (2) The Council shall, in particular, have power—
- (a) to appoint, in addition to a registrar, such officers and servants as the Council may determine;
- (b) to pay to the members of the Council or of the Council’s committees such fees for attendance at meetings of the Council or committees and such travelling and subsistence allowances while attending such meetings or while on any other business of the Council as the Council may with the approval of the Privy Council determine;
- (c) to pay to their officers and servants such remuneration as the Council may determine;
- (d) as regards any officers or servants in whose case they may determine to do so, to pay to or in respect of them such pensions and gratuities, or provide and maintain for them such superannuation schemes (whether contributory or not), as the Council may determine.
- (3) The powers of the Council and any of the Council’s committees may be exercised notwithstanding any vacancy and no proceedings of the Council or a committee shall be invalidated by any defect in the nomination or election of a member.
- 12       The Council may make standing orders for regulating the proceedings (including quorum) of the Council and the proceedings of any of its committees except the Disciplinary Committee.

*Power of Privy Council to alter membership of Council etc.*

- 13       (1) Subject to sub-paragraph (2) below, the Privy Council may by order, after consultation with the Council and any other body or person they think fit to consult, make such alterations in the membership of the Council as may be expedient in view of changes in circumstances, and may make consequential alterations in relation to the committees which this Act requires the Council to maintain and consequential amendments to this Schedule.
- (2) In sub-paragraph (1) above “alterations in the membership of the Council” means alterations—
- (a) as to the numbers of members;
- (b) as to the qualifications which a person must have to be a member; and
- (c) as to who may nominate members.
- (3) An order under this paragraph shall not operate to reduce below seven the number of members chosen to represent registered opticians on the Council.
- (4) An order under this paragraph may revoke any previous order made under this paragraph or paragraph 13 of Schedule 1 to the <sup>MI</sup>Opticians Act 1958 if it appears

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to the Privy Council, after such consultation as is mentioned in sub-paragraph (1) above, that the order ought to be revoked.

**Marginal Citations**

M1 1958 c.32.

SCHEDULE 2

Section 37.

REPEALS

Chapter	Short title	Extent of repeal
6 & 7 Eliz. 2 c. 32.	Opticians Act 1958.	The whole Act.
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, paragraphs 11 to 13.
1977 c. 45.	Criminal Law Act 1977.	In Schedule 1, paragraphs 14 to 16.
1977 c. 49.	National Health Service Act 1977.	In Schedule 15, paragraphs 19 and 20.
1978 c. 29	National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 11.
1981 c. 54.	Supreme Court Act 1981.	In Schedule 5, the entry relating to the Opticians Act 1958.
1984 c. 48.	Health and Social Security Act 1984.	Section 1(1) and (2).  Sections 2 to 4.  In section 26(6), the words “section 1(1) and (2);” and the words “sections 2 to 4 and Schedule 2;”.
1985 c. 9.	Companies Consolidation (Consequential Provisions) Act 1985.	Schedule 2.  In Schedule 2, the entry relating to the Opticians Act 1958.
1988 c. 49.	Health and Medicines Act 1988.	Section 13(6) and (7).  Section 14.  In section 26(2), the words “section 14”.
		In section 27(3), the words “13(6) and (7), 14”.

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