

THE GENERAL OPTICAL COUNCIL (REGISTRATION) RULES 2005

The General Optical Council, in exercise of their powers under sections 7, 8A(4) and (5), 9(1), 10(1), (1A) and (5) and 31A of the Opticians Act 1989 and of all other powers enabling them in that behalf hereby make the following Rules:

PART 1

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. (1) These Rules may be cited as the General Optical Council (Registration) Rules 2005.
- (2) Except as provided in paragraph (3), these Rules shall come into force on 30th June 2005.
- (3) These Rules shall come into force on 1st September 2005 in so far as they relate to the register of persons undertaking training as optometrists and the register of persons undertaking training as dispensing opticians.

Interpretation

2. (1) In these Rules -
 - “applicant” means the person making an application under rule 3 or 4;
 - “application fee”, in relation to a particular application -
 - (a) means the fee prescribed by the Council under section 10(1)(c)(i) (general provisions as to registers) in relation to applications of that description; and
 - (b) includes any application fee prescribed by virtue of section 10(1A)(d);
 - “the Council” means the General Optical Council;
 - “contact lens specialty” means the specialty described in columns 2 and 3 of the entry at line A of the Table in rule 10;
 - “Fitness to Practise Committee” means the Fitness to Practise Committee referred to in section 5C(1) (the Fitness to Practise Committee);
 - “independent prescribing specialty” means the specialty described in columns 2 and 3 of the entry at row D of the Table in rule 10;
 - “practice address” -
 - (a) in relation to an individual, means the address of a practice or place of business from which the individual practises (or proposes to practise) the profession of an optometrist or a dispensing optician, other than an address at which he practises that profession -
 - (i) only in an emergency,

- (ii) in the place of an individual registrant who is ill or on holiday,
 - (iii) as a fee-earning visiting practitioner, or
 - (iv) on fewer than twelve days in any year; or
- (b) in relation to a body corporate, means the address of any practice or place of business from which the body corporate carries on the business of an optometrist or a dispensing optician, or both;

“registrar” except in rule 8(2)(d)(ii) means the registrar of the Council referred to in section 1(3) (constitution and functions of the Council);

“Registration Appeals Committee” means the Registration Appeals Committee referred to in section 5A (the Registration Appeals Committee);

“regulatory body” means a regulatory body which has the function of authorising persons to practise as members of a health or social care profession;

“specialty” means a specialty or level of proficiency particulars of which may, by virtue of rule 10, be entered in a register against a registrant's name; and

“student registrant” means a person registered under section 8A (registers of students).

- (2) In these Rules any reference to a numbered section is a reference to the section of the Opticians Act 1989 which bears that number.

PART 2

APPLICATIONS FOR REGISTRATION OR RESTORATION

Applications for registration or restoration of registration

3. (1) An application for -
- (a) registration in a register or
 - (b) restoration of registration following removal by the registrar of a name from a register,
- shall be submitted to the registrar in such form (including electronic) as may be specified by the Council.
- (2) Paragraph (1)(b) does not apply in relation to an application for the restoration in a register of a person's registration following the erasure of that person's name from the register on a direction of the Fitness to Practise Committee under section 13F (powers of the Fitness to Practice Committee).

Applications for entry in a register of particulars of a specialty or for restoration of an entry

4. (1) An application for -

- (a) the entry in a register of particulars of a specialty; or
- (b) restoration of such an entry following its removal by the registrar,

shall be submitted to the registrar in such form (including electronic) as may be specified by the Council.

- (2) Paragraph (1)(b) does not apply in relation to an application for the restoration in a register of a person's entry relating to a specialty following its removal on a direction of the Fitness to Practise Committee under section 13F (powers of the Fitness to Practice Committee).

