

CONSOLIDATED LEGISLATION

incorporating repeals and amendments made up to 1 December 2023

1. Health Professions Order 2001
2. HCPC (Constitution) Order 2009
3. Health Professions (Parts of and Entries in the Register) Order of Council 2003
4. HCPC (Registration and Fees) Rules 2003
5. Consolidated Fitness to Practise Rules:
 - (1) HCPC (Practice Committees and Misc. Amendments) Rules 2009
 - (2) HCPC (Investigating Committee)(Procedure) Rules 2003
 - (3) HCPC (Conduct & Competence Committee)(Procedure) Rules 2003
 - (4) HCPC (Health Committee) (Procedure) Rules 2003
6. HCPC (Registration Appeals) Rules 2003

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Health Professions Order 2001

(SI 2002/254)

CONSOLIDATED TEXT

incorporating amendments and revocations made up to
1 December 2023

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Health Professions Order 2001¹

PART I: GENERAL

Citation and commencement

1.—(1) This Order may be cited as the Health Professions Order 2001.²

(2) This article and article 48(4) come into force on the day on which this Order is made and the other provisions of this Order shall come into force on such day as the Secretary of State may specify.

(3) Different days may be specified under paragraph (2) for different purposes and any day so specified shall be caused to be notified in the London, Edinburgh and Belfast Gazettes published not later than one week before that date.

Interpretation

2. This Order is to be interpreted in accordance with Schedule 3.

PART II: THE COUNCIL AND ITS COMMITTEES

The Health and Care Professions Council and its Committees³

3.—(1) The Health and Care Professions Council is referred to in this Order as "the Council".⁴

(2) The principal functions of the Council shall be to establish from time to time standards of education, training, conduct and performance for members of the relevant professions and to ensure the maintenance of those standards.

(3) The Council shall have such other functions as are conferred on it by this Order or as may be provided by the Privy Council by order...⁵

(4) The over-arching objective of the Council in exercising its functions is the protection of the public.

(4A) The pursuit by the Council of its over-arching objective involves the pursuit of the following objectives—

- (a) to protect, promote and maintain the health, safety and well-being of the public;
- (b) to promote and maintain public confidence in the professions regulated under this Order; and

- (c) to promote and maintain proper professional standards and conduct for members of those professions.⁶

(5) In exercising its functions, the Council shall—

- (a) have proper regard for—
 - (i) the interests of persons using or needing the services of registrants in the United Kingdom, and
 - (ii) any differing interests of different categories of registrants;
- (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
 - (i) the employment (whether or not under a contract of service) of registrants,
 - (ii) the education or training of registrants or other⁷ health care professionals,
 - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
 - (iv) the regulation of health services, and⁸
 - (v) the provision, supervision or management of health or education services.

....⁹

(5ZA)...¹⁰

(5A) In carrying out its duty to co-operate under paragraph (5)(b), the Council shall have regard to any differing considerations relating to practising as a registrant which apply in England, Scotland, Wales or Northern Ireland....¹¹

(5B) In paragraph (5), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (which relates to the Professional Standards Authority for Health and Social Care)¹² other than the Council.¹³

(6) Before making any order under paragraph (3), the Privy Council shall consult the Council.

...¹⁴

(7A) The Council shall be constituted as provided for by order of the Privy Council, subject to Part 1 of schedule 1.¹⁵

(8) Part I of Schedule 1 shall have effect with respect to the constitution of the Council and orders of the Privy Council under paragraph (7A).¹⁶

(9) There shall be four committees of the Council, to be known as—

- (a) the Education and Training Committee;
- (b) the Investigating Committee;
- (c) the Conduct and Competence Committee; and
- (d) the Health Committee.

(10) The four committees are referred to in this Order as "the statutory committees".

(11) Each of the statutory committees shall have the functions conferred on it by this Order.

(12) The Council—

- (a) may establish such other committees as it considers appropriate in connection with the discharge of its functions; and
- (b) may, in particular, establish professional advisory committees whose function is to advise the Council and its statutory committees (whether on the request of the Council or otherwise) on matters affecting any relevant profession, and may delegate any of its functions to them, other than any power to make rules.

(13) The Council shall inform and educate registrants, and shall inform the public, about its work.

(14) Before establishing any standards or giving any guidance under this Order the Council shall consult representatives of any group of persons it considers appropriate including, as it sees fit, representatives of—

- (a) registrants or classes of registrant;
- (b) employers of registrants;
- (c) users of the services of registrants; and
- (d) persons providing, assessing or funding education or training for registrants or prospective registrants.

(15) The Council shall publish any standards it establishes and any guidance it gives.

(16) Paragraphs (14) and (15) do not apply to guidance given to an individual which is particular to him.

(17) The Council may—

- (a) make recommendations to the Secretary of State and the Scottish Ministers¹⁷ concerning any profession which in its opinion should be regulated pursuant to section 60(1)(b) of the Health Act 1999; and
- (b) give such guidance as it sees fit, to such persons as seem to it to have an interest in such regulation, on the criteria to be taken into account in determining whether a profession should be so regulated.

(17A) The Council may—

- (a) make recommendations to the Secretary of State concerning social care workers in England who in its opinion should be regulated pursuant to section 60(1)(bc) of the Health Act 1999; and
- (b) give such guidance as it sees fit, to such persons as seem to it to have an interest in such regulation, on the criteria to be taken into account in determining whether social care workers in England should be so regulated.¹⁸

(18) Part II of Schedule 1 shall have effect with respect to the statutory committees.

(19) Nothing in this Order shall require or permit any disclosure of information which is prohibited by or under any other enactment.

PART III: REGISTRATION

Registrar

4.—(1) The Council shall appoint a Registrar who shall hold office for such period and on such terms as the Council may determine.

(2) The Registrar shall have such functions as the Council may direct.

(3) The terms on which the Registrar holds office may, in addition to providing for his remuneration, include provision for the payment of such pensions, allowances or gratuities to or in respect of him, or such contributions or payments towards provision for such pensions, allowances or gratuities, as may be determined by the Council.

(4) Where the terms on which the Registrar holds office include provision for the payment to him of any allowances or expenses, the rate at which those allowances or expenses are paid shall be determined by the Council.

(5) If the Council appoints a deputy or assistant Registrar and that deputy or assistant Registrar is authorised by the Registrar to act for him in any matter, any reference in this Order to "the Registrar" shall include a reference to that deputy or assistant Registrar.

Establishment and maintenance of register

5.—(1) In accordance with the provisions of this Order the Council shall establish and maintain a register of members of the relevant professions.

(2) The Council shall from time to time—

- (a) establish the standards of proficiency necessary to be admitted to the different parts of the register being the standards it considers necessary for safe and effective practice under that part of the register; and
- (b) prescribe the requirements to be met as to the evidence of good health and good character in order to satisfy the Education and Training Committee that an applicant is capable of safe and effective practice under that part of the register.

(3) The Council shall—

- (a) before prescribing the requirements mentioned in paragraph (2)(b), consult...¹⁹ the persons referred to in article 3(14); and
- (b) publish those requirements.

(4) The register shall show, in relation to each registrant, such address and other details as the Council may prescribe.

(5) In any enactment or instrument (past or future and including this Order), except where the context otherwise provides, "registered" in relation to any of the relevant professions means registered in the register maintained under this article by virtue of qualifications in that profession.

Register

6.—(1) The register shall be divided into such parts as the Privy Council may by order determine, on a proposal by the Council or otherwise, and in this Order, references to parts of the register are to the parts so determined.

(2) There shall be one or more designated titles for each part of the register indicative of different qualifications and different kinds of education or training and a registrant is entitled to use whichever of those titles, corresponding to the part of the register in which he is registered, as is appropriate in his case.

(3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for—

- (a) the register to include entries indicating the possession of qualifications (whether or not they are approved qualifications) or competence in a particular field or at a particular level of practice, or for the use of a particular category of entry to be discontinued;
- (aa) ...²⁰
- (b) persons to be registered in one or more parts of the register by virtue of having been included in the register maintained under the 1960 Act;
- (c) the recording of additional entries by virtue of their having been in the register maintained under the 1960 Act;
- (d) a specified part of the register to be closed, as from a date specified in the order, so that on or after that date no further person may become registered in that part;
- (e) a specified part of the register to be sub-divided into two or more parts, or for two or more parts to be combined into one;
- (f) persons to be registered in one or more parts of the register by virtue of having been registered in a part or parts of the register which have been closed, sub-divided or combined;
- (g) the recording in Welsh of titles, qualifications and other entries referred to in this paragraph in respect of those members of the professions regulated by this Order whose registered address is in Wales.

(4) The Privy Council, except where acting in accordance with a proposal made by the Council, shall consult the Council before making, varying or revoking any order under this article.

(5) Before making any proposal referred to in paragraph (1) or (3), the Council shall consult representatives of any group of persons who appear likely to be affected by the proposed order.

The register: supplemental provisions

7.—(1) Having consulted the Education and Training Committee the Council shall make rules in connection with registration and the register, and as to the payment of fees.

(2) Subject to article 7A, the rules²¹ shall, in particular, make provision as to—

- (a) the form and keeping of the register;
- (b) the procedure for the making, alteration and deletion of entries in the register;
- (c) the form and manner in which applications are to be made and the fee to be charged—
 - (i) for registration, renewal of registration and readmission to the register,
 - (ii) for the making of any additional entry in the register, and
 - (iii) for registration to lapse;
- (d) the documentary and other evidence which is to accompany applications of the kind mentioned in sub-paragraph (c).

(3) Before determining or varying any fees mentioned in paragraph (2)(c) the Council shall consult the Education and Training Committee and such of those persons mentioned in article 3(14) as it considers appropriate.

...²²

The register: specified state professionals – supplemental provisions²³

7A.—(1) Where a specified state professional makes an application for registration—

- (a) for the purposes of article 7(2)(c)(i) any fee charged must be—
 - (i) reasonable and proportionate to the cost of the applicant's application;
 - (ii) transparent and made public in advance; and
 - (iii) payable by electronic means through the Council's website;

- (b) the documentary and other evidence required pursuant to rules made under article 7(2)(d) must be no more than is necessary to demonstrate to the Council that the applicant satisfies the conditions in article 9(2); and
- (c) for the purposes of article 7(2)(d) the Council must accept certified copies of documents in place of original documents, unless it requires original documents to protect the integrity of the application process.

(2) For the purposes of paragraph (1)(c), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.

Access to register etc.

8.—(1) The Council shall make the register available for inspection by members of the public at all reasonable times.

(2) The Council shall publish the register maintained by it in such manner, and at such times, as it considers appropriate.

(3) Any copy of, or extract from, the published register shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.

(4) A certificate purporting to be signed by the Registrar, certifying that a person—

- (a) is registered in a specified category;
- (b) is not registered;
- (c) was registered in a specified category at a specified date or during a specified period;
- (d) was not registered in a specified category, or in any category, at a specified date or during a specified period; or
- (e) has never been registered,

shall be evidence (and in Scotland sufficient evidence) of the matters certified.

...²⁴

Registration

9.—(1) A²⁵ person²⁶ seeking admission to a part of the register must apply to the Council and, subject to the provisions of this Order, and in particular paragraph (4), he shall be entitled to

be registered in that part provided that the conditions mentioned in paragraph (2) are satisfied.²⁷

(2) Subject to paragraph (3)...²⁸, the conditions are that the application is made in the prescribed form and manner and that—

- (a) the applicant satisfies the Education and Training Committee that they—
 - (i) hold an approved qualification awarded—
 - (aa) within such period, not exceeding five years ending with the date of the application, as may be prescribed, or
 - (bb) before the prescribed period mentioned in head (aa), and they have met such requirements as to additional education, training and experience as the Council may specify under article 19(3) and which apply to them; or
 - (ii) have passed an aptitude test or successfully completed an adaptation period pursuant to article 12A;²⁹
- (b) the applicant³⁰ satisfies the Education and Training Committee in accordance with the Council's requirements mentioned in article 5(2) that he is capable of safe and effective practice under the part of the register concerned;
- (ba) the Registrar informs the Education and Training Committee that the applicant has satisfied him that there is in force in relation to the applicant, or there will be as necessary for the purpose of complying with article 11A, appropriate cover under an indemnity arrangement; and³¹
- (c) the applicant³² has paid the prescribed fee.

(3) Where the applicant is already registered in the register and wishes to be registered in an additional part of the register or to have additional entries recorded, paragraph (2)(a) shall apply only to the qualifications on which his application is based.

...³³

(4) Where a person who—

- (a) is not registered on the date of coming into force of an order made under article 6(1) which relates to his profession; but
- (b) has been on a register under the 1960 Act in the 5 years immediately preceding the date mentioned in sub-paragraph (a),

applies for admission to the register in the relevant period, the Education and Training Committee shall, if it is satisfied as to his good character, grant the application.

(4A) Where a specified state professional makes an application for registration under paragraph (1), the Education and Training Committee must—

- (a) within the period of one month beginning with the date of receipt of the application—
 - (i) acknowledge receipt of the application; and
 - (ii) inform the applicant of any missing document required for the purposes of the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process; and
- (c) deal promptly with the applicant's application.³⁴

(5) The Education and Training Committee shall give its decision on an application under paragraph (1) as soon as reasonably practicable and in any event—

- (a) where the person holds a specified state qualification, within the period of four months beginning with the day on which the application is received;
- (b) in any other case, within the period of three months beginning with that day.³⁵

(6) The Education and Training Committee shall notify the applicant in writing of its decision, and, where that decision is unfavourable to the applicant, of its reasons for reaching that decision and, of the applicant's right of appeal. ...³⁶

(7) Failure to notify the applicant of the Committee's decision within the time specified in paragraph (5) shall be treated as a decision from which the applicant may appeal under article 37.

...³⁷

...³⁸

Renewal of registration and readmission

10.—(1) Where³⁹ a person⁴⁰ is registered and wishes to renew his registration at the end of a prescribed period, he shall make an application for renewal to the Education and Training Committee in accordance with rules made by the Council.

(2) The Education and Training Committee shall grant the application for renewal if—

- (a) the applicant⁴¹ meets the conditions set out in article 9(2)(b) and (c);
- (aa) the Registrar informs the Education and Training Committee that the applicant has satisfied him that there is in force in relation to the applicant, or there will be as

necessary for the purpose of complying with article 11A, appropriate cover under an indemnity arrangement;⁴²

- (b) the applicant⁴³ satisfies the Education and Training Committee that he has met any prescribed requirements for continuing professional development within the prescribed time; and
- (c) where he has not practised, or has practised for less than the prescribed period, since his first registration or, as the case may be, his latest renewal, the applicant⁴⁴ has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which apply to him.

(3) Where an applicant does not satisfy the Education and Training Committee that he has met the requirements mentioned in paragraph (2)(b) or (c), the Committee may renew the applicant's registration on condition that he satisfy those requirements within a specified time and if the person fails to comply with the condition, subject to article 11(3) and 37(3), his registration shall lapse and, in accordance with prescribed procedure, his name shall be removed from the register.

(4) Where a person's registration has lapsed, he may apply to the Education and Training Committee to be readmitted and the Committee shall grant the application if—

- (a) the applicant meets the conditions set out in article 9(2)(b) and (c);
 - (aa) the Registrar informs the Education and Training Committee that the applicant has satisfied him that there is in force in relation to the applicant, or there will be as necessary for the purpose of complying with article 11A, appropriate cover under an indemnity arrangement; and⁴⁵
 - (b) he satisfies the Education and Training Committee that he has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which apply to him.

(5) Article 9(5) to (7)⁴⁶ shall apply to applications made under this article.

...⁴⁷ ⁴⁸

Lapse of registration

11.—(1) The Council may make rules providing for the procedure by which and the circumstances in which a registrant's name may be removed from the register on his own application or after the expiry of a specified period.

(2) Where a person's name is removed in accordance with this article or article 10(3), his registration shall be referred to as lapsed.

(3) Any rules made under paragraph (1) shall provide that a person's registration shall not lapse under this article or under article 10(3)—

- (a) where the person concerned is the subject of an allegation, or is treated under article 22(6) as if he were the subject of an allegation, or is the subject of any investigations or proceedings under Part V or VI of this Order, on the grounds only that he has not paid the prescribed fee or has failed to apply for renewal in the prescribed form or within the prescribed time; or
- (b) if the person concerned is the subject of a suspension order, a conditions of practice order, an interim suspension order or an interim conditions of practice order.

Indemnity arrangements⁴⁹

11A.—(1) Each practising registrant must have in force in relation to that registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(2) For the purposes of this article, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(3) For the purposes of this article, “appropriate cover”, in relation to practice as a registered member of a relevant professions, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) The Council may make rules in connection with the information to be provided to the Registrar—

- (a) by or in respect of a person applying for registration (including an application for restoration or readmission) for the purpose of determining whether or not the Registrar is satisfied that if the person is registered, there will be in force in relation to that person by the time that person begins to practise, an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question;
- (b) by or in respect of a person applying for renewal of their registration for the purpose of determining whether or not the Registrar is satisfied that if the person's registration is renewed, there will be in force in relation to that person, by the time that person resumes practice an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question; and

- (c) by or in respect of a registrant for the purposes of determining whether, at any time, there is in force in relation to the registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(5) Rules made under paragraph (4) may require the information to be provided—

- (a) at the request of the Registrar; or
- (b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual registrants or registrants of a particular description.

(6) The Council may also make rules requiring a registrant to inform the Registrar if there ceases to be in force in relation to the registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(7) The Council may also make rules requiring a registrant to inform the Registrar if there is in force in relation to the registrant appropriate cover for practising as a member of the relevant profession in question provided under an indemnity arrangement by an employer.

(8) If a registrant is in breach of paragraph (1)—

- (a) the Education and Training Committee may remove that person from the register; or
- (b) the person's fitness to practise may be treated for the purposes of article 22(1)(a)(i) as being impaired by reason of misconduct, and the Council may accordingly refer the matter to, persons appointed by it under article 22(5)(b)(i)(where rules under article 23 provide) or to a Practice Committee under article 22(5)(b)(ii).

(9) If an applicant breaches rules under paragraph (4)(a), or there is a breach in respect of the applicant of rules under paragraph (4)(a)—

- (a) the Education and Training Committee may refuse the applicant's application for admission (or readmission) to the register; or
- (b) in the case of restoration to the register, the Registrar may refuse to register the applicant in the register in accordance with article 33(7).

(10) If a registrant breaches rules under paragraph (4)(b) or (c), that person's fitness to practise may be treated for the purposes of article 22(1)(a)(i) as being impaired by reason of misconduct, and the Council may accordingly refer the matter to persons appointed by it under article 22(5)(b)(i)(where rules under article 23 provide) or to a Practice Committee under article 22(5)(b)(ii).

Approved qualifications

12.—(1) For the purposes of this Order a person is to be regarded as having an approved qualification if—

- (a) he has a qualification awarded in the United Kingdom which has been approved by the Council as attesting to the standard of proficiency it requires for admission to the part of the register in respect of which he is applying; or

...⁵²

- (b) he has, elsewhere than in the United Kingdom, undergone training in one of the relevant professions and either—

- (i) holds a qualification which the Council is satisfied attests to a standard of proficiency comparable to that attested to by a qualification referred to in subparagraph (a), or

- (ii) the Council is not so satisfied, but the applicant has undergone in the United Kingdom or elsewhere such additional training or experience as satisfies the Council, following any test of competence as it may require him to take, that he has the requisite standard of proficiency for admission to the part of the register in respect of which he is applying; and, in either case,

- (iii) ...⁵³ he satisfies prescribed requirements as to knowledge of English.

...^{54 55}

(1ZA) The Council may determine that a specified state qualification is not evidence of having reached a standard of proficiency comparable to that evidenced by a qualification approved under paragraph (1)(a) only where one or more of Conditions 1 to 3 are met.

(1ZB) Condition 1 is met where there exists a substantial difference between the standard of proficiency evidenced by the specified state qualification and the standard of proficiency it is necessary for a person to achieve for admission to the part of the register in respect of which the person is applying.

(1ZC) Condition 2 is met where the professional activities to which a qualification mentioned in paragraph (1)(a) relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(1ZD) Condition 3 is met where requiring a person who holds a specified state qualification to pass an aptitude test or to successfully complete an adaptation period, or to do both, would amount to requiring the person to acquire a qualification approved under paragraph (1)(a).⁵⁶

(2) The Education and Training Committee shall determine procedures to—

- (a) assess whether a qualification awarded outside the United Kingdom is of a comparable standard to a qualification mentioned in paragraph (1)(a) and it shall, where it sees fit, keep a list of qualifications which are of a comparable standard which it shall publish and keep under review; and⁵⁷
- (b) assess other training or professional experience acquired outside the United Kingdom and to compare it, together with qualifications mentioned in subparagraph (a) where appropriate, with the standard of proficiency required for admission to any part of the register.

...⁵⁸

Further provision relating to specified state professionals⁵⁹

12A.—(1) This article applies where a person—

- (a) holds a specified state qualification which the Council has determined does not meet the standard in article 12(1)(c)(i) because Condition 1 or 2 in article 12 is met; and
- (b) wishes to be registered under article 9.

(2) Where this article applies, the Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(3) An aptitude test or adaptation period specified under this article, or an aptitude test and adaptation period together specified under this article, must be proportionate to the difference sought to be addressed.

(4) The Council must give a person its reasons for specifying in relation to the person an aptitude test or adaptation period, or both, if the person makes a written request for them.

(5) Where the Council specifies an aptitude test under this article, the Council must ensure that such aptitude tests are scheduled with reasonable frequency and at least once a year.

Transitional provisions relating to admission to the register

13.—(1) This article applies to a person who is not a person specified in paragraph (1A)...⁶⁰—

- (a) who applies for admission to the register under article 9(1);

- (b) who is not registered on the date of coming into force of an order made under article 6(1) which relates to the profession in respect of which he is applying to be registered;
- (c) who has never been registered in respect of that profession—
 - (i) under the 1960 Act or this Order,
 - (ii) in the case of an operating department practitioner, in the AODP register, or
 - (iii) in the case of a practitioner psychologist, in the BPS register or the AEP register, and
- (d) who applies for admission to the register in respect of that profession within the period of two years, or in the case of practitioner psychologists three years,⁶¹ beginning with the date mentioned in sub-paragraph (b) (“the relevant period”).⁶²

(1A) This paragraph applies to a person who applies for admission to the register as a hearing aid dispenser on or after 1st April 2010.⁶³

...⁶⁴

(2) A person to whom paragraph (1)⁶⁵ applies shall be treated as satisfying the requirements of article 9(2)(a) if he satisfies the Education and Training Committee, following any test of competence as it may require him to take—

- (a) that for a period of at least three out of the five years immediately preceding the date mentioned in paragraph (1)(a),⁶⁶ or its equivalent on a part-time basis, he has been wholly or mainly engaged in the lawful, safe and effective practice of the profession in respect of which he wishes to be registered; or
- (b) that he has not so practised but he has undergone in the United Kingdom or elsewhere such additional training and experience as satisfies the Council that he has the requisite standard of proficiency for admission to the part of the register in respect of which he is applying.

(3) The Council shall, having consulted such of those persons mentioned in article 3(14) as it considers appropriate, establish from time to time the criteria to which the Education and Training Committee shall have regard in reaching a decision under paragraph (2) and it shall publish those criteria.

...^{67 68}

PART IV: EDUCATION AND TRAINING

Education and Training Committee

14. The Education and Training Committee shall advise the Council (whether on the request of the Council or otherwise) on the performance of the Council's functions in relation to—

- (a) the establishing of standards of proficiency under article 5 and its other functions under that article;

...⁶⁹

- (b) the establishing of standards and requirements in respect of education and training or continuing professional development, as the case may be, under articles 15(1) and 19(4) and (6);⁷⁰

- (ba) ...⁷¹

- (c) the giving of guidance under article 21(2).

Education and Training

15.—(1) The Council shall from time to time establish—

- (a) the standards of education and training necessary to achieve the standards of proficiency it has established under article 5(2); and
- (b) the requirements to be satisfied for admission to, and continued participation in, such education and training which may include requirements as to good health and good character.

(2) The standards mentioned in paragraph (1)(a) shall include such matters as the outcomes to be achieved by that education and training.

(3) Before establishing the standards or requirements referred to in paragraph (1) the Council shall consult such of those persons mentioned in article 3(14) as it considers appropriate and the Education and Training Committee.

(4) The Education and Training Committee shall—

- (a) ensure that universities and other bodies in the United Kingdom concerned with such education and training are notified of the standards and requirements established under paragraph (1); and

- (b) take appropriate steps to satisfy itself that those standards and requirements are met.

(5) In performing the function mentioned in paragraph (4)(b) the Committee may in particular, approve, or arrange with others to approve—

- (a) a course of education or training which the Committee is satisfied confers or would confer on persons completing it successfully the standards of proficiency mentioned in paragraph (1);
- (b) qualifications which are granted following success in an examination, or some other appropriate assessment, taken as part of an approved course of education or training;
- (c) institutions which the Committee considers to be properly organised and equipped for conducting the whole or part of an approved course of education or training;
- (d) such tests of competence or knowledge of English as it may require.

(5A) If the Council requires a specified state professional to undergo a test of competence or knowledge of English, the test must be proportionate to the level required to satisfy the standards under this article.⁷²

(6) In connection with paragraph (5), the Committee may approve or arrange with others to approve a course of education or training run outside the United Kingdom by an institution to which paragraph 5(c) applies.

(7) The Council shall from time to time publish a statement of the criteria which will be taken into account in deciding whether to give approval under paragraph (5).

(8) The Council shall maintain and publish a list of the courses of education or training, qualifications and institutions—

- (a) which are for the time being approved under this Order; or
- (b) which have been approved under this Order but which are no longer so approved, together with a record of the periods in respect of which they were approved.

(9) In this article a reference to education or training includes any course of education or training or test referred to in paragraph (5).

...^{73 74}

Visitors

16.—(1) The Council may, at the request of the Education and Training Committee or otherwise, appoint persons ("visitors") to visit any place at which or institution by which or under whose direction—

- (a) any relevant course of education or training is, or is proposed to be, given;
- (b) any examination or other assessment is, or is proposed to be, held in connection with any such course;
- (c) any test of competence is, or is proposed to be, conducted in connection with any such course or for any other purposes connected with this Order.

(2) For the purposes of this article and article 18, the words "any test of competence" includes an assessment to establish the level of a person's knowledge of written or spoken English.

(3) In this article, "relevant course of education or training" means any course of education or training which forms, or is intended to form, part of an approved course of education or training or any course which a registrant may be required to undergo after registration in accordance with rules made by the Council.

(4) No visitor may exercise his functions under this Order in relation to—

- (a) any place at which he regularly gives instruction in any subject; or
- (b) any institution with which he has a significant connection.

(5) A person shall not be prevented from being a visitor merely because he is—

- (a) a member of the Council or any of its committees; or
- (b) a Screener,

but no person may be a visitor if he is employed by the Council.

(6) Visitors shall be selected with due regard to the profession with which the education and training they are to report on is concerned and at least one of the visitors shall be registered in that part of the register which relates to that profession...⁷⁵

(7) Where a visitor visits any place or institution in the exercise of his functions under this article, he shall report to the Committee—

- (a) on the nature and quality of the instruction given, or to be given, and the facilities provided or to be provided, at that place or by that institution; and
- (b) on such other matters (if any) as it requires.

(8) Requirements of the kind mentioned in paragraph (7)(b) may be imposed by the Committee—

- (a) generally in relation to all visits made to a specified kind of place or institution or in respect of a specified type of course; or
- (b) specifically in relation to a particular visit.

(9) Where a visitor reports to the Committee in accordance with paragraph (7), the Committee shall on receipt of the report—

- (a) send a copy of it to the institution concerned; and
- (b) notify that institution of the period within which it may make observations on the report.

(10) The period specified by the Committee in a notice given under sub-paragraph (b) of paragraph (9) shall be not less than one month beginning with the date on which a copy of the report is sent to the institution concerned under sub-paragraph (a) of paragraph (9).

(11) The Committee shall not take any steps in the light of any report made under paragraph (7) before the end of the specified period mentioned in paragraph (10).

(12) The Council shall publish such reports together with, on the request of the institution concerned, the response of that institution to the report.

(13) The Council may make such provision in respect of visitors as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of visitors for the purposes of enabling visitors to perform functions under this article;
- (b) for the reimbursement of such expenses as visitors may reasonably have incurred in the course of carrying out their functions under this article.

