

1988 No. 1305

OPTICIANS

**The General Optical Council (Contact Lens
(Qualifications etc.) Rules) Order of Council 1988**

Made - - - - - *25th July 1988*

Laid before Parliament *1st August 1988*

Coming into force *1st September 1988*

At the Council Chamber, Whitehall, the 25th day of July 1988

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of sections 20A(3), 25(1)(e), 25(3A) and 25(4) of the Opticians Act 1958(a) the General Optical Council have made the Contact Lens (Qualifications etc.) Rules 1988 as set out in the Schedule to this Order:

And whereas by sections 20A(4) and 25(5) of the said Act 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.

This Order may be cited as the General Optical Council (Contact Lens (Qualifications etc.) Rules) Order of Council 1988, and shall come into force on 1st September 1988.

G.I. de Deney
Clerk of the Privy Council

SCHEDULE

THE CONTACT LENS (QUALIFICATIONS ETC.) RULES 1988

The General Optical Council, in exercise of their powers under sections 20A(3), 25(1)(e), 25(3A) and 25(4) of the Opticians Act 1958, hereby make the following rules:-

Citation, commencement and interpretation

1. These rules may be cited as the Contact Lens (Qualifications etc.) Rules 1988 and shall come into force on 1st September 1988.

(a) 1958 c. 32; sections 20A and 25(3A) were respectively inserted by the Health and Social Security Act 1984 (c. 48), sections 2(1) and 2(2).

2.—(1) In these Rules, unless otherwise specifically provided, any reference to a numbered Rule shall be to the Rule so numbered in these Rules.

(2) In these Rules, unless the context otherwise requires:—

“the Act” means the Opticians Act 1958;

“approved qualification” means a qualification specified in Appendix A to these Rules;

“certification” has the meaning assigned to it by Rule 5(1);

“the Council” means the General Optical Council established under the Act;

“fitting” means the supply and fitting of contact lenses and also the subsequent provision of clinical management and adjustment of the fitting of such lenses for a period of six months from their first supply to the person fitted; and “fit” and “fitted” shall be construed accordingly;

“provisional certification” has the meaning assigned to it by Rule 6(1);

“the Registrar” means the Registrar of the Council.

Qualifications required for fitting of contact lens by a registered optician

3. Subject to the provisions of Rule 4, a registered optician shall not fit a contact lens unless he holds:

- (a) an approved qualification; or
- (b) certification; or
- (c) provisional certification.

4. Nothing in Rule 3 shall prevent a registered optician fitting a contact lens if the contact lens is fitted under the supervision of a registered optician who may fit contact lenses by virtue of Rule 3(a) or (b).

Certification

5.—(1) “Certification” shall mean the issue to a registered optician who is entitled to apply for certification of a certificate by the Registrar stating that the registered optician has satisfied the Council by the extent of his practical experience and competence in the fitting of contact lenses that he is qualified to fit contact lenses.

(2) A registered optician who does not hold an approved qualification shall be entitled to apply for certification if:

- (a) in the three years immediately preceding the date of his application he has fitted contact lenses to not less than 150 persons;
- (b) his name was annotated in the Register as an optician having experience as a contact lens practitioner or fitter under arrangements operated by the Council prior to the 1st January, 1972; or
- (c) he is currently engaged, and has been continuously so engaged for at least three years, in teaching contact lens practice to persons training as opticians in approved training institutions.

(3) A registered optician shall also be entitled to apply for certification if he does not have an approved qualification and has not, in the three years immediately preceding the date of his application, fitted contact lenses to not less than 150 persons, provided that he has acquired sufficient practical experience and competence to enable him to fit contact lenses.

Provisional certification

6.—(1) “Provisional certification” shall mean the issue to a registered optician who is entitled to apply for provisional certification of a provisional certificate by the Registrar stating that the registered optician has satisfied the Council that the practical experience he is acquiring, or his progress in obtaining an approved qualification, is such that he is qualified to fit contact lenses for a period expiring not later than 31st December 1990.

(2) A registered optician shall be entitled to apply for provisional certification if he does not hold an approved qualification provided that either:—

- (a) he anticipates that, in a period of three years ending on the 31st December 1990 he will have fitted contact lenses to not less than 150 persons and so, by that date, able to satisfy the Council as to his entitlement to apply for certification; or
- (b) he is undertaking, or about to undertake, a course of study leading after examination to an approved qualification.

