



STATUTORY INSTRUMENTS.

**S.I. No. 106 of 2017**

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OPTICAL REGISTRATION BOARD CRITERIA FOR RESTORATION  
TO THE REGISTER FOLLOWING CANCELLATION OF  
REGISTRATION BYE-LAW 2017

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The Optical Registration Board, in exercise of the powers conferred on it by section 31 of the Health and Social Care Professionals Act 2005 (as amended), with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. (1) This bye-law may be cited as the Optical Registration Board Criteria for Restoration to the Register following Cancellation of Registration Bye-Law 2017.

(2) This bye-law comes into operation on 28 March 2017.

2. (1) In this bye-law—

“the Act” means the Health and Social Care Professionals Act 2005 (Number 27 of 2005) as amended from time to time;

“the applicant” means a person who submits an application to the Council for restoration to the register;

“the board” means the Optical Registration Board established under section 26(1)(da) of the Act;

“cancellation” in relation to registration means cancellation under Part 6 of the Act;

“committee of inquiry” means a health committee established under section 51(1)(c) of the Act or a professional conduct committee established under section 51(1)(b) of the Act;

“the Council” means the Health and Social Care Professionals Council established under section 6 of the Act;

“register” means either the register of Dispensing Opticians or the register of Optometrists established and maintained by the Optical Registration Board under section 36 of the Act.

(2) In this bye-law any phrase introduced by the terms “including”, “include”, “in particular” or other similar expression shall be construed as illustrative and shall not limit the sense or meaning of the words preceding those terms.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 31st March, 2017.*

(3) For the purposes of this bye-law, an applicant shall be deemed to have applied for restoration upon the date the board receives an application for restoration under paragraph 3(1) from the applicant accompanied by the relevant fee.

3. For the purposes of section 73(2)(d) of the Act, the board has determined that a person must meet the following criteria for restoration to the register:

(1) If an applicant applies for restoration following cancellation of his or her registration, an applicant must:

- (a) complete the appropriate restoration application form and submit it and the relevant fee for restoration to the Council;
- (b) provide any details required by the Council in relation to any occupation and/or employment (whether paid or unpaid) undertaken by the applicant during the period since their registration was cancelled;
- (c) in circumstances where an applicant engaged in the practice of any regulated profession outside the State since the cancellation of their registration, provide particulars regarding the applicant's practice of that profession outside the State as appropriate, and provide a certificate of good standing / current professional status or equivalent from the regulatory body in the country where he or she engaged in such practice, where appropriate; and
- (d) satisfy the Council that the applicant is a fit and proper person to engage in the practice of the profession of dispensing optician, or the profession of optometrist as the case may be, and
  - (i) submit a fully completed and signed application for vetting disclosure (within the meaning of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (No. 47 of 2012)) permitting An Garda Síochána to furnish any and all information lawfully permitted;
  - (ii) in the case of applicants who have lived outside of the State since the cancellation of their registration for such periods of time as the Council may specify, submit a certified copy of police clearance from the jurisdictions of previous residence (or such jurisdictions as the Council may deem appropriate) and/or such information as the Council may from time to time determine in respect of such periods;
  - (iii) complete and sign a questionnaire together with such supplementary information as may be required, in a format satisfactory to the Council as to health and character;
  - (iv) complete and sign a declaration that the applicant knows of no reason why their name should not be restored to the register;

(v) complete and sign a declaration that the applicant has read, understood and agrees to comply with the Code of Professional Conduct and Ethics for Optometrists or the Code of Professional Conduct and Ethics for Dispensing Opticians as appropriate; and

(vi) complete a statutory declaration in such form as may be specified by the Council from time to time.

(2) An applicant shall:

(a) verify any information or details contained in his or her application for restoration where required by the Council;

(b) supply to the Council any further information relating to the application for restoration where requested by the Council and within such period of time as may be specified by the Council;

(c) provide any information which is required in connection with an application for restoration to the register to be supplied by means of a statutory declaration where required by the Council; and

(d) comply with such requirements of the Council in respect of the education, training and continuing professional development of registered optometrists, or registered dispensing opticians as the case may be, as may apply from time to time.

(3) An applicant may make an oral or written submission to the Council in accordance with section 73(2)(c) of the Act.

(4) In considering whether an applicant whose registration has been cancelled may have their name restored to the register, the Council shall consider the following criteria:

(a) the circumstances that led to the cancellation of the applicant's registration;

(b) the findings of the committee of inquiry and the reasons relied on by the Council for their decision to direct the board to cancel the applicant's registration;

(c) whether the applicant has gained any insight into the matters that led to the cancellation of his or her registration;

(d) whether the applicant has taken any steps to address the matters that led to the cancellation of his or her registration, including whether the applicant has the willingness or capability to resolve these matters, or whether these matters are capable of being resolved by the applicant;

(e) the steps that have been taken by the applicant to rehabilitate professionally and/or socially;

(f) any evidence relevant to the applicant's fitness to practise;

- (g) any evidence relevant to the practice of the profession, including whether the restoration of the applicant to the register would undermine public confidence in the profession;
- (h) whether there are any appropriate conditions, which if attached to the applicant's registration upon restoration to the register pursuant to section 73(3) of the Act, would satisfy the Council that the applicant is fit to practise as an optometrist or dispensing optician;
- (i) the views of the board in relation to the applicant's application.

(5) Without prejudice to any bye-laws which the board has made or may from time to time make pursuant to section 31(1) of the Act, the board reserves the right to require any person who:

- (a) applies for restoration as an optometrist or dispensing optician to the appropriate register and has been engaged in the practice of the profession of optometrist, or the profession of dispensing optician as the case may be outside of Ireland for two years or more (or such other period as the board may specify); or
- (b) applies for restoration as an optometrist or dispensing optician to the appropriate register and has not been engaged in the practice of the profession of optometrist, or the profession of dispensing optician as the case may be, within Ireland for two years or more (or such other period as the board may specify);

to comply with any bye-laws in respect of return to practice and/or such other requirements as the board may from time to time specify.



GIVEN under the seal of the Optical Registration Board,  
28 March 2017.

PETER MCGRATH,  
Chairperson, Optical Registration Board.

and

PETER DAVISON,  
Member, Optical Registration Board.

EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation.)*

This bye-law sets out the criteria for restoration to the registers established by the Optical Registration Board for applicants whose registration has been cancelled under Part 6 of the Act.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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