Information required from individual applicants for registration or restoration of registration

- 5. (1) An application under rule 3 for registration or restoration of registration as an individual registrant shall include -
 - (a) the applicant's full name;
 - (b) his former names, if any;
 - (c) his date of birth;
 - (d) (except where the applicant seeks registration under section 8(1A) (qualifications for being registered) a declaration as to whether he -
 - (i) has any convictions (including a conviction by court martial) or cautions in the British Islands for a criminal offence, or a conviction elsewhere for an offence which, if committed in England or Wales, would constitute a criminal offence,
 - (ii) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution),
 - (iii) in proceedings in Scotland for an offence, has been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging him absolutely,
 - (iv) was the subject of any determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that his fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect, or

- (v) is currently the subject of any investigation or proceedings which might lead to any of the results set out in paragraphs (i) to (iv);
 - (e) in any case falling within sub-paragraph (d), details of any investigations (including approximate dates), the place where any relevant proceedings are being or were brought and, where possible, the outcome;
 - (f) (except where the applicant seeks registration under section 8(1A)), details of any adverse physical or mental health which a reasonable person would think may impair his fitness to practise; and
 - (g) a photograph which is signed and dated by–
 - (i) a registered optometrist or registered dispensing optician,
 - (ii) a registered medical practitioner,
 - (iii) a solicitor or barrister,
 - (iv) a justice of the peace,
 - (v) an accountant,
 - (vi) a principal of an educational institution which granted the applicant a qualification or a person authorised by the principal of that institution, or
 - (vii) another individual of similar standing in the community, who has known the applicant for at least two years and who certifies that the photograph is a true likeness of the applicant.
- (2) The registrar may seek information additional to that provided with the application -
- (a) for the purposes of verifying information provided; or
 - (b) as he may otherwise require for the purposes of determining the application.

Additional information required from individual applicants for registration or restoration of registration as a student

6. In addition to the information required under rule 5, an application under rule 3 for registration or restoration of registration as a student undertaking training as an optometrist or a dispensing optician shall include -
- (a) a contact address for the applicant;
 - (b) if he is proposing to receive education or training as an optometrist or a dispensing optician at an approved training establishment, the name and address of that establishment; and
 - (c) if, as part of the education or training, he is proposing to undertake practical experience in the work of an optometrist or a dispensing optician -

- (i) the full name of any persons who may act as his supervisors (if his application for registration or restoration is granted and if the names are known),
- (ii) a contact address for such supervisors,
- (iii) if applicable, an indication of the trading name under which such supervisors practise or are employed; and
- (iv) all practice addresses at which the applicant is proposing to obtain that experience.

Additional information required from individual applicants for registration or restoration of registration as an optometrist or a dispensing optician

7. In addition to the information required under rule 5, an application under rule 3 for registration or restoration of registration as an optometrist or a dispensing optician shall include -

- (a) a contact address for the applicant;
- (b) an indication of whether or not the contact address provided under sub-paragraph (a) is a proposed practice address and -
 - (i) if it is, either the trading name under which the applicant proposes to practise at that address or the name under which his employer undertakes the business of an optometrist or a dispensing optician (or both); and
 - (ii) all proposed practice addresses of the applicant, other than the contact address, together with, in each case, an indication of the trading name, if any, under which the applicant proposes to practise at each address;
- (c) a copy of a certificate of any approved qualification or other qualification held by the applicant in reliance upon which the application is made, including the name of the approved training establishment or establishment from which, and the date upon which, the qualification was obtained (where this information is not stated on the certificate);
- (d) details of the practical experience in the work of an optometrist or a dispensing optician by virtue of which the application is made;
- (e) evidence that, if his name were to be entered in the register, he would be covered by an insurance policy for the purposes of complying with section 10A (insurance for individual registrants and persons applying for their name to be registered); and
- (f) a copy of that policy of insurance or a means of identifying the terms of the policy that will cover him, together with any number the policy has and its expiry date.

