

## SCHEDULE 1

Article 28

### Minor and consequential amendments

#### PART 1

##### Minor and consequential amendments to the Opticians Act 1989

1. In section 13 (supervision of training institutions and qualifying examinations)—
  - (a) for the words “institution” and “institutions”, wherever they occur, substitute respectively “establishment” and “establishments”;
  - (b) in subsections (1) and (5)(a)(i), for the word “opticians” substitute “optometrists or dispensing opticians”;
  - (c) in subsections (1), (2) and (4)(a) and (b), and in the section heading, for the word “examinations” substitute “assessments”;
  - (d) in subsection (3), for the word “examination” substitute “assessment”;
  - (e) in subsection (5)(a)(ii), for the words “examinations taken” substitute “assessment undertaken”;
  - (f) after subsection (5), insert—

“(5A) Where rules are made under section 23A(2) above, a notice under subsection (5) above or subsection (8) below may be given by means of an electronic communication.”;

and
  - (g) in subsection (11), omit the words “with the approval of the Privy Council”.
2. In section 24 (testing of sight)—
  - (a) in subsection (1), for the words “ophthalmic optician” substitute “optometrist”; and
  - (b) in subsection (3), for the words “ophthalmic opticians” substitute “optometrists”.
- 3.—(1) In section 28 (penalty for pretending to be registered etc.)—
  - (a) in subsection (1)—
    - (i) in paragraph (a), for the words “ophthalmic optician” substitute “optometrist”, and for the words “either of the registers of ophthalmic opticians” substitute “the register of optometrists”, and
    - (ii) for paragraph (c), substitute—
      - “(c) who takes or uses the title of registered optometrist when he is not registered in the register of optometrists maintained under section 7 above;
      - (cc) who holds himself out as being a student registrant when he is not registered in the register of those undertaking training as optometrists or dispensing opticians maintained under section 8A above;
      - (ccc) who holds himself out as having a specialty or proficiency which qualifies for entry in the appropriate register in accordance with rules made under section 10(1A) above but for whom no entry is extant;”;
  - (b) in subsection (4), for the words “optical appliances only” substitute “only optical appliances or zero powered contact lenses or both”;
  - (c) for subsections (5) and (6), substitute—

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“(5) Any body corporate which—

- (a) takes or uses the title of ophthalmic optician, the title of optometrist, the title of dispensing optician or the title of registered optician when it is not registered;
- (b) takes or uses any name, title, addition or description falsely implying that it is registered;
- (c) otherwise pretends that it is registered,

shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(6) On any prosecution for an offence under subsection (5)(b) or (c) above, the taking or using of the title of optician by a body corporate to which this subsection applies is to be taken to imply that it is registered, but the implication may be rebutted if the body corporate took or, as the case may be, used the title in circumstances where it would have been unreasonable for people to believe, in consequence of its taking or, as the case may be, use of it, that it was in fact registered.”;

(d) in subsection (7)—

- (i) for the words “subsection (5)” substitute “subsection (6)”, and
- (ii) in paragraphs (a) and (b), after the words “optical appliances” insert “or zero powered contact lenses”; and

(e) in subsection (8), for the words “Subsection (5)” substitute “Subsection (6)”.

(2) The amendments made by sub-paragraph (1) do not affect any offence committed before this paragraph comes into force.

**4.** In section 29 (provisions as to death or bankruptcy of registered optician)—

(a) in subsections (1) and (2)—

- (i) for the words “registered optician” substitute “registered optometrist or registered dispensing optician”, and
- (ii) for the words “an optician” substitute “an optometrist or dispensing optician”;

(b) in subsection (3)—

- (i) in paragraphs (a)(i) and (ii), for the word “optician” substitute “optometrist or dispensing optician”, and
- (ii) for the words “Disciplinary Committee” substitute “Fitness to Practise Committee”;

