

CONSULTATION DOCUMENT ON AMENDMENTS TO THE CONSTITUTION OF STATUTORY COMMITTEES OF THE GENERAL OPTICAL COUNCIL

About the General Optical Council

The General Optical Council (GOC) is the statutory body which regulates dispensing opticians and optometrists and those bodies corporate carrying on business as optometrists or dispensing opticians in the UK.

The Council's function is to promote high standards of professional education, conduct and performance among opticians. Public protection is central to the GOC's purpose. The Council's main objective in the exercise of its functions under the Opticians Act 1989 is to protect, promote and maintain the health and safety of the public.

Background to the consultation

The White Paper *Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century* (published in 2007) set out a substantial programme of reform to the United Kingdom's system for the regulation of health care professionals.

Chapter One of the White Paper (*Assuring independence: the governance and accountability of the professional regulators*) included a number of directions in relation to the constitution of the professional regulators. These were that:

- The Councils of the regulatory bodies should have, as a minimum, parity of membership between lay and professional members, to ensure that purely professional concerns are not thought to dominate their work;
- To enhance public confidence in the healthcare professional regulators, Council members will be independently appointed;
- To enable Councils to focus more effectively on strategy and the oversight of their executives, they will become smaller and more board-like, with greater consistency of size and role across regulatory bodies.

As a result of these directions the constitution of GOC's Council has been reviewed. The Government is currently consulting on the legislation which will put into place a smaller, more board-like, Council with parity of membership between non-registrant and registrant members. You can find details of this consultation at:

http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_087068

Alongside this work regarding the constitution of Council, GOC has reviewed the constitution of its statutory committees. The Committee Constitution Rules 2005 currently set out the constitution of the GOC's statutory committees. These rules can be found at:
http://www.optical.org/goc/filemanager/root/site_assets/legislation/rules_and_regulations/ccr2005.pdf

These rules will need to be revised for three principle reasons:

- (i) The current Committee Constitution Rules refer to Schedule 1 of the Act which sets out the current constitution of Council, and hence the rules will need to be amended to reflect the amendments to be made to the legislation regarding the constitution of Council;
- (ii) The smaller number of members of Council will mean that there will not be sufficient members to populate Council's various statutory committees, and hence provision will need to be made in the Committee Constitution Rules to allow for committee members to be appointed who are not themselves members of Council. Currently, the rules determine for a number of the GOC's statutory committees that they are composed entirely of members of Council;
- (iii) The White Paper directs that Councils should become smaller and more board-like to enable a focus at Council level on strategy, governance, and holding to account those responsible for carrying out operational duties. It is envisaged that committees, along with the executive, will be responsible for carrying out and the oversight of some operational duties, as well as providing advice to the Council.¹ As pointed out above, a number of the GOC's statutory committees are composed entirely of members of Council. The Committee Constitution Rules will need amending to allow for an appropriate separation of roles between those who carry out and oversee operational duties and provide advice and those who act as governors on Council to whom the former are accountable and whose advice will need to be challenged and probed by Council.

Scope of consultation

The General Optical Council is consulting on proposed amendments to its Committee Constitution Rules 2005 which will revise the constitution of GOC's statutory committees. It is also proposed that the rules include new provisions regarding the grounds for disqualifying a person from being appointed as a committee member, and grounds for the suspension and removal of committee members.

¹ Thus the White Paper states:

'The intention is to ensure that councils focus on strategic rather than operational issues with the aim of assuring excellence in delivery in the long term.' (p.27)

'Council members' sole function should be to act as strategic board members and they should not be engaged in operational matters where impartiality and independence are paramount.' (p.66)

This consultation document has therefore been prepared to seek your views on the proposed amendments to the constitution of GOC committees and new provisions on the disqualification, removal or suspension of committee members.

The draft Order published with this paper sets out the proposed new constitution of Committees of the GOC.