Information to be given by institutions

17.—(1) This article applies to any institution in the United Kingdom by which, or under whose direction, whether inside or outside the United Kingdom—

- (a) any relevant course of education or training is, or is proposed to be, given; or
- (b) any test of competence is, or is proposed to be, conducted in connection with any such course or for any other purpose connected with this Order.

(2) In paragraph (1) "relevant course of education or training" has the same meaning as in article 16(3).

(3) Whenever required to do so by the Education and Training Committee or the Council, any such institution shall give to the Committee such information and assistance as the Committee may reasonably require in connection with the exercise of its functions under this Order.

...⁷⁶

(4) Where an institution refuses any reasonable request for information made by the Committee or the Council under this article, the Committee with the approval of the Council may in accordance with article 18 refuse to approve, or withdraw approval from, as the case may be, any education, training, qualification or institution to which the information relates.

(5) In this article a reference to education or training includes any course of education or training or test referred to in article 15(5).

Refusal or withdrawal of approval of courses, qualifications and institutions

18.—(1) Where as a result of any visitor's report or other information acquired by the Education and Training Committee or the Council and taking account of the observations received from the institution under article 16(9), the Committee is of the opinion that the standards established under article 15(1) are not, or will not be, met by particular education or training or that an institution is not observing the requirements referred to in article 15(1) it may refuse to approve, or withdraw approval from, as the case may be, any education, training, qualification or institution to which that opinion relates.

...⁷⁷

(2) In this article a reference to education or training includes any course of education or training or test referred to in article 15(5).

(3) In making any decision under paragraph (1)...⁷⁸ to refuse or to withdraw approval the Committee shall act in accordance with this article.

(4) The Committee shall—

- (a) notify the institution concerned, setting out its reasons; and
- (b) inform the institution of the period within which it may make observations on the matters raised, which shall be not less than one month beginning with the date on which the reasons are sent to the institution under sub-paragraph (a).

(5) The Committee shall take no further steps before the period specified in sub-paragraph (b) of paragraph (4) has expired.

(6) If, taking account of the matters referred to in paragraph (1)...⁷⁹ and any observations submitted by the institution under paragraph (4), the Committee decides that it is appropriate to refuse or withdraw approval under paragraph (1)...⁸⁰ it shall notify the institution accordingly.

(7) A decision under paragraph (6) shall have effect from the date of the decision or from such later date as may be specified in the decision.

(8) Where approval is withdrawn under this article, the Committee shall use its best endeavours to secure that any person who is undertaking the education or training concerned or is studying for the qualification concerned or is studying at the institution concerned at the time when recognition is withdrawn is given the opportunity to follow approved education or training or to study for an approved qualification or at an approved institution.

(9) The withdrawal under this article of approval from any education or training, qualification or institution shall not affect the entitlement of any person to be registered on the basis of an award to him, before the date on which the decision withdrawing approval had effect, of—

- (a) the qualification concerned; or
- (b) any qualification awarded—
 - (i) in connection with any education or training, or
 - (ii) by an institution

from which approval has been withdrawn.

Post-registration training

19.—(1) The Council may make rules requiring registrants to undertake such continuing professional development as it shall specify in standards.

(2) The rules may, in particular, make provision with respect to registrants who fail to comply with any requirements of the rules, including making provision for their registration to cease to have effect.

...⁸¹

(3) The Council may by rules require persons who have not practised or who have not practised for or during a prescribed period, to undertake such education or training or to gain such experience as it shall specify in standards.

(4) If the Council makes rules under paragraph (1) or (3), it shall establish the standards to be met in relation to—

- (a) continuing professional development; or
- (b) the education or training mentioned in paragraph (3),

and article 15(3) to (8) and articles 16 to 18 of this Order shall apply in respect of those standards as if they were standards established under article 15(1)(a).

(5) In the articles mentioned in paragraph (4), references to "education and training" shall, for the purposes of that paragraph, be treated as being to education, training or experience.

(6) In respect of additional qualifications which may be recorded on the register the Council may establish standards of education and training and article 15(3) to (8) and articles 16 to 18 shall apply in respect of those standards as if they were standards established under article 15(1)(a).

Wales

20. Senedd Cymru⁸² may create or designate a body with which the Council may enter into any such arrangements as are referred to in article 15(5) of this Order in order to perform its function under article 15(4)(b) in respect of the standards established under article 15(1) or 19(4) or (6)...⁸³

PART V: FITNESS TO PRACTISE

Council's functions in respect of fitness to practise, ethics and other matters

21.—(1) The Council shall—

- (a) establish and keep under review the standards of conduct, performance and ethics expected of registrants and prospective registrants (including registrants or prospective registrants carrying out the functions of an approved mental health professional)⁸⁴ and give them such guidance on these matters as it sees fit; and
- (b) establish and keep under review effective arrangements to protect the public from persons whose fitness to practise is impaired.

(2) The Council may also from time to time give guidance to registrants, employers and such other persons as it thinks appropriate in respect of standards for the education and training, supervision and performance of persons who provide services in connection with those provided by registrants.

(3) The Council shall—

- (a) before establishing any... arrangements mentioned in paragraph (1), consult... the persons mentioned in article 3(14);⁸⁵ and
- (b) before giving guidance under paragraph (1) or (2) consult the Education and Training Committee in addition to the persons mentioned in article 3(14).

Information for specified state professionals⁸⁶

21A.—(1) The Council must make information about the following matters available to specified state professionals—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, removal from the register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and

- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registrants that are acceptable to the Council.

(2) The Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registrants.

Allegations

22.—(1) This article applies where any allegation is made against a registrant to the effect that—

- (a) his fitness to practise is impaired by reason of—
 - (i) misconduct,
 - (ii) lack of competence,
 - (iii) a conviction or caution in the United Kingdom for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence,
 - (iv) his physical or mental health, or
 - (v) a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession...⁸⁷ to the effect that his fitness to practise is impaired, or a determination by a licensing body elsewhere to the same effect;

...⁸⁸
- (b) an entry in the register relating to him has been fraudulently procured or incorrectly made.

(2) For the purposes of this article references to a conviction include a conviction by a Court Martial.

(3) This article is not prevented from applying because the allegation is based on a matter alleged to have occurred outside the United Kingdom or at a time when the person against whom the allegation is made was not registered.

(4) Rules may provide that where a Practice Committee finds that a person has failed to comply with the standards mentioned in article 21(1), such failure shall not be taken of itself to establish that his fitness to practise is impaired, but may be taken into account in any proceedings under this Order.

(5) When an allegation is made to the Council or any of its committees, as soon as reasonably practicable after receipt of the allegation in the form required by the Council, the Council shall refer it—

- (a) where it is an allegation of the kind mentioned in paragraph (1)(b), to the Investigating Committee; and
- (b) in any other case—
 - (i) to persons appointed by the Council in accordance with any rules made under article 23, or
 - (ii) to a Practice Committee.

(6) If an allegation is not made under paragraph (1) but it appears to the Council that there should be an investigation into the fitness to practise of a registrant or into his entry in the register it may refer the matter in accordance with paragraph (5) and this Order shall apply as if it were an allegation made under paragraph (1).

(7) Hearings and preliminary meetings of Practice Committees at which the person concerned is entitled to be present or to be represented are to be held in—

- (a) the United Kingdom country in which the registered address of the person concerned is situated; or
- (b) if he is not registered and resides in the United Kingdom, in the country in which he resides; and
- (c) in any other case, in England.

(8) While the registration of a registrant is suspended by virtue of a suspension order or an interim suspension order he shall be treated as not being registered notwithstanding that his name still appears in the register but this does not prevent action being taken in respect of such a person as appropriate under articles 22 to 32 of this Order.

(9) The Council shall publish as soon as reasonably practicable particulars of any orders and decisions made by a Practice Committee under article 26(7) or (12), 29(5), 30(1), (2), (4), (6), (7) or (8) or 33 and of its reasons for them and of any decision given on appeal.

(10) The Council may disclose to any person any information relating to a person's fitness to practise which it considers it to be in the public interest to disclose.

(11) In this Part "the person concerned" means the person against whom an allegation has been made.

Screeners

23.—(1) The Council may by rules provide for the appointment of persons, to be known as Screeners, to whom allegations may be referred in accordance with this Order or rules made under it.

(2) A person shall not be prevented from being a Screener merely because he is—

(a) a member of the Council or any of its committees, other than a Practice Committee; or

(b) a visitor.

(3) No person may be a Screener if he is—

(a) a member of a Practice Committee;

(b) a legal, medical or registrant assessor; or

(c) employed by the Council.

(4) No person may act as a Screener in respect of a particular case if he has been involved in that case in any other capacity.

Screeners: supplementary provisions

24.—(1) Any rules made under article 23 shall contain the provisions mentioned in paragraphs (2) and (3).

(2) The rules made under article 23(1) shall provide that—

(a) any matter referred to the Screeners shall be considered by a panel of at least two Screeners;

(b) the panel shall include at least one lay person and one registrant selected with due regard to the professional field of the person concerned and to the matter under consideration;

(c) the number of registrants on any panel may not exceed the number of lay persons.

(3) Any such rules shall give Screeners the functions—

(a) of considering the allegation and establishing whether, in their opinion, power is given by this Order to deal with it if it proves to be well founded;

(b) if in their opinion such power is given, of referring the matter together with a report of the result of their consideration to such Practice Committee as they see fit;

- (c) if in their opinion such power is not given, of closing the case, provided that—
 - (i) if there are two Screeners, the lay person agrees, or
 - (ii) if there are more than two Screeners, it is the decision of the majority,
 and if head (i) or (ii), as the case may be, is not satisfied, of referring the matter in accordance with sub-paragraph (b).
- (d) where requested to do so by any Practice Committee, of mediating in any case with the aim of dealing with the allegation without it being necessary for the case to reach the stage at which the Health Committee or Conduct and Competence Committee, as the case may be, would arrange a hearing in accordance with article 32(2)(f);
- (e) in the event that mediation fails, of referring the matter back to the Practice Committee which referred it to the Screeners.

(4) The Council may make such provision in respect of Screeners as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of Screeners for the purpose of enabling Screeners to perform their functions under this Order; and
- (b) for the reimbursement of such expenses as the Screeners may reasonably have incurred in the course of carrying out their functions under this Order.

(5) If the Screeners decide that power is not given by this Order to deal with the allegation the Registrar shall inform the person making the allegation giving reasons.

Council's power to require disclosure of information

25.—(1) For the purpose of assisting the Council or any of its Practice Committees in carrying out functions in respect of fitness to practise, a person authorised by the Council⁸⁹ may require any person (other than the person concerned) who in his opinion is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply such information or produce such a document.

(2) As soon as is reasonably practicable after a decision has been made under article 22(5) or (6) to refer an allegation or other matter to a Practice Committee, the Council shall require, from the person concerned, details of—

- (a) any person—
 - (i) by whom he is employed to provide services in, or in relation to, the profession in respect of which he is registered, or

- (ii) with whom he has an arrangement to provide such services; and
- (b) any body by which he is authorised to practise, in the United Kingdom or elsewhere, a health or social care profession which is regulated under any enactment.

(3) Nothing in this article shall require or permit any disclosure of information which is prohibited by or under any other enactment.

(4) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the person referred to in paragraph (1) may, in exercising his functions under that paragraph, require that the information be put into a form which is not capable of identifying that individual.

(5) Paragraph (1) shall not apply in relation to the supplying of information or the production of any document which a person could not be compelled to supply or produce in civil proceedings in any court to which an appeal would lie from a decision of a Practice Committee with regard to the person concerned⁹⁰.

(6) ...⁹¹

The Investigating Committee

26.—(1) The Investigating Committee shall investigate any allegation which is referred to it in accordance with article 22 or 24.

(2) Where an allegation is referred to the Investigating Committee, it shall—

- (a) notify without delay the person concerned of the allegation and invite him to submit written representations within a prescribed period;
- (b) where it sees fit, notify the person making the allegation of the representations mentioned in sub-paragraph (a) and invite him to deal within a specified period with any points raised by the Committee in respect of those representations;
- (c) take such other steps as are reasonably practicable to obtain as much information as possible about the case;
- (d) consider, in the light of the information which it has been able to obtain and any representations or other observations made to it under sub-paragraph (a) or (b), whether in its opinion—
 - (i) in respect of an allegation of the kind mentioned in article 22(1)(a), there is a case to answer, and
 - (ii) in respect of an allegation of the kind mentioned in article 22(1)(b), whether the entry concerned has been fraudulently procured or incorrectly made.

(3) The Council shall by rules make provision as to the procedure to be followed by the Investigating Committee in any investigation carried out by it under this article.

(4) In the case of an allegation of the kind mentioned in article 22(1)(b) the rules shall, in particular, make similar provision to that made by virtue of article 32(2)(b), (f), (g), (h), (i), (j), (m), (n), (o) and (p) and may provide for the Registrar to be made a party to the proceedings.

(5) When the Investigating Committee reaches a decision under paragraph (2) as to whether—

- (a) there is a case to answer; or
- (b) an entry in the register has been fraudulently procured or incorrectly made,

it shall notify in writing both the person concerned and the person making the allegation, if any, of its decision, giving its reasons.

(6) Where the Investigating Committee concludes that there is a case to answer under paragraph (2)(d)(i), it shall—

- (a) undertake mediation; or
- (b) refer the case—
 - (i) to Screeners for them to undertake mediation,
 - (ii) to the Health Committee in the case of an allegation of a kind mentioned in article 22(1)(a)(iv), or
 - (iii) to the Conduct and Competence Committee, in the case of any other allegation.

(6A) In deciding whether to act under paragraph (6)(a) or (b)(i), the Investigating Committee (or any panel by which a function under that paragraph is exercisable as mentioned in paragraph 18(2) of Schedule 1) must have regard to the over-arching objective of the Council under article 3(4)(read with article 3(4A)).⁹²

(7) In the case of an allegation of a kind mentioned in article 22(1)(b), if the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.

(8) If the Investigating Committee concludes that there is no case to answer or that the relevant entry was not fraudulently procured or incorrectly made—

- (a) where requested to do so by the person concerned, it shall make a declaration to that effect, giving its reasons; and

- (b) in any other case and with the consent of the person concerned, may make such a declaration.

(9) For the purposes of paragraph (8), the publication of the decision mentioned in paragraph (5) together with the reasons for it may constitute such a declaration.

(10) No order made under paragraph (7) shall have effect—

- (a) before the expiry of the period within which an appeal against the order may be made; or
- (b) where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.

(11) The Investigating Committee may make an interim order in accordance with article 31 at the same time as making an order under paragraph (7) or at any time before referring a case to the Health Committee or the Conduct and Competence Committee under paragraph (6).

(12) The Investigating Committee may review an order made under paragraph (7) if new evidence relevant to the order becomes available after the order has been made and may revoke that order if it considers that it should not have been made.

(13) Where the Investigating Committee makes an order under paragraph (7), or decides not to review such an order under paragraph (12), the person concerned may appeal to the appropriate Court and the provisions of article 38 shall apply to the appeal.

(14) Any such appeal must be brought before the end of the period of 28 days beginning with the date on which notice of the order or decision appealed against is served on the person concerned.

(15) On an appeal under this article, the Council shall be the respondent.

(16) An entry which has been restored to the register on an application for readmission or restoration being granted may be treated for the purposes of this article as having been fraudulently procured or incorrectly made if any previous entry from which the restored entry is derived was fraudulently procured or incorrectly made.

The Conduct and Competence Committee

27. The Conduct and Competence Committee shall—

- (a) ...⁹³
- (b) consider—
 - (i) any allegation referred to it by the Council, Screeners, the Investigating Committee or the Health Committee, and

- (ii) any application for restoration referred to it by the Registrar.

The Health Committee

28. The Health Committee shall consider—

- (a) any allegation referred to it by the Council, Screeners, the Investigating Committee or the Conduct and Competence Committee; and
- (b) any application for restoration referred to it by the Registrar.

Orders of the Health Committee and the Conduct and Competence Committee

29.—(1) If, having considered an allegation, the Health Committee or the Conduct and Competence Committee, as the case may be, concludes that it is not well founded—

- (a) where requested to do so by the person concerned, it shall make a declaration to that effect giving its reasons; and
- (b) in any other case and with the consent of the person concerned, may make such a declaration.

(2) For the purposes of paragraph (1) the publication of the decision mentioned in article 32(2)(k) and the reasons for it may constitute such a declaration.

(3) If, having considered an allegation, the Health Committee or the Conduct and Competence Committee, as the case may be, concludes that it is well founded, it shall proceed in accordance with the remaining provisions of this article.

(4) The Committee may—

- (a) refer the matter to Screeners for mediation or itself undertake mediation, or
- (b) decide that it is not appropriate to take any further action.

(5) Where a case does not fall within paragraph (4), the Committee shall—

- (a) make an order directing the Registrar to strike the person concerned off the register (a "striking-off order");
- (b) make an order directing the Registrar to suspend the registration of the person concerned for a specified period which shall not exceed one year (a "suspension order");

- (c) make an order imposing conditions with which the person concerned must comply for a specified period which shall not exceed three years (a "conditions of practice order"); or
- (d) caution the person concerned and make an order directing the Registrar to annotate the register accordingly for a specified period which shall be not less than one year and not more than five years (a "caution order").

(6) A striking-off order may not be made in respect of an allegation of the kind mentioned in article 22(1)(a)(ii) or (iv) unless the person concerned has been continuously suspended, or subject to a conditions of practice order, for a period of no less than two years immediately preceding the date of the decision of the Committee to make such an order.

(7) The Committee may specify in an order made under paragraph (5) a period within which an application to vary, replace or revoke the order may not be made, which—

- (a) in the case of a striking-off order, except where new evidence relevant to the order becomes available, shall be expressed in terms of article 33(2);
- (b) in the case of a suspension order shall not exceed 10 months; and
- (c) in the case of a conditions of practice order shall not exceed two years.

(8) The Committee shall, when it makes, varies, replaces or revokes an order under this article or article 30 or when an order it has made ceases to have effect, give the Registrar such directions as are appropriate as to annotation of the register to record the decision made or, as the case may be, the expiry of the order.

(9) The person concerned may appeal to the appropriate court against an order made under paragraph (5) and article 38 shall apply to the appeal.

(10) Any such appeal must be brought before the end of the period of 28 days beginning with the date on which notice of the order or decision appealed against is served on the person concerned.

(11) No order mentioned in paragraph (9) shall have effect—

- (a) before the expiry of the period within which an appeal against the order may be made; or
- (b) where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.

Review of orders by the Health Committee and the Conduct and Competence Committee

30.—(1) Before the expiry of an order made under article 29(5)(b) or (c) by the Conduct and Competence Committee or the Health Committee, the Committee which made the order or,

if the matter has been referred to the other Committee, that Committee, shall review the order and may, subject to paragraph (5)—

- (a) with effect from the date on which the order would, but for this provision, have expired, extend, or further extend the period for which the order has effect;
- (b) with effect from the expiry of the order, make an order which it could have made at the time it made the order being reviewed;
- (c) with effect from the expiry of a suspension order, make a conditions of practice order with which the practitioner must comply if he resumes the practice of his registered profession after the end of his period of suspension.

(2) Subject to paragraph (1), on the application of the person concerned or otherwise, at any time an order made by the Conduct and Competence Committee or the Health Committee under article 29(5)(b) to (d) is in force, the Committee which made the order or, if the matter has been referred to the other Committee, that Committee, may review the order and may take any of the steps referred to in paragraph (4).

(3) Paragraphs (1) and (2) apply to an order made on a review under paragraph (1) or (2) as they do to an order made under article 29(5)(b) to (d).

(4) The steps mentioned in paragraph (2) are for the Committee to—

- (a) confirm the order;
- (b) extend, or further extend, the period for which the order has effect;
- (c) reduce the period for which the order has effect, but in the case of a caution order not so that it has effect for less than one year beginning with the date on which the order was made under article 29(5)(d);
- (d) replace the order with any order which it could have made at the time it made the order being reviewed and the replacement order shall have effect for the remainder of the term of the order it replaces;
- (e) subject to paragraph (6), revoke the order or revoke any condition imposed by the order;
- (f) vary any condition imposed by the order.

(5) The Committee may not extend a conditions of practice order by more than three years at a time or a suspension order by more than one year at a time.

(6) The Committee may make the revocation of a suspension order subject to the applicant's satisfying such requirements as to additional education or training and experience as the Council has specified under article 19(3) and which apply to him.

(7) Where new evidence relevant to a striking-off order becomes available after the making of the order, the Committee which made the order or, where appropriate, the Committee mentioned in article 33(3)(b) may review it and article 33(4) to (8) shall apply as if it were an application for restoration made under that article.

(8) A striking-off order, conditions of practice order, suspension order or caution order which is in force by virtue of a decision made on appeal to the appropriate court may be reviewed in accordance with paragraph (2) or (7), as the case may be, by the Committee which made the order appealed from and any of the steps mentioned in paragraph (4) may be taken.

(9) Before exercising its powers under paragraph (1), (2), (4), (6), (7) or (8), a Practice Committee shall give the person concerned the opportunity to appear before it and to argue his case in accordance with rules made by the Council which shall include the matters referred to in article 32(2)(b), (g), (i), (j), (k), (m), (n) and (o).

(10) The person concerned may appeal to the appropriate court against an order or decision made under paragraph (1), (2), (4), (6), (7) or (8).

(11) Any such appeal must be brought before the end of the period of 28 days beginning with the date on which notice of the order or decision appealed against is served on the person concerned.

(12) On an appeal under this article the Council shall be the respondent.

Interim Orders by a Practice Committee

31.—(1) This article applies where—

- (a) an allegation against a registered professional has been referred to the Investigating Committee, Conduct and Competence Committee or to the Health Committee but—
 - (i) that Committee has not reached a decision on the matter; or
 - (ii) in a case to which article 26(6) applies, where the Investigating Committee refers the matter to another Practice Committee;
- (b) the Investigating Committee makes an order under article 26(7), or
- (c) the Conduct and Competence Committee or the Health Committee makes an order under article 29(5)(a) to (c).

(2) Subject to paragraph (4), if the Committee is satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the person concerned, for the registration of that person to be suspended or to be made subject to conditions, it may—

- (a) make an order directing the Registrar to suspend the person's registration (an "interim suspension order"); or
- (b) make an order imposing conditions with which the person must comply (an "interim conditions of practice order"),

during such period not exceeding eighteen months as may be specified in the order.

(3) In a case coming within paragraph (1)(b) or (c), such an order may be made at the same time as an order made under article 26(7) or 29(5)(a) to (c).

(4) The Investigating Committee shall not make an order in any case after it has referred the allegation in question to another Practice Committee.

(5) Subject to paragraphs (6), (7), (9) and (12) the order mentioned in paragraph (2) shall cease to have effect—

- (a) in a case falling within paragraph (1)(a) when the Committee reaches a decision in respect of the allegation in question; and
- (b) in a case falling within paragraph (1)(b) or (c)—
 - (i) if there is no appeal against the order mentioned in that paragraph, when the period for appealing expires, or
 - (ii) if there is an appeal against that order, when the appeal is withdrawn or otherwise finally disposed of.

(6) The Committee which made the order or, if the matter has been referred to another Practice Committee, that Committee, shall, in a case coming within paragraph (1)(a), review an order made under paragraph (2)—

- (a) within the period of six months beginning on the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it before the end of the period of three months beginning on the date of the decision of the immediately preceding review;
- (b) where new evidence relevant to the order has become available after the making of the order.

(7) Where an interim suspension order or an interim conditions of practice order has been made under this article (including this paragraph) the Practice Committee which made the order or, where the case has been referred to another Practice Committee, that Committee, may, subject to paragraph (15)—

- (a) revoke the order or revoke any condition imposed by the order;

- (b) confirm the order;
- (c) vary any condition imposed by the order;
- (d) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim conditions of practice order with an interim suspension order having effect for the remainder of the term of the former;
- (e) if satisfied that the public interest, including the protection of members of the public, or the interests of the person concerned would be adequately served by an interim conditions of practice order, replace an interim suspension order with an interim conditions of practice order having effect for the remainder of the term of the former.

(8) The Council may apply to the court for an order made by a Practice Committee under paragraph (2) or (7) to be extended, and may apply again for further extensions.

(9) On such an application the court may extend (or further extend) for up to 12 months the period for which the order has effect.

(10) In this article, references to an interim suspension order or interim conditions of practice order include such an order as so extended.

(11) For the purposes of paragraph (6) the first review after the court's extension of an order made by a Practice Committee or after a replacement order made by a Practice Committee under paragraph (7)(d) or (e) shall take place—

- (a) if the order (or the order which has been replaced) had not been reviewed at all under paragraph (6), within the period of six months beginning on the date on which the court ordered the extension or on which a replacement order under paragraph (7)(d) or (e) was made; and
- (b) if it had been reviewed under the provision, within the period of three months beginning on that date.

(12) Where an order has effect under paragraph (2), (7) or (9), the court may, on an application being made by the person concerned—

- (a) in the case of an interim suspension order, terminate the suspension;
- (b) in the case of an interim conditions of practice order, revoke or vary any condition imposed by the order;
- (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when it was made (or in the order extending it),

and the decision of the court under any application under this paragraph shall be final.

(13) In this article "the court" has the same meaning as "the appropriate court" in article 38.

(14) The Committee shall notify the person concerned giving its reasons where it makes an order under paragraph (2) or for any decision under paragraph (7) and shall notify him of his right to apply to the court.

(15) No order under paragraph (2) or (7)(c) to (e), or, in a case where paragraph (5)(b) applies, under paragraph (7)(b), shall be made by any Practice Committee in respect of any person unless he has been afforded an opportunity of appearing before the Committee and being heard on the question whether such an order should be made in his case.

(16) At any such hearing, the person concerned shall be entitled to be represented whether by a legally qualified person or otherwise.

(17) The Committee shall when it makes, varies, replaces or revokes an order under this article or when an order it has made ceases to have effect, give the Registrar such directions as are appropriate as to annotation of the register to record the decision made or, as the case may be, the expiry of the order.

Investigation of allegations: procedural rules

32.—(1) The Council shall make rules as to the procedure to be followed by the Health Committee and the Conduct and Competence Committee in considering any allegation and before making an order under article 29(5).

(2) The rules shall, in particular, make provision—

- (a) empowering each Committee to refer to the other any allegation which it considers would be better dealt with by that other Committee;
- (b) empowering each Committee, before it holds any hearing to which sub-paragraph (f) applies, where it considers that it would assist it in performing its functions, to hold a preliminary meeting in private attended by the parties and their representatives and any other person it thinks appropriate;
- (c) requiring the person concerned to be given notice of the allegation without delay;
- (d) giving the person concerned an opportunity to submit written representations within a prescribed period;
- (e) for the Committee, where it sees fit, to notify the person making the allegation of the representations provided under sub-paragraph (d) and to invite him to deal within a prescribed period with any points raised by the Committee in respect of those representations;

- (f) giving the person concerned an opportunity to put his case at a hearing if—
 - (i) before the end of the prescribed period, he asks for a hearing; or
 - (ii) the Committee considers that a hearing is desirable;
- (g) entitling the person concerned to be represented whether by a legally qualified person or otherwise at any such hearing;
- (h) where an allegation is referred by the Council, Screeners or the Investigating Committee to the Health Committee or the Conduct and Competence Committee, for the Council to give notice of that referral to specified persons who shall include the Secretary of State, the Scottish Ministers, Senedd Cymru⁹⁴ and the Department of Health, Social Services and Public Safety in Northern Ireland, and, where they are known, to any person referred to in article 25 paragraph (2)(a) or (b);
- (i) giving any person, other than the person concerned, who, in the opinion of the relevant Committee, taking account of any criteria included in the rules, has an interest in proceedings before it, the opportunity to submit written representations;
- (j) requiring a hearing before a Committee to be held in public except in so far as may be provided by the rules;
- (k) requiring the Committee to notify the person concerned of its decision, its reasons for reaching that decision and of his right of appeal;
- (l) requiring the person by whom the allegation was made to be notified by the Committee of its decision and of its reasons for reaching that decision;
- (m) empowering the Committee to require persons other than the person concerned to attend and give evidence or to produce documents;
- (n) about the admissibility of evidence;
- (o) enabling the Committee to administer oaths;
- (p) where the person concerned has been convicted of a criminal offence, for the conviction to be proved by the production of a certified copy of the certificate of conviction, or, in Scotland, an extract conviction, relating to the offence and for the findings of fact upon which the conviction is based to be admissible as proof of those facts.

(3) Each stage in proceedings under Part V and article 37 shall be dealt with expeditiously and the Committee concerned may give directions as to the conduct of the case and for the consequences of failure to comply with such directions (which may include the making of an order or refusal of an application if the failure to comply was without reasonable excuse).