(c) in subsection (4), for the words “a disciplinary case and a disciplinary order” substitute “a case in which it is alleged that a registrant’s fitness to practise or as the case may be a business registrant’s fitness to carry on business as an optometrist or a dispensing optician or both, is impaired and the making of an order under Part 2A above”;

(d) in subsection (5)—

- (i) in paragraph (a), for the words “registered optician” in both places where they occur substitute “registered optometrist or registered dispensing optician”, and
- (ii) in paragraph (b), for the word “optician's” substitute “optometrist’s or registered dispensing optician's”; and

(e) in subsection (6), for the words “registered optician's” substitute “registered optometrist’s or a registered dispensing optician's”.

**5.** In section 30 (offences by bodies corporate), the current provision shall become subsection (1) and at the end add—

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“(2) In subsection (1) above, “responsible officer” means any director, manager, secretary or other similar officer of the body corporate, or of a branch or department of the body corporate, or any person purporting to act in any such capacity.”.

**6.** In section 31 (miscellaneous matters with respect to which rules may be made)—

(a) in subsection (1)—

(i) omit paragraph (a),

(ii) for paragraph (b), substitute—

“(b) the carrying on of a practice or business by registered optometrists, registered dispensing opticians and business registrants under names other than those under which they are registered;”,

(iii) for paragraph (c), substitute—

“(c) the prescription, sale, supply and administration of drugs by registered optometrists, registered dispensing opticians or business registrants, their employees and persons providing services to them in the course of their practice or business of an optometrist or a dispensing optician;”,

(iv) in paragraph (d), for the words “registered opticians, enrolled bodies corporate” substitute “registered optometrists, registered dispensing opticians, business registrants”, and

(v) for paragraph (e) substitute—

“(e) the prescription, sale, supply and fitting of contact lenses by registered optometrists, registered dispensing opticians, business registrants, their employees and persons providing services to them.”;

(b) omit subsection (2);

(c) for subsection (3) substitute—

“(3) The Council may make rules specifying requirements which registered optometrists, registered dispensing opticians and business registrants or employees of or persons providing services to them must meet if they are to prescribe, fit, supply or sell contact lenses.”;

(d) for subsection (4)(a) substitute—

“(a) in relation to registered optometrists, registered dispensing opticians and business registrants or employees of or persons providing services to them, to specify qualifications which they must have; and”;

(e) in subsection (4)(b), for the words “enrolled bodies corporate” substitute “business registrants”;

(f) in subsection (5), for the words “registered optician” and the word “optician” substitute “registered optometrist or registered dispensing optician”; and

(g) omit subsection (6).

**7.** In section 35(1) (Privy Council quorum and documents), omit the words “(other than the power of hearing appeals against disciplinary orders or directions under section 19 above)”.

**8.** In section 36 (interpretation)—

(a) omit the definitions of “disciplinary case”, “disciplinary order”, “enrolled”, “erasure order”, “list”, “penalty order”, “registered dispensing optician”, “registered ophthalmic optician”, “registered optician”, “responsible officer” and “suspension order”;

