

## **THE GENERAL OPTICAL COUNCIL SCHEME OF DELEGATION – PART 1**

The Opticians Act (and rules made under the Act) imposes functions upon the Council. These are set out in the following Tables, showing where these have been retained by Council, delegated to a Committee, or delegated to the Registrar.

Where matters have been delegated to a Committee or the Registrar, such matters may be further delegated to a member of the Council's staff or a working group unless this document specifies that this shall not be the case. Notwithstanding any further delegation, the Council will hold to account the Committee or the Registrar for the exercise of those functions where these are delegated to them in this document.

Part 2 of the Scheme of Delegation outlines those functions delegated by the Registrar or committees to a member of the Council's staff or a working group.

### **Table A**

Delegation of functions imposed upon the Council by the Opticians Act 1989

### **Table B**

Delegation of functions imposed upon the Council by Rules made under the Opticians Act 1989

**All references to sections or schedules are references to sections of, or schedules to, the Opticians Act.**

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE  
OPTICIANS ACT 1989**

<b>Section</b>	<b>Function</b>	<b>Delegated to</b>
1(2)	To promote high standards of professional education, conduct and performance among registrants	<i>(retained by Council)</i>
2(2)	To make rules as to the constitution of the Education Committee	<i>(retained by Council)</i>
3(2)	To make rules as to the constitution of the Companies Committee	<i>(retained by Council)</i>
3(3)	To consult on rules as to the constitution of the Companies Committee	Registrar
4(3)	To make rules as to the constitution of the Investigation Committee	<i>(retained by Council)</i>
5(2)	To make rules as to the constitution of the Registration Committee	<i>(retained by Council)</i>
5A(3)/(4)	To make rules as to the constitution of the Registration Appeals Committee	<i>(retained by Council)</i>
5B(2)	To make rules as to the constitution of the Standards Committee	<i>(retained by Council)</i>
5C(3)/(4)	To make rules as to the constitution of the Fitness to Practise Committee	<i>(retained by Council)</i>
5D(1)	To appoint a Hearings Panel	<i>(retained by Council)</i>
5D(2)(b)	To make rules relating to requirements to be satisfied by persons applying for inclusion on the Hearings Panel	<i>(retained by Council)</i>
5D(3)	To determine fees, allowances and expenses to be paid to members of the Hearings Panel and pay such fees, allowances and expenses	<i>(retained by Council)</i>
5D(4)	To consider appropriate training for the members of the Hearings Panel and provide for such training	Registrar
5D(5)	To make rules as to the constitution of the Hearings Panel	<i>(retained by Council)</i>
6(1)	To set up additional committees and determine the membership of such committees in accordance with sections 6(2) and (3)	<i>(retained by Council)</i>
7	To maintain a register of optometrists and a register of dispensing opticians	Registrar
8(1)	To be satisfied of entitlement to register (UK applicants)	Registrar

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8(1A)	To be satisfied of entitlement to register (EEA applicants)	Registrar
8(2)	To be satisfied of entitlement to register (Non-EEA applicants)	Registrar
8(2A)	To determine additional qualifications to be obtained or tests to be passed (Non-EEA applicants)	Registrar
8(4)	To be satisfied of entitlement to register (Pre 1 June 1961 application)	-
8(5)	To be satisfied of entitlement to register (Post 1 June 1961 / pre 16 February 1990)	-
8(6)	To be satisfied of entitlement to register (Applicants eligible for initial registration)	Registrar
8A(1)	To maintain a register of persons undertaking training as optometrists and a register of persons undertaking training as dispensing opticians	Registrar
8A(3)	To be satisfied of entitlement to register as a student	Registrar
8A(4)	To make rules prescribing particulars to be contained in the registers of students	<i>(retained by Council)</i>
8A(5)	To make rules as to the circumstances in which a student registrant may be removed from a register	<i>(retained by Council)</i>
9(1)	To maintain a register of bodies corporate carrying on the business of an optometrist or a dispensing optician or both	Registrar
9(2)	To be satisfied of entitlement to register as a business registrant	Registrar
10(1)	To make rules regarding the form and keeping of the registers, and making of entries and alteration in them	<i>(retained by Council)</i>
10(1A)	To make rules regarding the registration of specialties	<i>(retained by Council)</i>
10(5)	To make rules regarding communication and storage of documents in electronic form	<i>(retained by Council)</i>
10A(4)	To require evidence of insurance	Registrar
10A(5)	To make rules specifying types and amounts of adequate and appropriate insurance	<i>(retained by Council)</i>
11(1)	To publish the registers	Registrar

