

**BEFORE THE FITNESS TO PRACTISE COMMITTEE  
OF THE GENERAL OPTICAL COUNCIL**

**GENERAL OPTICAL COUNCIL**

**IO(11)07**

**AND**

**AJMER SINGH WAHIWALA (01-18566)**

**APPLICATION FOR AN INTERIM ORDER**

**PRIVATE HEARING**

**INTERIM ORDER HEARING: AJMER SINGH WAHIWALA (01-18566)  
Friday, 18 November 2011**

Committee Members: Lady Margaret Wall – (Lay) (Chair)  
Mr M Lomas – (Optometrist)  
Dr D Azubike – (Lay)

Legal Adviser: Mr W Hoskins

Clinical Adviser: Mr G Kirkby

For the GOC: Ms K Steele

For the Registrant: Ms F Mitchell  
Mr S Singh

Hearings Manager: Mr D Henley BEM

---

*[Proceedings commenced at 0905]*

**Lady Wall:** Good morning. I have been elected to chair today's Hearing of the Council's application for an interim order.

The Committee is made up of one optometrist and two lay members and I will ask the members to introduce themselves and the capacity in which they sit.  
*[Introductions]*

To my left is the Council's Clinical Adviser, Mr Graham Kirkby, who will provide clinical advice to the Committee on any matters of health which may arise in the course of the Hearing. The Clinical Adviser may accompany the Committee should it sit in private to deliberate. To my right is Mr William Hoskins, the Committee's Legal Adviser, who will provide legal advice and assistance to the Committee, and ensure that the proceedings are conducted in accordance with the Rules of Procedure so as to arrive at a result which is fair and just. The Legal Adviser may accompany the Committee should it sit in private to deliberate. In the event that any matter arises during the course of the Committee's deliberations upon which the Committee seeks advice, the parties will be invited to return to hear the matter which the Committee has raised and the advice to the Committee. Where advice on any issue is not accepted by the Committee, this will be indicated in the course of its decision on that issue.

To your right is Mr David Henley, the Hearings Manager, who will provide administrative support to the Committee. Next to Mr Henley is the transcriber, who will be keeping an official record of all that is said today during the sessions of the Hearing at which the parties are present. The remaining

persons sitting in the Hearing room rather than in the public and press areas are members of the respective legal teams.

Please note that in accordance with the Council's protocols the identity of the Registrant will not be revealed until such time as the Committee announces its decision. Where the Committee decide that an order should be made then the Registrant's details will be revealed; but alternatively, if the Committee decides that an order should not be made, then the Registrant will remain anonymous. Throughout the Hearing the Registrant will be referred to as 'The Registrant'.

You should be aware that it is the Council's policy for the determination of the Committee and a transcript of the proceedings to be displayed on the Council's website for public viewing, but where matters of health have been discussed the determination and transcript will be redacted accordingly.

I understand that this matter will proceed as a private hearing due to the nature of the background to the application.

Are there any further applications? [*No further applications*] Thank you; then could you address us?

### ***Hearing goes into private session***

**Lady Wall:** This is the Determination of the Application for an Interim order today.

#### **Determination of Application for an Interim Order**

The Committee has to consider an application for an interim order. The basis of the application is that the Registrant has a **redacted**.

The Council apply for the order on the basis that it is necessary for the protection of the public, is otherwise in the public interest and also in the interest of the Registrant.

On behalf of the Registrant, Mr Singh has conceded that an interim order is necessary for the protection of the public, and that the only practicable order that can be made in the circumstances of this case is an order for interim suspension, there being no conditions which would enable the Registrant to practise safely. For example, there are no adaptations available that would sufficiently mitigate the effect of his condition.

The Committee regards that concession as sensible but has nonetheless a duty to exercise its own judgment. On the basis of the material which has been placed before it, which includes an opinion from a consultant in the relevant speciality, the Committee is in no doubt that the Registrant's **redacted** that he should not be practising as an optometrist. The Committee has noted

the Registrant's undertaking not to practise until these proceedings are resolved, but has also noted that it appears to have taken some time for the Registrant to appreciate or act upon the seriousness of his condition. The primary ground upon which the Committee makes the order is that of public protection.

The Committee is also satisfied that it is in the public interest, in terms of maintaining the standing of the profession and public confidence in the profession, that an optometrist with significantly **redacted** should not be practising.

The Committee has decided to impose an interim suspension order of 18 months. The Committee is satisfied that this is a proportionate period. Investigation of this case is still at an early stage. It is bound to take some time before matters can move towards a substantive hearing.

The Committee ordered that the Registrant's registration be suspended for a period of 18 months from today. The order will be reviewed within 6 months from today unless all matters are resolved within that time, or earlier should new evidence be made available, or if the Registrant, at any time after three months from today's date, requests an early review.

Thank you; that is the end of the Hearing.

*[Hearing concluded at 10.45]*