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- (b) for the definition of “approved training institution” and “approved qualification” substitute—
- ““approved training establishment” means an establishment approved by the Council under section 12(7)(a) above;
- “approved qualification” means any qualification approved by the Council under section 12(7)(b) above;”;
- (c) for the definition of “body corporate” substitute—
- ““body corporate” includes a limited liability partnership and, in Scotland, a partnership; and in relation to such partnerships, a reference to a director or other officer of a body corporate is a reference to a member;”;
- (d) after the definition of “body corporate” insert—
- ““business registrant” means a body corporate registered in the register maintained by the Council under section 9 above;”;
- (e) before the definition of “functions” insert—
- ““electronic communication” has the same meaning as in the Electronic Communications Act 2000(1);
- “financial penalty order” means an order under Part 2A above that a registrant shall pay to the Council a sum specified in the order;”;
- (f) after the definition of “health service ophthalmic lists”, insert—
- ““Hearings Panel” means the panel of persons appointed under section 5D(1) above;
- “individual registrant” means any person whose name is in a register maintained by the Council under section 7 or 8A above;”;
- (g) in the definition of “ophthalmic optician”, for the words ““ophthalmic optician” means” substitute ““optometrist” means”;
- (h) for the definition of “register” substitute—
- ““register” means, unless the context otherwise requires, any one of the following registers—
- (a) the register of optometrists maintained under section 7 above;
- (b) the register of dispensing opticians maintained under section 7 above;
- (c) the registers of students maintained under section 8A above;
- (d) the register of bodies corporate under section 9 above,
- and, except where used in relation to medical practitioners, “registered” and “registration” have corresponding meanings;” and
- (i) after the definition of “register” insert—
- ““registrant”, except in the expressions “individual registrant”, “business registrant” and “student registrant”, means a person whose name is in the appropriate register;
- “student registrant” means a person whose name is in one of the registers maintained by the Council under section 8A above;”.

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(1) 2000 c. 7.

## PART 2

### Consequential amendments to primary legislation

#### **The National Health Service Act 1977**

**9.** In section 128(1) of the National Health Service Act 1977<sup>(2)</sup> (interpretation and construction), for the definition of “ophthalmic optician”, substitute—

““ophthalmic optician” means a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989 or a body corporate registered in the register of bodies corporate maintained under section 9 of that Act carrying on business as an optometrist.”.

#### **The National Health Service (Scotland) Act 1978**

**10.** In section 108(1) of the National Health Service (Scotland) Act 1978<sup>(3)</sup> (interpretation and construction), for the definition of “ophthalmic optician”, substitute—

““ophthalmic optician” means a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989 or a body corporate registered in the register of bodies corporate maintained under section 9 of that Act carrying on business as an optometrist.”.

#### **Health and Personal Social Services (Northern Ireland) Order 1972**

**11.** In Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(4)</sup> (interpretation), for the definition of ophthalmic optician, substitute—

““ophthalmic optician” means a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989 or a body corporate registered in the register of bodies corporate maintained under section 9 of that Act carrying on business as an optometrist.”.

#### **The Data Protection Act 1998**

**12.** In section 69(1) of the Data Protection Act 1998<sup>(5)</sup> (meaning of health professional), for paragraph (c), substitute—

“(c) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989.”.

#### **The National Health Service Reform and Health Care Professions Act 2002**

**13.** In section 29(1) of the National Health Service Reform and Health Care Professions Act 2002<sup>(6)</sup> (reference of disciplinary cases by Council to court), for paragraph (f) substitute—

“(f) a direction by the Fitness to Practise Committee of the General Optical Council under section 13F(2) of the Opticians Act 1989 (powers of Fitness to Practise Committee), other than a direction that a registrant’s fitness to practise is impaired solely by virtue of a matter falling within section 13D(2)(f) of that Act;”.

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(2) 1977 c. 49.

(3) 1978 c. 29.

(4) 1972/1265 (N.I. 14).

(5) 1998 c. 29.

(6) 2002 c. 17.

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## PART 3

### Consequential amendments to subordinate legislation

#### **The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

14. In paragraph 7 of Part 1 of Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(7) (excepted professions) for the words “ophthalmic optician” substitute “optometrist”.

#### **The Medicines (Contact Lens Fluids and Other Substances) (Exemption from Licences) Order 1979**

15. In article 1(2) of the Medicines (Contact Lens Fluids and Other Substances) (Exemption from Licences) Order 1979(8) (interpretation), for the definition of “optician” substitute—

““optician” means a person whose name is entered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”.

#### **The Medicines (Contact Lens Fluids and Other Substances) (Advertising and Miscellaneous Amendments) Regulations 1979**

16. In article 2(1) of the Medicines (Contact Lens Fluids and Other Substances) (Advertising and Miscellaneous Amendments) Regulations 1979(9) (interpretation), for the definition of “optician” substitute—

““optician” means a person whose name is entered in the register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989;”.

