

**EXPLANATORY MEMORANDUM TO THE  
GENERAL OPTICAL COUNCIL (CONTINUING EDUCATION AND  
TRAINING) RULES 2005**

**2005 No. 1473**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**
  - 2.1 The General Optical Council (Continuing Education and Training) Rules 2005 make provision for a scheme of compulsory continuing education and training (“CET”) to be followed by those optometrists and dispensing opticians registered by the General Optical Council (“the GOC”) under the Opticians Act 1989 (“the Act”).
  - 2.2 The Rules provide for the arrangements for administering the CET scheme. The Council may appoint an administrator to carry out functions of operating the CET scheme, which are conferred by the Rules. Any functions for which no appointment is in force are to be exercisable by the Council.
  - 2.3 The Rules establish the infrastructure for the approval of listed providers and continuing education and training events. They govern the approval of applications to become a listed provider (and the fees payable) and the approval of events provided by them, whether in the United Kingdom or elsewhere. The administrator specifies for each approved event the number and type of CET points obtainable by persons undertaking it.
  - 2.4 Rule 12 deals with general CET points and sets out how the number of points each person needs is to be determined. Rule 13 contains the equivalent provision for specialist CET points. Each registrant with a specialty entered on the register is obliged to obtain a number of specialist CET points in addition to the general CET points. Rule 14 provides for CET points to be given for events attended before the Rules come into force. Rule 15 sets out certain requirements as to the calculation of the CET points and rule 16 provides for a limited relaxation of those requirements in relation to the initial relevant period.
  - 2.5 Part 6 establishes the procedure to be followed where there is a dispute as to the CET points obtained. Part 7 applies where a registrant fails to obtain the requisite number of CET points for any period. The registrar may send a notice to the registrant warning that his registration may be removed. The registrar may remove his name from the appropriate register if the shortfall is not made up by 15th March following the end of the period in question. Part 8 governs the restoration of a person’s registration, or of an entry in the register about him relating to a specialty. Persons seeking restoration are required to

obtain CET points over the period specified in rule 25 or 26, as if they had been in the register for that period.

### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

### **4. Legislative background**

4.1 The GOC is empowered under the Act to make rules establishing a scheme for compulsory continuing education and training.

4.2 These Rules are made by the GOC, in the exercise of the powers conferred upon them by sections 11A, 11B(6) and 31A of the Opticians Act 1989.

### **5. Extent**

5.1 This instrument applies to the United Kingdom.

### **6. European Convention on Human Rights**

6.1 N/A

### **7. Policy background**

7.1 In 2000 the GOC agreed proposals for wide ranging legislative change.

7.2 The GOC consulted with patient and consumer groups, representative and professional bodies within the optical profession and a wide range of other organisations with an interest in reform of the law in this area.

7.3 The Government welcomed these proposals as consistent with its overall aim of setting up a modern, comprehensive regulatory framework, with all regulatory bodies of the healthcare professions:

- Having as their main objection the need to safeguard the health and well-being of persons using the services of registrants;
- Being open and transparent in their procedures and requirements; and
- Having fair and fast decision making processes.

7.4 In April 2004 the Government launched a statutory consultation on a draft Order to amend the Act providing for reform in this area of law and modernisation of the GOC. The document contained proposals for radical reform in a number of key areas:

- (a) The introduction of a new student register;

- (b) The ability for registrants to apply for particulars of specified specialties to be entered on the register;
- (c) The introduction of a system of continuing education and training for all registered optometrists and dispensing opticians;
- (d) A fundamental restructuring of the GOC's fitness to practise framework, to deliver more efficient and simplified procedures; and
- (e) The introduction of a requirement for compulsory insurance.

7.5 A summary of the responses was published by the Department of Health in February 2005 when the revised Order was laid before Parliament.

7.6 The Rules which are the subject of this memorandum form part of the same package of changes as the Order. The Opticians Act Amendment (Order) 2005 (S.I. 2005/848) substantially amended the 1989 Act. Most of its provisions are due to come into force on 30 June 2005, as are those of these Rules.

7.7 The GOC consulted on the draft General Optical Council (Continuing Education and Training) Rules during August of 2004.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There are no identified costs to either the public or the Exchequer arising from this Instrument.

## **9. Contact**

Paul Atkinson at the Department of Health (telephone: 0113 254 5311 or e-mail: paul.atkinson@dh.gsi.gov.uk) can answer any queries regarding the instrument.