7. Provisional certification shall be valid only in respect of the applicant, and shall terminate on whichever shall first occur of the following dates:—

- (a) on certification granted pursuant to a further application made under Rule 5;
- (b) on the holder of a provisional certificate obtaining an approved qualification;
- (c) on the provisional certificate being cancelled for any of the reasons specified in Rule 10; or

(d) the 31st December, 1990.

Procedure for applications under Rule 5 or 6

8. An application under Rule 5 or 6:-

- (a) shall not be entertained by the Registrar unless it is delivered to his office not later than 30th September, 1989; and
- (b) shall be substantially in the form set out in Appendix B to these Rules and shall in particular state the practical experience and competence on which the applicant relies to establish his eligibility for certification or provisional certification.

It shall be a condition of every application that the applicant undertakes on demand to adduce evidence to the Council of the facts stated in his application.

Effect of certification or provisional certification

9. Certification or provisional certification when granted to an applicant shall be evidence of his qualification to fit contact lenses in accordance with these Rules and shall continue to be valid only so long as he remains a registered optician.

Cancellation of certification or provisional certification

10. The Council may cancel any certification or provisional certification granted to a registered optician:

- (a) in respect of an application which is subsequently shown to contain false or misleading statements; or
- (b) if an erasure order is made in relation to him; or
- (c) if a suspension order is made in relation to him;

without prejudice to the right of a registered optician to have certification or provisional certification renewed on having his name restored pursuant to section 12 of the Act, or on termination of the suspension period, as the case may be.

Appeal

11. In the event of an application for certification, made in accordance with Rule 5(2) or 5(3), being refused by the Registrar, the applicant shall have a right of appeal to the Council; provided that he gives notice to the Registrar of his intention to appeal within 28 days of his being informed that certification is refused.

Fitting of contact lenses in the course of business, and use of titles, etc.

12.—(1) A registered optician whose practice is concerned with the fitting of contact lenses may only employ for the purpose of fitting contact lenses the services of persons who are either registered medical practitioners or who are entitled to fit contact lenses by virtue of these Rules or of Rules made under section 20A(3) of the Act.

(2) An enrolled body corporate the business of which is concerned with the fitting of contact lenses shall ensure that the arrangements for carrying on its business are such as to secure that contact lenses are fitted by registered medical practitioners or persons entitled to fit contact lenses by virtue of these Rules or of Rules made under section 20A(3) of the Act.

13. Unless he prescribes them personally, an optician shall not begin to fit contact lenses without specific instructions to supply them, including a recent spectacle prescription and other relevant details, from a registered medical practitioner or registered ophthalmic optician.

14. A registered optician may take or use a name, title, addition or description indicating that he is qualified to fit contact lenses only if he is qualified under these Rules.

Provision of after-care

15. The fitting of contact lenses shall be accompanied by the necessary instruction and information to the person fitted on the care, wearing, treatment, cleaning and maintenance of such lenses and the person fitting such lenses shall be obliged to provide for clinical management and adjustment of the fitting thereof for a period of six months from the date of first fitting.

Amendment of Rules

16. The Rules on the Fitting of Contact Lenses 1985(a) (in this Rule referred to as "the 1985 Rules") shall be amended as follows:-

(a) The Rules on the Fitting of Contact Lenses 1985 are scheduled to the General Optical Council (Rules on the Fitting of Contact Lenses) Order of Council 1985 (S.I. 1985/856).

- (a) at the end of Rule 2(a) of the 1985 Rules there shall be inserted the following definition:-
 “‘qualified registered optician’ means a registered optician who holds an approved qualification, as defined in the Contact Lens (Qualifications etc.) Rules 1988 (scheduled to the General Optical Council (Contact Lens (Qualifications etc.) Rules) Order of Council 1988 (S.I. 1988/1305) or has been granted certification as a person qualified to fit contact lenses in accordance with the provisions of those Rules;”
- (b) in Rule 3(b) of the 1985 Rules after the words “supervision of a” there shall be inserted the word “qualified”.

Sealed on the 23rd June 1988.