The GOC (Committee Constitution) (Amendment) Order 2008

Amendments to the General Optical Council (Committee Constitution) Rules 2005

Disqualification for appointment as a member, and the removal and suspension of members from office

Article 4 of the draft order makes provision in relation to the disqualification of certain categories of people, for example those who have been convicted of certain types of offences, from being members of a GOC Committee. It also describes the circumstances in which the Council may remove or suspend a member's appointment to a committee. These provisions mirror the provisions which the Government is proposing should apply to the membership of Council. GOC believes that, to secure public confidence, the same level of probity as applies to members of Council should apply to members of its statutory committees. For this reason, GOC is proposing that its Committee Constitution Rules are amended to contain provisions relating to the disqualification, suspension and removal of committee members.

Q1. Do you agree with the reasons for disqualifying a person from the appointment as a member of a GOC Committee? If not, please specify which reasons you disagree with and explain why.

Q2. Do you agree with the reasons given for removing or suspending members from a Committee?

The Education Committee

Article 5 of the draft order sets out the proposed composition of the GOC's Education Committee. It takes away the need for the membership of the committee to be drawn from the membership of Council, and to allow Council greater flexibility to constitute the committee with an appropriate number of members in relation to the work before it. The current rules require that the Education Committee has 14 members. The proposed revisions will allow Council to appoint between 9 and 18 members to the committee, of which 3 must be registered optometrists, 2 must be dispensing opticians, 3 must be lay persons, and 1 must be a registered medical practitioner.

Q3. Do you agree with the proposed composition of the GOC's Education Committee?

The Companies Committee

Article 6 of the draft order sets out the composition of the GOC's Companies Committee.

It is the intention of the GOC that the Companies Committee should not remain as a statutory committee in the long term. GOC has requested that the Government remove Companies Committee from the statute. This step was recommended to GOC by the Companies Committee itself who felt that it was important that the Council had as much flexibility as possible to constitute the committee as appropriate, to reflect the employment context within which the vast majority of primary eye care is delivered and within which the majority of registrants operate.

The legislation to remove Companies Committee from the statute will not be consulted on until late 2009. As an interim measure it is proposed that the committee be composed as it is currently with the exception that the requirement that some of its members be drawn from the membership of Council being removed. Article 6 gives effect to this.

Q4. Do you agree with the proposed composition of the GOC's Companies Committee?

The Investigation Committee

Article 7 of the draft order sets out the proposed composition of GOC's Investigation Committee. It is proposed that the committee be composed as it is currently with the requirement that some of its members be drawn from the membership of Council being removed. Article 7 gives effect to this.

Q5. Do you agree with the proposed composition of the GOC's Companies Committee?

The Registration Committee

Article 8 of the draft order sets out the proposed composition of the GOC's Registration Committee. It takes away the need for the membership of the committee to be drawn from the membership of Council, and to allow Council greater flexibility to constitute the committee with an appropriate number of members in relation to the work before it. The current rules require that the

Registration Committee has 9 members. The proposed revisions will allow Council to appoint between 7 and 14 members to the committee, of which 2 must be registered optometrists, 2 must be dispensing opticians, 2 must be lay persons, and 1 is a responsible officer for a body corporate.

Q6. Do you agree with the proposed composition of the GOC's Registration Committee?

The Registration Appeals Committee

The current rules do not make specific provision with respect to the constitution of the Registration Appeals Committee in circumstances where it is appropriate for one hearing to be held in relation to two or more appellants or applicants. Article 9 sets out proposed revisions to the rules to specify how the committee should be constituted in such circumstances. The rules allow for the composition of the committee to vary depending on whether the applicants or appellants before it are all optometrists, student optometrists, dispensing opticians, student dispensing opticians, or bodies corporate, or whether the applicants or appellants before it are a mix of these.

Q7. Do you agree with the proposals regarding the constitution of the Registration Appeals Committee in circumstances where one hearing is to be held for two or more appellants or applicants?

The Standards Committee

Article 13 of the draft order sets out the proposed composition of the GOC's Standards Committee. It takes away the need for the membership of the committee to be drawn from the membership of Council, and to allow Council greater flexibility to constitute the committee with an appropriate number of members in relation to the work before it. The current rules require that the Standards Committee has 9 members. The proposed revisions will allow Council to appoint between 9 and 18 members to the committee, of which 3 must be registered optometrists, 3 must be dispensing opticians, 2 must be lay persons, and 1 is a registered medical practitioner.