Information required from applicants for registration or restoration of registration as business registrants

8. (1) An application under rule 3 for registration or restoration of registration as a body corporate carrying on business as an

optometrist, dispensing optician or both, shall include the following information -

- (a) the applicant's full name;
- (b) the applicant's former names, if any;
- (c) the applicant's date of incorporation (if applicable);
- (d) if sub-paragraph (c) is not applicable, the date the applicant commenced trading;
- (e) the company registration number of the applicant (if applicable);
- (f) the applicant's registered address or, if it does not have one, a contact address, together with an indication of -
 - (i) whether or not this is a practice address, and
 - (ii) if it is, the trading name under which the applicant carries on business at that address;
- (g) all practice addresses of the applicant, other than the address provided under sub-paragraph (f), together with an indication of the trading name under which the applicant practises at each address;
- (h) a declaration, made on behalf of the applicant, as to whether it or any of its directors -
 - (i) has any convictions (including a conviction by court martial) or cautions in the British Islands for a criminal offence, or a conviction elsewhere for an offence which, if committed in England or Wales, would constitute a criminal offence,
 - (ii) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution),
 - (iii) in proceedings in Scotland for an offence, has been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging him absolutely, or
 - (iv) was the subject of a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that -
 - (aa) the body corporate's fitness to carry on business as a member of that profession is impaired, or
 - (bb) the fitness of a director of the body corporate to practise that profession is impaired,

- (v) was the subject of a determination by a regulatory body outside the United Kingdom to the same effect as is described in paragraph (iv), or
 - (vi) is currently the subject of any investigation or proceedings which might lead to any of the results set out in paragraphs (i) to (v);
 - (i) in any case falling within sub-paragraph (h), details of any investigations (including approximate dates), the place where any relevant proceedings are being or were brought and, if possible, the outcome; and
 - (j) the information required by paragraph (2).
- (2) The information required by this paragraph is -
- (a) in the case of an application made in reliance upon section 9(2)(a) (register of bodies corporate carrying on business as opticians) -
 - (i) if applicable, a copy of the most recent director's report produced pursuant to section 234 of the Companies Act 1985 (duty to prepare directors' report), and
 - (ii) the names and addresses of all directors and, if applicable, their registration numbers as optometrists or dispensing opticians;
 - (b) in the case of an application made in reliance upon section 9(2)(b), a certificate issued by the Secretary of State -
 - (i) that on 20th November 1957 the applicant's name, or a name under which it carried on business, was included in one of the health service ophthalmic lists, or
 - (ii) if the applicant subsequently came into existence on the reconstruction of a body corporate, that it was entitled to be registered by virtue of section 9(2)(b);
 - (c) in the case of an application made in reliance upon section 9(2)(c) -
 - (i) a certificate issued by the applicant's accountant that the greater part of its business consists of activities other than the testing of sight and the fitting and supply of optical appliances, together with -
 - (aa) the name of the registered optometrist under whose management the testing of sight is carried on; or
 - (bb) the name of the registered optometrist or registered dispensing optician under whose management the business of the fitting and supply of optical appliances is carried on,

- (ii) a certificate issued by the applicant that so much of its business as consists of the testing of sight is carried on under the management of a registered optometrist, and
- (iii) a certificate issued by the applicant that so much of its business as consists of the fitting and supply of optical appliances is carried on under the management of a registered optometrist or registered dispensing optician; or
- (d) in the case of an application made in reliance upon section 9(2)(d) -
 - (i) a certificate described in sub-paragraph (c)(ii) and (iii), and
 - (ii) a copy of the acknowledgement of registration issued by the Financial Services Authority under section 2(3) of the Industrial and Provident Societies Act 1965 or the registrar under section 2(3) of the Industrial and Provident Societies Act Northern Ireland 1969.
- (3) The registrar may seek information additional to that provided with the application -
 - (a) for the purposes of verifying information provided; or
 - (b) as he may otherwise require for the purposes of determining the application.

Information required for entry of particulars of a specialty or restoration of such an entry

- 9. (1) An application under rule 4 for the entry in a register of particulars of a specialty or the restoration of an entry relating to a specialty shall include -
 - (a) where the application is for an entry relating to a contact lens specialty and is reliant upon certification under rule 5 (certification) of the Contact Lens (Qualifications etc.) Rules 1988, a copy of the certificate; or
 - (b) in any other case, a copy of a certificate of the qualification held by the applicant by virtue of which the application is made, including the name of the approved training establishment or other establishment from which, and the date upon which, the qualification was obtained (where this information is not stated on the certificate).
- (1A) Where the application is for an entry relating to the independent prescribing specialty, the application shall include details of the applicant's practical experience relating to the work and activities listed in column 3 of the Table in rule 10 in relation to that specialty.
- (2) Where the application is for restoration of an entry relating to a specialty, the application shall -

- (a) where the applicant is not registered, be made at the same time as an application for restoration of the applicant's registration; or
 - (b) where the applicant is registered, include his registration number.
- (3) The registrar may seek information additional to that provided with the application -
- (a) for the purposes of verifying information provided; or
 - (b) as he may otherwise require for the purposes of determining the application.