(4) The Council may provide in the rules for the Chair⁹⁵ of the Committee to hold the meeting referred to in paragraph (2)(b) or to give the directions mentioned in paragraph (3) and, subject to the agreement of the parties to his acting on behalf of the Committee, to take such action as the Committee would be competent to take at such a meeting.

(5) In this article "parties" means the Council and the person concerned.

Restoration to the register of persons who have been struck off

33.—(1) Where a person who has been struck off the register by virtue of an order made by a Practice Committee or the court wishes to be restored to the register, he shall make an application for restoration to the Registrar.

(2) Subject to article 30(7), no such application may be made—

- (a) before the end of the period of five years beginning with the date on which the order under article 29, 30 or 38 took effect; or
- (b) in any period of twelve months in which an application for restoration to the register has already been made by the person who has been struck off.

(3) Any application for restoration shall be referred by the Registrar for determination to—

- (a) the Committee which made the striking-off order; or
- (b) where any previous applications have been made in connection with the same striking-off order, the Committee which last gave a decision on such an application.

(4) Before making any decision on the application the Committee shall give the applicant an opportunity to appear before it and to argue his case in accordance with rules made by the Council which shall include the matters referred to in article 32(2)(b), (g), (i), (j), (k), (m), (n) and (o).

(5) The Committee shall not grant an application for restoration unless it is satisfied, on such evidence as it may require, that the applicant not only satisfies the requirements of article 9(2)(a) and (b) but, having regard in particular to the circumstances which led to the making of the order under article 29, 30 or 38, is also a fit and proper person to practise the relevant profession.

(6) The Committee may make the granting of an application subject to the applicant satisfying such requirements as to additional education or training and experience as the Council has specified under article 19(3) and which apply to him.

(7) On granting an application for restoration, the Committee—

- (a) shall direct the Registrar to register the applicant in the relevant part of the register on his satisfying the Registrar as mentioned in article 10(4)(aa),⁹⁶ on his satisfying

any requirements imposed under paragraph (6) and on payment of the prescribed fee; and

(b) may make a conditions of practice order with respect to him.

(8) The provisions of article 29 shall have effect in relation to a conditions of practice order made under paragraph (7) as they have effect in relation to a conditions of practice order made under that article and article 30 shall apply as if the order made under paragraph (7) were an order made under article 29.

(9) If, while a striking-off order is in force, a second or subsequent application for restoration to the register, made by the person who has been struck off, is unsuccessful, the Committee which determined that application may direct that that person's right to make any further such applications shall be suspended indefinitely.

(10) A person in respect of whom a direction is made under paragraph (9) may, after the expiration of three years from the date on which the direction was made, apply to the Registrar for that direction to be reviewed and, thereafter, may make further applications for review but no such application may be made before the expiration of three years from the date of the most recent review decision.

(11) The Registrar shall refer an application made under paragraph (10) to the Committee which made the direction under paragraph (9).

(12) A person whose application under paragraph (10) or whose application for restoration is refused or made subject to his satisfying requirements under paragraph (6) may appeal to the appropriate Court and article 38 shall apply to that appeal.

(13) The appeal must be brought before the end of the period of 28 days beginning with the date on which notice of the decision rejecting the application, or granting it but imposing conditions under paragraph (6), is served on the applicant.

Legal assessors

34.—(1) The Council shall appoint legal assessors.

(2) Legal assessors shall have the general function of giving advice to—

- (a) Screeners;
- (b) the statutory committees;
- (c) the Registrar; or
- (d) the Council,

on questions of law arising in connection with any matter which any of those persons is considering under article 9 or 10, Part V or Part VI.

(3) They may at the request of the person mentioned in paragraph (2) assist in the drafting of any decision required by this Order to be issued under any of the provisions mentioned in that paragraph.

(4) They shall have such other functions as may be conferred on them by rules made by the Council.

(5) To be qualified for appointment as a legal assessor, a person must—

- (a) have a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); or
- (b) be an advocate or solicitor in Scotland of at least 10 years' standing; or
- (c) be a member of the Bar of Northern Ireland of at least 10 years' standing.

(6) No person shall be a legal assessor if he is—

- (a) a member of the Council;
- (b) a member of a statutory committee;
- (c) a Screener, visitor or medical or registrant assessor; or
- (d) employed by the Council.

(7) The Council may make such provision in respect of legal assessors as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of legal assessors for the purposes of enabling legal assessors to perform functions under this article;
- (b) for the reimbursement of such expenses as the legal assessors may reasonably have incurred in the course of carrying out their functions under this Order.

Medical assessors

35.—(1) The Council may appoint registered medical practitioners to be medical assessors.

(2) They shall have the general function of giving advice to—

- (a) Screeners;
- (b) the statutory committees;
- (c) the Registrar; or

(d) the Council,

on matters within their professional competence in connection with any matter which any of those persons is considering.

(3) They shall also have such other functions as may be conferred on them by rules made by the Council.

(4) No person shall be a medical assessor if he is—

- (a) a member of the Council;
- (b) a member of a statutory committee;
- (c) a Screener, visitor or legal or registrant assessor; or
- (d) employed by the Council.

(5) The Council may make such provision in respect of medical assessors as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of medical assessors for the purposes of enabling medical assessors to perform functions under this article;
- (b) for the reimbursement of such expenses as the medical assessors may reasonably have incurred in the course of carrying out their functions under this Order.

Registrant assessors

36.—(1) The Council may appoint registered professionals as registrant assessors.

(2) They shall have the general function of giving advice to—

- (a) the Council;
- (b) the committees of the Council;
- (c) Screeners; or
- (d) the Registrar,

on matters of professional practice arising in connection with any matter which any of those persons is considering.

(3) The assessors shall also have such other functions as may be conferred on them by rules made by the Council.

(4) No person shall be a registrant assessor if he is—

- (a) a member of the Council;
- (b) a member of a statutory committee;
- (c) a Screener, visitor or legal or medical assessor; or
- (d) employed by the Council.

(5) The Council may make such provision in respect of registrant assessors as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of registrant assessors for the purposes of enabling registrant assessors to perform functions under this article;
- (b) for the reimbursement of such expenses as the registrant assessors may reasonably have incurred in the course of carrying out their functions under this Order.

PART VI: APPEALS

Appeals against decisions of the Education and Training Committee

37.—(1) Where the Education and Training Committee under this Order—

- (a) refuses an application for registration, readmission or renewal or for the inclusion of an additional entry;
- (aa)...⁹⁷
- (ab) removes the name of a registrant from the register on the grounds that the registrant has failed to satisfy the Registrar that there is in force in relation to the registrant appropriate cover under an indemnity arrangement;⁹⁸
- (b) in determining an application under article 9 or 10, imposes additional conditions which must be satisfied before the applicant may be admitted to, readmitted to or retained on the register;
- (c) removes the name of a registrant from the register on the ground that he has breached a condition in respect of continuing professional development or such additional, education, training or experience as is mentioned in article 19(3), subject to which his registration has effect; or
- (d) fails, within the terms of article 9(7), to issue a decision,

the person aggrieved may appeal to the Council within the prescribed period.

(1A) Paragraph (1)(ab) does not apply where the removal is in consequence of a refusal of an application for renewal (including an application for readmission or restoration where registration has lapsed).⁹⁹

...¹⁰⁰

(2) No appeal lies to the Council where the person aggrieved has been refused registration solely because he has failed to pay the prescribed fee for registration or has failed to apply in the prescribed form and manner in accordance with article 9 or 10.

(2A) No appeal lies to the Council if the complaint of the person aggrieved is, in effect, that a provision of rules under article 7, 9, 10 or 11A is invalid.¹⁰¹

(3) No decision removing a registrant from the register against which an appeal to the Council may be made under paragraph (1) shall have effect before—

- (a) the expiry of the period within which such an appeal may be made; or
- (b) if an appeal is made, the appeal is withdrawn or otherwise finally disposed of.

(4) Any appeal shall be subject to such rules as the Council shall make for the purpose of regulating appeals under this article.

(5) The rules shall in particular provide—

- (a) for the quorum of the Council considering such an appeal and for the membership of any panel considering such an appeal on the Council's behalf;¹⁰²
- (b) that the members considering the appeal are to include registrants and lay members and that the number of members who are registrants may exceed the number of lay members but may not exceed them by more than one;
- (c) for a panel considering an appeal to consist of no fewer than three members who are to be selected with due regard to the matter under consideration and to include—
 - (i) one registrant registered in the same part of the register as the one in which the person concerned is, or is applying to be, registered;
 - (ii) one lay member; and
 - (iii) where the health of the person concerned is in issue, one registered medical practitioner;
- (d) for the person presiding to be a Council member;
- (e) that no one who has been involved in any other capacity in the case to be considered is to be a member of the panel;
- (f) for the decision to be made by a majority vote of the persons present;
- (g) in the event of a tie, for the Chair¹⁰³ to have an additional casting vote which he shall exercise in the favour of the person concerned;
- (h) for the Education and Training Committee to be made a party to the proceedings;
- (i) for similar provision to be made to that in article 32(2)(b), (f), (g), (i), (j), (k), (m), (n) and (o).

(5A) For the purposes of paragraph (5), "lay member" means a person who is not and never has been—

- (a) a registrant or registered under the 1960 Act...;¹⁰⁴
- (b) a member of the Association of Operating Department Practitioners, the Association of Educational Psychologists or the British Psychological Society; or

(c) a registered medical practitioner.¹⁰⁵

(6) Article 32(3) shall apply to appeals under this article as if a reference to the Committee concerned were to the Council.

(7) Article 25, with the exception of paragraph (2), shall apply to appeals under this article as if a reference to a Practice Committee were to the Council.

(8) A hearing provided for by the rules made under paragraph (4) ...¹⁰⁶ is to be held—

- (a) in the United Kingdom country in which the registered address of the person concerned is situated;
- (b) if he is not registered and resides in the United Kingdom, in the country in which he resides; or
- (c) in any other case, in England.

...¹⁰⁷

(9) Having considered the appeal under this article, the Council may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision that the Education and Training Committee could have made; or
- (d) remit the case to the Education and Training Committee to be disposed of in accordance with its directions.

(10) The person concerned may appeal to a county court or, in Scotland, to the sheriff in whose sheriffdom the person's address in the register is (or if he were registered would be) situated¹⁰⁸ against an unfavourable decision made under paragraph (9)(a), (c) or (d) and article 38 shall apply to that appeal.

(11) Subject to paragraph 12, the Council shall publish as soon as reasonably practicable a decision of the Council made under this article together with the reasons for it.

(12) If the decision is favourable to the person concerned, the Council is not required to publish it unless the person concerned so requests but it may do so with the consent of the person concerned.

Appeals

38.—(1) An appeal from—

- (a) any order or decision of the Health Committee or the Conduct and Competence Committee other than an interim order made under article 31, shall lie to the appropriate court; and
- (b) a decision of the Council under article 37¹⁰⁹ or of the Investigating Committee under article 26(7) or (12) or of the Registrar under article 33(7)(a) as to whether he is satisfied as mentioned in article 10(4)(aa)¹¹⁰ shall lie to a county court or, in Scotland, to the sheriff in whose sheriffdom the person's address in the register is (or if he were registered would be) situated.¹¹¹

...^{112 113}

...¹¹⁴

(2) In any appeal under this article the Council shall be the respondent.

(3) The Court or sheriff may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;¹¹⁵
- (c) substitute for the decision appealed against,¹¹⁶ any other decision the Practice Committee concerned or the Council, as the case may be, could have made; or
- (d) remit the case to the Practice Committee concerned or Council, as the case may be, to be disposed of in accordance with the directions of the court or sheriff,

and may make such order as to costs (or, in Scotland, expenses) as it, or he, as the case may be, thinks fit.

(4) In this article...¹¹⁷ "the appropriate court" means—

- (a) in the case of a person whose registered address is (or, if he were registered, would be) in Scotland, the Court of Session;
- (b) in the case of a person whose registered address is (or, if he were registered, would be) in Northern Ireland, the High Court of Justice in Northern Ireland; and
- (c) in any other case, the High Court of Justice in England and Wales.

...¹¹⁸

PART VII OFFENCES

Offences

39.—(1) Subject to paragraph (2), a person commits an offence if with intent to deceive (whether expressly or by implication)—

- (a) he falsely represents himself to be registered in the register, or a particular part of it or to be the subject of any entry in the register;
- (b) he uses a title referred to in article 6(2) to which he is not entitled;
- (c) he falsely represents himself to possess qualifications in a relevant profession.

...¹¹⁹

(2) If a person has been practising a relevant profession to which the title mentioned in paragraph (1)(b) relates before the coming into force of an order under article 6(1) which relates to that profession, he will not be guilty of an offence under paragraph (1)(b)—

- (a) during the relevant period mentioned in article 13(1)(d);¹²⁰ or
- (b) if he applies during the relevant period for admission to the register, until his application and any appeal from a decision on that application has been finally disposed of.

(3) A person commits an offence if—

- (a) with intent that any person shall be deceived (whether expressly or by implication) he causes or permits another person to make any representation about himself which, if made by himself with intent to deceive, would be an offence under paragraph (1); or
- (b) with intent to deceive, he makes with regard to another person any representation which—
 - (i) is false to his own knowledge, and
 - (ii) if made by the other person with that intent would be an offence by him under paragraph (1).

(4) A person who fraudulently procures, or tries to procure, the making, amendment, removal or restoration of an entry in the register, is guilty of an offence.

(5) A person who, without reasonable excuse, fails to comply with any requirement imposed by—

- (a) the Council, or
- (b) a Practice Committee

under article 25(1) or (2) or rules made by virtue of article 32(2)(m) or under any corresponding rule made by virtue of article 26, 33 or 37 is guilty of an offence.

(6) A person guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offence: hearing aid dispensers¹²¹

39A.—(1) Subject to paragraph (2), a person who is not a registered hearing aid dispenser must not perform the functions of a dispenser of hearing aids.

(2) Paragraph (1) does not apply where the person performing those functions is—

- (a) registered in the Specialist Register as having a specialty in otolaryngology, otorhino laryngology or ENT surgery; or
- (b) performing them as part of a course of education or training approved by the Council under article 15(5)(a) for persons wishing to become registered hearing aid dispensers or as part of an examination so approved.

(3) Any person who contravenes paragraph (1) is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(4) In this article—

“registered hearing aid dispenser” means a person who is registered in the register as a hearing aid dispenser;

“the Specialist Register” means the register of that name kept by the General Medical Council.

PART VIII: MISCELLANEOUS

Further provisions

40.—(1) The Privy Council may make provision by order with regard to the functions of legal assessors and in particular provision may be made—

- (a) requiring legal assessors, when advising the Council or any of its committees, to do so in the presence of the parties or their representatives or, where advice is given in private, requiring the parties to be notified of the advice tendered by the legal assessors;
- (b) requiring the parties to be notified in any case where the legal assessor's advice is not accepted.

(2) Paragraph (1)(a) and (b) shall not apply to advice given by a legal assessor in respect of the drafting of a decision mentioned in article 34(3).

Rules and orders

41.—(1) No rules under this Order, apart from rules made solely under paragraph 17 of Schedule 1,¹²² shall come into force until approved by order of the Privy Council.

(2) Any rules made by the Council and any order of the Privy Council made under this Order may make different provision with respect to different cases or classes of case.

(3) Before making any rules under this Order, apart from rules made solely under paragraph 17 of Schedule 1,¹²³ the Council shall consult representatives of any group of persons who appear likely to be affected by the proposed rules and these may include such persons as appear to it to be representative of—

- (a) registrants or classes of registrant;
- (b) employers of registrants;
- (c) users of the services of registrants; or
- (d) persons providing, assessing or funding education and training for registrants and prospective registrants.

Exercise of powers by the Privy Council

42.—(1) Where the approval of the Privy Council is required by this Order in respect of the making of any rules by the Council, it shall be given by an order made by the Privy Council.

(2) Any power of the Privy Council under this Order to make an order shall be exercisable by statutory instrument.

(2A) For the purposes of section 1 of the Statutory Instruments Act 1946 (definition of “Statutory Instrument”), any power to make an order under this Order is to be taken to be conferred by an Act of Parliament.¹²⁴

(3) A statutory instrument that contains an order of the Privy Council, other than an order made under article 48(2) or under paragraph 19, 20 or 21 of Schedule 2, shall—

- (a) where paragraph (3A) applies, be subject to annulment in pursuance of a resolution of either House of Parliament or a resolution of the Scottish Parliament; or
- (b) where paragraph (3A) does not apply, be subject to annulment in pursuance of a resolution of either House of Parliament.

(3A) This paragraph applies to a statutory instrument containing—

- (a) an order under article 6(3) that includes measures relating to the regulation of operating department practitioners or practitioner psychologists; or
- (b) an order approving rules made under article 5(2)(b), 7(2)(c) or (d), 9(2), 10, 19, 26(3), 30(9), 32, 33(4) or 37(4) that includes measures relating to the regulation of operating department practitioners or practitioner psychologists.¹²⁵

(4) For the purpose of exercising any powers conferred by this Order the quorum of the Privy Council shall be two.

(5) Any act of the Privy Council under this Order shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(6) Any document purporting to be—

- (a) an instrument made by the Privy Council under this Order; and
- (b) signed by the Clerk of the Privy Council, shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of its terms.

Default powers of the Privy Council

43.—(1) If it appears to the Privy Council that the Council has failed to perform any functions which, in the opinion of the Privy Council, should have been performed, the Privy Council may notify the Council of its opinion and require the Council to make representations to it.

(2) The Privy Council may, having considered the representations of the Council, give such directions (if any) to the Council as it considers appropriate.

(3) If the Council fails to comply with any directions given under this article, the Privy Council may give effect to the direction.

(4) Subject to paragraph (5), for the purpose of giving effect to a direction under paragraph (3), the Privy Council may—

- (a) exercise any power of the Council or do any act or other thing authorised to be done by the Council; and
- (b) do, of its own motion, any act or other thing which it is otherwise authorised to do under this Order at the instigation of the Council.

(5) The Privy Council shall not exercise the power in paragraph (4) to make, amend, remove or restore an entry in the register in respect of an individual, nor to refuse to do so.

(6) The powers under paragraphs (1) and (2) may be exercised by a person authorised or designated by the Privy Council for that purpose.

Annual reports, statistical reports and strategic plans

44.—(1) The Council shall publish, by such date in each year as the Privy Council shall specify—

- (a) a report on the exercise of its functions which includes a description of the arrangements that the Council has put in place to ensure that it adheres to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006 (equality and diversity));
- (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the Council has put in place under article 21(1)(b) to protect members of the public from registrants whose fitness to practise is impaired, together with the Council’s observations on the report; and
- (c) a strategic plan for the Council in respect of such number of years as the Council shall determine.

(2) The Council shall submit copies of the reports and the plan published under paragraph (1) to the Privy Council and the Privy Council shall lay copies of the reports and the plan before each House of Parliament and before the Scottish Parliament.¹²⁶

Arrangements with other persons who maintain registers of health or social care workers

44A.—(1) The Council may make arrangements with any relevant person for the Council to provide administrative, technical or advisory services to that person.

(2) A relevant person is a person or group of persons (whether inside or outside the United Kingdom) who maintain—

- (a) a register of members of a profession engaged in the provision of health care,
- (b) a register of persons engaged in, but who are not members of a profession engaged in, the provision of health care,
- (c) a register of members of the social work profession, or
- (d) a register of persons engaged in social care work.¹²⁷

Finances of the Council

45.—(1) The Council may charge such fees in connection with the exercise of its functions as it may, with the approval of the Privy Council, determine.

(2) Subject to this article, the expenses of the Council are to be met out of fees received by the Council and other sums paid to it in connection with the exercise of its functions.

(3) The Secretary of State or an appropriate authority may make grants or loans to the Council towards expenses incurred, or to be incurred by it—

- (a) in connection with the process of the implementation of this Order, or
- (b) for such other purposes in connection with the professions regulated by this Order as may be approved by the Secretary of State or the appropriate authority and agreed with the Council.

(3A) The Secretary of State may make grants or loans to the Council towards expenses incurred, or to be incurred by it, in connection with the exercise of its functions in relation to persons who are, or wish to become, approved mental health professionals in England.¹²⁸

(4) In this paragraph, "appropriate authority" means Senedd Cymru¹²⁹, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland.

Accounts of the Council

46.—(1) The Council shall—

- (a) keep accounts in such form as the Privy Council may determine;
- (b) prepare annual accounts in respect of each financial year, in such form as the Privy Council may determine.

(2) The annual accounts shall be audited by persons the Council appoints.

(3) The Council shall ensure that the persons it appoints are eligible for appointment as statutory auditors under Part 42 of the Companies Act 2006 (statutory auditors).¹³⁰

(4) As soon as is reasonably practicable after the end of the financial year to which the annual accounts relate, the Council shall—

- (a) cause them to be published together with any report on them made by the auditors; and
- (b) send a copy of the annual accounts and of any such report to the Privy Council, the Comptroller and Auditor General and the Auditor General for Scotland.¹³¹

(5) The Comptroller and Auditor General shall examine, certify and report on the annual accounts.

(6) For the purposes of his examination, the Comptroller and Auditor General may inspect the accounts of the Council and any records relating to them.

(7) The Privy Council shall lay before each House of Parliament and the Scottish Parliament¹³² a copy of the annual accounts certified by the Comptroller and Auditor General, any report of the auditors and the report of the Comptroller and Auditor General prepared under paragraph (5).

(8) In this article, "financial year" means—

- (a) the period beginning with the date on which the Council is established and ending with the next 31st March following that date, and
- (b) each successive period of 12 months ending with 31st March.

Inquiry by the Privy Council

47.—(1) The Privy Council may cause an inquiry to be held into any matter connected with the exercise by the Council of its functions.

(2) Before an inquiry is begun, the Privy Council may direct that it shall be held in public.

(3) Where no direction has been given, the person holding the inquiry may if he thinks fit hold it, or any part of it, in private.

(4) For the purpose of any such inquiry (but subject to paragraph (5)) the person appointed to hold the inquiry—

- (a) may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry; and

- (b) may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make a solemn affirmation.

(5) Nothing in this article requires a person, in obedience to a summons under the article, to attend to give evidence or to produce any documents unless the necessary expenses of his attendance are paid or tendered to him.

(6) Any person who refuses or deliberately fails to attend in obedience to a summons under this article, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this article, shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) Where the Privy Council causes an inquiry to be held under this article—

- (a) the costs or expenses¹³³ incurred by it in relation to the inquiry (including such reasonable sum as it may determine for the services of any officer engaged in the inquiry) shall be paid by such party to the inquiry as it may direct; and
- (b) it may cause the amount of the costs or expenses¹³⁴ so incurred to be certified, and any amount so certified and directed to be paid by any person shall be recoverable from that person by the Privy Council in Scotland as a debt and in England, Wales and Northern Ireland¹³⁵ summarily as a civil debt.

(8) Where the Privy Council causes an inquiry to be held under this article it may make orders—

- (a) as to the costs or expenses¹³⁶ of the parties at the inquiry; and
- (b) as to the parties by whom costs or expenses¹³⁷ are to be paid,

...¹³⁸

(9) For the purposes of paragraph (8), orders—

- (a) as to costs in England and Wales or Northern Ireland may by leave of the High Court be enforced in the same manner as orders of the High Court to the same effect; and
- (b) as to expenses in Scotland may by leave of the Court of Session be enforced in the same manner as decrees of the Court of Session to the same effect.¹³⁹

Supplementary and transitional provisions and extent

48.—(1) The transitional provisions contained in Schedule 2 to this Order shall apply.

(2) The Privy Council may by order make such further transitional provisions as it considers appropriate.

(3) The consequential amendments contained in Schedule 4 to this Order shall apply.

(4) This Order extends to the whole of the United Kingdom.

...¹⁴⁰

SCHEDULE 1**THE HEALTH AND CARE PROFESSIONS COUNCIL AND COMMITTEES****PART I: THE HEALTH AND CARE PROFESSIONS COUNCIL****Membership: general**

1A.—(1) The Council shall consist of—

- (a) registrant members, that is members who are registrants; and
- (b) lay members, that is members who—
 - (i) are not and never have been registrants or registered under the 1960 Act or in the AODP register, the AEP register, the BPS register or the HAC register;...¹⁴¹ and
 - (ii) do not hold qualifications which would entitle them to apply for registration under this Order.

(1A) In sub-paragraph (1), “the HAC Register” means the register of dispensers of hearing aids maintained by the Hearing Aid Council under section 2(1)(a) of the Hearing Aid Council Act 1968.¹⁴²

(2) The members of the Council shall be appointed by the Privy Council.

(3) The Privy Council shall ensure that, at any time, at least one member of the Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

...¹⁴³

Matters for the order of the Privy Council under article 3(7A)

1B.—(1) An order under article 3(7A) shall include provision with regard to—

- (a) the numbers of registrant members and lay members of the Council;
- (b) the terms of office for which members of the Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment);
- (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the council;

- (d) the appointment of a chair of the Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
- (e) deputising arrangements in respect of the chair;
- (f) the quorum of the Council; and
- (g) the circumstances in which members cease to hold office or may be removed or suspended from office.

(2) But an order under article 3(7A) must not include any provision which would have the effect that a majority of the members of the Council would be lay members.

(3) An order under article 3(7A) may include provision with regard to—

- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;
- (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
- (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of its members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
- (d) the attendance of members of the Council at meetings of the Council; and
- (e) the effect (if any) of any vacancy among the membership of the Council or any defect in the appointment of a member.

(4) An order under article 3(7A) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.¹⁴⁴

Procedure of the Council and committees

13.—(1) Subject to any provision made by this Order or under this Order (otherwise than by standing orders) the Council may by standing orders make provision in respect of—

- (a) its procedure;
- (b) the performance of its functions;

- (c) the constitution of its committees and sub-committees, other than the statutory committees;
- (d) the procedure of any of its committees or sub-committees;
- (e) the performance by any of its committees or sub-committees of their functions; and
- (f) the standards of education, training, attendance and performance expected of the members of committees and sub-committees.

(2) Standing orders of the Council may make provision with regard to the provisional suspension of a member of the Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under article 3(7A).¹⁴⁵

14.—(1) In appointing non-Council members to any committee set up under article 3(12) the Council shall have regard, where appropriate and subject to the other provisions of this Order, to the guidance issued by the Commissioner for Public Appointments.

(2) The Council shall ensure that such members of the committee who are not Council members shall have such qualifications, interests or experience as, in the opinion of the Council, are relevant to the field with which the committee is mainly concerned.

...¹⁴⁶

(4) The Council shall—

- (a) establish and maintain a system for the declaration and registration of private interests of its members and of other members of its committees and sub-committees; and
- (b) publish entries recorded in a register of members' interests.

15.—(1) Decisions of the Council and committees shall be made by a majority vote of the members present and voting.

(2) In the event of a tie the Chair¹⁴⁷ shall have an additional casting vote.

(3) This paragraph does not apply to the statutory committees or to decisions of the Council under article 37.

Powers of the Council

16.—(1) Subject to any provision made by or under this Order, the Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.

(2) The Council shall, in particular, have power—

- (a) to borrow;
- (b) to appoint such staff as it may determine;
- (c) to pay its staff such salaries, allowances and expenses as it may determine;
- (d) to make such provision for the payment of such pensions, allowances or gratuities, or such contributions or payments towards provision for such pensions, allowances or gratuities, to or in respect of its staff as it may determine;
- (e) to make such provision in respect of its members and members of its committees and sub-committees as it may determine—
 - (i) for the payment of fees and allowances, including the payment of allowances to employers of such members for the purposes of enabling the members to perform functions under this Order;
 - (ii) for the reimbursement of such expenses as the members may reasonably have incurred in the course of carrying out their functions under this Order;
- (f) to establish such sub-committees of any of its committees as it may determine;
- (g) ...¹⁴⁸
- (h) to abolish any of its committees, other than a statutory committee, or any sub-committee of any of its committees.

(3) The Council may not employ any member of the Council or its committees or sub-committees.

(4) If it appears to the Council that any statutory committee is failing to perform its functions adequately, the Council may give a direction as to the proper performance of those functions.

(5) Where the Council, having given a direction under sub-paragraph (4), is satisfied that the committee has failed to comply with the direction, it may exercise any power of that committee or do any act or other thing authorised to be done by that committee.