Q8. Do you agree with the proposed composition of the GOC's Registration Committee?

The Fitness to Practise Committee

Article 14 of the draft order sets out proposed revisions relating to the composition of the Fitness to Practise Committee. It is proposed that the rules are amended such that the composition of the committee should be varied depending on whether the hearing is a substantive hearing or whether it is a procedural or review hearing. Furthermore, the current rules do not make specific provision with respect to the constitution of the Fitness to Practise Committee in circumstances where it is appropriate for one hearing to be held in relation to two or more registrants. Article 14 sets out proposed revisions to the rules to specify how the committee should be constituted in such circumstances.

Q9 Do you agree with the proposed revisions to the composition of the Fitness to Practise Committee?

Restrictions on the selection of members of the Fitness to Practise Committee and the Registration Appeals Committee

Article 15 of the draft order sets out proposed amendments to the current rule which prevents members of the Hearings Panel being selected for membership of the Fitness to Practise Committee or Registration Appeals Committee in cases where that member has previously sat on a committee which has considered that case. GOC believes that this is unduly restrictive, and it is proposed that the restriction should only apply where a member has made or reviewed an interim order with respect to that case. Article 15 also adds a new restriction, which is necessary because of the proposed lifting of the requirement that members of the Investigation Committee are drawn from the membership of Council, that any member of the Investigation Committee cannot at the same time be a member of the Hearings Panel.

Q10. Do you agree that the restriction on membership of the Fitness to Practise Committee or Registration Appeals Committee where a member has previously considered that case should only apply where that member has made or reviewed an interim order?

Q11. Do you agree that no member of the Investigation Committee should at the same time be a member of the Hearings Panel?

Casual Vacancies

Article 16 of the draft article sets out where a vacancy arises on a Committee other than the Registration Appeal Committee and the Fitness to Practise Committee then Council must fill the vacancy on a like for like basis. This replicates existing rule except that it removes the requirement that the vacancy is filled by a member of Council.

Q18. Do you agree with the requirement that vacancies on Committees are filled by appointing a person of the same type?

Chairmen

Article 17 of the draft order sets out that Council will be appoint Chairmen from the members of each Committee. This represents a change to the current rule which requires that committee chairmen are elected by members of the committee. This will allow the Council to appoint committee Chairmen who have been selected with the specific skill set to chair the relevant committees. This applies to all committees apart from the Registration Appeals Committee and the Fitness to Practise Committee, where the Chairmen shall continue to be elected at the beginning of the proceedings under the existing rules.

Q19. Do you agree that Council should appoint committee Chairmen?

How to respond

Please either email your response to gtinsley@optical.org or post to:

Grahame Tinsley,
General Optical Council,
41 Harley Street,
London
W1G 8DJ.

Comments must arrive no later than **Friday, 7th November 2008.**

2008 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

OPTICIANS

**The General Optical Council (Committee Constitution)
(Amendment) Rules Order of Council 2008**

Made - - - - 2008

Laid before Parliament 2008

Coming into force in accordance with.....

At the Council Chamber, Whitehall, the ... day of ... 2008

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

In exercise of their powers under sections 2(2), 3(2), 4(3), 5(2), 5B(2) and [31A](#) of and paragraph 12A of Schedule 1 to the Opticians Act 1989⁽²⁾, after consultation with such organisations representing the interests of substantial numbers of business registrants as they consider appropriate, the General Optical Council has made the General Optical Council (Committee Constitution)(Amendment) Rules 2008 as set out in the Schedule to this Order:

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

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

This Order may be cited as the General Optical Council (Committee Constitution) (Amendment) Rules Order of Council 2008, and shall come into force on in accordance with

Name
Clerk of the Privy Council

(2) 1989 c.44: sections 5B and 31A and paragraph 12A of Schedule 1 were inserted by S.I. 2005/848.