PART 3
SPECIALTIES

Work or activities permitted for persons with register entries relating to specialties

10. (1) A registrant of a category listed in column 1 of the Table, may be permitted to register particulars of the specialty listed in relation to that category in column 2.
- (2) Where particulars of a specialty listed in column 2 of the Table are entered against a registrant's name in a register, the registrant may perform the work or activities listed in relation to that specialty in column 3.

Table
Specialties

	Column 1	Column 2	Column 3
	Category of person	Specialty	Work or activities
A	Registered dispensing optician	Contact lens specialty	assessing whether a contact lens meets the needs of an individual; providing the individual with one or more contact lenses for use during a trial period
B	Registered optometrist	Additional supply specialty	(a) the signing of orders for the sale or supply of prescription only medicines set out in column 2 of paragraph 6A of Schedule 5 to the Prescription Only Medicines (Human Use) Order 1997 (b) the sale or supply of the

			prescription only medicines referred to in column 2 of and in accordance with column 3 of paragraph 6B of that Schedule
C	Registered optometrist	Supplementary prescribing specialty	The prescribing, administration or giving of directions for administration of medicinal products under and in accordance with article 3B of the Prescription Only Medicines (Human Use) Order 1997
D	Registered optometrist	Independent prescribing specialty	the prescribing, administration or giving of directions for the administration of medicinal products that are- (a) for the treatment of ocular conditions affecting the eye or adnexa; and (b) specified in article 3 of the Prescription Only Medicines (Human Use) Order 1997, other than those that are controlled drugs or for parenteral administration.

Performance of work or activities without entry in the register relating to specialty

11. Where a registrant performs any work or activities listed in column 3 of the Table, without particulars of the relevant specialty being entered against his name in the register, this shall be treated as adversely affecting his fitness to practise for the purposes of section 13D(2) (allegations).

Exceptions in relation to performance of work or activities without entry in the register relating to a specialty

11A Rule 11 shall not apply to the work or activities listed in column 3 of the entry at row A of the Table in rule 10 where performed by-

(a) a registered optometrist;

(b) a registered dispensing optician who is undertaking a course of study which will lead, after successful completion of an examination, to an approved qualification-

(i) in the fitting of contact lenses, or

- (ii) as an optometrist; or
- (c) a registered student, who may fit a contact lens pursuant to rule 3 of the Rules on the Fitting of Contact Lenses 1985.

PART 4

REGISTRATIONS AND RESTORATIONS OF REGISTRATION

Registration and restoration of registration

12. On receipt of an application under rule 3 for registration or restoration of registration, the registrar shall enter the name of the applicant on the appropriate register if the Council is satisfied that -
 - (a) the applicant is entitled to be registered under section 8, 8A or 9;
 - (b) the application is in accordance with rules 3 and 5 to 8, as applicable;
 - (c) the policy of insurance identified for the purposes of complying with rules 7(e) and (f) meets the requirements of section 10A (insurance for individual registrants and persons applying for their names to be registered);
 - (d) any requirements imposed upon him by rules made under section 11A (requirement for continuing education and training) have been met; and
 - (e) any application fee has been paid.