(6) - (7)...¹⁴⁹

(8) No person who is a member of the Council or any of its committees or sub-committees by virtue of his membership of any profession, may take part in any proceedings of the Council in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

...¹⁵⁰

PART II: THE STATUTORY COMMITTEES

Education and Training Committee

17.—(1) Subject to any provision made by this Order, the Council shall by rules make provision with regard to the constitution of the Education and Training Committee, and those rules shall include provision with regard to—

- (a) its size and membership;
- (b) the appointment, suspension and removal of its members;
- (c) its chair, including the deputising arrangements for its chair; and
- (d) the quorum at its meetings.

(2) The rules may make provision for a body (including a committee of the Council other than the Education and Training Committee) to assist the Council in connection with any function relating to the appointment of members or particular members of the Education and Training Committee, including any function relating to tenure of office or suspension or removal from office.

(2A) The Council shall have regard, where appropriate, when appointing non- Council members to the Education and Training Committee, to the guidance issued by the Commissioner for Public Appointments.

(2B) Subject to any provision made by or under this Order, including provision made by standing orders of the Council made under paragraph 13(d), the Education and Training Committee may regulate its own procedure.¹⁵¹

(3) No person who is a member of the Council or the Education and Training Committee by virtue of his membership of any profession may take part in any proceedings of the Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

(4) The powers of the Education and Training Committee may be exercised even though there is a vacancy among its members.

(5) No proceedings of the Education and Training Committee shall be invalidated by any defect in the appointment of a member.

Practice Committees

18.—(1) Subject to any provision made by this Order, the Council shall by rules make provision with regard to the constitution of each Practice Committee, and those rules shall include provision with regard to—

- (a) its size and membership;
- (b) the appointment, suspension and removal of its members;
- (c) its chair, including the deputising arrangements for its chair; and
- (d) the quorum at its meetings.

(2) Where the rules provide for one or more panels of members of a Practice Committee to perform functions of the Committee, the provision required by sub-paragraph (1)(d) includes provision with regard to the quorum at meetings of those panels.

(3) The rules may make provision for a body (including a committee of the Council which is not one of the Practice committees) to assist the Council in connection with any function relating to the appointment of members or particular members of a Practice Committee, including any function relating to tenure of office or suspension or removal from office.

(4) Subject to any provision made by or under this Order, including provision made by standing orders of the Council made under paragraph 13(d), each Practice Committee may regulate its own procedure.¹⁵²

19.—(1) - (4)...^{153 154}

(5) The Council shall, subject to other provisions in this Order, have regard when selecting non-Council members for a Practice Committee, to the guidance issued by the Commissioner for Public Appointments.

(6)...¹⁵⁵

(7) Decisions of a Practice Committee shall be made by a majority vote of the members present and voting.

(8) In the event of a tie, the Chair¹⁵⁶ shall have an additional casting vote and in respect of a decision under Part V shall exercise his casting vote in favour of the person concerned.

(9)...¹⁵⁷

(10) Apart from proceedings under Part V, no proceedings of a Practice Committee shall be invalidated by any defect in the appointment of a member.

(10A) In exercising a function under article 27, 29, 30 or 33, the Conduct and Competence Committee (or any panel by which the function is exercisable as mentioned in paragraph 18(2) of this Schedule) must have regard to the over-arching objective.

(10B) In exercising a function under any of articles 28 to 30 and 33, the Health Committee (or any panel by which the function is exercisable as mentioned in paragraph 18(2) of this Schedule) must have regard to the over-arching objective.

(10C) References in sub-paragraphs (10A) and (10B) to the over-arching objective are to the over-arching objective of the Council under article 3(4)(read with article 3(4A)).¹⁵⁸

...¹⁵⁹

SCHEDULE 3

INTERPRETATION

1. In this Order, unless the context otherwise requires—

"the 1960 Act" means the Professions Supplementary to Medicine Act 1960;

"the 2009 Order" means the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009;¹⁶⁰

"adaptation period" means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered professional of the corresponding relevant profession;¹⁶¹

"AEP register" means the aggregate of the entries in the membership list maintained by the Association of Educational Psychologists (which held its inaugural meeting at the London School of Economics on 14th April 1962 and was founded on that date) that relate to full members of the Association;¹⁶²

"AODP register" means Part 1 of the register of operating department practitioners maintained by the Association of Operating Department Practitioners;¹⁶³ "application for restoration" has the meaning given to it in article 33;

"appropriate cover" is to be construed in accordance with article 11A(3);¹⁶⁴

"approved course of education or training" means a course approved under article 15(5)(a);

"approved qualification" has the meaning given to it in articles 13 and 15;

"aptitude test" means an assessment with the aim of determining whether a specified state professional has the standard of proficiency that the Council considers requisite for admission to the part of the register in respect of which the professional is applying;¹⁶⁵

"BPS register" means the aggregate of the entries in the register maintained by the British Psychological Society (which was incorporated by Royal Charter on 26th February 1965) that relate to holders of practising certificates who are full members of one or more of the divisions of the Society in respect of the following branches of psychology: clinical psychology; counselling psychology; educational psychology; forensic psychology; health psychology; occupational psychology; and sport and exercise psychology;¹⁶⁶

"corresponding practitioner member" means the practitioner member appointed under Schedule 2 from the same part of the register as the alternate member concerned;

"the Council" means the Health and Care Professions Council (formerly known as the Health Professions Council and continued in existence by section 214 of the Health and Social Care Act 2012);¹⁶⁷

...^{168,169,170}

"enactment" has the same meaning as in Schedule 3 to the Health Act 1999;¹⁷¹

...^{172 173}

"health care" includes—

- (a) all forms of health care for individuals, whether relating to physical or mental health, and
- (b) procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition;¹⁷⁴

"indemnity arrangement" is to be construed in accordance with article 11A(2);¹⁷⁵

"lay person" means, in relation to Screeners, a person who is not and never has been a member of a health or social care profession which is regulated under any enactment;

"licensing body" means a regulatory body which has the function of authorising persons to practise a health or social care profession;

...¹⁷⁶

"the ODP Order" means the Health Professions (Operating Department Practitioners and Miscellaneous Amendments) Order 2004;¹⁷⁷

"parties" except in respect of article 47;¹⁷⁸ means the Council and the person concerned except in respect of article 37 when it includes the Education and Training Committee;

"Practice Committees" means the Investigating Committee, the Conduct and Competence Committee and the Health Committee;

"practising" means working as a member of one of the relevant professions;

"practitioner psychologists" means clinical psychologists, counselling psychologists, educational psychologists, forensic psychologists, health psychologists, occupational psychologists and sport and exercise psychologists and this group of professions is to be treated as a single profession for the purpose of this Order;¹⁷⁹

"preliminary meetings" has the meaning given to it in articles 25(5)(b) and 30(2)(b)(ii);

"prescribed" means prescribed in rules made by the Council;

"register" means the register established and maintained under article 5;

"registered professional" means a member of one of the relevant professions who has been admitted to the register established and maintained under article 5;

"registrant" means a member of one of the relevant professions who has been admitted to the register maintained under article 5;

...¹⁸⁰

"Registrar" means the person appointed under article 4;

...¹⁸¹

"relevant period" has the meaning given to it in article 13;

"relevant professions" means arts therapists; biomedical scientists;¹⁸² chiropodists and podiatrists;¹⁸³ clinical scientists; dietitians; hearing aid dispensers;¹⁸⁴...¹⁸⁵ occupational therapists; operating department practitioners;¹⁸⁶ orthoptists; paramedics; physiotherapists; practitioner psychologists;¹⁸⁷ prosthetists and orthotists; radiographers; ...¹⁸⁸ and speech and language therapists;

"Screeners" means persons appointed under article 23;

...¹⁸⁹

"specified state professional" means a person who holds a specified state qualification;¹⁹⁰

"specified state qualification" means a qualification in one of the relevant professions awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;¹⁹¹

"standards of proficiency" means the standards established by the Council under article 5(2);

"statutory committees" has the meaning given to it in article 3(9);

"United Kingdom country" means England, Scotland, Wales and Northern Ireland.

...¹⁹²

1A. (1) For the purposes of this Order, a person ("P") performs the functions of a dispenser of hearing aids if P—

- (a) assesses or tests an individual's hearing; or
- (b) prescribes a hearing aid for an individual,

with a view to the sale, whether by P or another, of a hearing aid to, or for the use of, that individual and “hearing aid dispenser” shall be construed accordingly.

(2) In sub-paragraph (1)—

“hearing aid” means an electronic device, designed to be placed outside or within the ear, which processes and amplifies sounds using electro-acoustic or electro-magnetic systems in order to compensate for hearing loss;

“sale” means supply by way of retail sale or by way of hire but does not include a sale to a person acquiring for the purposes of trade.¹⁹³

2. In this Order, words importing the masculine gender include the feminine.

-
- ¹ substituted, Children and Social Work Act 2017, Sch. 5, para 45
- ² substituted, Children and Social Work Act 2017, Sch. 5, para 46
- ³ substituted, Health and Social Care Act 2012, s.214(3)
- ⁴ substituted, Health and Social Care Act 2012, s.214(2)
- ⁵ deleted, SI 2018/893, Reg. 41(2)
- ⁶ inserted, Health and Social Care (Safety and Quality) Act 2015, Sch., para 6(2)
- ⁷ inserted, Children and Social Work Act 2017, Sch. 5, para 10(2)
- ⁸ *ibid*
- ⁹ deleted, Children and Social Work Act 2017, Sch. 5, para 11(2)
- ¹⁰ spent
- ¹¹ deleted, Children and Social Work Act 2017, Sch. 5, para 11(3)
- ¹² substituted, Health and Social Care Act 2012, s.222
- ¹³ inserted, SI 2009/1182, Sch. 2, para 1(a)
- ¹⁴ deleted, SI 2009/1182, Sch. 2, para 1(b)
- ¹⁵ inserted, SI 2009/1182, Sch. 2, para 1(c)
- ¹⁶ inserted, SI 2009/1182, Sch. 2, para 1(d)
- ¹⁷ inserted, SI 2009/1182, Sch. 2, para 1(e)
- ¹⁸ inserted, Health and Social Care Act 2012, s.215(4)
- ¹⁹ deleted, SI 2009/1182, Sch. 2, para 2
- ²⁰ deleted, SI 2019/593, Sch. 8, paras 2, 3
- ²¹ substituted, SI 2023/1286, Sch. 3(5), para 69
- ²² deleted, SI 2019/593, Sch. 8, paras 2, 4
- ²³ inserted, SI 2023/1286, Sch. 3(5), para 70
- ²⁴ deleted, SI 2019/593, Sch. 8, paras 2, 5
- ²⁵ substituted, SI 2019/593, Sch. 8, paras 2, 6
- ²⁶ substituted, SI 2007/3101, Reg. 270(a)
- ²⁷ inserted, SI 2014/1887, Art. 12(a)

²⁸ spent

²⁹ substituted, SI 2023/1286 , Sch. 3(5), para 71(a)

³⁰ ibid

³¹ inserted, SI 2014/1887, Art. 12(d)

³² inserted, SI 2014/1887, Art. 12(c)

³³ deleted, Children and Social Work Act 2017, Sch. 5, para 14(2)

³⁴ inserted, SI 2023/1286 , Sch. 3(5), para 71(b)

³⁵ substituted, SI 2023/1286 , Sch. 3(5), para 71(c)

³⁶ deleted, SI 2007/3101, Reg. 270(c)

³⁷ deleted, SI 2019/593, Sch. 8, paras 2, 6(c)

³⁸ deleted, expiry of Coronavirus Act 2020, Sch.1, para 2(2)

³⁹ substituted, SI 2019/593, Sch. 8, paras 2, 7(a)

⁴⁰ substituted, SI 2007/3101, Reg. 271(a)

⁴¹ inserted, SI 2014/1887, Art. 13(b)

⁴² inserted, SI 2014/1887, Art. 13(d)

⁴³ inserted, SI 2014/1887, Art. 13(b)

⁴⁴ inserted, SI 2014/1887, Art. 13(c)

⁴⁵ inserted, SI 2014/1887, Art. 13(e)

⁴⁶ substituted, SI 2004/2033, Art. 10(1)

⁴⁷ deleted, SI 2019/593, Sch. 8, paras 2, 7(b)

⁴⁸ deleted, Children and Social Work Act 2017, Sch. 5, para 15(3)

⁴⁹ inserted, SI 2014/1887, Art. 14

⁵⁰ deleted, Children and Social Work Act 2017, Sch. 5, para 16

⁵¹ deleted, SI 2019/593, Sch. 8, paras 2, 8

⁵² deleted, SI 2019/593, Sch. 8, paras 2, 9

⁵³ ibid

⁵⁴ deleted, Children and Social Work Act 2017, Sch. 5, para 17(2)(b)

⁵⁵ deleted, SI 2019/593, Sch. 8, paras 2, 9

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- ⁵⁶ inserted, SI 2023/1286 , Sch. 3(5), para 72
- ⁵⁷ inserted, Children and Social Work Act 2017, Sch. 5, para 17(3)(a)
- ⁵⁸ deleted, Children and Social Work Act 2017, Sch. 5, para 17(3)(b)
- ⁵⁹ inserted, SI 2023/1286 , Sch. 3(5), para 73
- ⁶⁰ deleted, Children and Social Work Act 2017, Sch. 5, para 18(2)
- ⁶¹ inserted, SI 2009/1182, Sch. 2, para 3(b)
- ⁶² substituted, SI 2004/2033, Art. 3(1)
- ⁶³ inserted, SI 2010/233, Art. 7(2)(b)
- ⁶⁴ deleted, Children and Social Work Act 2017, Sch. 5, para 18(3)
- ⁶⁵ substituted, SI 2010/233, Art. 7(2)(c)
- ⁶⁶ this should now refer to paragraph (1)(b)
- ⁶⁷ deleted, SI 2019/593, Sch. 8, paras 2, 10
- ⁶⁸ deleted, Children and Social Work Act 2017, Sch. 5, para 20
- ⁶⁹ deleted, SI 2018/893, Reg. 41(3)
- ⁷⁰ inserted, SI 2022/1216, Reg. 3(a)
- ⁷¹ deleted, SI 2022/1216, Reg. 3(b)
- ⁷² inserted, SI 2023/1286 , Sch. 3(5), para 74
- ⁷³ deleted, SI 2018/893, Reg. 41(4)
- ⁷⁴ deleted, SI 2018/893, Reg. 41(5)
- ⁷⁵ deleted, SI 2018/893, Reg. 41(6)
- ⁷⁶ deleted, SI 2018/893, Reg. 41(7)
- ⁷⁷ deleted, SI 2018/893, Reg. 41(8)(a)
- ⁷⁸ deleted, SI 2018/893, Reg. 41(8)(b)
- ⁷⁹ deleted, SI 2018/893, Reg. 41(8)(c)
- ⁸⁰ *ibid*
- ⁸¹ deleted, SI 2019/593, Sch. 8, paras 2, 11
- ⁸² substituted, by virtue of s.150A Government of Wales Act 2006
- ⁸³ deleted, Children and Social Work Act 2017, Sch. 5, para 22

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- ⁸⁴ inserted, Health and Social Care Act 2012, s.218(10)
- ⁸⁵ inserted, SI 2009/1182, Sch. 2, para 3
- ⁸⁶ inserted, SI 2023/1286, Sch. 3(5), para 75
- ⁸⁷ reference to OHPA (abolished by the Health and Social Care Act 2012) omitted
- ⁸⁸ spent, by virtue of repeals made by the Protection of Freedoms Act 2012, s.75(6)
- ⁸⁹ substituted, SI 2009/1182, Sch. 2, para 6(a)
- ⁹⁰ substituted, SI 2009/1182, Sch. 2, para 6(b)
- ⁹¹ deleted, SI 2009/1182, Sch. 2, para 6(c)
- ⁹² inserted, Health and Social Care (Safety and Quality) Act 2015, Sch., para 6(3)
- ⁹³ deleted, SI 2009/1182, Sch. 2, para 7
- ⁹⁴ substituted, by virtue of s.150A Government of Wales Act 2006
- ⁹⁵ substituted, SI 2009/1182, Sch. 2, para 8
- ⁹⁶ inserted, SI 2014/1887, Art. 15
- ⁹⁷ deleted, SI 2019/593, Sch. 8, paras 2, 12
- ⁹⁸ inserted, SI 2014/1887, Art. 16(a)
- ⁹⁹ inserted, SI 2014/1887, Art. 16(b)
- ¹⁰⁰ deleted, Children and Social Work Act 2017, Sch. 5, para 23(3)
- ¹⁰¹ inserted, SI 2014/1887, Art. 16(c)
- ¹⁰² inserted, SI 2009/1182, Sch. 2, para 9(a)
- ¹⁰³ substituted, SI 2009/1182, Sch. 2, para 9(a)
- ¹⁰⁴ deleted, Children and Social Work Act 2017, Sch. 5, para 23(4)
- ¹⁰⁵ substituted, SI 2009/1182, Sch. 2, para 9(b)
- ¹⁰⁶ deleted, Children and Social Work Act 2017, Sch. 5, para 23(5)
- ¹⁰⁷ deleted, Children and Social Work Act 2017, Sch. 5, para 23(6)
- ¹⁰⁸ substituted, SI 2004/2033, Art. 10(2)
- ¹⁰⁹ substituted, SI 2019/593, Sch. 8, paras 2, 13(a)
- ¹¹⁰ inserted, SI 2014/1887, Art. 17
- ¹¹¹ substituted, SI 2004/2033, Art. 10(3)

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- ¹¹² deleted, Children and Social Work Act 2017, Sch. 5, para 24(1)
- ¹¹³ deleted, SI 2019/593, Sch. 8, paras 2, 13(b)
- ¹¹⁴ deleted, expiry of Coronavirus Act 2020, Sch. 1, para 2(4)
- ¹¹⁵ deleted, SI 2019/593, Sch. 8, paras 2, 13(b)
- ¹¹⁶ *ibid.*
- ¹¹⁷ deleted, Children and Social Work Act 2017, Sch. 5, para 24(3)
- ¹¹⁸ deleted, Children and Social Work Act 2017, Sch. 5, para 24(4)
- ¹¹⁹ deleted, Children and Social Work Act 2017, Sch. 5, para 25
- ¹²⁰ substituted, SI 2009/1182, Sch. 2, para 10
- ¹²¹ inserted, SI 2010/233, Art. 7(3)
- ¹²² inserted, SI 2009/1182, Sch. 2, para 11(a)
- ¹²³ inserted, SI 2009/1182, Sch. 2, para 11(b)
- ¹²⁴ inserted, SI 2009/1182, Sch. 2, para 12(a)
- ¹²⁵ substituted, SI 2009/1182, Sch. 2, para 12(b)
- ¹²⁶ substituted, SI 2009/1182, Sch. 2, para 13
- ¹²⁷ inserted, Health and Social Care Act 2012, s.219(1)
- ¹²⁸ inserted, Health and Social Care Act 2012, s.218(11)
- ¹²⁹ substituted, by virtue of s.150A Government of Wales Act 2006
- ¹³⁰ substituted, SI 2009/1182, Sch. 2, para 14(a)
- ¹³¹ substituted, SI 2009/1182, Sch. 2, para 14(b)
- ¹³² substituted, SI 2009/1182, Sch. 2, para 14(c)
- ¹³³ inserted, SI 2004/2033, Art. 10(4)(a)(i)
- ¹³⁴ *ibid*
- ¹³⁵ inserted, SI 2004/2033, Art. 10(4)(a)(ii)
- ¹³⁶ inserted, SI 2004/2033, Art. 10(4)(b)(i)
- ¹³⁷ *ibid*
- ¹³⁸ deleted, SI 2004/2033, Art. 10(4)(b)(ii)
- ¹³⁹ substituted, SI 2004/2033, Art. 10(4)(c)

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- ¹⁴⁰ deleted, SI 2019/593, Sch. 8, paras 2, 14
- ¹⁴¹ deleted, Children and Social Work Act 2017, Sch. 5, para 26
- ¹⁴² inserted, SI 2010/233, Art. 7(4)(b)
- ¹⁴³ deleted, SI 2013/235, Sch. 2, para 52
- ¹⁴⁴ substituted, SI 2009/1182, Sch. 2, para 15(2)
- ¹⁴⁵ substituted, SI 2009/1182, Sch. 2, para 15(3)
- ¹⁴⁶ deleted, SI 2009/1182, Sch. 2, para 15(4)
- ¹⁴⁷ substituted, SI 2009/1182, Sch. 2, para 15(5)
- ¹⁴⁸ deleted, SI 2009/1182, Sch. 2, para 15(6)(a)
- ¹⁴⁹ deleted, SI 2009/1182, Sch. 2, para 15(6)(b)
- ¹⁵⁰ deleted, Health Act 2006, s.80(1), Sch. 8, para 48
- ¹⁵¹ substituted, SI 2009/1182, Sch. 2, para 15(7)
- ¹⁵² substituted, SI 2009/1182, Sch. 2, para 15(8)
- ¹⁵³ deleted, SI 2009/1182, Sch. 2, para 15(9)
- ¹⁵⁴ *ibid*
- ¹⁵⁵ *ibid*
- ¹⁵⁶ substituted, SI 2009/1182, Sch.2, para 15(9)
- ¹⁵⁷ deleted, SI 2009/1182, Sch. 2, para 15(9)
- ¹⁵⁸ inserted, Health and Social Care (Safety and Quality) Act 2015, Sch., para 6(4)
- ¹⁵⁹ *ibid*
- ¹⁶⁰ inserted, SI 2009/1182, Sch. 2, para 16(a)
- ¹⁶¹ inserted, SI 2023/1286 , Sch. 3(5), para 76
- ¹⁶² inserted, SI 2009/1182, Sch. 2, para 16(c)
- ¹⁶³ inserted, SI 2004/2033, Art. 3(4)(a)
- ¹⁶⁴ inserted, SI 2014/1887, Art. 17
- ¹⁶⁵ inserted, SI 2023/1286 , Sch. 3(5), para 76
- ¹⁶⁶ inserted, SI 2009/1182, Sch. 2, para 16(c)
- ¹⁶⁷ substituted, Health and Social Care Act 2012, s.214(4)

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- ¹⁶⁸ deleted, SI 2004/1947, Reg.19(2)(a)
- ¹⁶⁹ deleted, SI 2007/3101, Reg. 277(a)
- ¹⁷⁰ *ibid*
- ¹⁷¹ inserted, SI 2009/1182, Sch. 2, para 16(b)
- ¹⁷² deleted, SI 2019/593, Sch 8, paras 2, 14
- ¹⁷³ deleted, SI 2009/1182, Sch. 2, para 16(e)
- ¹⁷⁴ inserted, Health and Social Care Act 2012, s.219(2)
- ¹⁷⁵ inserted, SI 2014/1887, Art. 17
- ¹⁷⁶ deleted, SI 2019/593, Sch 8, paras 2, 15
- ¹⁷⁷ inserted, SI 2004/2033, Art. 3(4)(b)
- ¹⁷⁸ substituted, SI 2004/2033, Art. 10(5)(a)
- ¹⁷⁹ inserted, SI 2009/1182, Sch. 2, para 16(c)
- ¹⁸⁰ deleted, SI 2009/1182, Sch. 2, para 16(e)
- ¹⁸¹ deleted, SI 2019/593, Sch 8, paras 2, 15
- ¹⁸² inserted, SI 2004/2033, Art. 10(5)(b)(ii)
- ¹⁸³ substituted, 2004/2033, Art. 10(5)(b)(i)
- ¹⁸⁴ inserted, SI 2010/233, Art. 7(5)(a)
- ¹⁸⁵ deleted, SI 2004/2033, Art. 10(5)(b)(ii)
- ¹⁸⁶ inserted, SI 2004/2033, Art. 3(4)(c)
- ¹⁸⁷ inserted, SI 2009/1182, Sch. 2, para 16(d)
- ¹⁸⁸ deleted, Children and Social Work Act 2017, Sch. 5, para 27(3)
- ¹⁸⁹ deleted, SI 2019/593, Sch 8, paras 2, 15
- ¹⁹⁰ inserted, SI 2023/1286 , Sch. 3(5), para 76
- ¹⁹¹ inserted, SI 2023/1286 , Sch. 3(5), para 76
- ¹⁹² inserted, SI 2007/3101, Reg. 277(f)
- ¹⁹³ inserted, SI 2010/233, Art. 7(5)(b)



Health and Care Professions Council (Constitution) Order 2009

(SI 2009/1345)

CONSOLIDATED TEXT

incorporating revocations and amendments made up to

1 December 2023

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The Health and Care Professions Council (Constitution) Order 2009¹

PART 1: INTRODUCTORY

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health and Care Professions Council (Constitution) Order 2009² and—

- (a) ...³ comes into force on 1st July 2009;
- (b)...⁴

(2) In this Order—

"chair" means the chair of the Council;

"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;

"licensing body" means—

- (a) any body, other than the Council, anywhere in the world that licenses or regulates any profession;
- (b) the Council for the Professions Supplementary to Medicine, prior to its abolition by virtue of the Order;

"member", unless the context otherwise requires, means a registrant member or a lay member and includes the chair; and

"the Order" means the Health Professions Order 2001;⁵

"spent conviction" means—

- (a) in relation to a conviction by a court in Great Britain, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974; or

- (b) in relation to a conviction by a court in Northern Ireland, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978.

PART 2: MEMBERSHIP OF THE COUNCIL

Composition of the Council

- 2. The Council shall consist of 6 registrant members and 6 lay members.⁶

Terms of office of members

- 3.—(1) The duration of the term of office of each member of the Council is to be determined by the Privy Council, on appointment.

(2) No member of the Council may hold office as a member of the Council for more than an aggregate of 8 years during any period of 20 years.

(3) For the purposes of the computation of years under paragraph (2), service as a member of the Council before 1st July 2007 is to be discounted.

Education and training of members

- 4. The Council shall make provision in standing orders with respect to the requirements with regard to education and training of members of the Council, and those standing orders may provide for—

- (a) that education and training to be the responsibility of another body; and
- (b) those requirements to be set and varied by that body from time to time.

Disqualification from appointment as a member

- 5. A person is disqualified from appointment as a member of the Council if that person—
 - (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
 - (b) has at any time been convicted of an offence in the United Kingdom, and—
 - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
 - (ii) the conviction is not a spent conviction;

- (c) 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, the Charity Commission for Northern Ireland 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 (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 (powers of the Court of Session),

from being concerned with the management or control of any body;
- (d) has at any time been removed from office as the chair, or as a 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;
- (e) at any time has been adjudged bankrupt or sequestration of the person's 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 or Schedule 2A of the Insolvency (Northern Ireland) Order 1989 (which relate to bankruptcy restrictions orders and undertakings);
- (f) 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;
- (g) is subject to—
 - (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,

- (ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989 (company directors disqualification),
 - (iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002, or
 - (iv) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of a county court administration order);
- (h) ...⁷
- (i) has at any time been subject to any investigation or proceedings concerning the person's 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 removal of a person's entry in 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;
 - (j) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by the Council, in the course of which or where the final outcome has been that—
 - (i) the person has been struck off the register (for a reason connected to the person's fitness to practise),
 - (ii) the person's registration in the register has been suspended (including by an interim suspension order) and that suspension has not been terminated,
 - (iii) the person's registration in the register has been made conditional upon their compliance with any requirement (including an interim conditions of practice order) and that requirement has not been lifted, or
 - (iv) the person's registration in the register has been annotated by virtue of a caution order and that order is still in force;
 - (k) 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, the final outcome of which was the removal of the person's entry in the register;
 - (l) is or has been subject to any investigation or proceedings concerning the person's fitness to practise by—

- (i) any licensing body, or
- (ii) the Council,

and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registrants; or

- (m) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registrants.

Removal of members from office

6.—(1) A member shall be removed from office by the Privy Council, if—

- (a) the member resigns, which a member may do at any time by a notice in writing to the Privy Council;
- (b) in the case of—
 - (i) a registrant member, that member's registration lapses, or
 - (ii) a lay member, that member becomes a person who no longer satisfies the criteria for being a lay member in paragraph 1A(1)(b) of Schedule 1 to the Order (membership: general);
- (c) the member becomes a person of the type mentioned in article 5(a), (b) or (e) to (h) (irrespective of whether or not they subsequently cease to be a person of the type mentioned in those provisions);
- (d) the member becomes a person of the type mentioned in article 5(c) or (d);
- (e) in the case of a registrant member, the member has become the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, as a result of which—
 - (i) the member has been struck off the register,
 - (ii) the member's registration in the register has been suspended,
 - (iii) the member's registration in the register has been made conditional upon the member's compliance with any requirement, or
 - (iv) the person's registration in the register has been annotated by virtue of a caution order,

and the proceedings relating to that particular sanction have reached their final outcome;

- (f) in the case of a registrant member, the member has become the subject of any investigation or proceedings relating to an allegation that the member's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the member's entry in the register;
- (g) the Privy Council is satisfied that the member's level of attendance at meetings of the Council falls below a minimum level of attendance acceptable to the Privy Council, having regard to—
 - (i) any recommended minimum levels of attendance that the Council has set in its standing orders, and
 - (ii) whether or not there were reasonable causes for the member's absences;
- (h) the Privy Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council has included in its standing orders;
- (i) the Privy Council is satisfied that the member is no longer able to perform their duties as a member of the Council because of adverse physical or mental health;
- (j) the Privy Council is satisfied that the member's continued membership of the Council 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 (f) applies must notify the Privy Council and 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 notify the Privy Council if they are of the view that the Privy Council may need to exercise its functions under paragraph (1).