#### **The Medicines (Pharmacy and General Sale – Exemption) Order 1980**

17. In article 1(2) of the Medicines (Pharmacy and General Sale - Exemption) Order 1980(10) (interpretation), for the definition of “registered ophthalmic optician” substitute—

““registered ophthalmic optician” means a person whose name is entered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”.

#### **The Sale of Optical Appliances Order of Council 1984**

18. In the Sale of Optical Appliances Order of Council 1984(11)—

(a) in article 1(2)(interpretation), in the definition of “registered blind or partially sighted”, for sub-paragraph (b), substitute—

“(b) in a register maintained by or on behalf of a council constituted under the Local Government (Scotland) Act 1994, or”; and

(b) in article 3 (conditions subject to which a sale is exempt)—

(i) in paragraph (1), for the words “or registered optician” substitute “, registered optometrist or registered dispensing optician”; and

(ii) in paragraph (2)(a)(i), for the words “ophthalmic optician” substitute “optometrist”.

(7) S.I.1975/1023; the relevant amending instrument is S.S.I. 2003/231.

(8) S.I. 1979/1585.

(9) S.I. 1979/1760.

(10) S.I. 1980/1924.

(11) S.I. 1984/1778.

## **The Rules on the Fitting of Contact Lenses 1985**

**19.**—(1) The Rules on the Fitting of Contact Lenses 1985(**12**) shall be amended in accordance with the following provisions of this paragraph.

- (2) For the words “ophthalmic optician”, wherever they occur, substitute “optometrist”.
- (3) For the words “ophthalmic opticians”, wherever they occur, substitute “optometrists”.
- (4) In rule 2(a) (interpretation)—
  - (a) for the definition of “appropriate course of instruction”, substitute—

““appropriate course of instruction” means a course of instruction as a dispensing optician or an optometrist provided by an approved training establishment;”;
  - (b) for the definition of “qualified registered optician” substitute—

““qualified registered optometrist or registered dispensing optician” means a registered optometrist or registered dispensing 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) or has been granted certification as a person qualified to fit contact lenses in accordance with the provisions of those Rules;”.
- (5) For rule 3, substitute—

“**3.** A person who—

  - (a) is training as an optometrist or a dispensing optician;
  - (b) is registered in the register of students maintained by the Council in accordance with section 8A of the Act; and
  - (c) falls within one of the classes prescribed by rule 4 of these Rules,

may fit a contact lens provided he does so—

  - (i) in the course of obtaining practical experience; and
  - (ii) under the continuous personal supervision of a qualified registered optometrist or registered dispensing optician or a registered medical practitioner.”.
  - (6) In rule 4—
    - (a) in paragraph (2), for sub-paragraph (b) substitute—

“(b) are holders of a qualification granted outside the United Kingdom which is approved under section 12(7) of the Act (education and training);”;
    - (b) for paragraph (4), substitute—

“(4) Persons engaged in a course of instruction provided by an approved training establishment leading to a qualification specified in Appendix A to the Contact Lens (Qualification etc) Rules 1988 (scheduled to the General Optical Council (Contact Lens (Qualifications etc) Rules) Order of Council 1988).”.

## **The Contact Lens (Qualifications etc) Rules 1988**

**20.**—(1) The Contact Lens (Qualifications etc) Rules 1988(**13**) shall be amended in accordance with the following provisions of this paragraph.

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(12) Scheduled to S.I. 1985/856 and amended by rules scheduled to S.I. 1988/1305.

(13) Scheduled to S.I.1988/1305.

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(2) For the words “registered optician”, wherever they occur, substitute “registered optometrist or registered dispensing optician”.

(3) In rule 2(2), omit the definition of “fitting”.