Entry and restoration of an entry relating to a specialty in a register

13. (1) On receipt of an application under rule 4 for the entry in a register of particulars of a specialty or the restoration of an entry relating to a specialty the registrar shall make the entry if satisfied that -
 - (a) the applicant -
 - (i) holds a qualification approved by the Council under section 12(7)(b),
 - (ii) in the case of a contact lens specialty, is a dispensing optician who has been certified under rule 5 of the Contact Lens (Qualifications etc.) Rules 1988, or
 - (iii) holds a qualification granted outside the United Kingdom which attests to an equivalent content and standard of education and training to a qualification in the specialty approved by the Council under section 12(7)(b);
 - (aa) in the case of the independent prescribing specialty, the applicant has had adequate practical experience relating to the work or activities listed in column 3 of the Table in rule 10 in relation to that specialty;
 - (b) the application is in accordance with rules 4 and 9;

- (c) any requirements imposed upon him by rules made under section 11A (requirement for continuing education and training) have been met; and
 - (d) any application fee has been paid.
- (2) In relation to a person who falls within section 8(1A)(a), the registrar shall in determining an application take into account -
- (a) if that qualification has been accepted by another EEA State as qualifying the applicant to practise in that State, that acceptance; and
 - (b) all qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of his application.

Notice of refusal

14. Where the registrar determines to refuse an application under rule 3 or 4, the registrar shall send a notice to the applicant -
- (a) stating that the application has been refused; and
 - (b) giving the reasons for that refusal.

Restoration following erasure of registration by the Fitness to Practise Committee

15. The registrar shall not restore to a register the name of any person who or which has been the subject of a direction to erase that person's registration which is made by the Fitness to Practise Committee under section 13F (powers of the Fitness to Practise Committee), unless he is directed to do so by the Registration Appeals Committee.

Restoration following removal of an entry of a specialty by the Fitness to Practise Committee

16. The registrar shall not restore to a register an entry relating to a specialty which has been the subject of a direction to remove the entry which is made by the Fitness to Practise Committee under section 13F, unless he is directed to do so by the Registration Appeals Committee.

PART 5

RETENTION OF REGISTRATION

Applications for retention

17. (1) This rule applies to any registrant.
- (2) The registrar shall, by post or electronically, send out to each registrant an application form for retention of registration and shall do so -
- (a) in the case of a student registrant, not later than 1st April in each year (commencing with 1st April 2006); and
 - (b) in the case of other registrants, not later than 31st January in each year (commencing with 31st January 2006).

Making of applications and information required

18. (1) An application for retention of registration shall be submitted to the registrar in such form (including electronic) as may be specified by the Council and shall include -
- (a) any changes to the information previously supplied in an application made under these Rules; and
 - (b) any information which the registrant has not provided but which is required under these Rules in relation to any application for the registration which the registrant is applying to retain.
- (2) The registrar may seek information additional to that provided with the application -
- (a) for the purposes of verifying information provided; or
 - (b) as he may otherwise require for the purposes of determining the application.

Notice of failure to apply

19. Where the registrar has not received an application from a registrant under rule 18 for retention of registration, together with the appropriate application fee -
- (a) in the case of a student registrant, on or before the 15th July in each year (commencing with 15th July 2006);
 - (b) in the case of any other kind of registrant, on or before 15th March in each year (commencing with 15th March 2006),
- he shall send a notice to the registrant indicating that failure to apply or to pay the application fee may result in the removal from a register of the registrant's name.

Removal of registration

20. (1) The registrar may remove a registrant's name from the appropriate register if he is not satisfied that -
- (a) he has received from the registrant by the relevant date a fully completed application form for retention of registration which is accordance with rule 18 (whether or not the registrant was sent or received an application form pursuant to rule 17(2));
 - (b) the registrant is entitled to be registered under section 8, 8A(3) or 9;
 - (c) the registrant is covered by a policy of insurance which meets the requirements of section 10A (insurance for individual registrants and persons applying for their names to be registered); or
 - (d) the application fee has been paid.
- (1A) The registrar may remove the entry of an independent prescribing specialty against the name of a registrant whose name is entered

on an appropriate register if he is not satisfied that that registrant is entitled, under rule 13 to have that specialty entered against his name on that register.

