

2004 No. 259

OPTICIANS

**General Optical Council (Disciplinary Committee
(Constitution) Amendment Rules) Order of Council 2004**

Made - - - - - 3rd February 2004

Laid before Parliament 16th February 2004

Coming into force - - 8th March 2004

At the Council Chamber, Whitehall, the 3rd day of February 2004

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

Whereas, in pursuance of section 5(2) of the Opticians Act 1989(a), the General Optical Council have made the Disciplinary Committee (Constitution) Amendment Rules 2004 as set out in the Schedule to this Order:

And whereas by section 34 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 (Disciplinary Committee (Constitution) Amendment Rules) Order of Council 2004, and shall come into force on 8th March 2004.

A. K. Galloway
Clerk of the Privy Council

(a) 1989 c. 44.

SCHEDULE

DISCIPLINARY COMMITTEE (CONSTITUTION) AMENDMENT RULES 2004

The General Optical Council, in exercise of their powers under section 5(2) of the Opticians Act 1989 and of all other powers enabling them in that behalf, hereby make the following rules—

1. These rules may be cited as the Disciplinary Committee (Constitution) Amendment Rules 2004.
2. The Disciplinary Committee (Constitution) Rules 1998 (scheduled to the General Optical Council Disciplinary Committee (Constitution) Rules Order of Council 1998(a)) shall be amended as follows:
 - (a) in rule 3, for “fifteen” there shall be substituted “twenty”;
 - (b) in rule 9, for “Three” there shall be substituted “Eight”;
 - (c) for rule 15, there shall be substituted—

“15.—(1) Subject to paragraph (2), the quorum of the Committee shall be three and shall include—

 - (a) a member nominated under sub-paragraph (a) of paragraph 1 of the Schedule; and
 - (b) in a disciplinary case involving—
 - (i) a registered ophthalmic optician or an enrolled body corporate carrying on business as an ophthalmic optician, a registered ophthalmic optician; or
 - (ii) a registered dispensing optician or an enrolled body corporate carrying on business as a dispensing optician, a registered dispensing optician.

(2) A member who has not been present throughout the Committee’s deliberations preceding a decision may not take part in the determination and does not count towards the quorum.”.
3. These Rules shall come into force on 8th March 2004.

Sealed on the 12th day of January 2004

Attested by:



R.M. Varley
Member of Council

M. Black
Member of Council

P.C. Coe
Registrar

(a) S.I. 1998/1338.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules made by the General Optical Council, which amend those approved by the General Optical Council (Disciplinary Committee (Constitution) Rules) Order of Council 1998. The Rules increase the membership of the Disciplinary Committee to 20 from 15, reduce the quorum to 3, make amendments consequential on those changes and provide that one of the members shall be of the profession of the person involved in the disciplinary case.

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