

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

**GENERAL OPTICAL COUNCIL**

**IO(10)03**

**AND**

**A (AN OPTOMETRIST)**

---

**DETERMINATION OF APPLICATION FOR AN INTERIM ORDER  
- 18 MARCH 2010 -**

---

The Fitness to Practise Committee considered an application for an Interim Order made by the Council.

**Application**

Mr McGee, on behalf of the registrant, made an application to have the hearing conducted in private. The application was not supported by the Council. The Committee considered the provisions of Rule 23 (2) (c and d) but declined the application as most of the detail was already in the public domain as the registrant had appeared in a public hearing in a Crown Court when the facts of the case would have been presented and available to the public.

**Decision**

The Committee considered Section 13L and the imposition of an interim order in this case. The Committee was invited to consider making such an order, either that it was for the protection of members of the public or otherwise in the public interest and, in considering this case, the Committee had in mind the judgement of Mr Justice Davis in the case of R v Sheikh (2007) EWHC 2972 and his comments as to the bar being high which flows from the wording in the section "necessary". The Committee was not satisfied on the material placed before it that the registrant posed a risk to the public or it was otherwise in the public interest that he be the subject of an interim suspension order.

The Committee considered whether it should make an order that the registrant's registration be subject to conditions, but did not feel that any conditions would be practicable or appropriate in this case.



The Committee therefore has decided to decline the application for an interim suspension order.

This matter will now be considered at a full hearing in due course.

**Chairman of the Committee: Francesca Jones**

Signed

\_\_\_\_\_

Date

18 March 2010