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STATUTORY INSTRUMENTS

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**2009 No. 442**

**The General Optical Council (Constitution) Order 2009**

**PART 2**

**Membership of the General Optical Council**

**Removal of members from office**

- 6.—(1) A member shall be removed from office by the Privy Council, if—
- (a) the member resigns, which a member may do at any time by a notice in writing to the Privy Council;
  - (b) in the case of—
    - (i) a registrant member, that member is removed from the register (for a reason that is not connected to the member's fitness to practise), or
    - (ii) a lay member, that member becomes a person who no longer satisfies the criteria for being a lay member in paragraph 1A(1)(b) of Schedule 1 to the Act<sup>(1)</sup> (membership: general);
  - (c) the member becomes a person of the type mentioned in article 5(a), (b) or (e) to (h) (irrespective of whether or not they subsequently cease to be a person of the type mentioned in those provisions);
  - (d) the member becomes a person of the type mentioned in article 5(c) or (d);
  - (e) in the case of a registrant member, the member has become the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, as a result of which—
    - (i) a financial penalty order is made against the person,
    - (ii) the member's registration in the register is suspended,
    - (iii) the member's name is erased from the register, or
    - (iv) the member's registration in the register is made conditional upon the member's compliance with any requirement,and the proceedings relating to that particular sanction have reached their final outcome;
  - (f) in the case of a registrant member, the member has become the subject of any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the person's name from the register;
  - (g) the member is a responsible officer of a business registrant, and that business registrant becomes subject to any investigation or proceedings by the Council—
    - (i) the final outcome of which is a finding that the business registrant's fitness to carry on business as an optometrist or dispensing optician or both is impaired, and

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(1) Inserted by [S.I. 2008/1774](#).

- (ii) the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registrants;
  - (h) the Privy Council is satisfied that the member's level of attendance at meetings of the Council falls below a minimum level of attendance acceptable to the Privy Council, having regard to—
    - (i) any recommended minimum levels of attendance that the Council have set in their standing orders, and
    - (ii) whether or not there were reasonable causes for the member's absences;
  - (i) the Privy Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council have included in their standing orders;
  - (j) the Privy Council is satisfied that the member is no longer able to perform their duties as a member of the Council because of adverse physical or mental health; or
  - (k) the Privy Council is satisfied that the member's continued membership of the Council would be liable to undermine public confidence in the regulation of registrants.
- (2) A member who becomes, or may be about to become, a person to whom paragraph (1)(b) to (g) applies must notify the Privy Council and the Council in writing of that fact as soon as the person becomes aware of it.
- (3) Any member or employee of the Council may notify the Privy Council if they are of the view that the Privy Council may need to exercise its functions under paragraph (1).
- (4) The chair shall notify the Privy Council if the chair is aware that—
- (a) a member has become, or may be about to become, a person to whom paragraph (1)(b) to (g) applies; and
  - (b) that member has not notified the Privy Council in writing of that fact and the chair is not satisfied that the member will do so immediately.