

**2008 No. 2690**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**OPTICIANS**

**The General Optical Council (Fitness to Practise) (Amendment  
in Relation to Standard of Proof) Rules Order of Council 2008**

*Made* - - - - - *6th October 2008*

*Coming into force* - - - - - *3rd November 2008*

At the Council Chamber, Whitehall, the 6th day of October 2008

By the Lords of Her Majesty's Most Honourable Privy Council

The General Optical Council have made the General Optical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules 2008, which are set out in the Schedule to this Order in exercise of the powers conferred by sections 23C and 31A of the Opticians Act 1989(a).

Before making the Rules, in accordance with section 23C(10) of that Act, the General Optical Council consulted such organisations representing the interests of registrants as it appears appropriate to the Council to consult.

In accordance with section 34(1) of that Act, such Rules shall not come into force until approved by Order of the Privy Council.

Their Lordships, having taken these Rules into consideration, are pleased to, and do approve them.

This Order may be cited as the General Optical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules Order of Council 2008, and comes into force on 3rd November 2008.

*Judith Simpson*  
Clerk of the Privy Council

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(a) 1989 c.44. Sections 23C and 31A were inserted by S.I. 2005/848.

## SCHEDULE

### The General Optical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules 2008

The General Optical Council make the following Rules in exercise of their powers under sections 23C and 31A of the Opticians Act 1989.

Before making the Rules, in accordance with section 23C(10) of that Act, the General Optical Council consulted such organisations representing the interests of registrants as it appears appropriate to the Council to consult.

#### **Citation and commencement**

1. These Rules may be cited as the General Optical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules 2008 and come into force on 3rd November 2008.

#### **Insertion of new Rule**

2. In the General Optical Council (Fitness to Practise) Rules 2005(a), after rule 50 (findings), insert—

#### **“Standard of proof**

**50A.** The standard of proof applicable in any proceedings before the Fitness to Practise Committee where the Presenting Officer has addressed the Fitness to Practice Committee in relation to each allegation in accordance with rule 45 on or after 3rd November 2008 is the standard of proof applicable to civil proceedings.”

Given under the official seal of the General Optical Council on the 11th day of September 2008.



*Rosie Varley*  
Member of Council

*Geoff Harris*  
Member of Council

*J Dian Taylor*  
Registrar

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(a) Scheduled to S.I. 2005/1475.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order approves an amendment made by the General Optical Council to the General Optical Council (Fitness to Practise) Rules 2005. The effect of the amendment is to apply the standard of proof which is applicable to civil proceedings to all proceedings before the Fitness to Practice Committee which commence on or after 3rd November 2008.

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STATUTORY INSTRUMENTS

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