(4) In rule 3 (qualifications required for fitting of contact lens by a registered optician) at the end, add—

“

and the fitting of contact lenses is entered in the appropriate register against his name in accordance with rules made under section 10(1A) of the Act (particulars of registrants' specialties or proficiencies).”.

(5) For rule 4, substitute—

**“Fitting a contact lens under supervision**

4. Rule 3 does not prevent a registered optometrist or registered dispensing optician who does not hold a qualification, certification or provisional certification fitting a contact lens if the fitting is carried out under the supervision of a person who does hold such a qualification, certification or provisional certification.”.

(6) For rule 10 (cancellation of certification or provisional certification), substitute—

**“Cancellation**

10.—(1) The Council may cancel any certification or provisional certification granted to a registered optometrist or registered dispensing optician—

- (a) in respect of an application which is subsequently shown to contain false or misleading statements;
- (b) if his name is removed from the register or if he is suspended from the register under section 13F (powers of Fitness to Practise Committee), 13I (power to order immediate suspension etc) or 13J (removal from a register on grounds of fraud or error) of the Act;
- (c) if his entry relating to a specialty or proficiency is removed from the appropriate register under section 13F, 13I or 13J of the Act; or
- (d) if he is the subject of an interim suspension order or interim conditional registration order under section 13L of the Act (interim orders).

(2) Paragraph (1) is without prejudice to the right of a registered optometrist or registered dispensing optician to have his certification or provisional certification renewed on—

- (a) having his name or entry relating to a specialty or proficiency restored pursuant to section 10 (general provisions as to registers) or 13K (restoration of names to a register) of the Act;
- (b) termination of a period of suspension (unless followed by a further period of suspension or erasure); or
- (c) termination of a period of temporary removal of an entry relating to a specialty or proficiency (unless followed by a further direction for removal whether or not for a specified period).”.

(7) In rule 12 (fitting of contact lenses in the course of business, and use of titles, etc.)—

- (a) in paragraph (1), for the words “or who are entitled to fit contact lenses by virtue of these Rules or of Rules made under section 20A(3) of the Act”, substitute “or have an entry



for the fitting of contact lenses in the appropriate register in accordance with rules made under section 10(1A) of the Act”; and

- (b) in paragraph (2)—
  - (i) for the word “enrolled” substitute “registered”, and
  - (ii) for the words “or persons entitled to fit contact lenses by virtue of these Rules or of Rules made under section 20A(3) of the Act”, substitute “or who have an entry for the fitting of contact lenses in the appropriate register in accordance with rules made under section 10(1A) of the Act.”.
- (8) Omit rules 13 and 14.
- (9) For rule 15 (provision of after-care) substitute—

**“Exemption from the duty to provide aftercare**

**15.**—(1) A person is exempted from the duty to provide aftercare under section 27 of the Act (sale and supply of optical appliance) if he is not a person to whom paragraph (2) refers.

- (2) The person to whom this paragraph refers is—
  - (a) if only one person supplied a contact lens to the person, that person; or
  - (b) if more than one person supplied a contact lens to the person, the last person to fit a lens.”.

**The Contact Lens (Specification) Rules 1989**

**21.** In the Contact Lens (Specification) Rules 1989(14), for rule 2 (duty to provide specification), substitute—

**“Duty to provide specification**

**2.** The specification provided under section 25(5) of the Act must include the following particulars—

- (a) the name and address of the individual;
- (b) if the individual has not attained the age of sixteen on the day the specification is issued, his date of birth;
- (c) the name and registration number of the person signing the specification;
- (d) the address from which the person signing the specification practices;
- (e) the name of the practice on whose premises the fitting was done;
- (f) the date the fitting was completed;
- (g) sufficient details of any lens fitted to enable a person who fits or supplies a contact lens to replicate the lens;
- (h) the date the specification expires; and
- (i) such information of a clinical nature as the person fitting the lens considers to be necessary in the particular case.”.