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11A(1)	To make rules providing for a continuing education and training scheme	<i>(retained by Council)</i>
11B(6)	To make rules setting out procedures to be followed before the registrar can refuse to retain a registration or an entry or decide whether to restore a registration or an entry	<i>(retained by Council)</i>
12(1)(a)	To establish competencies to be granted a qualification	<i>(retained by Council)</i>
12(1)(b)	To establish requirements for the content and standard of education and training	<i>(retained by Council)</i>
12(2)(a)	To consult the Standards Committee before establishing competencies to be granted a qualification	<i>(retained by Council)</i>
12(2)(b)	To consult the Education Committee before establishing requirements for the content and standard of education and training	<i>(retained by Council)</i>
12(3)	To publish the competencies and requirements	Registrar
12(5)	To take into account advice received from the Standards and Education Committees and revise the competencies and requirements accordingly	<i>(retained by Council)</i>
12(6)	To provide the competencies and requirements to approved training establishments	Registrar
12(7)	To approve establishments, qualifications and tests of language	<i>(retained by Council)</i>
12(8)	To commission advice on the suitability of the establishment or qualification	<i>(retained by Council)</i>
12(9)	To approve establishments and qualifications which provide only some education and training or qualifications which meet only some of the requirements	<i>(retained by Council)</i>
12(10)	To publish a list of approved establishments and qualifications	Registrar
13(1)	To keep themselves informed as to the instruction at each approved establishment and the assessment which leads to the approved qualification	Education Committee
13(2)	To appoint visitors to visit approved training establishments	Education Committee

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13(4)	To specify matters to be addressed by visitors	Education Committee
13(5)	To give written notice of intention to withdraw the approval of a training establishment or qualification	Registrar
13(7)	To decide whether to withdraw the approval of a training establishment or qualification	<i>(retained by Council)</i>
13(8)	To give written notice of the decision to withdraw the approval of a training establishment or qualification	Registrar
13(9)	To give written notification of the decision to withdraw partially the approval of a training establishment or qualification	Registrar
13(11)	To determine fees (and travelling and subsistence allowances) to be paid to visitors and pay such fees	<i>(retained by Council)</i>
13A(1)(a)	To provide guidance to individual registrants	<i>(retained by Council)</i>
13A(1)(b)	To keep under review effective arrangements for the protection of the public in relation to individual registrants	Registrar
13A(2)(a)	To provide guidance to business registrants	<i>(retained by Council)</i>
13A(2)(b)	To keep under review effective arrangements for the protection of the public in relation to business registrants	Registrar
13A(3)	To consult before issuing, or amending guidance already issued, under sections 13A(1)(a) and (2)(a)	Registrar
13A(4)	To keep under review guidance issued under sections 13A(1)(a) and (2)(a)	Standards Committee
13B(1)	To require information or documentation from a registrant or third party	Registrar
13B(2)	To require identity of employers or persons about whom allegations have been received	Registrar
13B(3)	To require information to be put into a form not capable of identifying an individual	Registrar
13B(6)	To enforce the requirement to produce information or documentation pursuant to section 13B(1)	Registrar
13C(1)	To disclose the existence of an investigation to persons specified in 13C(2)	Registrar
13C(3)	To disclose, in the public interest, the	Registrar

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	existence of an investigation to any person	
13E(1)	To make rules delegating functions of the Investigation Committee	<i>(retained by Council)</i>
13H(4)	To make an order amending the level of the maximum financial penalty order	<i>(retained by Council)</i>
13H(5)	To publish an order made under section 13H(4)	Registrar
13H(8)	To recover any sum specified in a financial penalty order by way of enforcement in the civil courts	Registrar
13H(9)	To pay any sum recovered under a financial penalty order to the Department of Health Consolidated Fund	<i>(retained by Council)</i>
13L(6)	To apply to the court for the extension of an interim order	Registrar
23A(2)	To make rules regarding the service of notifications by electronic means	<i>(retained by Council)</i>
23C(1)(a)	To make rules regarding the procedure and rules of evidence of the FPC and RAC	<i>(retained by Council)</i>
23C(1)(b)	To make rules regarding the procedure of the Investigation Committee	<i>(retained by Council)</i>
23C(3)	To make rules regarding the appointment of assessors	<i>(retained by Council)</i>
23D(1)	To appoint legal advisers for the FPC and RAC	<i>(retained by Council)</i>
23D(5)	To determine fees, allowances and expenses to be paid to legal advisers and pay such fees	<i>(retained by Council)</i>
23D(7)	To make rules as to the functions of legal advisers	<i>(retained by Council)</i>
23E(1)(a)	To appoint clinical advisers for the FPC and RAC	<i>(retained by Council)</i>
23E(1)(b)	To appoint other advisers for the FPC and RAC	<i>(retained by Council)</i>
23E(6)	To determine fees, allowances and expenses to be paid to clinical and other advisers and pay such fees	<i>(retained by Council)</i>
23E(8)	To make rules as to the functions of clinical and other advisers	<i>(retained by Council)</i>
24(3)	To make rules as to the testing of sight by persons training as optometrists	<i>(retained by Council)</i>