SCHEDULE

The General Optical Council (Committee Constitution) (Amendment) Rules 2008

The General Optical Council, in exercise of its powers under sections 2(2), 3(2), 4(3), 5(2), 5B(2) and 31A of and paragraph 12A of Schedule 1 to the Opticians Act 1989(3), after consultation with such organisations representing the interests of substantial numbers of business registrants as they consider appropriate, hereby make the following Rules—

Citation and commencement

1. These Rules may be cited as the General Optical Council (Committee Constitution) (Amendment) Rules 2008 and shall come into force:

- (a) in relation toon2008; and
- (b) in relation to the remainder of the rules on 1 April 2009.

Amendments to the General Optical Council (Committee Constitution) Rules 2005

2.— (1) The General Optical Council (Committee Constitution) Rules 2005 shall be amended in accordance with the following rules—

3. In rule 2 (interpretation)—

(a) in paragraph (1) –

(i) after the definition of “Education Committee” insert the following-

““final outcome”, in relation to any proceedings where there are rights of appeal, means the outcome of the proceedings—

- (a) once the period for bringing an appeal has expired without an appeal being brought; or
- (b) if an appeal is brought in accordance with those rights, once those rights have been exhausted;”;

(ii) after the definition of “lay person” insert the following—

““licensing body” means any body, other than the Council, anywhere in the world that licenses or regulates any profession; and

“member”, unless the context otherwise requires, means a registrant member or a lay member of a Committee [and includes the chair];

“procedural hearing” means any hearing at which the Fitness to Practise Committee may determine matters of procedure only;”;

(iii) after the definition of “Standards Committee” insert the following -

““substantive hearing” means any hearing at which the Fitness to Practise Committee may -

(3) 1989 c.44: sections 58 and 31A and paragraph 12A of Schedule 1 were inserted by S.I. 2005/848.

(a) determine any issue relating to an allegation of the kind set in section 13D (allegations) against a registrant; or

(b) may make an order under the provisions of sections 13F to 13I (power to order immediate suspension etc. after a finding of impairment of fitness to practise);”and

(b) delete paragraph (2)(b).

4. After rule 2 (interpretation) insert the following new rules –

“Disqualification for appointment as a member

2A. A person is disqualified from appointment as a member of a Committee if that person—

(a) has at any time been convicted—

(i) in the British Islands of a criminal offence, or

(ii) elsewhere of an offence which, if committed in any part of the British Islands, would constitute a criminal offence,

and the offence involved dishonesty or deception or the final outcome of the proceedings was that the person was sentenced to a term of imprisonment (whether suspended or not) of over three months;

(b) has at any time been removed—

(i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—

(aa) for which the person was responsible or to which the person was privy, or

(bb) which the person by their conduct contributed to or facilitated, or

(ii) under—

(aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(4)(powers of Court of Session to deal with management of charities), or

(bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (5)(powers of the Court of Session),

from being concerned with the management or control of any body;

(c) has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;

(d) at any time has been adjudged bankrupt or sequestration of his estate has been awarded, and—

(i) the person has not been discharged, or

(ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986(6);

(e) has at any time made a composition or arrangement with, or granted a trust deed for, the person’s creditors and the person has not been discharged in respect of it;

(f) is subject to—

(4) 1990 c.

(5) asp

(6) 1986 c.45; Schedule 4A was inserted by section 257 of, Schedule 20 to, the Enterprise Act 2002 (c.40).

- (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986⁽⁷⁾,
 - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989⁽⁸⁾,
 - (iii) a disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002⁽⁹⁾, or
 - (iv) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of a county court administration order);
- (g) has been included by—
- (i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006⁽¹⁰⁾ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁽¹¹⁾), or
 - (ii) the Scottish Ministers in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007⁽¹²⁾).
- (h) has at any time been subject to any investigation or proceedings concerning his fitness to practise by any licensing body, the final outcome of which was—
- (i) the person’s suspension from a register held by the licensing body, and that suspension has not been terminated,
 - (ii) the person’s erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body, or
 - (iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;
- (i) has at any time been subject to any investigation or proceedings concerning his fitness to practise by the Council, in the course of which or where the final outcome has been that—
- (i) a financial penalty order was made against the person, and less than two years have elapsed since the period within which the sum specified in that order needed to be paid expired,
 - (ii) the person’s registration in the register has been suspended (including by an interim suspension order or an order under section 13L of the Act⁽¹³⁾) and that suspension has not been terminated,
 - (iii) the person has been erased from the register (for a reason connected to the person’s fitness to practise), or
 - (iv) the person’s registration in the register has been made conditional upon their compliance with any requirement (including by an order for interim conditional registration or an order under section 13L of the Act) and that requirement has not been lifted; or
- (j) has at any time been subject to any investigation or proceedings relating to an allegation that the person’s entry in the register was fraudulently procured—
- (i) in the course of which the person’s registration was suspended and that suspension has not been terminated, or
 - (ii) the final outcome of which was the removal of the person’s entry in the register;

(7) 1986 c.46.