(4) The chair shall notify the Privy Council if the chair is aware that—

- (a) a member has become, or may be about to become, a person to whom paragraph (1)(b) to (f) applies; and
- (b) that member has not notified the Privy Council in writing of that fact and the chair is not satisfied that the member will do so immediately.

Suspension of members from office

7.—(1) The Privy Council may suspend a member from office by a notice in writing served on the member—

- (a) if the Privy Council has reasonable grounds for suspecting that the member has become a person to whom article 6(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;
- (b) while the Privy Council is considering whether or not it is satisfied as to the matters set out in article 6(1)(g) to (j);
- (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 Privy 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 Privy 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; or
- (e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or elsewhere than in the United Kingdom relating to an offence which, if committed in any part of the United Kingdom, 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 or detention, and
 - (ii) the Privy 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 Privy Council shall suspend a registrant member from office by a notice in writing served on the member if the member is the subject of an order under article 31 of the Order (interim orders by a Practice Committee).

(3) The notice in writing under paragraph (1) or (2) 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 6 months.

(4) The Privy Council may stay its consideration under paragraph (1) of whether or not to suspend a member while the Council considers whether or not to suspend the member provisionally under standing orders of the Council.

(5) If a member has been suspended provisionally under standing orders of the Council—

- (a) the Council shall notify the Privy Council in writing of the provisional suspension as soon as is reasonably practicable; and
- (b) the Privy Council shall consider the matter with a view to determining whether or not to suspend the member under paragraph (1) or to remove the member under article 6(1).

(6) If after considering the matter under paragraph (5)(b), the Privy Council decides not to suspend the member, and not to remove the member from office, the Council must terminate its provisional suspension of the member under its standing orders.

(7) The Privy 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 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(8) Following a review, the Privy Council may—

- (a) terminate the suspension;
- (b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

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

PART 3: CHAIR OF THE COUNCIL

Appointment, term of office and cessation of office of the chair

8.—(1) The Privy Council shall, as one of its functions relating to the appointment of members of the Council, appoint the chair of the Council.

(2) The Privy Council may appoint a person to be chair of the Council—

- (a) when it appoints that person to be a member of the Council; or
- (b) whom it has already appointed as a member of the Council.

(3) The term of office of a member of the Council as chair is to be determined by the Privy Council on appointment of the member as chair, but it shall be for a period that is no longer than the period between the chair's date of appointment as chair and the date on which the chair's term of office as a member is due to expire (irrespective of whether or not they are thereafter reappointed as a member).

(4) A member serving as chair shall cease to be chair—

- (a) on ceasing to be a member;
- (b) if the member resigns as chair, which the member may do at any time by a notice in writing to the Privy Council;
- (c) if the member's membership of the Council is suspended by the Privy Council; or
- (d) if a majority of the Council, excluding the chair (but not simply a majority at a quorate meeting) passes a vote of no confidence in the chair.

Deputising arrangements in respect of the chair

9.—(1) Subject to paragraph (2), if, for any reason, the chair is absent from a meeting of the Council, the members who are present at that meeting shall nominate one of their number to serve as chair at that meeting.

(2) If, for any reason—

- (a) the Council is on notice that its chair is likely—
 - (i) to be absent for more than one meeting of the Council, or
 - (ii) to be unavailable to perform the duties of its chair for more than one month; or

- (b) the office of chair is vacant,

the Council may nominate a member ("deputy chair") to serve as chair during the absence or unavailability of the chair or the vacancy.

(3) A member serving as deputy chair shall cease to be deputy chair—

- (a) in the case of—
 - (i) the absence or unavailability of the chair, on the date which the chair notifies the Council in writing is the date on which they are able to resume their duties, or
 - (ii) the office of chair being vacant, once the vacancy is filled;
- (b) if the member ceases to be a member;
- (c) if the member resigns as deputy chair, which the member may do at any time by a notice in writing to the Council;
- (d) if the member's membership of the Council is provisionally suspended by the Council or suspended by the Privy Council; or
- (e) if the Council votes (by a majority at a quorate meeting) to terminate the member's appointment as deputy chair.

PART 4: PROCEEDINGS OF THE COUNCIL

Quorum of the Council

10. The quorum of the Council is 7.⁸

Effect of vacancies etc. on the validity of proceedings

11.—(1) The validity of any proceedings of the Council is not affected by—

- (a) any vacancy among the members of the Council;
- (b) any defect in the appointment of a member of the Council;
- (c) a member whom the Privy Council must remove from the Council under article 6(1)(b) to (f) participating in the proceedings;
- (d) a member whom the Privy Council has removed under article 6(1) having participated in the proceedings; or

- (e) a member who has been provisionally suspended by the Council under its standing orders or suspended by the Privy Council under article 7(1) or (2) having participated in the proceedings.

(2) Notwithstanding paragraph (1)(c), a member whom the Privy Council must remove from the Council under article 6(1)(b) to (f) is not entitled to participate in proceedings of the Council, pending the member's removal from the Council by the Privy Council.

¹ substituted, SI 2013/3004, Art. 2(2)

² substituted, SI 2013/3004, Art. 2(3)

³ spent, by virtue of repeals made by the Protection of Freedoms Act 2012, s.75(6)

⁴ *ibid*

⁵ substituted, SI 2019/1094, Sch. 1, para 10.

⁶ substituted, SI 2013/3004, Art. 2(4)

⁷ spent, by virtue of repeals made by the Protection of Freedoms Act 2012, s.75(6)

⁸ substituted, SI 2013/3004, Art. 2(5)



Health Professions (Parts of and Entries in the Register) Order of Council 2003

(SI 2003/1571)

CONSOLIDATED TEXT

incorporating revocations and amendments made up to

1 December 2023

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The Health Professions (Parts of and Entries in the Register) Order of Council 2003

Their Lordships, in exercise of the powers conferred on them by article 6(1), (2), and (3)(a), (b) and (g) of the Health Professions Order 2001, and of all other powers enabling them in that behalf, and having consulted the Health Professions Council in accordance with article 6(4) of that Order, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health Professions (Parts of and Entries in the Register) Order of Council 2003 and shall come into force on 9th July 2003.

(2) In this Order,

“the Order” means the Health Professions Order 2001¹;

“old register” means a register maintained by the Health Professions Council pursuant to paragraph 11 of Schedule 2 to the Order and listed in column 1 of Schedule 2 to this Order.

Parts of the register

2. It is hereby determined that the register shall be divided into the parts specified in column 1 of Schedule 1 to this Order.

Designated titles

3. The designated titles in relation to each part of the register are the titles set out in column 2 of Schedule 1 to this Order opposite the part of the register specified in column 1.

Registration of persons already registered in accordance with the Professions Supplementary to Medicine Act 1960

4. If a person on 8 July 2003 is registered in an old register, that person shall be registered with effect from 9 July 2003 in the part of the register which is listed in column 2 of Schedule 2 to this Order opposite the title of the old register in which he is registered on 8 July 2003.

Entries in Welsh as well as in English

5. A title, qualification or other entry referred to in article 6(3) of the Order, which is recorded in the register in accordance with rule 3 of the Health Professions Council (Registration and Fees) Rules in respect of a registered professional whose registered address is in Wales, may be recorded in the register in Welsh as well as in English.

Entries indicating qualifications or competence

6.—(1) The entries in Parts 3 and 5 of the register may include such entry indicating the possession by a registrant of qualifications or competence in life sciences or physiological sciences, as the Council consider appropriate.

(2) Where a chiroprapist holds a certificate of competence—

- (a) issued by a Board under the Professions Supplementary to Medicine Act 1960 or by the Health Professions Council; and
- (b) referred to in the following provisions of Schedule 17 (exemption for sale, supply or administration by certain persons) to the Human Medicines Regulations 2012—
 - (i) in Part 1 (exemption from restrictions on sale or supply of prescription only medicines), paragraph 11 (certificate of competence in the use of specified medicines), or
 - (ii) in Part 3 (exemptions from the restriction on administration of prescription only medicines), paragraph 1 (certificate in the use of analgesics),²

the register may indicate that he holds such a certificate.

(3) The entries in Parts 2 (Chiroprapists and Podiatrists), 9 (Physiotherapists) and 11 (Radiographers: Diagnostic or Therapeutic) of the register may include an entry indicating that a registrant is qualified to order drugs, medicines and appliances as a supplementary prescriber for the purposes of the Human Medicines Regulations 2012.³

(4) The Council may also include such entry in the register as it considers appropriate to indicate that a registrant possesses any other qualification (whether or not it is an approved qualification) or competence in a particular field or at a particular level of practice.⁴

Entries indicating the fields of competence of practitioner psychologists

6A. Entries in Part 14 of the register are to include such entries as the Council considers appropriate to indicate whether the registrant's field of competence is as a clinical psychologist, a counselling psychologist, an educational psychologist, a forensic psychologist, a health psychologist, an occupational psychologist, a sport and exercise psychologist, or a combination of these.⁵

...⁶

**SCHEDULE 1
PARTS OF THE REGISTER**

Column 1	Column 2
Parts of the Register	Designated title
Part 1: Arts Therapists: Music, Drama or Art	Art Therapist, Art Psychotherapist, Dramatherapist, Music Therapist
Part 2: Chiropodists and Podiatrists ⁷	Chiropodist, Podiatrist
Part 3: Clinical Scientists	Clinical Scientist
Part 4: Dietitians	Dietitian, Dietician
Part 5: Biomedical Scientists ⁸	Biomedical Scientist ⁹
Part 6: Occupational Therapists	Occupational Therapist
Part 7 —Orthoptists	Orthoptist
Part 8 —Paramedics	Paramedic
Part 9 —Physiotherapists	Physiotherapist, Physical Therapist
Part 10: Prosthetists and Orthotists	Prosthetist and Orthotist, Prosthetist, Orthotist
Part 11: Radiographers: Diagnostic or Therapeutic	Radiographer, Diagnostic Radiographer, Therapeutic Radiographer
Part 12: Speech and Language Therapists	Speech and Language Therapist, Speech Therapist
Part 13: Operating Department Practitioners; ¹⁰	Operating Department Practitioner ¹¹
Part 14: Practitioner Psychologists ¹²	Clinical Psychologist, Counselling Psychologist, Educational Psychologist, Forensic Psychologist, Health Psychologist, Occupational Psychologist, Practitioner Psychologist, Registered Psychologist, Sport and exercise Psychologist. ¹³
Part 15: Hearing Aid Dispensers ¹⁴	Hearing Aid Dispenser ¹⁵
... ¹⁶	... ¹⁷

**SCHEDULE 2
REGISTRATION OF PERSONS ALREADY REGISTERED IN AN OLD REGISTER
(not reproduced here)**

-
- ¹ substituted, SI 2019/1094, Sch. 1, para 1(a)
- ² substituted, SI 2012/1916, Sch. 34, para. 81(a)
- ³ substituted, SI 2012/1916, Sch. 34, para. 81(b)
- ⁴ inserted, SI 2006/1996 Art. 2
- ⁵ inserted SI 2009/1182, Sch. 4, para 8(a)
- ⁶ deleted, SI 2019/593, Sch. 8, para 16
- ⁷ substituted, SI 2004/2033, Art. 11(a)(i)
- ⁸ substituted, SI 2004/2033, Art. 11(a)(ii)
- ⁹ substituted, SI 2004/2033, Art. 11(b)
- ¹⁰ inserted SI 2004/2522, Art 2(a)
- ¹¹ inserted SI 2004/2522, Art 2(b)
- ¹² inserted SI 2009/1182, Sch. 4, para 8(b)(i)
- ¹³ inserted SI 2009/1182, Sch. 4, para 8(b)(ii)
- ¹⁴ inserted, SI 2010/233. Art. 10(a)
- ¹⁵ inserted, SI 2010/233. Art. 10(b)
- ¹⁶ deleted, SI 2019/1094, Sch. 1, para 1(b)(i)
- ¹⁷ deleted, SI 2019/1094, Sch. 1, para 1(a)(ii)



Health and Care Professions Council (Registration and Fees) Rules 2003

(SI 2003/1572)

CONSOLIDATED TEXT

incorporating revocations and amendments made up to

1 December 2023

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The Health and Care Professions Council (Registration and Fees) Rules 2003¹

The Health and Care Professions Council², in exercise of its powers under articles 5(2)(b), 7, 9(2), 10, 11, 12(1)(c)(iii), 33 and 41(2) of the Health Professions Order 2001 and of all other powers enabling it in that behalf and following consultation in accordance with articles 5(2)(a), 7(1), 7(3) and 41(3) of that Order, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Registration and Fees) Rules 2003³ and shall come into force on 9th July 2003.

Interpretation

2. In these Rules—

...⁴

“Committee” means the Education and Training Committee of the Council;

...⁵

“doctor” means a registered medical practitioner;

...⁶

“the Order” means the Health Professions Order 2001;⁷

“relative”, in relation to any person, means—

- (a) his spouse or civil partner;
- (b) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece, or first cousin, of his or of his spouse or civil partner; or
- (c) the spouse or civil partner of any relative mentioned in paragraph (b),

and for the purposes of deducing any such relationship “spouse or civil partner” includes a former spouse or civil partner, a partner to whom the person is not married, and a partner of the same sex.⁸

Electronic communication

2ZA.—(1) A requirement in these Rules for a person to send to, or serve upon, another person (“the recipient”) any document may be satisfied by—

- (a) sending it by post to the recipient; or
- (b) transmitting it by electronic means to the recipient: this is subject to paragraph (2).

(2) But a document may only be sent or served by electronic means if the recipient has, in writing (which includes in electronic form), notified the sender and has not withdrawn that notification that the recipient is willing to receive documents of that kind by those means.

(3) For the purposes of paragraph (2), where the intended recipient—

- (a) is not the Council, the Committee or the Registrar, the recipient must provide the sender with the recipient’s e-mail address;
- (b) is the Council, the Committee or the Registrar, the recipient must publish on the Council’s website an e-mail address or other electronic identification to which a document may be sent.

(4) This rule does not apply to an application for—

- (a) admission to the register pursuant to rule 4: this is subject to paragraph(2) of that rule; or
- (b) renewal of registration pursuant to rule 11: this is subject to paragraph (2)(b) of that rule.⁹

...¹⁰

The Register

3.—(1) There shall be entered in the register against the full name of each registrant—

- (a) his registration number;
- (b) his last known home address; and
- (c) any qualification of the registrant which has led to his registration.

(2) The home address of a registrant shall not be included in any published version of the register without his consent.

(3) The entries for registrants in each part of the register shall appear in the alphabetical order of their surnames.

(4) The Registrar may enter on the register any other information which is material to a registrant's registration.

(5) The Registrar shall keep the register in a form and manner which guards against falsification and shall take all reasonable steps to ensure that only he and such persons as have been authorised by him in writing for the purpose shall be able to amend the register or have access to the version of the register which contains entries which are not included in the published version of the register.

Applications for registration

4.—(1) An application for admission to a part of the register shall be—

- (a) made in writing on the form provided by the Council containing the declarations and information listed in Schedule 1;
- (b) signed by the applicant;
- (c) accompanied by—
 - (i) the registration fee prescribed in rule 14, and
 - (ii) the scrutiny fee prescribed in rule 17; and
- (d) sent, or given, to the Registrar.

(2) But the Registrar may accept an application for registration which does not comply with sub-paragraphs (a) or (b) of paragraph (1) if the applicant has—

- (a) by electronic means, provided the Registrar with—
 - (i) the information and any declaration which he would be required to provide if the application was submitted in writing on the appropriate form,
 - (ii) an attestation as to the accuracy of those matters; and
- (b) complied with all of the other requirements of this rule which apply to him.

(3) An appropriate form for the purposes of paragraph (2) is a form provided by the Council and which contains the information listed in Schedule 1 and any declaration required by that Schedule.

(4) The applicant shall provide in connection with the application for registration—

- (a) one of the following—
 - (i) the document which confers an approved qualification on the applicant or other evidence demonstrating that the applicant holds an approved qualification,

...¹¹

- (iii) where his application is made under article 13 of the Order such documents, information or evidence as the Committee may reasonably require for the purposes of determining whether by virtue of that article the applicant is to be treated as satisfying the requirements of article 9(2)(a) of the Order, including evidence that he holds the qualification on which he relies in making his application and information as to whether he has been a member of a professional body or has had professional indemnity insurance;
- (b) evidence that there is in force in relation to the applicant, or will be as necessary for the purpose of complying with article 11A of the Order, appropriate cover under an indemnity arrangement; and
- (c) such other documents, information or evidence as the Committee may reasonably require for the purposes of verifying the information in and determining the application.¹²

Other conditions of registration

5.—(1) For the purpose of satisfying itself as to the good character of the applicant, the Committee shall have regard to—

- (a) the character declaration provided by the applicant pursuant to rule 4(1)(a) or (2)(a);¹³
- (b) any conviction or caution which the applicant has received in the United Kingdom for a criminal offence or a conviction received elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;
- (c) any determination by a body responsible for regulating or licensing a health or social care profession to the effect that the applicant's fitness to practise is impaired; and
- (d) any other matters which, in the opinion of the Committee, appear to be relevant to the issue,

and for this purpose the Committee may seek information additional to that provided with the application for registration from any person or source as it considers appropriate.

(2) For the purpose of being satisfied as to the physical and mental health of the applicant, the Committee shall have regard to—

- (a) the health declaration provided by the applicant pursuant to rule 4(1)(a) or (2)(a); and¹⁴
- (b) such other matters as appear to it to be relevant,

and for this purpose the Committee may seek information additional to that provided with the application for registration from the applicant and from any other person or source as it

considers appropriate and may require the applicant to be examined or further examined by a doctor nominated by the Committee.

Prescribed periods for additional education and training requirements

6.—(1) The prescribed period for the purposes of article 9(2)(a)(i) of the Order is five years (period within which a qualification must have been awarded).

(2) The prescribed period for the purposes of article 10(2)(c) of the Order is two years (period for which a person must have practised since his first registration or latest renewal of registration).

(3) A person to whom article 9(2)(a)(ii) or 10(2)(c) of the Order applies shall not be admitted or re-admitted to the register or have his registration renewed unless he has—

- (a) undertaken such education or training; or
- (b) gained such experience,

as the Council may specify in standards under article 19(4)(b) of the Order and which apply to him.¹⁵

Knowledge of the English language

7. The Committee may require an applicant...¹⁶ to produce evidence that he has sufficient knowledge of spoken and written English to enable him to practise as a registered professional in the United Kingdom safely and competently.

Certificates

8.—(1) The Registrar may¹⁷, upon entering the name of a person in the register, issue to that registrant a certificate, in a form determined by the Council, which includes the part of the register in which he is registered, any designated title he may use and the date of registration.

(2) Any certificate issued in accordance with paragraph (1) shall remain the property of the Council and shall be surrendered to the Registrar by the person if—

- (a) a striking off order is made against him;
- (b) his name is removed from the register; or
- (c) for any other reason, the certificate no longer accurately reflects his entry in the register.

(3) Where any certificate is surrendered by a registrant in accordance with paragraph (2)(c) the Registrar shall issue a replacement certificate to that registrant which accurately reflects his entry in the register.

Amendments to register

9.—(1) A registrant shall notify the Registrar in writing within one month of any change in the registrant's name or home address as given in the register.

(2) The Registrar shall amend the register, so far as may be necessary—

- (a) in consequence of any notification under paragraph (1);
- (b) to give effect to any order made by a Practice Committee under Part V of the Order;
- (c) to give effect to any decision on appeal under article 37 or 38 of the Order; and
- (d) to reflect any other information which comes to the attention of the Registrar and which in the Registrar's opinion requires such an amendment to be made in order to maintain the register's accuracy.

(3) Before making any amendment under paragraph (2)(a) or (d) the Registrar may make such further enquiries or require such further evidence from the registrant concerned as appears to the Registrar to be appropriate.

Registration period

10.—(1) A person's registration period is to be determined in accordance with this rule.

...¹⁸

(3) A person's¹⁹ first registration period shall begin on the day on which he is first registered in respect of the profession concerned and shall end on the next occurrence of²⁰ the date shown in column 2 of Schedule 5 opposite the part of the register shown in column 1 of Schedule 5 in which he is registered.

(4) In respect of any registrant, subject to paragraph (5), a registration period subsequent to the first registration period ...²¹ shall begin on the day after the previous registration period ends and shall end on the next occurrence of the date shown in column 2 of Schedule 5 opposite the part of the register shown in column 1 of Schedule 5 in which he is registered.²²

(5) If a person's name is removed from the register and he is thereafter readmitted or restored to the register, his registration period shall begin on the day on which he is readmitted or restored and shall end on the next occurrence of²³ the date shown in column 2 of Schedule 5 opposite the part of the register shown in column 1 of Schedule 5 in which he is registered.

Renewal of registration

11.—(1) Not less than 42 days before his registration ends, the Committee shall send to a registrant a notice (a registration renewal notice)—

- (a) inviting the registrant to submit an application for the renewal of his registration;
- (b) specifying the renewal fee prescribed in rule 15, and

- (c) warning the registrant that he is liable to be removed from the register unless his completed application and the renewal fee is received by the Committee on, or before, the date specified in that notice.

(2) An application referred to in paragraph (1)(a) may either be—

- (a) a written one, in the form determined by the Council and containing the declaration and information listed in Schedule 2; or
- (b) an electronic one, in the manner and form required by the Registrar which includes the declaration and information which would be required if the application were a written one.

(3) If both the registrant's application for the renewal of his registration and the renewal fee are not received by the Committee by the date specified in the registration renewal notice, the Committee shall send a notice to the registrant warning him that unless both his application and the renewal fee are received within the relevant period, his name may be removed from the register.

(4) The "relevant period" is a period of 14 days beginning with the day on which a warning notice is sent to the registrant.

(5) Where both the registrant's application for the renewal of his registration and the renewal fee are not received within the relevant period, the Committee may direct the Registrar to remove the registrant from the register from the later of—

- (a) the day on which that period expires, and
- (b) the day on which the registrant's registration would otherwise expire.

(6) Any notice given by the Committee to a registrant under this rule may—

- (a) be sent by post to the home address of the registrant as it appears in the register and shall be treated as sent at the time of its posting; or
- (b) where the registrant has given a written statement to the Registrar consenting to receive any such notice in an electronic form, it may be sent to the electronic address specified in that statement or in any superseding statement.²⁴

Continuing professional development

11A.—(1) A registrant must—

- (a) undertake continuing professional development in accordance with the standards specified by the Council under article 19(4)(a) of the Order and which apply to him; and
- (b) maintain an up to date record (including any supporting documents or other evidence) of the continuing professional development he has undertaken.

- (2) The Committee may at any time send a notice to a registrant requiring him to—
- (a) submit his continuing professional development record for inspection; and
 - (b) provide the Committee with such other evidence as it may reasonably require,

within such time period as the Committee may specify in the notice (which shall be at least 21 days beginning with the day on which the notice was sent), for the purpose of determining whether the registrant²⁵ has met the requirements of paragraph (1).

(3) Where, from the information supplied by the registrant in accordance with paragraph (2), the Committee is not satisfied that he has complied with a requirement imposed by paragraph (1)(a) or (b), the Committee shall send the registrant a notice—

- (a) providing a statement of the reasons why the Committee is not satisfied that the registrant has complied with the requirement; and
- (b) inviting the registrant to submit his observations on the matter by the date specified in the notice, which shall be at least 14 days after the date on which the notice was sent.

(4) If, after considering any observations, the Committee is of the view that the registrant has not complied with a requirement imposed by paragraph (1)(a) or (b), the Committee may instruct the Registrar to remove the name of the registrant from the register.

(5) If a registrant fails to respond to a notice sent to him by the Committee under paragraph (2) within the period specified in the notice, the Committee shall send him a further notice warning that, if he does not respond to the original notice before the end of the period of 14 days beginning with the day on which the further notice was sent, his name may be removed from the register.

(6) If a registrant does not respond by the date specified in the notice under paragraph (2) or the further notice under paragraph (5), then the Committee may instruct the Registrar to remove the name of the registrant from the register.²⁶

Cessation of appropriate cover under an indemnity arrangement

11B. A registrant must notify the Registrar in writing immediately if for any reason the registrant ceases, or will cease, to have in force in relation to the registrant for the purpose of complying with article 11A of the Order, appropriate cover under an indemnity arrangement.²⁷

Information required on indemnity arrangements

11C.—(1) The Registrar may in accordance with paragraph (2) serve notice on a registrant to provide information to the Registrar for the purposes of determining whether, at any time, there is in force in relation to the registrant an indemnity arrangement which provides appropriate cover for the purpose of complying with article 11A of the Order.

(2) That notice must specify—

- (a) the information or evidence required to determine that the registrant has in force in relation to that registrant, an indemnity arrangement which provides appropriate cover for the purpose of complying with article 11A of the Order;
- (b) such other information as the Registrar may reasonably require for the purpose of determining whether the registrant's indemnity arrangement provides appropriate cover; and
- (c) the time period for complying with the notice, which shall not be less than seven days beginning with the day on which the notice was sent.

(3) The Registrar may remove the registrant from the register where—

- (a) having considered any evidence or information provided in response to a notice under paragraph (2), the Registrar is not satisfied that a registrant has an indemnity arrangement which provides appropriate cover; or
- (b) registrant fails to comply with a notice served under paragraph (2) within the period specified in the notice.

(4)...²⁸

Application for removal from the register

12.—(1) Without prejudice to any other power of the Registrar to remove a registrant's name from the register, the Registrar may remove the name of a registrant from the register upon written application made by or on behalf of that registrant.

(2) An application for the removal of a name from the register shall be made in writing and shall be accompanied by a declaration that the registrant concerned is not aware of any matter which could give rise to an allegation against him under article 22 of the Order.

(3) The Registrar may not remove the name of a registrant from the register under this rule if the registrant is subject to any allegation, investigation, proceedings or order of a kind mentioned in rule 13(5).

Lapse of registration

13.—(1) Where in accordance with article 10(3) of the Order, the Committee renews a registrant's registration subject to a condition that he satisfies a specified requirement of article 10(2)(b) or (c) of the Order within a specified time, the Committee shall inform the registrant at the time it renews his registration that he must, before the expiry of the specified time, confirm in writing that he has complied with the condition and provide evidence which satisfies the Committee that he has done so.

- (2) If, by the expiry of the specified time, the Committee—
- (a) does not receive the written confirmation and evidence; or
 - (b) is not satisfied that the registrant has complied with the condition,

it shall send a notice to the registrant stating that, unless before the end of the period of 14 days beginning with the day on which the Committee sent the notice he provides the confirmation and evidence that he has complied with the condition his name will be removed from the register.

(3) If the written confirmation and evidence are not received or the Committee is not satisfied that the registrant has complied with the specified condition within the specified time, the Committee shall instruct the Registrar to remove the registrant's name from the register.

(4) Where the Committee instructs the Registrar to remove a registrant's name from the register in accordance with paragraph (3) the Committee shall send him a notice informing him of that fact and advising him of his right of appeal under article 37 of the Order.

(5) A person's registration shall not lapse and his name shall not be removed from the register under article 10(3) or 11 of the Order if that person—

- (a) is the subject of an allegation under article 22(1) of the Order (or is treated as if he were the subject of an allegation under article 22(6) of the Order) or is the subject of any investigation or proceedings under Part V or VI of the Order, on the grounds only that he has not paid the prescribed fee or has failed to apply for renewal in the prescribed form or within the prescribed time; or
- (b) is the subject of a suspension order, conditions of practice order, interim suspension order or interim conditions of practice order.

Registration fee

14. The fee to be charged for registration following an application for registration is—

- (a) in respect of the first registration period (as determined in accordance with rule 10(3)), where the applicant applies less than two years after the date on which he was first awarded an approved qualification, £116.36; and
- (b) in all other cases, £232.72.²⁹

Renewal fee

15. The fee to be charged for renewal of registration is £232.72.³⁰

Readmission fee

15A. The fee to be charged for readmission to the register is £174.54³¹ plus the registration fee prescribed by rule 14(b)³².