**The Sight Testing (Examination and Prescription) (No. 2) Regulations 1989**

**22.** In the Sight Testing (Examination and Prescription) (No. 2) Regulations 1989(15)—

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(14) Scheduled to S.I. 1989/791.

(15) S.I. 1989/1230.

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- (a) in regulation 2(1) (interpretation), for the definition of “optician” substitute—  
““optometrist” means a registered optometrist;”;
- (b) for the word “optician”, wherever it occurs, substitute “optometrist”;
- (c) in regulation 3(1)(b) (examination) at the end add—  
“and  
(iii) if he is referring the patient to a doctor, setting out the reason for the referral.”;
- (d) in regulation 4 (exceptions to the duty to issue a prescription statement), for the word “opticians” substitute “optometrists”; and
- (e) in regulation 5(1) (particulars to be included in a prescription or statement), in sub-paragraph (a) at the end add “and such other particulars as may be necessary to enable each lens to be replicated.”.

### **The Prescription Pricing Authority Constitution Order 1990**

**23.** In article 5(e) of the Prescription Pricing Authority Constitution Order 1990(**16**) (constitution of the Pricing Authority), in sub-paragraph (e)(iv), for the words “registered in any of the registers of opticians” substitute “whose name is entered in the register of optometrists or the register of dispensing opticians”.

### **The National Health Service (Service Committees and Tribunal) Regulations 1992**

**24.** In regulation 2 of the National Health Service (Service Committees and Tribunal) Regulations 1992(**17**) (interpretation) for the definition of “optician” substitute—

““optician” means—

- (a) in the context of any provision requiring a member of a body constituted under these Regulations to be an optician, an optometrist whose name is registered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989; or
- (b) in any other context, an optometrist whose name is registered in the register of optometrists maintained under section 7(a) of that Act or a body corporate registered in the register of bodies corporate maintained under section 9 of that Act carrying on business as an optometrist;”.

### **The Testing of Sight by Persons Training as Ophthalmic Opticians Rules, 1993**

**25.** In the Testing of Sight by Persons Training as Ophthalmic Opticians Rules, 1993(**18**)—

- (a) for the words “ophthalmic optician”, wherever they occur, substitute “optometrist”;
- (b) for the words “ophthalmic opticians”, wherever they occur in rules 1 to 4, substitute “optometrists”;
- (c) for the word “institution”, wherever it occurs, substitute “establishment”; and
- (d) in rule 4 (classes of persons training as ophthalmic optometrists)—
  - (i) for paragraphs (a) and (b), substitute—  
“(a) persons who are undertaking training at an approved training establishment for the purpose of satisfying section 8(1)(a) or 8(2A)(a) of the Act;

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**(16)** S.I. 1990/1718.

**(17)** S.I. 1992/664.

**(18)** Scheduled to S.I. 1994/70; relevant amending rules are scheduled to S.I. 1999/2897.

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- (b) persons who are obtaining practical experience in the work of an optometrist under the supervision of a registered medical practitioner or a registered optometrist for the purpose of satisfying section 8(1)(b) or 8(2A) of the Act”, and
- (ii) in paragraph (d), after the word “examination” insert “or assessment”.

### **The Family Health Services Appeal Authority Regulations 1995**

**26.** In regulation 7(1) of the Family Health Services Appeal Authority Regulations 1995(19) (disqualification for appointment), in sub-paragraph (i)(iv), for the words “ophthalmic optician” substitute “optometrist”.

### **The Prescription Only Medicines (Human Use) Regulations 1997**

- 27.** In the Prescription Only Medicines (Human Use) Regulations 1997(20)—
- (a) in regulation 1(2) (citation, commencement and interpretation), for the definition of “registered ophthalmic optician” substitute—  
““registered optometrist” means a person whose name is registered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”;
  - (b) for the words “registered ophthalmic optician”, wherever they appear, substitute “registered optometrist”, and for the words “registered ophthalmic opticians”, wherever they appear, substitute “registered optometrists”.