(8) N.I. ...

(9) N.I....

(10) 2006 c.47.

(11) S.I. 2007/1351 (N. I. 11).

(12) 2007 asp 14.

(13) Section 13L was inserted by S.I. 2005/848.

- (k) is subject to any investigation or proceedings concerning his fitness to practise by—
 - (i) any licensing body, or
 - (ii) the Council,and the Council is satisfied that the person's membership of a Committee would be liable to undermine public confidence in the regulation of registrants.

Removal of appointment to a Committee

- 2B.**—(1) The Council shall remove a member's appointment to a Committee, if—
- (a) the member resigns, which a member may do at any time by a notice in writing to the Council;
 - (b) in the case of a lay member, that member becomes a person who no longer satisfies the criteria set out in paragraph 1A(1)(b) of Schedule 1 to the Act(14);
 - (c) the member becomes a person of the type mentioned in rule 2A(a) to (c);
 - (d) the member becomes a person of the type mentioned in rule 2A(d) to (h), whether or not they thereafter cease to be such a person;
 - (e) in the case of a registrant member, the member becomes subject to any investigation or proceedings concerning his fitness to practise by the Council, in the course of which or where the final outcome has been that—
 - (i) a financial penalty order was made against the person,
 - (ii) the member's registration in the register is suspended (including by an interim suspension order),
 - (iii) the member is erased from the register, or
 - (iv) the member's registration in the register has been made conditional upon the member's compliance with any requirement (including by an order for interim conditional registration),and the proceedings relating to that particular sanction have reached their final outcome;
 - (f) in the case of a registrant member, the member becomes subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the person's entry in the register;
 - (g) is a director of a business registrant, and that business registrant becomes subject to any investigation or proceedings by the Council, the final outcome of which was a finding that the business registrant's fitness to carry on business as an optometrist or dispensing optician or both is impaired;
 - (h) the Council is satisfied that the member's level of attendance at meetings of the Committee to which he is appointed falls below a minimum level of attendance acceptable to the Council, having regard to whether or not there were reasonable causes for the member's absences;
 - (i) the Council is satisfied the member has failed, without reasonable cause, to undertake satisfactorily education and training which the Council has specified is required for members of Committees;
 - (j) the Council is satisfied that the member is no longer able to perform their duties as a member of the Committee to which he is appointed because of adverse physical or mental health;

- (k) the Council is satisfied that the member's continued membership of the Committee to which he is appointed would be liable to undermine public confidence in the regulation of registrants.

(2) A member who becomes, or may be about to become, a person to whom paragraph (1)(b) to (e) applies must notify the Council in writing of that fact as soon as the person becomes aware of it.

(3) Any member or employee of the Council may, and the chair shall, notify the Privy Council if they are of the view that the Privy Council may need to exercise its functions under paragraph (1).

Suspension of appointment to a Committee

2C.—(1) The Council may suspend a member's appointment to a Committee by a notice in writing served on the member—

- (a) if the Council has reasonable grounds for suspecting that the member has become a person to whom rule 2B(1)(b) to (d) applies, for the purposes of determining whether or not the member has become such a person;
- (b) while the Council is considering whether or not it is satisfied as to the matters set out in rule 2B(1)(f) to (i);
- (c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—
 - (i) any licensing body, or
 - (ii) the Council,

and the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

- (d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's entry in the register is or are ongoing;
- (e) if the member is subject to any investigation or proceedings in the British Islands relating to a criminal offence, or in any other part of the world relating to an offence which, if committed in any part of the British Islands, would constitute a criminal offence, and—
 - (i) either—
 - (aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or
 - (bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment (whether suspended or not) of over three months, and
 - (ii) the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings is or are ongoing.