Restoration fee

16. The fee to be charged for restoring an entry in the register is £174.54³³ plus the registration fee prescribed by rule 14(b)³⁴.

Reduced Fees

16A.—(1) A person whose registration period, as determined in accordance with rule 10(3) or (5), is not more than one year shall only be liable to pay half the registration fee or renewal fee³⁵ which he would otherwise be liable to pay under rule 14, 15, 15A or 16³⁶ in respect of that registration period.

(2) The Council may—

- (a) waive payment of or reduce any fee or part of a fee otherwise payable under these Rules; or
- (b) refund the whole or part of any fee paid under these Rules.³⁷

Scrutiny fees

17.—(1) The fee to be charged for scrutinising an application for registration where the applicant is relying on article 12(1)(a) of the Order is £81.45.³⁸

(2) The fee to be charged for scrutinising an application for registration where the applicant is relying on article 12(1)(c)³⁹ of the Order, or is seeking to be treated as satisfying the requirements of article 9(2)(a) by virtue of article 13 of the Order, is £639.98.⁴⁰

(3) The appropriate scrutiny fee shall be paid at the time an application for registration to which it applies is made.⁴¹

Payment of fees

18.—(1) Subject to paragraph (2) the Registrar shall not include a person's name in the register on an application for registration, readmission or restoration or, except as provided in rule 11, renew an entry in the register relating to any person, unless he has paid the prescribed registration fee, readmission fee, restoration fee or renewal fee.

(2) A person may, with the agreement of the Registrar, elect to pay any registration fee⁴² or renewal fee in⁴³ instalments by direct debit and in that event—

- (a) the Registrar may make, renew or restore a register entry once the first instalment of that fee has been paid by direct debit; and
- (b) references in these Rules to an application being accompanied by any such fee shall be construed as if they were references to the application being accompanied by a direct debit mandate in respect of those fees.

(3) Where—

- (a) it has been agreed in accordance with paragraph (2) that any fee is to be paid in instalments by direct debit; and
- (b) following the payment of the first instalment and the making, renewal or restoration of a register entry, a subsequent payment is not made by the date on which it is due,

the Registrar shall send a notice to the registrant stating that, if payment is not received within 14 days (beginning with the day on which the Registrar sent the notice) the registrant's name may be removed from the register, and if no such payment is made, the Registrar may remove the registrant's name from the register.

(4) A person who satisfies the Council that he has retired from the practice of his profession, leaving unused his registration for a complete year of a registration period, shall, on written application to the Council, be given a refund of half the fee paid by him in respect of that registration period.

SCHEDULE 1
APPLICATION FOR ADMISSION TO A PART OF THE REGISTER

The following information shall be provided by an applicant to the Council:

- (a) his full name;
- (b) his former name (if any);
- (c) his date of birth;
- (d) his nationality;
- (da) confirmation that there is in force in relation to the applicant, or will be as necessary for the purpose of complying with article 11A of the Order, appropriate cover under an indemnity arrangement;⁴⁴
- (e) his home address;
- (f) his work address;
- (g) his telephone number;
- (h) his e-mail address;
- (i) the Part of the Register to which his application relates;
- (j) details of his education, training, experience and qualifications in reliance upon which the application is made;
- (k) whether he has previously been registered by the Council or another health or social care regulatory body, and if he has, details of such registration;
- (l) confirmation that he has not been convicted of, or cautioned for, any criminal offence or, if he has, details of the conviction or caution;
- (m) confirmation that he has not been disciplined by another health or social care regulatory body or, if he has, details of the disciplinary action;
- (n) a declaration by the applicant as to the applicant's⁴⁵ good character;⁴⁶
- (o) a declaration by the applicant that the applicant's physical and mental health do not impair the applicant's fitness to practise the profession to which the application relates.⁴⁷

SCHEDULE 2
APPLICATION FOR RENEWAL OF REGISTRATION

1. The following information shall be provided by a registrant to the Council:

- (a) his full name;
- (b) his home address;
- (c) his registration number;
- (d) the Part of the Register to which his application relates;
- (da) confirmation that there is in force in relation to the registrant, or will be as necessary for the purpose of complying with article 11A of the Order, appropriate cover under an indemnity arrangement;⁴⁸
- (e) confirmation that he has continued to practise his profession since his last registration;
- (f) confirmation that he continues to meet the Standards of Proficiency for his profession;
- (g) confirmation that he has met any continuing professional development requirements under article 19(1) of the Order that apply to him; and
- (h) a declaration by the registrant as to his good health and good character.

2. A registrant who is unable to comply with any of the provisions of paragraph 1 requiring him to provide a confirmation or declaration must send a letter to the Council, addressed to the Registrar, setting out the reasons why he is unable to comply.⁴⁹

SCHEDULE 3⁵⁰

SCHEDULE 4⁵¹

**SCHEDULE 5
REGISTRATION PERIOD**

Column 1	Column 2
Part of Register	End of Registration period
Arts Therapists: Music, Drama or Art	31st May in an even numbered year
Biomedical Scientists	30th November in an odd numbered year
Chiropodists and Podiatrists	31st July in an even numbered year
Clinical Scientists	30th September in an odd numbered year
Dietitians	30th June in an even numbered year
Hearing Aid Dispensers	31 st July in an even numbered year ⁵²
Occupational Therapists	31st October in an odd numbered year
Operating Department Practitioners	30th November in an even numbered year
Orthoptists	31st August in an odd numbered year
Paramedics	31st August in an odd numbered year
Physiotherapists	30th April in an even numbered year
Practitioner psychologists	31st May in an odd numbered year ⁵³
Prosthetists and Orthotists	30th September in an odd numbered year
Radiographers: Diagnostic or Therapeutic	28th February in an even numbered year
... ⁵⁴	... ⁵⁵
Speech and Language Therapists	30th September in an odd numbered year ⁵⁶

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- ¹ substituted, SI 2014/532, Sch., rule 2(2)
- ² by virtue of the Health and Social Care Act 2012 (Sch. 15, para. 53(1)), references to the Health Professions Council are to be read as if they were to the Health and Care Professions Council
- ³ substituted, SI 2014/532, Sch., rule 2(3)
- ⁴ deleted, SI 2019/593, Sch. 8, para 17(a)
- ⁵ *ibid*
- ⁶ deleted, SI 2007/3101, reg. 279(2)(c)
- ⁷ substituted, SI 2019/1094, Sch. 1, para 2(a)
- ⁸ amended, SI 2005/2114, Sch. 2, para 3
- ⁹ inserted, SI 2016/693, Sch., rule 2(2)
- ¹⁰ deleted, SI 2019/593, Sch. 8, para 17(b)
- ¹¹ deleted, SI 2019/593, Sch. 8, para 17(c)
- ¹² substituted, SI 2016/693, Sch., rule 2(3)
- ¹³ substituted, SI 2016/693, Sch., rule 2(4)(a)
- ¹⁴ substituted, SI 2016/693, Sch., rule 2(4)(b)
- ¹⁵ inserted, SI 2005/1625, Sch., rule 6(2)
- ¹⁶ deleted, SI 2019/593, Sch. 8, para 17(d)
- ¹⁷ substituted, SI 2015/1337, Sch., rule 2(2)
- ¹⁸ deleted, SI 2016/693, Sch., rule 2(5)(a)
- ¹⁹ substituted, SI 2016/693, Sch., rule 2(5)(b)
- ²⁰ substituted, SI 2004/2524, Sch., rule 3(2)(a)
- ²¹ deleted, SI 2004/2524, Sch., rule 3(2)(b)(i)
- ²² substituted, SI 2004/2524, Sch., rule 3(2)(b)(ii)
- ²³ substituted, SI 2004/2524, Sch., rule 3(2)(c)
- ²⁴ substituted, SI 2015/1337, Sch., rule 2(3)
- ²⁵ substituted, SI 2012/1479, Art. 4(5)
- ²⁶ inserted, SI 2005/1625, Sch., rule 6(4)
- ²⁷ inserted, SI 2015/93, Sch., rule 2(2)
- ²⁸ deleted, SI 2019/1094, Sch. 1, para 2(c)

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- ²⁹ substituted, SI 2023/995, Sch. 1, 2(2)
- ³⁰ substituted, SI 2023/995, Sch. 1, rule 2(3)
- ³¹ substituted, SI 2023/995, Sch. 1, rule 2(4)
- ³² substituted, SI 2016/693, Sch., rule 2(8)
- ³³ substituted, SI 2023/995, Sch. 1, rule 2(5)
- ³⁴ substituted, SI 2016/693, Sch., rule 2(9)
- ³⁵ substituted, SI 2014/532, Sch., rule 2(8)
- ³⁶ substituted, SI 2007/1280, Sch., rule 6
- ³⁷ inserted, SI 2004/2524, Sch., rule 3(3)
- ³⁸ substituted, SI 2023/995, Sch. 1, rule 2(6)(a)
- ³⁹ substituted, SI 2019/593, Sch. 8, para 17(e)
- ⁴⁰ substituted, SI 2023/995, Sch. 1, rule 2(6)(b)
- ⁴¹ substituted, SI 2007/1280, Sch., rule 7
- ⁴² deleted, SI 2015/93, Sch., rule 2(9)(a)
- ⁴³ deleted, SI 2015/93, Sch., rule 2(9)(b)
- ⁴⁴ inserted, SI 2014/1479, Art. 21
- ⁴⁵ substituted, SI 2011/210, Sch., rule 2(4)(a)
- ⁴⁶ substituted, SI 2005/1625, Sch., rule 6(5), Sch 1
- ⁴⁷ inserted, SI 2011/210, Sch., rule 2(4)(b)
- ⁴⁸ inserted, SI 2014/1479, Art. 22
- ⁴⁹ substituted, SI 2005/1625, Sch., rule 6(6), Sch 2
- ⁵⁰ deleted, SI 2016/693, Sch., rule 2(10)
- ⁵¹ deleted, SI 2011/210, Sch., rule 2(5)
- ⁵² Inserted, SI 2004/2524, Sch., rule 2(4)
- ⁵³ Inserted, SI 2009/1355, Sch., rule 9(d)
- ⁵⁴ deleted, SI 2019/1094, Sch. 1, para 2(d)(i)
- ⁵⁵ deleted, SI 2019/1094, Sch. 1, para 2(d)(ii)
- ⁵⁶ substituted, SI 2004/2524, Sch., rule 3(6)

Consolidated Fitness to Practise Rules

- (1) Health and Care Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009;**
- (2) Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003;**
- (3) Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003;**
- (4) Health and Care Professions Council (Health Committee) (Procedure) Rules 2003.**

(SI 2009/1355 and SI 2003/1574 to 1576)

incorporating revocations and amendments made up to

1 December 2023

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The Health Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009

The Health and Care Professions Council¹ makes the following Rules in exercise of the powers conferred by articles 7(1) and (2), 9(2)(c), 26(3), 32 and 37(4) of, and paragraph 18(1) and (2) of Schedule 1 to, the Health Professions Order 2001, having consulted in accordance with articles 7(3) and 41(3) of that Order.

PART 1: INTRODUCTORY

Citation and commencement

1. These Rules may be cited as the Health Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009² and—

- (a) ...³ come into force on 1st July 2009;
- (b) ...⁴

Interpretation

2. In these Rules—

“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;

“lay member” means a member who—

- (a) is not and never has been—
 - (i) a registrant (other than a person who was registered in that part of the register which related to the social work profession in England),⁵
 - (ii) registered under the 1960 Act,
 - (iii) registered in the AODP register, the AEP register or the BPS register;
 - (iv) ...⁶

- (b) does not hold a qualification that would entitle them to apply for registration under the Order;

“licensing body” means—

- (a) any body, other than the Council, anywhere in the world that licenses or regulates any profession;
- (b) the Council for the Professions Supplementary to Medicine, prior to its abolition by virtue of the Order;

“member”, unless the context otherwise requires, means a member of a Practice Committee and includes the chair, a deputy chair or a panel chair;

“the Order” means the Health Professions Order 2001;⁷

“spent conviction” means—

- (a) in relation to a conviction in a court in Great Britain, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974; or
- (b) in relation to a conviction by a court in Northern Ireland, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978.

PART 2: PRACTICE COMMITTEES

The Practice Committees

3.—(1) Each Practice Committee shall consist of not more than 350 persons, appointed by the Council, none of whom is a member of the Council.

(2) Members of a Practice Committee may only participate in the proceedings of the committee that they are invited to participate in by the Registrar or by a person authorised by the Registrar to invite them.

(3) The panel of members invited to participate in any proceedings of a Practice Committee in accordance with paragraph (2) may, at those proceedings, perform any function of that Practice Committee that it is reasonable for them to perform.

(4) The Council shall determine the duration of the term of office of members of the Practice Committees on their appointment.

(5) No person may be a member of one or more Practice Committees for more than an aggregate of 8 years during any period of 20 years but, for the purpose of computing that

aggregate, any service as a member of a Practice Committee prior to 1st July 2007 is to be discounted.

(6) The quorum for a Practice Committee (that is, for a panel of members invited in accordance with paragraph (2)) is 3, of whom at least one must be—

- (a) a registrant from the same part of the register as any registrant who is the subject of the proceedings;
- (b) a lay member; and
- (c) a panel chair (who may also count as the registrant or lay member mentioned in subparagraphs (a) and (b)).

Chairing of the Practice Committees

4.—(1) The Council shall appoint, from among the members of each of the Practice Committees, persons to chair proceedings of the committee of which they are a member (“panel chairs”).

(2) Of those persons, the Council shall designate one panel chair of each Practice Committee to act as the chair of that committee for a period determined by the Council on designation.

(3) If the Registrar or the person duly authorised on the Registrar’s behalf (“the inviter”) does not invite the chair to participate in particular proceedings of the Practice Committee—

- (a) the inviter must invite another panel chair to those proceedings; and
- (b) subject to paragraph (4), that panel chair shall chair the proceedings in place of the chair of the committee.

(4) If at any proceedings of a Practice Committee, the panel chair invited to chair the proceedings is absent, the members of the committee at that meeting may nominate one of their number from amongst the members who are present to chair the proceedings.

(5) A person serving as a chair or panel chair of a Practice Committee shall cease to be a chair or panel chair—

- (a) if the member ceases to be a member of the Practice Committee in question;
- (b) if the member resigns as a chair or panel chair (or both), which they may do at any time by a notice in writing to the Council; or
- (c) if the Council votes to terminate the member’s appointment as a chair or panel chair (or both).

Validity of panel proceedings

5.—(1) The validity of any Practice Committee proceedings is not affected by—

- (a) a member whom the Council must remove from the committee under rule 7(1)(b) to (f) participating in the proceedings;
- (b) a member whom the Council has removed under rule 7(1) having participated in the proceedings; or
- (c) a member who has been suspended by the Council under rule 8(1) or (2) having participated in the proceedings.

(2) Notwithstanding paragraph (1)(a), a member whom the Council must remove from a committee under rule 7(1)(b) to (f) is not entitled to participate in proceedings of the committee, pending the member's removal from the committee by the Council.

PART 3: DISQUALIFICATION, TERMINATION AND SUSPENSION OF MEMBERS

Disqualification from appointment

6. A person is disqualified from appointment as a member if that person—

- (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
- (b) has at any time been convicted of an offence in the United Kingdom, and—
 - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
 - (ii) the conviction is not a spent conviction;
- (c) 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, the Charity Commission for Northern Ireland 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 (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 (powers of the Court of Session), from being concerned with the management or control of any body;
- (d) 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;
- (e) has at any time been adjudged bankrupt or sequestration of the person's 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 or Schedule 2A of the Insolvency (Northern Ireland) Order 1989 (which relate to bankruptcy restriction orders and undertakings);
- (f) 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;
- (g) is subject to—
 - (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
 - (ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989 (company directors disqualification),
 - (iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002, or
 - (iv) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of a county court administration order);
- (h) has been included by—
 - (i) the Disclosure and Barring Service⁸ in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007), 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);
- (i) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by any licensing body, the final outcome of which was—
 - (i) 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,
 - (ii) the person's suspension from a register held by the licensing body, and that suspension has not been terminated, 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;
- (j) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by the Council, in the course of which or where the final outcome was that—
 - (i) the person was removed from or struck off the register (for a reason connected to the person's fitness to practise),
 - (ii) the person's registration in the register was suspended (including by an interim suspension order) and that suspension has not been terminated,
 - (iii) the person's registration in the register was made conditional upon their compliance with any requirement (including an interim conditions of practice order) and that requirement has not been lifted, or
 - (iv) the person's registration in the register was annotated by virtue of a caution order and that order is still in force;
- (k) 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, the final outcome of which was the removal of the person's entry in the register;
- (l) is or has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by—
 - (i) any licensing body, or
 - (ii) the Council,

and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registrants; or

- (m) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registrants.

Termination of committee membership

7.—(1) A member shall be removed from office by the Council, 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 member who is—
 - (i) a registrant, that member's registration lapses, or
 - (ii) a lay member, that member no longer satisfies the criteria for being a lay member (which are in the definition of "lay member" in rule 2);
- (c) the member becomes a person of the type mentioned in rule 6(a), (b) or (e) to (h), whether or not they thereafter cease to be such a person;
- (d) the member becomes a person of the type mentioned in rule 6(c) or (d);
- (e) in the case of a registrant, the member becomes the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, in the course of which or as a result of which—
 - (i) the member is struck off the register,
 - (ii) the member's registration in the register is suspended,
 - (iii) the member's registration in the register is made conditional upon the member's compliance with any requirement, or
 - (iv) the person's registration in the register is annotated by virtue of a caution order,

and the proceedings relating to that particular sanction have reached their final outcome;
- (f) in the case of a registrant, 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) the Council is satisfied that the member's level of attendance at meetings of the committee falls below a minimum level of attendance acceptable to the Council, having regard to—
 - (i) any recommended minimum levels of attendance that the Council has set in its standing orders, and
 - (ii) whether or not there were reasonable causes for the member's absences;
- (h) the Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council has included in its standing orders;
- (i) the Council is satisfied that the member is no longer able to perform their duties as a member of the committee because of adverse physical or mental health;
- (j) the Council is satisfied that the member's continued membership of the committee would be liable to undermine public confidence in the regulation of registrants.

(2) A member who becomes, or may become, a person to whom paragraph (1)(b) to (f) 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 notify the Council if they are of the view that the Council may need to exercise its functions under paragraph (1).

Suspension of committee membership

8.—(1) The Council may suspend a member from office 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 7(1)(b)(ii) 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 7(1)(g) to (j);
- (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 committee while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

- (d) if the member is the subject of 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 committee 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 United Kingdom 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 United Kingdom, 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 or detention, and
 - (ii) the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the committee while the investigation or proceedings is or are ongoing.

(2) The Council shall suspend a member from office by notice in writing served on the member if the member is the subject of an order under article 31 of the Order (interim orders by a Practice Committee).

(3) The notice in writing under paragraph (1) or (2) 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 6 months.

(4) 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 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(5) Following a review, the Council may—

- (a) terminate the suspension; or

- (b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(6) 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.

The Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003

The Health and Care Professions Council⁹, in exercise of its powers under articles 22(4), 26(2), (3) and 41(2) of and paragraph 18 of Schedule 1 to the Health Professions Order 2001 and of all other powers enabling it in that behalf and after consulting in accordance with article 41(3) of that Order, hereby makes the following rules:

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003¹⁰ and shall come into force on 9th July 2003.

Interpretation

2. In these Rules—

"allegation" means any allegation of a kind mentioned in article 22(1) of the Order or any matter which is treated as an allegation by virtue of action taken under article 22(6) of the Order;

"Chair" means the panel chair of any panel performing the functions of the Committee;¹¹

"Committee" means the Investigating Committee of the Council;

"complainant" means a person by whom an allegation has been made to the Council;

...¹²

"legal assessor" means a person appointed in accordance with article 34(1) of the Order;¹³

"the Order" means the Health Professions Order 2001;¹⁴

"Presenting Officer" means a person appointed by—

- (a) the Council to present the case on its behalf at any hearing before the Committee which relates to an allegation against a registrant;¹⁵ or
- (b) the Registrar to represent him at any hearing before the Committee which relates to a register entry allegation against a registrant;¹⁶

and may include a solicitor or counsel;¹⁷

"register entry allegation" means an allegation of the kind mentioned in article 22(1)(b) of the Order or any matter which is treated as such an allegation by virtue of action taken under article 22(6) of the Order;

"registrant" means a person whose name appears in the register against whom an allegation has been made, and includes a person whose registration is currently suspended;¹⁸

....¹⁹

"standards of conduct, performance and ethics" means the standards of conduct, performance and ethics established by the Council under article 21(1)(a) of the Order.

Service of Documents

3.—(1) In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar-
 - (i) sent by post to or left at the offices of the Council, or
 - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;
- (b) in the case of a registrant-
 - (i) sent by post to or left at the registrant's address as it appears in the register, or
 - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications; and
- (c) in any other case-
 - (i) sent by post to or left at the last known address of that person, or
 - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.²⁰

3A. Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.²¹

Investigation of allegations

4.—(1) Where an allegation is referred to the Committee it shall, at the same time that it sends the notice referred to in article 26(2)(a) of the Order to the registrant,²² provide him with a copy of the standards of conduct, performance and ethics.

(2) Any written representations to be submitted to the Committee under article 26(2)(a) of the Order shall be sent before the end of the period of 28 days beginning with the date on which the notice referred to in that article is sent to the registrant.²³

(3) In considering an allegation the Committee may seek such advice or assistance as it sees fit but may not—

- (a) interview the registrant²⁴ unless he consents; or
- (b) take account of any document or other material which the registrant²⁵ has not had the opportunity to comment upon.

(4) Where the Committee has found that the registrant²⁶ has failed to comply with the standards of conduct, performance and ethics, the Committee may take that failure into account in its consideration of an allegation but such failure shall not be taken of itself to establish that the fitness to practise of the registrant²⁷ is impaired.

(5) Subject to rule 8, the Committee shall meet in private to consider an allegation other than a register entry allegation.

(6) Subject to paragraph (7), in determining whether there is a case to answer the Committee may take account of any other allegation made against the registrant²⁸ within a period of three years ending on the date upon which the present allegation was received by the Council.

(7) An earlier allegation in respect of which a Practice Committee previously determined that there was no case to answer may only be taken into account in accordance with paragraph (6) if, when the registrant²⁹ is notified that no further action is to be taken in connection with the earlier allegation, the notification contains a statement that the case may be taken into account in the consideration of any subsequent allegation.

(8) The Committee may consider and determine together—

- (a) two or more allegations against the same registrant;³⁰ or
- (b) allegations against two or more registrant,³¹

where it would be just to do so.³²

Notice of register entry allegation

5. Where the Council refers a register entry allegation to the Committee the Council shall send notice of the allegation to—

- (a) where known, the employer of the registrant³³ or any other person with whom he has an arrangement to provide professional services;
- (b) where known, any other body by which the registrant³⁴ is authorised to practise a health or social care profession; and
- (c) the Secretary of State, the Scottish Ministers, Senedd Cymru³⁵ and the Department of Health, Social Services and Public Safety in Northern Ireland.

Register entry allegations: Procedure

6.—(1) Where a register entry allegation is referred to the Committee it shall, in addition to the notice referred to in rule 4(1), send a notice to the registrant—³⁶

- (a) informing him:
 - (i) that he may, before the end of the period of 28 days beginning with the date on which the notice is sent, request that a hearing be held, and
 - (ii) that, even if he does not request a hearing, the Committee may hold a hearing if it considers it to be desirable; and
- (b) informing him of his right to be heard, and to be represented, at such a hearing.

(2) The Registrar may, and at the direction of the Committee shall, be a party to any proceedings.

(3) If the registrant³⁷ has requested that a hearing be held or the Committee determines that it would be desirable to hold a hearing the Committee shall fix a day on which it is to hear the case and send the parties notice of the day, time and venue for the hearing.

(4) The Committee shall not fix a date for the hearing which is before the end of the period of 28 days beginning with the day on which the Committee sent the notice referred to in paragraph (3) to the registrant³⁸.

(5) A registrant³⁹ may be represented in any proceedings by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

(6) The Committee may invite any person who, in its opinion, has an interest in the proceedings to submit written representations and any such representations shall be sent to

the Committee before the end of the period of 14 days beginning with the date on which the invitation is sent to that person.

(7) The Committee may consider and determine together—

- (a) two or more register entry allegations against the same registrant;⁴⁰ or
- (b) register entry allegations against two or more registrants,⁴¹

where it would be just to do so.⁴²

Preliminary meetings

7.—(1) The Committee or the Chair⁴³ may hold a preliminary meeting in private with the parties, their representatives and any other person the Committee or the Chair considers appropriate⁴⁴ if such a meeting would, in the opinion of the Committee or the Chair⁴⁵, assist the Committee to perform its functions.

(2) At any meeting which he conducts under paragraph (1) the Chair⁴⁶ may give directions under article 32(3) of the Order and, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.

Conduct of hearing

8.—(1) At any hearing in respect of a register entry allegation—

- (a) the proceedings shall be held in public unless the Committee is satisfied that, in the interests of justice or for the protection of the private life of the registrant⁴⁷, the complainant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing;
- (b) subject to sub-paragraph (c) the rules on the admissibility of evidence that apply in civil proceedings in the appropriate court in that part of the United Kingdom in which the hearing takes place shall apply;
- (c) the Committee may hear or receive evidence which would not be admissible in such proceedings if it is satisfied that admission of that evidence is necessary in order to protect members of the public;
- (d) where the registrant⁴⁸ has been convicted of a criminal offence, a certified copy of the certificate of conviction (or, in Scotland, an extract conviction) shall be admissible as proof of that conviction and of the findings of fact upon which it was based;
- (e) the Committee may require evidence to be given on oath or affirmation and for that purpose may administer oaths or affirmations in an appropriate form;

- (f) the Committee may adjourn the proceedings from time to time as it thinks fit; and
- (g) the Committee may exclude from the hearing any person whose conduct, in its opinion, is likely to disrupt the orderly conduct of the proceedings.⁴⁹

(2) In paragraph (1)(b) the "appropriate court" means—

- (a) the Court of Session in Scotland;
- (b) the High Court of Justice in Northern Ireland; and
- (c) the High Court of Justice in England and Wales.

(3) The Committee may require any person (other than the registrant)⁵⁰ to attend a hearing and give evidence or produce documents.

(4) At the beginning of any hearing the Chair⁵¹ shall explain to the parties the order of proceedings which the Committee proposes to adopt and, unless the Committee determines otherwise, the parties shall be heard in the following order—

- (a) the Chair⁵² shall invite the Presenting Officer⁵³ to present the case against the registrant⁵⁴ and to adduce the evidence in support of that case;
- (b) any witness called by the Presenting Officer⁵⁵ shall be examined by him, may be cross-examined by the registrant⁵⁶ or his representative, may be re-examined by the Presenting Officer⁵⁷ and may be questioned by the Committee;
- (c) at the conclusion of the case against the registrant⁵⁸ the Chair⁵⁹ shall invite the registrant⁶⁰ or his representative to address the Committee and to adduce evidence as to the registrant's⁶¹ fitness to practise;
- (d) any witness called by the registrant⁶² shall be examined by him or his representative, may be cross-examined by the Presenting Officer⁶³, may be re-examined by the registrant⁶⁴ or his representative and may be questioned by the Committee;
- (e) the Chair⁶⁵ shall invite the Presenting Officer⁶⁶ to address the Committee again;
- (f) the registrant⁶⁷ or his representative may then address the Committee for a second time.

Vulnerable witnesses

8A.—(1) In proceedings before the Committee, the following may, if the quality of their evidence is likely to be adversely affected as a result, be treated as a vulnerable witness—

- (a) any witness under the age of 17 at the time of the hearing;

- (b) any witness with a mental disorder within the meaning of the Mental Health Act 1983;
- (c) any witness who is significantly impaired in relation to intelligence and social functioning;
- (d) any witness with physical disabilities who requires assistance to give evidence;
- (e) any witness, where the allegation against the practitioner is of a sexual nature and the witness was the alleged victim; and
- (f) any witness who complains of intimidation.

(2) Subject to any representations from the parties and the advice of the Legal Assessor, the Committee may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness.