Attested by:-



Philip J. Cox
Member of Council

George D. Miller
Member of Council

Richard D. Wilshin
Registrar

APPENDIX A
APPROVED QUALIFICATIONS

Rule 2

<i>Qualification</i>	<i>Short description appearing in Register</i>
A. Any qualification recognised as entitling the holder to be first registered as an ophthalmic optician after 31st December, 1960.	
B. Any of the following additional qualifications:	
The Fellowship of the British College of Optometrists including the Contact Lens Module	F.B.C.O.
The Diploma in Contact Lens Practice of the British Optical Association	D.C.L.P.
The Contact Lens Certificate of the Scottish Association of Opticians	D.C.L.P.
The Supplementary Contact Lens Certificate of the Worshipful Company of Spectacle Makers	C.L. Cert. (S.M.C.)
The Supplementary Contact Lens Diploma of the British Optical Association	C.L. Cert. (B.O.A.)
The Diploma in Contact Lens Practice of the British College of Optometrists	D.C.L.P.
The Contact Lens Diploma of the Association of Dispensing Opticians:	
For persons who are Fellows of the Association	F.A.D.O. (Hons.) C.L.
For other persons	C.L. (A.D.O.)
The Contact Lens Diploma of the Association of British Dispensing Opticians:	
For persons who are Fellows of the Association	F.B.D.O. (Hons.) C.L.
For other persons	C.L. (A.B.D.O.)
The Diploma in Contact Lens Fitting of the Faculty of Dispensing Opticians	D.C.L.F.

GENERAL OPTICAL COUNCIL

Application for Certification
pursuant to the Contact Lens (Qualifications etc.) Rules 1988

1. Full Name of applicant Mr/Mrs/Miss/Ms*

2. Status of applicant (please tick appropriate box)
dispensing optician []
ophthalmic optician []

3. Registered number of applicant

4. Full address of applicant
Post Code

5. Principal practice address of applicant (if different from 4 above)
Post Code

6. Form of certification applied for (please tick appropriate box)
Certification []
Provisional Certification []

In support on this application for provisional* certification I DO SOLEMNLY AND SINCERELY DECLARE as follows:

I practise at the address shown in section above as a principal*/self-employed optician*/an employee*/other—please specify
of (name of practice)

* delete as appropriate

(Applicants for full certification should leave in the relevant one of the following paragraphs and delete the other three, and the two succeeding paragraphs.)

* I have in the period of three years immediately preceding the date of this application fitted contact lenses to not less than 150 persons; and I undertake if so required to produce evidence to prove this to the satisfaction of the General Optical Council.

* I am currently engaged in teaching contact lens practice while in full-time instruction of persons training as opticians; and I have been so engaged for not less than three years.

* My name was annotated in the Register as a contact lens practitioner or fitter prior to 1st January 1972.

* I have acquired sufficient practical experience and competence in the fitting of contact lenses to entitle me to certification; and I submit herewith evidence of such practical experience and competence in support of this application.

(Applicants for provisional certification should delete the preceding four paragraphs and leave in the following two paragraphs.)

In making this application for provisional certification, I anticipate that by the 31st December, 1990 I shall have

either

* fitted contact lenses to not less than 150 persons in the period of three years immediately preceding that date

or

* obtained an approved qualification, as defined by the Contact Lens (Qualifications etc.) Rules 1988.

* *delete as appropriate*

I understand that, under the 1988 Rules, if I am granted provisional certification, the validity of that provisional certification will terminate on the 31st December 1990 and that to retain a contact lens qualification I must apply further to the General Optical Council by that date and declare that I have fitted contact lenses to not less than 150 persons, or have obtained an approved qualification by that date and that, without the further experience or qualification indicated, I shall not be entitled to practise in contact lens work after that date.

DATED theday of19.....

(Signature)

DECLARED before me

at.....

in the County of

Justice of the Peace/Commissioner for Oaths/A Solicitor empowered to administer Oaths.

EXPLANATORY NOTE

(This note is not part of the Order)

The Rules approved by this Order prescribe the qualifications required and certification procedures necessary to permit the fitting of contact lenses by registered opticians. The Rules also provide for a period of patient after-care lasting six months from the date when contact lenses were first fitted and make consequential amendments to the Rules on the Fitting of Contact Lenses 1985 (scheduled to S.I 1985/856).

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