(2) The notice in writing under paragraph (1) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than six months.

(3) The Council—

- (a) may at any time review a suspension of a member by it; and
- (b) shall review any suspension of a member by it after three months from the start of the period of suspension, if requested to do so by the suspended member.

(4) Following a review, the Council may—

- (a) terminate the suspension;
- (b) if that review is within three months of the end of a period of suspension, extend the suspension for a further period of up to six months from the date on which the suspension would otherwise come to an end.

(5) The Council shall notify the suspended member in writing of the outcome of any review and that notice in writing shall include the reasons for any decision taken.”.

5. Rule 3 (Education Committee) shall be amended as follows—

- (a) substitute “a minimum of nine and a maximum of eighteen” for “fourteen” in paragraph (1);
- (b) in paragraph (2) -
 - (i) delete the words “selected from amongst the members of Council and”;
 - (ii) substitute the following for subparagraphs (a) to (d)—
 - “(a) three are registered optometrists;
 - (b) two are registered dispensing opticians;
 - (c) three are lay persons; and
 - (d) one is a registered medical practitioner.”; and
- (c) delete paragraph (3).

6. Rule 6 (Companies Committee) shall be amended as follows—

- (a) delete the words “selected from amongst the members of Council and”;
- (b) substitute the following for subparagraphs (a) to (d)—
 - “(a) one is a registered optometrist;
 - (b) one is a registered dispensing optician;
 - (c) one is a lay person; and
 - (d) one is a registered medical practitioner.”.

7. Paragraph (2) of rule 9 (Investigation Committee) shall be amended as follows—

- (a) delete the words “selected from amongst the members of Council and”;
- (b) substitute the following for subparagraphs (a) to (d):
 - “(a) three are registered optometrists;
 - (b) two are registered dispensing opticians;
 - (c) three are lay persons; and
 - (d) one is a registered medical practitioner.”.

8. Rule 11 (Registration Committee) shall be amended as follows—

- (a) substitute “a minimum of seven and a maximum of fourteen” for “nine” in paragraph (1);
- (b) in paragraph (2) —
 - (i) delete the words “selected from amongst the members of Council and”;
 - (ii) substitute the following for subparagraphs (a) to (d)—
 - “(a) two are registered optometrists;
 - (b) two are registered dispensing opticians;
 - (c) two are lay persons; and
 - (d) one is a responsible officer for a body corporate within the meaning of section 30(2) of the Act;”;

(c) in paragraph (3) substitute “three” for “five”.

9. In rule 14 (Registration Appeals Committee) substitute “one or more optometrists or two or more students” for “an optometrist or student”.

10.In rule 15 (Registration Appeals Committee) substitute “one or more dispensing opticians or two or more students” for “a dispensing optician or student”.

11.In rule 16 (Registration Appeals Committee) substitute “one or more bodies” for “a body”.

12.The following rule shall be inserted after rule 16 (Registration Appeals Committee) :

“ **16A.** (1) This rule applies to a direction made by the Registration Appeals Committee under rule 16 of the Registration Appeals Rules 2005 (joinder)**15** that one hearing is to be held in relation to two or more appellants or applicants –

(a) one of whom is an optometrist or a person training as an optometrist and one of whom is a dispensing optician or a person training as a dispensing optician; or

(b) one of whom is a body corporate and one or more of whom is a person mentioned in subparagraph (a) above..

(2) Where the Registration Appeals Committee is considering whether to a make direction to which this rule applies or any matter at a hearing further to a direction to which this rule applies, the Registration Appeals Committee shall consist of –

(a) one registered optometrist;

(b) one registered dispensing optician; and

(c) three lay persons,

who are each selected in accordance with rule 29.”.

13.Rule 19 (Standards Committee) shall be amended as follows—

(a) in paragraph (1), substitute “a minimum of nine and a maximum of eighteen” for the word “nine”;

(b) in paragraph (2), delete the words “selected from amongst the members of Council and”;

(c) in paragraph (2), substitute the following for subparagraphs (a) to (d)—

“(a) three are registered optometrists;

(b) three are registered dispensing opticians;

(c) two are lay persons; and

(d) one is a registered medical practitioner.”.