(3) Measures adopted by the Committee may include, but shall not be limited to—

- (a) use of video conferencing facilities⁶⁸;
- (b) use of pre-recorded evidence as the evidence-in-chief of a witness, provided that the witness is available at the hearing for cross-examination and questioning by the Committee;
- (c) use of interpreters (including signers and translators) or intermediaries;
- (d) use of screens or such other measures as the Committee consider necessary in the circumstances, in order to prevent—
 - (i) the identity of the witness being revealed to the press or the general public; or
 - (ii) access to the witness by the registrant⁶⁹; and
- (e) the hearing of evidence by the Committee in private.

(4) Where—

- (a) the allegation against a registrant⁷⁰ is based on facts which are sexual in nature;
- (b) a witness is an alleged victim; and
- (c) the registrant⁷¹ is acting in person,

the registrant⁷² shall only be allowed to cross-examine the witness in person with the written consent of the witness.

(5) If, in the circumstances set out in paragraph (4) a witness does not provide written consent, the registrant⁷³ shall, not less than seven days before the hearing, appoint a legally qualified person to cross-examine the witness on his behalf and, in default, the Council shall appoint such a person on behalf of the registrant.⁷⁴

Meetings and hearings⁷⁵

8B.—(1) The Chair, in the case of a preliminary meeting, and the Committee, in the case of a hearing, may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.

Absence of the registrant⁷⁶

9. Where the registrant⁷⁷ is neither present nor represented at a hearing in respect of a register entry allegation, the Committee may nevertheless proceed with the hearing if it is satisfied that all reasonable steps have been taken to serve the notice of the hearing under rule 6(3) on the registrant⁷⁸.

Extension of time limits

10. The time for—

- (a) requesting that a hearing be held specified in rule 6(1)(a); or
- (b) sending written representations specified in rule 4(2) or 6(6),

may be extended by the Chair where the Chair⁷⁹ is satisfied that in all the circumstances it is reasonable to do so.

The Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003

The Health and Care Professions Council⁸⁰, in exercise of its powers under articles 22(4), 30(9), 32, 33(4) and 41(2) of and paragraph 18 of Schedule 1 to the Health Professions Order 2001 and of all other powers enabling it in that behalf and after consulting in accordance with article 41(3) of that Order, hereby makes the following rules:

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003⁸¹ and shall come into force on 9th July 2003.

Interpretation

2. In these Rules—

"allegation" means any allegation of a kind mentioned in article 22(1)(a) of the Order or any matter which is treated as an allegation by virtue of action taken under article 22(6) of the Order;

"Chair" means the panel chair of any panel of members performing the functions of the Committee;⁸²

"Committee" means the Conduct and Competence Committee of the Council;

"complainant" means a person by whom an allegation has been made to the Council;

"Health Committee" shall be construed in accordance with article 3(9) of the Order;

...⁸³

"legal assessor" means a person appointed in accordance with article 34(1) of the Order;⁸⁴

"the Order" means the Health Professions Order 2001;⁸⁵

"Presenting Officer" means a person appointed by the Council to present the case on its behalf at any hearing before the Committee which relates to an allegation against a registrant⁸⁶ and may include a solicitor or counsel.⁸⁷

"registrant" means a person whose name appears in the register against whom an allegation has been made, and includes a person whose registration is currently suspended.⁸⁸

...⁸⁹

Service of Documents

3.—(1) In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar-
 - (i) sent by post to or left at the offices of the Council, or
 - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;
- (b) in the case of a registrant-
 - (i) sent by post to or left at the registrant’s address as it appears in the register, or
 - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications; and
- (c) in any other case-
 - (i) sent by post to or left at the last known address of that person, or
 - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.⁹⁰

3A. Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.⁹¹

Referral to Health Committee

4.—(1) Where it appears to the Committee that an allegation which it is considering would be better dealt with by the Health Committee, the Committee may refer the allegation to the Health Committee for consideration and shall suspend its consideration of the allegation.

(2) If, following a referral under this rule, the Health Committee certifies to the Committee that the fitness to practise of the registrant⁹² is not impaired by reason of his physical or mental health the Committee shall resume and conclude its consideration of the allegation.

(3) If, following a referral under this rule, the Health Committee certifies to the Committee that it has dealt with the allegation and that no further action by the Committee is required in relation to the allegation the Committee shall take no further action in relation to the allegation.

Allegations

5.—(1) Where an allegation is referred to the Committee it shall without delay—

- (a) send to the registrant⁹³ a notice setting out the allegation;
- (b) invite the registrant⁹⁴ to submit written representations to the Committee and inform him that any such representations must be sent to the Committee before the end of the period of 28 days beginning with the date on which the notice is sent;
- (c) inform the registrant:⁹⁵
 - (i) that he may, before the end of the period of 28 days beginning with the date on which the notice is sent, request that a hearing be held, and
 - (ii) that, even if he does not request a hearing, the Committee may hold a hearing if it considers it to be desirable; and
- (d) inform the registrant⁹⁶ of his right to be heard, and to be represented, at such a hearing.

(2) Where any written representations are made to the Committee under paragraph (1)(b) it may, if it sees fit, send a notice to the complainant notifying him of the representations and inviting him, before the end of the period of 14 days beginning with the date on which the invitation was sent, to deal with any points raised by the Committee in respect of those representations.

(3) The Council shall give notice of any allegation which is referred to the Committee to—

- (a) where known, the employer of the registrant⁹⁷ or any other person with whom he has an arrangement to provide professional services;
- (b) where known, any other body by which the registrant⁹⁸ is authorised to practise a health or social care profession; and
- (c) the Secretary of State, the Scottish Ministers, Senedd Cymru⁹⁹ and the Department of Health, Social Services and Public Safety in Northern Ireland.

(4) The Committee may consider and determine together—

- (a) two or more allegations against the same registrant;¹⁰⁰ or
- (b) allegations against two or more registrants,¹⁰¹

where it would be just to do so.¹⁰²

Hearings

6.—(1) If the registrant¹⁰³ has requested that a hearing be held or the Committee determines that it would be desirable to hold a hearing the Committee shall fix a day on which it is to hear the case and send the parties notice of the day, time and venue for the hearing.

(2) The Committee shall not fix a date for the hearing which is before the end of the period of 28 days beginning with the day on which the Committee sent the notice referred to in paragraph (1) to the registrant.¹⁰⁴

(3) A registrant¹⁰⁵ may be represented in any proceedings by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

Directions and Preliminary meetings

7.—(1) The Chair may give directions under article 32(3) of the Order.

(2) Where the Committee considers it would assist it to perform its functions, it may hold a preliminary meeting in private with the parties, their representatives and any other person it considers appropriate.

(3) Where the Chair considers it would assist the Committee to perform its functions, the Chair may hold a preliminary meeting in private with the parties, their representatives and any other person the Chair considers appropriate.

(4) At any meeting which the Chair conducts under paragraph (3) the Chair may, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.¹⁰⁶

Further investigations

8.—(1) Before holding any hearing the Committee may carry out such investigations or seek such advice or assistance as it sees fit and, in particular, may—

- (a) ask the registrant¹⁰⁷ to provide a written description of his practice;
- (b) inspect a sample of the registrant's¹⁰⁸ patient or client records;
- (c) invite the registrant¹⁰⁹ to take a test of competence; or
- (d) interview the complainant, the registrant¹¹⁰ and any person nominated by the registrant.¹¹¹

(2) For the purpose of paragraph (1)(b) the Committee may only inspect patient or client records with the consent of the patient or client concerned unless the records are provided in a form from which the patient or client cannot be identified.

(3) For the purpose of paragraph (1)(d) the Committee may only interview a person with his consent and a person who consents to be interviewed may be represented at that interview by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

(4) The Committee may invite any person who, in its opinion, has an interest in the proceedings to submit written representations and any such representations shall be sent to the Committee before the end of the period of 14 days beginning with the date on which the invitation is sent to that person.

(5) The Committee shall provide the registrant¹¹² with any information or opinion which the Committee has received and afford the registrant¹¹³ the opportunity to comment on that information or opinion either before or at any hearing conducted under rule 10.

Compliance with standards

9. Where the Committee has found that the registrant¹¹⁴ has failed to comply with the standards of conduct, performance and ethics established by the Council under article 21(1)(a) of the Order, the Committee may take that failure into account but such failure shall not be taken of itself to establish that the fitness to practise of the registrant¹¹⁵ is impaired.

Conduct of hearing

10.—(1) At any hearing—

- (a) the proceedings shall be held in public unless the Committee is satisfied that, in the interests of justice or for the protection of the private life of the registrant,¹¹⁶ the complainant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing;
- (b) subject to sub-paragraph (c) the rules on the admissibility of evidence that apply in civil proceedings in the appropriate court in that part of the United Kingdom in which the hearing takes place shall apply;
- (c) the Committee may hear or receive evidence which would not be admissible in such proceedings if it is satisfied that admission of that evidence is necessary in order to protect members of the public;
- (d) where the registrant¹¹⁷ has been convicted of a criminal offence, a certified copy of the certificate of conviction (or, in Scotland, an extract conviction) shall be admissible as proof of that conviction and of the findings of fact upon which it was based;

(da) ... ¹¹⁸

(db) ... ¹¹⁹

- (e) the Committee may require evidence to be given on oath or affirmation and for that purpose may administer oaths or affirmations in an appropriate form;
- (f) the Committee may adjourn the proceedings from time to time as it thinks fit; and
- (g) the Committee may exclude from the hearing any person whose conduct, in its opinion, is likely to disrupt the orderly conduct of the proceedings.¹²⁰

(2) In paragraph (1)(b) the "appropriate court" means—

- (a) the Court of Session in Scotland;
- (b) the High Court of Justice in Northern Ireland; and
- (c) the High Court of Justice in England and Wales.

(3) The Committee may require any person (other than the registrant)¹²¹ to attend a hearing and give evidence or produce documents.

(4) At the beginning of any hearing the Chair¹²² shall explain to the parties the order of proceedings which the Committee proposes to adopt and, unless the Committee determines otherwise, the parties shall be heard in the following order—

- (a) the Chair¹²³ shall invite the Presenting Officer¹²⁴ to present the case against the registrant¹²⁵ and to adduce the evidence in support of that case;
- (b) any witness called by the Presenting Officer¹²⁶ shall be examined by him, may be cross-examined by the registrant¹²⁷ or his representative, may be re-examined by the Presenting Officer¹²⁸ and may be questioned by the Committee;
- (c) at the conclusion of the case against the registrant¹²⁹ the Chair¹³⁰ shall invite the registrant¹³¹ or his representative to address the Committee and to adduce evidence as to the registrant's¹³² fitness to practise;
- (d) any witness called by the registrant¹³³ shall be examined by him or his representative, may be cross-examined by the Presenting Officer¹³⁴, may be re-examined by the registrant¹³⁵ or his representative and may be questioned by the Committee;
- (e) the Chair¹³⁶ shall invite the Presenting Officer¹³⁷ to address the Committee again;
- (f) the registrant¹³⁸ or his representative may then address the Committee for a second time.

Vulnerable witnesses

10A.—(1) In proceedings before the Committee, the following may, if the quality of their evidence is likely to be adversely affected as a result, be treated as a vulnerable witness—

- (a) any witness under the age of 17 at the time of the hearing;
- (b) any witness with a mental disorder within the meaning of the Mental Health Act 1983;
- (c) any witness who is significantly impaired in relation to intelligence and social functioning;
- (d) any witness with physical disabilities who requires assistance to give evidence;
- (e) any witness, where the allegation against the practitioner is of a sexual nature and the witness was the alleged victim; and
- (f) any witness who complains of intimidation.

(2) Subject to any representations from the parties and the advice of the Legal Assessor, the Committee may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness.

(3) Measures adopted by the Committee may include, but shall not be limited to—

- (a) use of video conferencing facilities¹³⁹ ;
- (b) use of pre-recorded evidence as the evidence-in-chief of a witness, provided that the witness is available at the hearing for cross-examination and questioning by the Committee;
- (c) use of interpreters (including signers and translators) or intermediaries;
- (d) use of screens or such other measures as the Committee consider necessary in the circumstances, in order to prevent—
 - (i) the identity of the witness being revealed to the press or the general public; or
 - (ii) access to the witness by the registrant;¹⁴⁰ and
- (e) the hearing of evidence by the Committee in private.

(4) Where—

- (a) the allegation against a registrant¹⁴¹ is based on facts which are sexual in nature;

- (b) a witness is an alleged victim; and
- (c) the registrant¹⁴² is acting in person,

the registrant¹⁴³ shall only be allowed to cross-examine the witness in person with the written consent of the witness.

(5) If, in the circumstances set out in paragraph (4) a witness does not provide written consent, the registrant¹⁴⁴ shall, not less than seven days before the hearing, appoint a legally qualified person to cross-examine the witness on his behalf and, in default, the Council shall appoint such a person on behalf of the registrant.^{145 146}

Meetings and hearings¹⁴⁷

10B.—(1) The Committee may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.

Absence of the registrant¹⁴⁸

11. Where the registrant¹⁴⁹ is neither present nor represented at a hearing, the Committee may nevertheless proceed with the hearing if it is satisfied that all reasonable steps have been taken to serve the notice of the hearing under rule 6(1) on the registrant.¹⁵⁰

Disposal of cases

12.—(1) Where the Committee concludes its consideration of an allegation it shall dispose of the case in accordance with article 29 of the Order.

(2) The Committee shall notify the registrant¹⁵¹ and the complainant of its decision and the reasons for reaching that decision and shall inform the registrant¹⁵² of his right of appeal.

Review of orders and applications for restoration to the register

13.—(1) Where the Committee proposes to—

- (a) review an order in accordance with article 30 of the Order; or
- (b) consider an application for restoration in accordance with article 33 of the Order,

it shall without delay send a notice to the relevant person informing him of his right to appear, and to be represented, before the Committee to argue his case.

(2) For the purposes of this rule "relevant person" means—

- (a) a person against whom an order has been made under article 29 of the Order and which may be reviewed under article 30 of the Order; or
- (b) a person applying under article 33 of the Order for restoration to the register.

(3) Where the relevant person, before the end of the period of 28 days beginning with the date on which the notice under paragraph (1) is sent, sends a notice to the Committee stating that he wishes to appear before it, the Committee shall fix a day on which it is to hear the case and send to the relevant person notice of the day, time and venue for the hearing.

(4) The Committee shall not fix a date for the hearing which is before the end of the period of 28 days beginning with the day on which the relevant person sends the notice referred to in paragraph (3) to the Committee.

(5) The relevant person may be represented in any proceedings by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

(6) The Committee may require any person (other than the relevant person) to attend and give evidence or produce documents at any hearing to be held under paragraph (3).

(7) The Committee may invite any person who, in its opinion, has an interest in the proceedings to submit written representations and any such representations shall be sent to the Committee before the end of the period of 14 days beginning with the date on which the invitation is sent to that person.

(8) The Committee or the Chair¹⁵³ may hold a preliminary meeting in private with the parties, their representatives and any other person the Committee or the Chair considers appropriate¹⁵⁴ if such a meeting would, in the opinion of the Committee or the Chair¹⁵⁵, assist the Committee to perform its functions.

(9) At any meeting which he conducts under paragraph (8) the Chair¹⁵⁶ may give directions under article 32(3) of the Order and, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.

(10) Subject to rule 10B¹⁵⁷, a hearing under paragraph (3) shall be conducted in accordance with rule 10 but, where the proceedings relate to an application made by the relevant person, the Committee shall adopt an order of proceedings which provides for that person to present his case first and for the Presenting Officer¹⁵⁸ to speak last.

(11) The Committee shall notify the relevant person of its decision and the reasons for reaching that decision and shall inform him of his right of appeal.

Extension of time limits

14. The time for—

- (a) requesting that a hearing be held specified in rule 5(1)(c);
- (b) a person giving notice that he wishes to appear before the Committee specified in rule 13(3);
- (c) sending written representations specified in:
 - (i) rule 5(1)(b),
 - (ii) rule 8(4),
 - (iii) rule 13(7); or
- (d) dealing with any points raised by the Committee in respect of any written representations mentioned in rule 5(2);

may be extended by the Chair where the Chair¹⁵⁹ is satisfied that in all the circumstances it is reasonable to do so.

The Health and Care Professions Council (Health Committee) (Procedure) Rules 2003

The Health and Care Professions Council,¹⁶⁰ in exercise of its powers under articles 22(4), 30(9), 32, 33(4) and 41(2) of and paragraph 18 of Schedule 1 to the Health Professions Order 2001 and of all other powers enabling it in that behalf and after consulting in accordance with article 41(3) of that Order, hereby makes the following rules:

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003¹⁶¹ and shall come into force on 9th July 2003.

Interpretation

2. In these Rules—

"allegation" means any allegation of a kind mentioned in article 22(1)(a) of the Order or any matter which is treated as an allegation by virtue of action taken under article 22(6) of the Order;

"Chair" means the panel chair of any panel of members performing the functions of the Committee;¹⁶²

"Committee" means the Health Committee of the Council;

"complainant" means a person by whom an allegation has been made to the Council;

"Conduct and Competence Committee" shall be construed in accordance with article 3(9) of the Order;

...¹⁶³

"legal assessor" means a person appointed in accordance with article 34(1) of the Order;¹⁶⁴

"the Order" means the Health Professions Order 2001;¹⁶⁵

"Presenting Officer" means a person appointed by the Council to present the case on its behalf at any hearing before the Committee which relates to an allegation against a registrant¹⁶⁶ and may include a solicitor or counsel;¹⁶⁷

"registrant" means a person whose name appears in the register against whom an allegation has been made, and includes a person whose registration is currently suspended.¹⁶⁸

...¹⁶⁹

Service of Documents

3.—(1) In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar-
 - (i) sent by post to or left at the offices of the Council, or
 - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;
- (b) in the case of a registrant-
 - (i) sent by post to or left at the registrant’s address as it appears in the register, or
 - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications; and
- (c) in any other case-
 - (i) sent by post to or left at the last known address of that person, or
 - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.¹⁷⁰

3A. Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.¹⁷¹

Referral to Conduct and Competence Committee

4.—(1) Where it appears to the Committee that an allegation which it is considering would be better dealt with by the Conduct and Competence Committee, the Committee may refer the allegation to the Conduct and Competence Committee for consideration and shall suspend its consideration of the allegation.

(2) If, following a referral under this rule, the Conduct and Competence Committee certifies to the Committee that the fitness to practise of the registrant¹⁷² is not impaired by reason of misconduct, lack of competence or any ground specified in sub-paragraph (iii) or (v) of article 22(1)(a) of the Order the Committee shall resume and conclude its consideration of the allegation.

(3) If, following a referral under this rule, the Conduct and Competence Committee certifies to the Committee that it has dealt with the allegation and that no further action by the Committee is required in relation to the allegation the Committee shall take no further action in relation to the allegation.

Allegations

5.—(1) Where an allegation is referred to the Committee it shall without delay—

- (a) send to the registrant¹⁷³ a notice setting out the allegation;
- (b) invite the registrant¹⁷⁴ to submit written representations to the Committee and inform him that any such representations must be sent to the Committee before the end of the period of 28 days beginning with the date on which the notice is sent;
- (c) inform the registrant:¹⁷⁵
 - (i) that he may, before the end of the period of 28 days beginning with the date on which the notice is sent, request that a hearing be held, and
 - (ii) that, even if he does not request a hearing, the Committee may hold a hearing if it considers it to be desirable; and
- (d) inform the registrant¹⁷⁶ of his right to be heard, and to be represented, at such a hearing.

(2) Where any written representations are made to the Committee under paragraph (1)(b) it may, if it sees fit, send a notice to the complainant notifying him of the representations and inviting him, before the end of the period of 14 days beginning with the date on which the invitation was sent, to deal with any points raised by the Committee in respect of those representations.

(3) The Council shall give notice of any allegation which is referred to the Committee to—

- (a) where known, the employer of the registrant¹⁷⁷ or any other person with whom he has an arrangement to provide professional services;
- (b) where known, any other body by which the registrant¹⁷⁸ is authorised to practise a health or social care profession; and
- (c) the Secretary of State, the Scottish Ministers, Senedd Cymru¹⁷⁹ and the Department of Health, Social Services and Public Safety in Northern Ireland.

(4) The Committee may consider and determine together—

- (a) two or more allegations against the same registrant,¹⁸⁰ or
- (b) allegations against two or more registrants,¹⁸¹

where it would be just to do so.¹⁸²

Hearings

6.—(1) If the registrant¹⁸³ has requested that a hearing be held or the Committee determines that it would be desirable to hold a hearing the Committee shall fix a day on which it is to hear the case and send the parties notice of the day, time and venue for the hearing.

(2) The Committee shall not fix a date for the hearing which is before the end of the period of 28 days beginning with the day on which the Committee sent the notice referred to in paragraph (1) to the registrant.¹⁸⁴

(3) A registrant¹⁸⁵ may be represented in any proceedings by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

Directions and Preliminary meetings

7.—(1) The Chair may give directions under article 32(3) of the Order.

(2) Where the Committee considers it would assist it to perform its functions, it may hold a preliminary meeting in private with the parties, their representatives and any other person it considers appropriate.

(3) Where the Chair considers it would assist the Committee to perform its functions, the Chair may hold a preliminary meeting in private with the parties, their representatives and any other person the Chair considers appropriate.

(4) At any meeting which the Chair conducts under paragraph (3) the Chair may, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.¹⁸⁶

Further investigations

8.—(1) Before holding any hearing the Committee may carry out such investigations or seek such advice or assistance as it sees fit and, in particular, may-

- (a) ask the registrant¹⁸⁷ to provide a written description of his practice;
- (b) inspect a sample of the registrant's¹⁸⁸ patient or client records;
- (c) invite the registrant¹⁸⁹ to take a test of competence; or
- (d) invite the registrant¹⁹⁰ to undergo a medical examination by a registered medical practitioner nominated by the Committee; or

- (e) interview the complainant, the registrant¹⁹¹ and any person nominated by the registrant.¹⁹²

(2) For the purpose of paragraph (1)(b) the Committee may only inspect patient or client records with the consent of the patient or client concerned unless the records are provided in a form from which the patient or client cannot be identified.

(3) For the purpose of paragraph (1)(e) the Committee may only interview a person with his consent and a person who consents to be interviewed may be represented at that interview by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

(4) The Committee may invite any person who, in its opinion, has an interest in the proceedings to submit written representations and any such representations shall be sent to the Committee before the end of the period of 14 days beginning with the date on which the invitation is sent to that person.

(5) The Committee shall provide the registrant¹⁹³ with any information or opinion which the Committee has received and afford the registrant¹⁹⁴ the opportunity to comment on that information or opinion either before or at any hearing conducted under rule 10.

Compliance with standards

9. Where the Committee has found that the registrant¹⁹⁵ has failed to comply with the standards of conduct, performance and ethics established by the Council under article 21(1)(a) of the Order, the Committee may take that failure into account but such failure shall not be taken of itself to establish that the fitness to practise of the registrant¹⁹⁶ is impaired.

Conduct of hearing

10.—(1) At any hearing—

- (a) the proceedings shall be held in public unless the Committee is satisfied that, in the interests of justice or for the protection of the private life of the registrant,¹⁹⁷ the complainant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing;
- (b) subject to sub-paragraph (c) the rules on the admissibility of evidence that apply in civil proceedings in the appropriate court in that part of the United Kingdom in which the hearing takes place shall apply;
- (c) the Committee may hear or receive evidence which would not be admissible in such proceedings if it is satisfied that admission of that evidence is necessary in order to protect members of the public;

- (d) where the registrant¹⁹⁸ has been convicted of a criminal offence, a certified copy of the certificate of conviction (or, in Scotland, an extract conviction) shall be admissible as proof of that conviction and of the findings of fact upon which it was based;
- (e) the Committee may require evidence to be given on oath or affirmation and for that purpose may administer oaths or affirmations in an appropriate form;
- (f) the Committee may adjourn the proceedings from time to time as it thinks fit; and
- (g) the Committee may exclude from the hearing any person whose conduct, in its opinion, is likely to disrupt the orderly conduct of the proceedings.¹⁹⁹

(2) In paragraph (1)(b) the "appropriate court" means—

- (a) the Court of Session in Scotland;
- (b) the High Court of Justice in Northern Ireland; and
- (c) the High Court of Justice in England and Wales.

(3) The Committee may require any person (other than the registrant)²⁰⁰ to attend a hearing and give evidence or produce documents.

(4) At the beginning of any hearing the Chair²⁰¹ shall explain to the parties the order of proceedings which the Committee proposes to adopt and, unless the Committee determines otherwise, the parties shall be heard in the following order—

- (a) the Chair²⁰² shall invite the Presenting Officer²⁰³ to present the case against the registrant²⁰⁴ and to adduce the evidence in support of that case;
- (b) any witness called by the Presenting Officer²⁰⁵ shall be examined by him, may be cross-examined by the registrant²⁰⁶ or his representative, may be re-examined by the Presenting Officer²⁰⁷ and may be questioned by the Committee;
- (c) at the conclusion of the case against the registrant²⁰⁸ the Chair²⁰⁹ shall invite the registrant²¹⁰ or his representative to address the Committee and to adduce evidence as to the registrant's²¹¹ fitness to practise;
- (d) any witness called by the registrant²¹² shall be examined by him or his representative, may be cross-examined by the Presenting Officer²¹³, may be re-examined by the registrant²¹⁴ or his representative and may be questioned by the Committee;
- (e) the Chair²¹⁵ shall invite the Presenting Officer²¹⁶ to address the Committee again;

- (f) the registrant²¹⁷ or his representative may then address the Committee for a second time.

Vulnerable witnesses

10A.—(1) In proceedings before the Committee, the following may, if the quality of their evidence is likely to be adversely affected as a result, be treated as a vulnerable witness—

- (a) any witness under the age of 17 at the time of the hearing;
- (b) any witness with a mental disorder within the meaning of the Mental Health Act 1983;
- (c) any witness who is significantly impaired in relation to intelligence and social functioning;
- (d) any witness with physical disabilities who requires assistance to give evidence;
- (e) any witness, where the allegation against the practitioner is of a sexual nature and the witness was the alleged victim; and
- (f) any witness who complains of intimidation.

(2) Subject to any representations from the parties and the advice of the Legal Assessor, the Committee may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness.

(3) Measures adopted by the Committee may include, but shall not be limited to—

- (a) use of video conferencing facilities²¹⁸;
- (b) use of pre-recorded evidence as the evidence-in-chief of a witness, provided that the witness is available at the hearing for cross-examination and questioning by the Committee;
- (c) use of interpreters (including signers and translators) or intermediaries;
- (d) use of screens or such other measures as the Committee consider necessary in the circumstances, in order to prevent—
 - (i) the identity of the witness being revealed to the press or the general public; or
 - (ii) access to the witness by the registrant;²¹⁹ and
- (e) the hearing of evidence by the Committee in private.

(4) Where—

- (a) the allegation against a registrant²²⁰ is based on facts which are sexual in nature;
- (b) a witness is an alleged victim; and
- (c) the registrant²²¹ is acting in person,

the registrant²²² shall only be allowed to cross-examine the witness in person with the written consent of the witness.

(5) If, in the circumstances set out in paragraph (4) a witness does not provide written consent, the registrant²²³ shall, not less than seven days before the hearing, appoint a legally qualified person to cross-examine the witness on his behalf and, in default, the Council shall appoint such a person on behalf of the registrant.^{224 225}

Meetings and hearings²²⁶

10B.—(1) The Committee may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.

Absence of the registrant²²⁷

11. Where the registrant²²⁸ is neither present nor represented at a hearing, the Committee may nevertheless proceed with the hearing if it is satisfied that all reasonable steps have been taken to serve the notice of the hearing under rule 6(1) on the registrant.²²⁹

Disposal of cases

12.—(1) Where the Committee concludes its consideration of an allegation it shall dispose of the case in accordance with article 29 of the Order.

(2) The Committee shall notify the registrant²³⁰ and the complainant of its decision and the reasons for reaching that decision and shall inform the registrant²³¹ of his right of appeal.

Review of orders and applications for restoration to the register

13.—(1) Where the Committee proposes to—

- (a) review an order in accordance with article 30 of the Order; or

- (b) consider an application for restoration in accordance with article 33 of the Order,

it shall without delay send a notice to the relevant person informing him of his right to appear, and to be represented, before the Committee to argue his case.

(2) For the purposes of this rule "relevant person" means—

- (a) a person against whom an order has been made under article 29 of the Order and which may be reviewed under article 30 of the Order; or
- (b) a person applying under article 33 of the Order for restoration to the register.

(3) Where the relevant person, before the end of the period of 28 days beginning with the date on which the notice under paragraph (1) is sent, sends a notice to the Committee stating that he wishes to appear before it, the Committee shall fix a day on which it is to hear the case and send to the relevant person notice of the day, time and venue for the hearing.

