

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

GENERAL OPTICAL COUNCIL

IO(10)04

AND

K (AN OPTOMETRIST)

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

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

Application

The registrant made an application that the hearing be held in private; the application was opposed by the Council.

In the exercise of its powers under Rule 23 of the Fitness to Practice Rules 2005, the Committee has decided that the main proceedings shall be heard in public, but that the public will be excluded at the time when the Registrant is reading the prepared statement to which he has referred when making his application.

Decision

The Committee has carefully considered the question whether on the basis of the information available to it today it can be satisfied that it is necessary for the protection for members of the public or otherwise in the public interest to make an interim order.

In support of its application Mr Hepworth, on behalf of the Council, has drawn to the Committee's attention the letter from the *[redacted]* Police dated 19 February 2010. This shows that on 29 January 2010 the registrant was charged with making and possessing indecent photographs or pseudo photographs of children, that he has been bailed and that he is to return to the Magistrates' Court on 9 April 2010, when it is likely that he will be committed to the Crown Court.

Mr Hepworth has also referred to an internet report of a court appearance from which it appears that the registrant is accused of 4 offences of making indecent photographs and moving images of children, and that he is also charged with two

matters of possession of indecent photos and moving images of children between August 2007 and May 2009.

The Committee is concerned about the lack of any further information or detail of the registrant's alleged offending.

In particular there is no information before it as to the circumstances in which it is alleged that the registrant came to be in possession of the images and no details are available as to the classification of the images involved, according to the Oliver Scale.

In his statement to the Committee the registrant has explained the circumstances in which he came to be charged with these offences and he has indicated that the case is proceeding to the Crown Court at his own instigation because of his intention to plead not guilty.

The Committee has given careful consideration to the guidance given by Davis J in the case of R (Sheikh) v General Dental Council and it has carefully weighed in the balance the need to protect the public against the likely effect of an interim order on the registrant's livelihood.

The Committee has concluded that there is insufficient information available to it today that would justify the making of an interim order and it has decided to make no order today. However, should further information and detail become available to the Council then doubtless a further application can and will be made if this is still considered to be necessary.

Chairman of the Committee: Francesca Jones

Signed _____

Date 22 March 2010