14. For rules 22 to 24 there shall be substituted the following rules:

“ **22.** Subject to rule 24A, when considering any matter relating to the fitness to practise of one or more registered optometrists, or one or more registered students training as an optometrist:

(a) at a substantive hearing, the Fitness to Practise Committee shall consist of –

(i) two registered optometrists; and

(ii) three lay persons,

- who are each selected in accordance with rule 29;
- (b) at a procedural hearing or a hearing considering the making or reviewing of an order under section 13L, the Fitness to Practise Committee shall consist of –
 - (i) one registered optometrist; and
 - (ii) two lay persons,who are each selected in accordance with rule 29.

23. Subject to rule 24A, when considering any matter relating to the fitness to practise of one or more registered dispensing opticians, or one or more registered students training as a dispensing optician:

- (c) at a substantive hearing, the Fitness to Practise Committee shall consist of –
 - (i) two registered dispensing opticians; and
 - (ii) three lay persons,who are each selected in accordance with rule 29;
- (d) at a procedural hearing or a hearing considering the making or reviewing of an order under section 13L, the Fitness to Practise Committee shall consist of –
 - (i) one registered dispensing optician; and
 - (ii) two lay persons,who are each selected in accordance with rule 29.

24. When considering any matter relating to the fitness to practise of one or more business registrants to carry on the business of an optometrist or dispensing optician:

- (e) at a substantive hearing, the Fitness to Practise Committee shall consist of –
 - (i) one registered optometrist;
 - (ii) one registered dispensing optician; and
 - (iii) three lay persons,who are each selected in accordance with rule 29;
- (f) at a procedural hearing or a hearing considering the making or reviewing of an order under section 13L, the Fitness to Practise Committee shall consist of –
 - (i) one registered optometrist or dispensing optician; and
 - (ii) two lay persons,who are each selected in accordance with rule 29.

24A. (1) This rule applies to a direction made by the Fitness to Practice Committee under rule 22 of the Fitness to Practice Rules 2005 (joinder)**16** that one hearing is to be held in relation to two or more registrants:

(a) one of whom is a registered optometrist or a registered student training as an optometrist and one of whom is a registered dispensing optician or a registered student training as a dispensing optician; or

(b) one of whom is a business registrant and one or more of whom is an individual registrant.

(2) Where the Fitness to Practise Committee is considering whether to make a direction to which this rule applies or at a hearing further to such a direction at which it is considering the making or reviewing of an order under section 13L, it shall consist of –

- one registered optometrist or registered dispensing optician; and
 - two lay persons,
- who are each selected in accordance with rule 29.

(3) When considering any matter at a substantive hearing further to a direction to which this rule applies, the Fitness to Practise Committee shall consist of –

- (a) one registered optometrist;
- (b) one registered dispensing optician; and
- (c) three lay persons,

who are each selected in accordance with rule 29.”.

15. For rule 29(2)(b) there shall be substituted the following subparagraph-

“(b) ensure that:

(i) a person who has sat as a member of the Fitness to Practise Committee that has made or reviewed an order under section 13L in proceedings in any case shall not sit as a member of the Fitness to Practise Committee in any subsequent proceedings in that case; and

(ii) a person who is a member of the Investigation Committee may not at the same time be a member of the Hearing Panel; and”.

16.In rule 31 (casual vacancies) for paragraph (1) substitute the following new paragraph—

“(1) Where a casual vacancy occurs on a Committee, other than the Registration Appeal Committee and the Fitness to Practise Committee, and that person was appointed by virtue of being a registered optometrist, a registered dispensing optician, a lay person or a registered medical practitioner, the Council shall fill the vacancy by appointing a person of the same type.”.

17. For rule 32 (chairmen) substitute the following new rule—

“**32.** The Council shall appoint a Chairman for each Committee other the Registration Appeals Committee and the Fitness to Practise Committee, from amongst the members of the Committee.”

Given under the official seal of the General Optical Council on theday of.....2008.

Attested by:

Name
Member of Council

Name
Member of Council

Name
Registrar