(4) The Committee shall not fix a date for the hearing which is before the end of the period of 28 days beginning with the day on which the relevant person sends the notice referred to in paragraph (3) to the Committee.

(5) The relevant person may be represented in any proceedings by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

(6) The Committee may require any person (other than the relevant person) to attend and give evidence or produce documents at any hearing to be held under paragraph (3).

(7) The Committee may invite any person who, in its opinion, has an interest in the proceedings to submit written representations and any such representations shall be sent to the Committee before the end of the period of 14 days beginning with the date on which the invitation is sent to that person.

(8) The Committee or the Chair²³² may hold a preliminary meeting in private with the parties, their representatives and any other person the Committee or the Chair considers appropriate²³³ if such a meeting would, in the opinion of the Committee or the Chair²³⁴, assist the Committee to perform its functions.

(9) At any meeting which he conducts under paragraph (8) the Chair²³⁵ may give directions under article 32(3) of the Order and, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.

(10) Subject to rule 10B²³⁶, a hearing under paragraph (3) shall be conducted in accordance with rule 10 but, where the proceedings relate to an application made by the relevant person, the Committee shall adopt an order of proceedings which provides for that person to present his case first and for the Presenting Officer²³⁷ to speak last.

(11) The Committee shall notify the relevant person of its decision and the reasons for reaching that decision and shall inform him of his right of appeal.

Extension of time limits

14. The time for—

- (a) requesting that a hearing be held specified in rule 5(1)(c);
- (b) a person giving notice that he wishes to appear before the Committee specified in rule 13(3);
- (c) sending written representations specified in:
 - (i) rule 5(1)(b),
 - (ii) rule 8(4),
 - (iii) rule 13(7); or
- (d) dealing with any points raised by the Committee in respect of any written representations mentioned in rule 5(2).

may be extended by the Chair where the Chair²³⁸ is satisfied that in all the circumstances it is reasonable to do so.

¹ by virtue of the Health and Social Care Act 2012 (Sch. 15, para. 53(1)), references to the Health Professions Council are to be read as if they were to the Health and Care Professions Council

² technically, the original citation remains correct (see 1 above)

³ spent, by virtue of repeals made by the Protection of Freedoms Act 2012, s75(6)

⁴ *ibid*

⁵ inserted, SI 2019/1094, Sch. 1, para 11(a)(i)

⁶ deleted, SI 2019/1094, Sch. 1, para 11(a)(ii) and (iii)

⁷ substituted, SI 2019/1094, Sch. 1, para 11(b)

⁸ substituted, SI 2012/3006, Art. 13(3)(u)

⁹ see 1 above

¹⁰ substituted (together with the title), SI 2016/693, Sch., rule 3(2)

¹¹ inserted, SI 2009/1355, Sch., rule 10(a)

¹² deleted, SI 2012/1479, Art. 6(2)(a)

¹³ inserted, SI 2005/1625, Sch., rule 4(1)(a)

¹⁴ substituted, SI 2019/1094, Sch. 1, para 4

¹⁵ substituted, SI 2012/1479, Art. 6(2)(c)

¹⁶ *ibid*

¹⁷ inserted, SI 2005/1625, Sch., rule 4(1)(b)

¹⁸ inserted, SI 2012/1479, Art. 6(2)(d)

¹⁹ deleted, SI 2005/1625, Sch., rule 4(1)(c)

²⁰ substituted, SI 2021/27, Sch. , rule 2(3)

²¹ inserted, SI 2021/27, Sch., rule 2(3A)

²² substituted, SI 2012/1479, Art. 6(3)(b)

²³ *ibid*

²⁴ *ibid*

²⁵ *ibid*

²⁶ *ibid*

²⁷ *ibid*

²⁸ *ibid*

²⁹ *ibid*

³⁰ *ibid*

³¹ *ibid*

³² inserted, SI 2005/1625, Sch., rule 4(2)

³³ substituted, SI 2012/1479, Art. 6(3)(c)

³⁴ *ibid*

³⁵ substituted, by virtue of s.150A Government of Wales Act 2006

³⁶ substituted, SI 2012/1479, Art. 6(3)(d)

³⁷ *ibid*

³⁸ *ibid*

³⁹ *ibid*

⁴⁰ *ibid*

⁴¹ *ibid*

⁴² inserted, SI 2005/1625, Sch., rule 4(3)

⁴³ substituted, SI 2009/1355, Sch., rule 10(b)

⁴⁴ *ibid*

⁴⁵ *ibid*

⁴⁶ *ibid*

⁴⁷ substituted, SI 2012/1479, Art. 6(3)(e)

⁴⁸ *ibid*

⁴⁹ inserted, SI 2005/1625, Sch., rule 4(4)(a)

⁵⁰ substituted, SI 2012/1479, Art. 6(3)(e)

⁵¹ substituted, SI 2009/1355, Sch., rule 10(c)

⁵² *ibid*

⁵³ substituted, SI 2005/1625, Sch., rule 4(4)(b)

⁵⁴ substituted, SI 2012/1479, Art. 6(3)(e)

⁵⁵ substituted, SI 2005/1625, Sch., rule 4(4)(b)

⁵⁶ substituted, SI 2012/1479, Art. 6(3)(e)

⁵⁷ substituted, SI 2005/1625, Sch., rule 4(4)(b)

⁵⁸ substituted, SI 2012/1479, Art. 6(3)(e)

-
- ⁵⁹ substituted, SI 2009/1355, Sch., rule 10(c)
- ⁶⁰ substituted, SI 2012/1479, Art. 6(3)(e)
- ⁶¹ *ibid*
- ⁶² *ibid*
- ⁶³ substituted, SI 2005/1625, Sch., rule 4(4)(b)
- ⁶⁴ substituted, SI 2012/1479, Art. 6(3)(e)
- ⁶⁵ substituted, SI 2009/1355, Sch., rule 10(c)
- ⁶⁶ substituted, SI 2005/1625, Sch., rule 4(4)(b)
- ⁶⁷ substituted, SI 2012/1479, Art. 6(3)(e)
- ⁶⁸ substituted, SI 2023/995, Sch. 1, rule 3(c)
- ⁶⁹ substituted, SI 2012/1479, Art. 6(3)(f)
- ⁷⁰ *ibid*
- ⁷¹ *ibid*
- ⁷² *ibid*
- ⁷³ *ibid*
- ⁷⁴ *ibid*
- ⁷⁵ inserted, 2023/995, Sch. 1, rule 3(d)
- ⁷⁶ substituted, SI 2012/1479, Art. 6(3)(g)
- ⁷⁷ *ibid*
- ⁷⁸ *ibid*
- ⁷⁹ substituted, SI 2009/1355, Sch., rule 10(1)(d)
- ⁸⁰ see 1 above
- ⁸¹ substituted (together with the title), SI 2016/693, Sch., rule 4(2)
- ⁸² substituted, SI 2009/1355, Sch., rule 11(a)
- ⁸³ deleted, SI 2012/1479, Art. 7(2)(a)
- ⁸⁴ inserted, SI 2005/1625, Sch., rule 5(1)(a)
- ⁸⁵ substituted, SI 2019/1094, Sch. 1, para 5
- ⁸⁶ substituted, SI 2012/1479, Art. 7(2)(c)
- ⁸⁷ inserted, SI 2005/1625, Sch., rule 5(1)(b)
- ⁸⁸ inserted, SI 2012/1479, Art. 7(2)(d)

⁸⁹ deleted, SI 2005/1625, Sch., rule 5(1)(c)

⁹⁰ substituted, SI 2021/27, Sch. 1, rule 3(3)

⁹¹ inserted, SI 2021/27, Sch.1, rule 3(3A)

⁹² substituted, SI 2012/1479, Art. 7(3)(b)

⁹³ substituted, SI 2012/1479, Art. 7(3)(c)

⁹⁴ *ibid*

⁹⁵ *ibid*

⁹⁶ *ibid*

⁹⁷ *ibid*

⁹⁸ *ibid*

⁹⁹ substituted, by virtue of s.150A Government of Wales Act 2006

¹⁰⁰ *ibid*

¹⁰¹ *ibid*

¹⁰² inserted, SI 2005/1625, Sch., rule 5(2)

¹⁰³ substituted, SI 2012/1479, Art. 7(2)(d)

¹⁰⁴ *ibid*

¹⁰⁵ *ibid*

¹⁰⁶ substituted, SI 2016/693, Sch., rule 4(3)

¹⁰⁷ substituted, SI 2012/1479, Art. 7(2)(e)

¹⁰⁸ *ibid*

¹⁰⁹ *ibid*

¹¹⁰ *ibid*

¹¹¹ *ibid*

¹¹² *ibid*

¹¹³ *ibid*

¹¹⁴ substituted, SI 2012/1479, Art. 7(2)(f)

¹¹⁵ *ibid*

¹¹⁶ substituted, SI 2012/1479, Art. 7(2)(g)

¹¹⁷ *ibid*

¹¹⁸ spent, by virtue of repeals made by the Protection of Freedoms Act 2012, s.75(6)

¹¹⁹ *ibid*

¹²⁰ inserted, SI 2005/1625, Sch., rule 5(3)(a)

¹²¹ *ibid*

¹²² substituted, SI 2009/1355, Sch., rule 11(c)

¹²³ *ibid*

¹²⁴ substituted, SI 2005/1625, Sch., rule 5(3)(b)

¹²⁵ *ibid*

¹²⁶ *ibid*

¹²⁷ *ibid*

¹²⁸ *ibid*

¹²⁹ *ibid*

¹³⁰ substituted, SI 2009/1355, Sch., rule 11(c)

¹³¹ *ibid*

¹³² *ibid*

¹³³ *ibid*

¹³⁴ substituted, SI 2005/1625, Sch., rule 5(3)(b)

¹³⁵ *ibid*

¹³⁶ substituted, SI 2009/1355, Sch., rule 11(c)

¹³⁷ substituted, SI 2005/1625, Sch., rule 5(3)(b)

¹³⁸ *ibid*

¹³⁹ inserted, SI 2023/995, Sch. 1, rule 4(c)

¹⁴⁰ substituted, SI 2012/1479, Art. 7(2)(h)

¹⁴¹ *ibid*

¹⁴² *ibid*

¹⁴³ *ibid*

¹⁴⁴ *ibid*

¹⁴⁵ *ibid*

¹⁴⁶ inserted, SI 2005/1625, Sch., rule 5(4)

¹⁴⁷ inserted, SI 2023/995, Sch. 1, rule 4(d)

¹⁴⁸ substituted, SI 2012/1479, Art. 7(2)(i)

¹⁴⁹ *ibid*

¹⁵⁰ *ibid*

¹⁵¹ substituted, SI 2012/1479, Art. 7(2)(j)

¹⁵² *ibid*

¹⁵³ substituted, SI 2009/1355, Sch., rule 11(d)

¹⁵⁴ *ibid*

¹⁵⁵ *ibid*

¹⁵⁶ *ibid*

¹⁵⁷ substituted, SI 2023/995, Sch.1, rule 4(e)

¹⁵⁸ substituted, SI 2005/1625, Sch., rule 5(5)

¹⁵⁹ substituted, SI 2009/1355, Sch., rule 11(e)

¹⁶⁰ see 1 above

¹⁶¹ substituted (together with the title), SI 2016/693, Sch., rule 5(2)

¹⁶² substituted, SI 2009/1355, Sch., rule 12(a)

¹⁶³ deleted, SI 2012/1479, Art. 8(2)(a)

¹⁶⁴ inserted, SI 2005/1625, Sch., rule 5(1)(a)

¹⁶⁵ substituted, SI 2019/1094, Sch. 1, para 6

¹⁶⁶ substituted, SI 2012/1479, Art. 8(2)(c)

¹⁶⁷ inserted, SI 2005/1625, Sch., rule 5(1)(b)

¹⁶⁸ substituted, SI 2012/1479, Art. 8(2)(d)

¹⁶⁹ deleted, SI 2005/1625, Sch., rule 5(1)(c)

¹⁷⁰ substituted, SI 2021/27, Sch. 1, rule 4(3)

¹⁷¹ inserted, SI 2021/27, Sch.1, rule 4(3A)

¹⁷² substituted, SI 2012/1479, Art. 8(3)(b)

¹⁷³ substituted, SI 2012/1479, Art. 8(3)(c)

¹⁷⁴ *ibid*

¹⁷⁵ *ibid*

¹⁷⁶ *ibid*

¹⁷⁷ *ibid*

¹⁷⁸ *ibid*

¹⁷⁹ substituted, by virtue of s.150A Government of Wales Act 2006

¹⁸⁰ *ibid*

¹⁸¹ *ibid*

¹⁸² inserted, SI 2005/1625, Sch., rule 5(2)

¹⁸³ substituted, SI 2012/1479, Art. 8(3)(d)

¹⁸⁴ *ibid*

¹⁸⁵ *ibid*

¹⁸⁶ substituted, SI 2016/693, Sch., rule 5(3)

¹⁸⁷ substituted, SI 2012/1479, Art. 8(3)(e)

¹⁸⁸ *ibid*

¹⁸⁹ *ibid*

¹⁹⁰ *ibid*

¹⁹¹ *ibid*

¹⁹² *ibid*

¹⁹³ *ibid*

¹⁹⁴ *ibid*

¹⁹⁵ substituted, SI 2012/1479, Art. 8(3)(f)

¹⁹⁶ *ibid*

¹⁹⁷ substituted, SI 2012/1479, Art. 8(3)(g)

¹⁹⁸ *ibid*

¹⁹⁹ inserted, SI 2005/1625, Sch., rule 5(3)(a)

²⁰⁰ *ibid*

²⁰¹ substituted, SI 2009/1355, Sch., rule 12(c)

²⁰² *ibid*

²⁰³ substituted, SI 2005/1625, Sch., rule 5(3)(b)

²⁰⁴ *ibid*

²⁰⁵ *ibid*

²⁰⁶ *ibid*

²⁰⁷ *ibid*

²⁰⁸ *ibid*

-
- ²⁰⁹ substituted, SI 2009/1355, Sch., rule 12(c)
- ²¹⁰ *ibid*
- ²¹¹ *ibid*
- ²¹² *ibid*
- ²¹³ substituted, SI 2005/1625, Sch., rule 5(3)(b)
- ²¹⁴ *ibid*
- ²¹⁵ substituted, SI 2009/1355, Sch., rule 12(c)
- ²¹⁶ substituted, SI 2005/1625, Sch., rule 5(3)(b)
- ²¹⁷ *ibid*
- ²¹⁸ substituted, SI 2023/995, Sch 1, rule 5(c)
- ²¹⁹ substituted, SI 2012/1479, Art. 8(3)(h)
- ²²⁰ *ibid*
- ²²¹ *ibid*
- ²²² *ibid*
- ²²³ *ibid*
- ²²⁴ *ibid*
- ²²⁵ inserted, SI 2005/1625, Sch., rule 5(4)
- ²²⁶ inserted, SI 2023/995, Sch. 1, 5(d)
- ²²⁷ substituted, SI 2012/1479, Art. 8(3)(i)
- ²²⁸ *ibid*
- ²²⁹ *ibid*
- ²³⁰ substituted, SI 2012/1479, Art. 8(3)(j)
- ²³¹ *ibid*
- ²³² substituted, SI 2009/1355, Sch., rule 12(d)
- ²³³ *ibid*
- ²³⁴ *ibid*
- ²³⁵ *ibid*
- ²³⁶ substituted, SI 2023/995, Sch 1., rule 5(e)
- ²³⁷ substituted, SI 2005/1625, Sch., rule 5(5)
- ²³⁸ substituted, SI 2009/1355, Sch., rule 12(e)



Health and Care Professions Council (Registration Appeals) Rules 2003

(SI 2003/1579)

CONSOLIDATED TEXT

incorporating revocations and amendments made up to
1 December 2023

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The Health and Care Professions Council (Registration Appeals) Rules 2003

The Health and Care Professions Council,¹ in exercise of its powers under articles 37(1), (4) and (5) and 41(2) of the Health Professions Order 2001 and of all other powers enabling it in that behalf and after consulting in accordance with article 41(3) of that Order, hereby makes the following Rules:

Citation and commencement

1. These rules may be cited as the Health Professions Council (Registration Appeals) Rules 2003 and shall come into force on 9th July 2003.

Interpretation

2. In these Rules—

"appeal" means an appeal which is made to the Council in accordance with article 37(1) of the Order;

"Appeal Panel" means a panel appointed under rule 9 to consider an appeal;

"appellant" means a person who makes an appeal;

"Chair" means the Chair of an Appeal Panel;²

"Committee" means the Education and Training Committee of the Council; and

"Order" means the Health Professions Order 2001.³

Service of Documents

3.—(1) In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, the Committee, an Appeal Panel or the Registrar-
 - (i) sent by post to or left at the offices of the Council, or
 - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;
- (b) in the case of the appellant-
 - (i) sent by post to or left at the address identified in the appellant's notice of appeal, or

- (ii) sent by electronic mail to an electronic mail address which the appellant has notified to the Council as an address for communications; and
- (c) in any other case-
 - (i) sent by post to or left at the last known address of that person, or
 - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.⁴

3A. Any communication sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.⁵

Period during which an appeal may be made

4. The period within which the person aggrieved may appeal to the Council under article 37(1) of the Order is—

- (a) where the appeal is against a decision referred to in sub-paragraph (a), (b) or (c) of that article, before the end of the period of 28 days beginning with the day on which the Committee made the decision; or
- (b) where the appeal is against a failure to issue a decision as referred to in sub-paragraph (d) of that article, before the end of the period of 28 days beginning with the day after the end of the period specified in the applicable regulations referred to in article 9(5) of the Order as the period of three months referred to in article 9(5) of the Order.⁶

Notice of appeal

5.—(1) An appeal shall be made by giving notice in writing in accordance with the following paragraphs.

(2) The notice shall be addressed to the Registrar at the offices of the Council and shall—

- (a) include—
 - (i) the name and address of the appellant,
 - (ii) his registration number (where applicable),
 - (iii) where the appeal is against a decision referred to in article 37(1)(a), (b) or (c) of the Order, the date, nature and other relevant details of the decision against which the appeal is brought,

- (iv) where the appeal is against a failure to issue a decision as referred to in article 37(1)(d) of the Order, the date, nature and other relevant details of the application in respect of which there has been a failure to issue a decision,
 - (v) a concise statement of the grounds of the appeal, and
 - (vi) the name and address of the appellant's representative (if any) and a statement as to whether the Council should correspond with that representative concerning the appeal instead of with the appellant;
- (b) state that the notice is a notice of appeal; and
 - (c) be signed by or on behalf of the appellant.

(3) The appellant shall attach to the notice of appeal a copy of any documents on which he proposes to rely for the purposes of the appeal.

Acknowledgement by the Council

6. Upon receiving a valid notice of appeal the Council shall send the appellant a notice acknowledging its receipt and informing the appellant—

- (a) that he may before the end of the period of 28 days beginning with the date on which the notice was sent request that a hearing be held;
- (b) that, even if he does not request a hearing, the Council may hold a hearing if it considers it to be desirable; and
- (c) that he may be heard and be represented at such a hearing.

Notice of hearing

7.—(1) If the appellant has requested that a hearing be held, or the Council determines that it would be desirable to hold a hearing, the Council shall fix a day on which it is to hear the case and send notice to the parties of the day, time and venue for the hearing.

(2) The Council shall not fix a date for the hearing which is before the end of the period of 28 days beginning with the day on which the Council sent the notice referred to in paragraph (1) to the appellant.

Parties, representation etc.

8.—(1) Before the end of the period of 28 days beginning with the day on which the notice referred to in rule 7(1) is sent, the parties shall inform the Council whether or not they intend to attend or be represented at the hearing and whether or not they intend to call any witnesses and, if so, shall provide their names and addresses to the Council.

(2) An appellant who does not intend to attend or be represented at a hearing may, before the beginning of the period of 7 days ending with the date on which the hearing is to be held, send to the Council additional written representations in support of his appeal.

(3) The Committee shall be the respondent in any proceedings.

(4) The appellant may be represented in any proceedings by any person, whether or not legally qualified, except a member of the Council or any of its committees or a person employed by the Council.

(5) The Council may invite any person who, in its opinion, has an interest in the proceedings to make written representations and any such representations shall be sent to the Council before the end of the period of 14 days beginning with the date on which the invitation is sent to that person.

Consideration by Appeal Panel

9.—(1) Except where the Council considers an appeal itself, an appeal shall be considered by an Appeal Panel appointed by the Council for that purpose.

(2) The quorum of the Council when considering an appeal is seven and shall consist of registrant members and lay members and the number of members who are registrants may exceed the number of lay members but may not exceed them by more than one.

(3) An Appeal Panel shall comprise not fewer than three members appointed by the Council and shall include—

- (a) a person who is registered in the same part of the register as that in which the appellant is, or is applying to be, registered;
- (b) a person who—
 - (i) is not and never has been a registrant, or registered under the 1960 Act or in the AODP register, the AEP register or the BPS register; and
 - (ii) does not hold a qualification that would entitle them to apply for registration under the Order;
- (c) where the health of the appellant is in issue, a registered medical practitioner.⁷

(4) A member of the Council shall be appointed as Chair (and may also count as the registrant or lay person mentioned in paragraphs (3)(b)(i) and (ii)).⁸

(5) A person who has been involved in any other capacity in a case which is to be considered by an Appeal Panel shall not be appointed as a member of that Panel.

(6) Decisions by an Appeal Panel shall be made by a majority vote of those present and, in the event of a tie, the Chair⁹ shall have an additional casting vote which shall be exercised in favour of the appellant.

(7) The members of an Appeal Panel other than the Chair shall be appointed from among the members of the Practice Committees.

(8) A person—

- (a) is not eligible to be appointed to, or to sit as a member of, an Appeal Panel if that person is disqualified or suspended from membership of the Council or a Practice Committee; and
- (b) shall cease to be a member of an Appeal Panel if—
 - (i) the member resigns, which the member may do at any time by notice in writing to the Council,
 - (ii) the Council votes (by a majority at a quorate meeting) to terminate the member's appointment, or
 - (iii) the member ceases to be a member of the Council or a Practice Committee.¹⁰

Preliminary meetings

10.—(1) The Appeal Panel or the Chair may hold a preliminary meeting in private with the parties, their representatives and any other person the Panel or the Chair considers appropriate if such a meeting would, in the opinion of the Panel or the Chair, assist the panel to perform its functions.

(2) At any meeting he conducts under paragraph (1) the Chair may give directions under article 32(3) of the Order and, with the agreement of the parties, take any action which the Appeal Panel would be competent to take at such a meeting.

Powers to determine an appeal without a hearing

11.—(1) The Appeal Panel may determine an appeal without an oral hearing on the basis of any documents provided by the appellant under rule 5 or 8(2) where—

- (a) the Council does not receive a reply from the appellant within the time specified in rule 8(1) and the Appeal Panel is satisfied that all reasonable steps have been taken to give notice under rule 7(1), or the appellant replies under rule 8(1) to the effect that he does not wish to attend or be represented;
- (b) the Appeal Panel has notified the appellant and the Committee of its intention to do so; and

- (c) the Appeal Panel considers it desirable to do so having taken into account any representations received in response to the notice referred to in paragraph (b).

(2) If the Appeal Panel decides under paragraph (1) to determine an appeal without an oral hearing, it may take into account any written representations provided in accordance with rule 8(5) or written representations from the Committee received by the Council before the beginning of the period of 7 days ending with the date on which the Appeal Panel determines the appeal.

Postponement or adjournment of hearing

12.—(1) The Appeal Panel, either of its motion or at the request of a party to the hearing, may postpone a hearing at any time before it begins and may adjourn the proceedings from time to time as it thinks fit.

(2) Where a hearing is postponed the Registrar shall send the appellant notice of the date on which the Appeal Panel is to hold the postponed hearing.

(3) The date for a postponed hearing shall not be fixed for any date before the end of the period of 14 days beginning with the day on which the Registrar sends the notice referred to in paragraph (2) to the appellant.

Absence of the appellant

13. Where—

- (a) the Council has fixed a date for a hearing; and
- (b) the appellant has informed the Council that he intends to attend or be represented; but
- (c) he does not attend and is not represented,

the Appeal Panel may nevertheless proceed with the hearing if it is satisfied that all reasonable steps have been taken to give notice of the hearing to the appellant.

Conduct of hearing

14.—(1) The hearing shall be held in public unless the Appeal Panel is satisfied that, in the interests of justice or for the protection of the private life of the appellant¹¹, the complainant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing.

(2) At the beginning of the hearing the Chair shall explain to the parties the order of proceedings which the Appeal Panel proposes to adopt.

(3) The Appeal Panel shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings and the parties shall be heard in such order as the Appeal Panel shall determine having regard to the following—

- (a) the appellant may present his case in support of his appeal;
- (b) the appellant or any person called on his behalf may be cross-examined by the Committee and, in the case of a person called on his behalf, re-examined by the appellant;
- (c) the Committee may present its case in support of the decision appealed against or its failure to issue a decision;
- (d) the Committee or any person called on its behalf may be cross-examined by the appellant and, in the case of a person called on its behalf, re-examined by the Committee;
- (e) the Committee may address the Appeal Panel on its case in respect of the decision appealed against or its failure to issue a decision; and
- (f) the appellant may address the Appeal Panel on his case in respect of his appeal.

(4) The parties shall be entitled to give evidence, to call witnesses, to question any witnesses and to address the Appeal Panel both on the evidence and generally on the subject matter of the appeal.

(5) Subject to paragraph (6) where the appellant or the Committee are represented, references in paragraphs (3) and (4) to the Committee or the appellant—

- (a) presenting the case;
- (b) calling, or questioning witnesses;
- (c) cross-examining or re-examining witnesses; or
- (d) addressing the panel,

shall be read as references to the representative of the Committee or the appellant as the case may be.

(6) Except as provided in paragraph (5) references in paragraph (3) to the Committee shall be references to the Chair of the Committee or any other person nominated by the Committee to appear on its behalf.

Meetings and hearings¹²

14A.—(1) The Chair, in the case of a preliminary meeting, and the Appeal Panel or the Council, where the Council considers an appeal itself, in the case of a hearing, may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.

Procedure at hearing

15.—(1) Subject to paragraph (3) the rules on the admissibility of evidence that apply in civil proceedings in the appropriate court in that part of the United Kingdom in which the hearing takes place shall apply.

(2) In paragraph (1) the "appropriate court" means a county court or, in Scotland, a sheriff.

(3) The Appeal Panel may hear or receive evidence which would not be admissible in such proceedings if it is satisfied that admission of that evidence is necessary in order to protect members of the public.

(4) The Appeal Panel may require any person (other than the appellant) to attend a hearing and give evidence or produce documents.

(5) At any hearing the Appeal Panel may, if it is satisfied that it is just and reasonable to do so, permit a party to rely on grounds not stated in the notice of appeal or to adduce any evidence not presented to the Committee before it took the disputed decision.

(6) Where the appellant has been convicted of a criminal offence, a certified copy of the certificate of conviction (or, in Scotland, an extract conviction) shall be admissible as proof of that conviction and of the findings of fact upon which it was based.

(7) The Appeal Panel may require evidence to be given on oath or affirmation and for that purpose may administer oaths or affirmations in an appropriate form.

Disposal of cases

16. The Appeal Panel shall notify the appellant of its decision and the reasons for reaching that decision and shall inform the appellant of his right to appeal to a county court or, in Scotland, a sheriff under article 37(10) of the Order.

Consideration of cases by Council

17. Where the Council considers an appeal, references in these Rules to an Appeal Panel, other than in the definition in rule 2 of "Appeal Panel", rule 3(1)(a) and 9(1) and (3), shall be construed as references to the Council.

¹ by virtue of the Health and Social Care Act 2012 (Sch. 15, para. 53(1)), references to the Health Professions Council are to be read as if they were to the Health and Care Professions Council

² substituted, SI 2009/1355, Sch., rule 13(a)

³ substituted, SI 2019/1094, Sch. 1, para 9

⁴ substituted, SI 2021/27, Sch., rule 5(3)

⁵ inserted, SI 2021/27, Sch., rule 5(3A)

⁶ substituted, SI 2019/593, Sch. 8, para 18

⁷ substituted, SI 2009/1355, Sch., rule 13(b)

⁸ *ibid*

⁹ substituted, SI 2009/1182, Sch. 4, para 10

¹⁰ *ibid*

¹¹ substituted, SI 2012/1479, Art. 9(3)

¹² inserted, SI 2023/995, Sch. 1, rule 6(c)