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25(3)	To make rules as to the fitting of contact lenses by persons training as optometrists or dispensing opticians	<i>(retained by Council)</i>
27(3C)	To make rules specifying aftercare to be provided following contact lens sales	<i>(retained by Council)</i>
29(1)	To specify the period in which a person may take or use the professional title of a deceased registrant	Registrar
30A(1)	To determine whether the Council is in receipt of evidence sufficient to justify a prosecution	Registrar
31(1)(b)	To make rules prohibiting or regulating the carrying on of practice or business under a name other than a registered name	<i>(retained by Council)</i>
31(1)(c)	To make rules prohibiting or regulating the prescription, sale, supply and administration of drugs	<i>(retained by Council)</i>
31(1)(d)	To make rules prohibiting or regulating the practice of orthoptics	<i>(retained by Council)</i>
31(1)(e)	To make rules prohibiting or regulating the prescription, sale, supply and fitting of contact lenses	<i>(retained by Council)</i>
31(3)	To make rules as to requirements to be met by registrants who wish to prescribe, fit, supply or sell contact lenses	<i>(retained) by Council)</i>
31(5)	To make rules regarding the steps to be taken when it appears to a registrant that a person is suffering from injury or disease of the eye	<i>(retained by Council)</i>
32(1)	To allocate monies received (other than from the payment of financial penalty orders)	In accordance with the Standing Financial Instructions
32(2)	To keep accounts	Registrar
32A(1)	To publish a report on the arrangements in place to ensure good practice in relation to equality and diversity	Registrar
32A(1)	To publish a report indicating the efficiency and effectiveness of FTP procedures and the Council's observations on the report	Registrar
32A(1)	To publish a strategic plan	<i>(retained by Council)</i>
Sch. 1, para 1C	To maintain and publish a register of members' private interests	Registrar
Sch. 1,	To appoint a registrar	<i>(retained by Council)</i>

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para. 10		
Sch. 1, para. 11(1)	To do anything which in their opinion is calculated to facilitate the proper discharge of their functions	<i>(retained by Council)</i>
Sch. 1, para. 11(2)(a)	To appoint such officers and servants as the Council may determine	Registrar
Sch. 1, para. 11(2)(b)	To determine fees (and travelling and subsistence allowances) to be paid to members of the Council or its committees and pay such fees	<i>(retained by Council)</i>
Sch. 1, para. 11(2)(c)	To pay to their officers and servants such remuneration as the Council may determine	Remuneration Committee (for Registrar) Registrar (for all other staff)
Sch. 1, para. 11(2)(d)	To determine to pay to some or all of their officers and servants payments in relation to pensions, gratuities or superannuation schemes	Remuneration Committee (for Registrar) Registrar (for all other staff)
Sch. 1, para. 12	To make Standing Orders	<i>(retained by Council)</i>



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<b>Registration Rules</b>		
<b>Rule</b>	<b>Function</b>	<b>Delegated to</b>
3(1)	To specify the form of application for registration or restoration	Registrar
4(1)	To specify the form of application for registration or restoration of a specialty	Registrar
18(1)	To specify the form of application for retention	Registrar
<b>Continuing Education and Training Rules</b>		
<b>Rule</b>	<b>Function</b>	<b>Delegated to</b>
5(2)	To specify the form of application to become a listed provider	Registrar
7(2)	To specify the form of application for approval of an event	Registrar
8(2)	To specify the form of application for approval of an event outside the UK	Registrar
11(2)	To specify information to be provided by listed providers	Registrar
18(2)	To specify the form for keeping records by listed providers	Registrar
19(2)	To specify the form for keeping records by the administrator	Registrar
21(2)	To specify the form for notification of points obtained	Registrar
<b>Fitness to Practise Rules</b>		
2(1)	To approve the form of the Hearing Questionnaire	Registrar