- (2) Where, pursuant to this rule, the registrar removes from a register a registrant's name or the entry against his name for an independent prescribing specialty, the registrar shall send a notice to the registrant giving details of the action taken and stating the reasons for it.
- (3) The "relevant date" for the purposes of paragraph (1) -
 - (a) in relation to a student registrant, means 31st August of each year (commencing with 31st August 2007);
 - (b) in relation to any other registrant, means the 31st March of each year (commencing with 31st March 2006).

PART 6

MISCELLANEOUS

Registration information

- 21. Each register shall contain the following particulars in respect of each registrant -
 - (a) his or its full name;
 - (b) where the registrant is a business registrant, its company registration number (if applicable);
 - (c) his or its registration number as a registrant;
 - (d) whether the registrant is suspended from a register or has conditions imposed upon his or its registration;
 - (e) the date of his or its most recent registration (whether that is registration or restoration of registration);
 - (f) where the registrant is a student -
 - (i) his contact address, and
 - (ii) either -
 - (aa) the name and address of the approved training establishment at which he is undertaking his education or training; or
 - (bb) if, as part of the education or training, he is proposing to undertake practical experience in the work of an optometrist or a dispensing optician the name of any persons who act as his supervisors and a contact address for such supervisors;
 - (g) where the registrant is a registered optometrist or registered dispensing optician, his contact address together with an indication of -
 - (i) whether or not this is a practice address, and

- (ii) if it is, the trading name under which the registrant practises or carries on business at that address or if he is not practising on his own account, the name of his employer;
- (h) where the registrant is a business registrant, its registered address, together with an indication of -
 - (i) whether or not this is a practice address, and
 - (ii) if it is, the trading name under which the registrant carries on business at that address;
- (i) all of a registrant's, practice addresses together with an indication of any trading name under which the registrant practises at each address;
- (j) where the registrant is an individual, the qualifications held by the individual registrant on which he relies for registration of an entry relating to a specialty; and
- (k) where the registrant is an individual registrant, the particulars of any specialty which he is permitted to register.

Changes and errors in information provided to the Council

22. A registrant shall notify the Council forthwith of -
- (a) any changes to, or errors in, the information previously supplied under these Rules or under the General Optical Council (Registration and Enrolment) Rules 1976; and
 - (b) any information which the registrant has not provided but which is required under these Rules when an application is made for -
 - (i) registration in a register on which the registrant's name already appears; or
 - (ii) the entry in a register of particulars of a specialty which are already entered in the register against his name.

Incorrect information recorded in a register

23. (1) If the registrar becomes aware that a registrant has failed (or may have failed) to comply with rule 22, the registrar may serve a notification on the registrant of the respect in which the information held by him appears to be incorrect or incomplete -
- (a) inviting the registrant to notify him, within the period of 28 days beginning with the date of service of the notification, as to -
 - (i) the correct information,
 - (ii) if applicable, the date upon which the old information became incorrect, and
 - (iii) the reason why the correct information has not previously been brought to the attention of the registrar; and

(b) warning the registrant that if at the end of the period of 28 days -

(i) the registrar is not satisfied that the information provided by the registrant is accurate or complete, or

(ii) has received no response to the notification,

he may remove from the appropriate register the registrant's name or the entry relating to a specialty to which the information relates.

(2) Paragraph (1) does not apply in a case falling within rule 20.

Removal of registration following notification under rule 23

24. Where the registrar has served a notification under rule 23(1) and -

(a) he is not satisfied that the information provided by the registrant is accurate and complete;

(b) he is not satisfied that the registrant is covered by a policy of insurance which meets the requirements of section 10A (insurance for individual registrants and persons applying for their names to be registered); or

(c) he has received no response to the notification,

he may, after the period of 28 days beginning with the service of the notification, remove the -

(i) registrant's name from the register, or

(ii) entry against his name in the register relating to a specialty,

to which the information relates.

Erasure of registration and removal of an entry of a specialty

25. Where a direction has been made by the Fitness to Practise Committee for -

(a) the erasure of a name from a register; or

(b) the removal from a register of an entry relating to a specialty;

(c) the registrar shall erase the name or remove the entry.

PART 7

REVOCATIONS

Revocations

26. The General Optical Council (Registration and Enrolment) Rules 1976 are hereby revoked.