### **The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999**

**28.** In regulation 1(2) of the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(21) (interpretation), in the definition of “health care professional” for sub-paragraph (d) substitute—

- “(d) an optometrist or a dispensing optician whose name is entered in a register under section 7 of the Opticians Act 1989;”.

### **The Rules relating to Injury or Disease of the Eye, 1999**

- 29.** In the Rules relating to Injury or Disease of the Eye, 1999(22)—
- (a) for the words “registered optician”, wherever they occur, substitute “registered optometrist or registered dispensing optician”;
  - (b) in rule 7, for the words “dispensing optician” substitute “registered dispensing optician” and for the words “ophthalmic optician” substitute “registered optometrist”.

### **The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**

**30.** In regulation 5(5) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(23) (disqualification for appointment: chairman and non-officer members), for sub-paragraph (d) substitute—

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(19) S.I. 1995/622.

(20) S.I. 1997/1830.

(21) S.I. 1999/2337.

(22) Scheduled to S.I. 1999/3267.

(23) S.I. 2000/89.

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“(d) an optometrist or a dispensing optician whose name is entered in a register maintained under section 7 of the Opticians Act 1989;”.

### **The General Social Care Council (Appointments and Procedure) Regulations 2001**

**31.** In regulation 4(7) of the General Social Care Council (Appointments and Procedure) Regulations 2001<sup>(24)</sup> (disqualification for appointment), for sub-paragraph (d) substitute—

“(d) an optometrist or a dispensing optician whose name is entered in a register maintained under section 7 of the Opticians Act 1989;”.

### **The General Optical Council Election Scheme 2001**

**32.** In the General Optical Council Election Scheme 2001<sup>(25)</sup>—

- (a) for the words “ophthalmic optician”, wherever they occur, substitute “optometrist”;
- (b) for the words “ophthalmic opticians”, wherever they occur, substitute “optometrists”; and
- (c) in paragraph 3(i), for “ophthalmic or dispensing opticians” substitute “optometrists or dispensing opticians”.

## SCHEDULE 2

Article 29

### Transitional provisions

- 1.** In this Schedule, references to—
  - (a) an old Part or old section is to the Part or section of that Act as it had effect immediately before its amendment or substitution by this Order; and
  - (b) a new Part or new section is to the Part or section of that Act as amended or substituted by this Order.
- 2.** The Disciplinary Committee established under the old section 5 of the Act shall continue in being after the coming into force of article 16 of this Order for the purpose of exercising its functions under this Schedule.
- 3.** For the purpose of exercising those functions, the old Part III of the Act shall continue to apply.
- 4.** Where—
  - (a) an allegation against a registered optician has been referred for consideration by the Disciplinary Committee under the old Part III of the Act, the Disciplinary Committee shall continue to deal with that case after the coming into force of article 16 of this Order; or
  - (b) an allegation has been made to or on behalf of the Council against a registered optician that his fitness to practise is or may be impaired within the meaning of the new section 13D of the Act and the Council has not, before the day article 16 of this Order comes into force, referred that allegation to the Disciplinary Committee, the Council shall refer the allegation to the Investigation Committee to investigate the allegation under the new section 13D of the Act.
- 5.** Where after article 16 of this Order comes into force an allegation is made against a registered optician that his fitness to practise is or may be impaired within the meaning of the new section 13D of the Act and the allegation refers to events which occurred before article 16 came into force, the

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<sup>(24)</sup> S.I. 2001/1744.

<sup>(25)</sup> Scheduled to S.I. 2001/3057.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Council shall refer the allegation to the Investigation Committee for investigation under the new section 13C of the Act.

**6.** Any case referred to the Investigation Committee under this Schedule shall be dealt with by the Committee, and by the Fitness to Practise Committee in any case referred to that Committee by the Investigation Committee, in accordance with new Parts 2A and 3A.