Draft Order in Council laid before Parliament under section 62(9) of the Health Act 1999, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 000

HEALTH CARE AND ASSOCIATED PROFESSIONS

The Health Care and Associated Professions (Miscellaneous Amendments) Order 2008

Made - - - - 2008

Coming into force in accordance with article 1(2) to (5)

At the Court at Buckingham Palace, the day of 2008

Present,

The Queen's Most Excellent Majesty in Council

This Order in Council is made in exercise of the powers conferred by sections 60 and 62(4) of, and Schedule 3 to, the Health Act 1999(**a**).

The Secretary of State published a draft Order and invited representations as required by paragraph 9(1) of Schedule 3 to that Act.

The period of three months mentioned in paragraph 9(2) of that Schedule expired before a draft of this Order in Council was laid before Parliament.

A draft of this Order in Council has been approved by resolution of each House of Parliament, in accordance with section 62(9) of that Act.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to make the following Order in Council:

Citation and commencement

1.—(1) This Order may be cited as the Health Care and Associated Professions (Miscellaneous Amendments) Order 2008.

(**a**) 1999 c.8; section 60 has been amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act"), section 26(9), and by S.I. 2002/253 and 254; subsection (4) of section 62 has been amended by the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 194 and 197, and Schedule 4; and Schedule 3 has been amended by the 2002 Act, section 26(10), the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 11, paragraph 67, and Schedule 14, Part 4, and the Health Act 2006 (c.28), section 33, and by S.I. 2002/254.

(2) The following provisions come into force on the day after the day on which this Order is made—

(a) this article and articles 5 to 7;

(b) in Schedule 1, paragraphs 2, 9 to 14 and 20(a), and article 2(1) in so far as it relates to those provisions;

(c) in Schedule 2, sub-paragraph (7) of paragraph 6, and sub-paragraph (1) of that paragraph in so far as it relates to sub-paragraph (7), and article 2(2) in so far as it relates to those provisions;

(d) in Schedule 3, paragraphs 1(a), 3 and 8, and article 2(3) in so far as it relates to those provisions; and

(e) in Schedule 4, paragraphs 1(a), 3 and 8, and article 2(4) in so far as it relates to those provisions.

(3) Except as provided for by paragraph (2), the provisions of this Order which confer, amend or substitute powers enabling rules or orders to be made come into force on the making of this Order, but for the purpose only of the exercise of those powers.

(4) The following provisions come into force on the coming into force of section 44(1) of the Safeguarding Vulnerable Groups Act 2006(**a**) (registers: power to apply for vetting information)—

(a) paragraph 15 of Schedule 1, and article 2(1) in so far as it relates to that paragraph;

(b) paragraph 2 of Schedule 2, and article 2(2) in so far as it relates to that paragraph;

(c) paragraph 4 of Schedule 3, and article 2(3) in so far as it relates to that paragraph; and

(d) paragraph 4 of Schedule 4, and article 2(4) in so far as it relates to that paragraph.

(5) Except as provided for by paragraphs (2) to (4), this Order comes into force on such day as the Privy Council may by order appoint.

(6) Different days may be appointed by an order under paragraph (5) for different provisions or different purposes.

Principal amendments

2.—(1) The amendments to the Medical Act 1983(**b**) set out in Schedule 1 have effect.

(2) The amendments to the Opticians Act 1989(**c**) set out in Schedule 2 have effect.

(3) The amendments to the Osteopaths Act 1993(**d**) set out in Schedule 3 have effect.

(4) The amendments to the Chiropractors Act 1994(**e**) set out in Schedule 4 have effect.

Consequential amendment and revocations

3.—(1) The amendment of the Dentists Acts 1984(**f**) set out in Part 1 of Schedule 5 has effect.

(2) The revocations of subordinate legislation set out in Part 2 of Schedule 5 have effect.

Transitional measures relating to re-appointment of presidents and chairs as members of the newly constituted councils

4. The Privy Council may, by a direction under subsection (1) of section 60 of the Health Act 2006(**g**) (Commission to exercise Privy Council's appointment functions), require the Appointments Commission—

(**a**) 2006 c.47.
(**b**) 1983 c.54.
(**c**) 1989 c.44.
(**d**) 1993 c.21.
(**e**) 1994 c.17.
(**f**) 1984 c.24.
(**g**) 2006 c.28.

(a) to appoint the person who held office as president of the General Medical Council on the day before the first order of the Privy Council under section 1(2) of the Medical Act 1983 comes into force as a member of the General Medical Council as constituted on the day the first order of the Privy Council under section 1(2) of that Act comes into force;

(b) to appoint the person who held office as chairman of the General Optical Council on the day before the first order of the Privy Council under section 1(4) of the Opticians Act 1989 comes into force as a member of the General Optical Council as constituted on the day the first order of the Privy Council under section 1(4) of that Act comes into force;

(c) to appoint the person who held office as Chairman of the General Osteopathic Council on the day before the first order of the Privy Council under section 1(4) of the Osteopaths Act 1993 comes into force as a member of the General Osteopathic Council as constituted on the day the first order of the Privy Council under section 1(4) of that Act comes into force; and

(d) to appoint the person who held office as Chairman of the General Chiropractic Council on the day before the first order of the Privy Council under section 1(4) of the Chiropractors Act 1994 comes into force as a member of the General Chiropractic Council as constituted on the day the first order of the Privy Council under section 1(4) of that Act comes into force.

Saving measure relating to the definition of "medical authority" in section 3(3) of the Dentists Act 1984

5. On and after the day on which paragraph 21(2) of Schedule 1 comes fully into force, subsection (3) of section 3 of the Dentists Act 1984(**a**) (power of medical authorities to hold examinations and grant licences in dentistry) shall apply as if the reference to universities or other bodies who choose appointed members of the General Medical Council were a reference to the universities or other bodies who were entitled to choose those members immediately before paragraph 21(2) of Schedule 1 came fully into force.

Transitional, transitory or saving provisions orders

6.—(1) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.

(2) The power to make an order under paragraph (1) may be exercised—

(a) so as to make different provision—

(i) with respect to different cases or different classes of cases, or

(ii) in respect of the same case or class of case for different purposes;

(b) in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions; or

(c) so as to make any supplementary, incidental or consequential provisions which the Privy Council considers necessary or expedient.

Privy Council procedures etc.

7.—(1) The power of the Privy Council to make an order under article 1(5) or 6(1) may be exercised by any two or more members of the Privy Council.

(2) The making of an order under article 1(5) or 6(1) shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(3) The power to make an order under article 1(5) or 6(1) shall be exercisable by statutory instrument.

(**a**) Section 3(3) has been amended by S.I. 1987/2047.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946(**a**) (definition of "Statutory Instrument"), paragraph (3) shall have effect as if contained in an Act of Parliament.

(5) Where an order of the Privy Council under this Order is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that shall be evidence, and in Scotland sufficient evidence, of—

(a) the fact that the order was duly made; and

(b) the order's terms.

Name
Clerk of the Privy Council

SCHEDULE 1

Article 2(1)

Amendments to the Medical Act 1983

Amendment of section 1

1. In section 1 (the General Medical Council), for subsection (2) substitute the following subsection—

"(2) The General Council shall be constituted as provided for by order of the Privy Council, subject to Part 1 of Schedule 1 to this Act."

Amendment of section 2

2. In section 2(**b**) (registration of medical practitioners), in subsection (2)—

(a) for "three lists, namely" substitute "the following lists"; and

(b) after paragraph (a) insert the following paragraph—

"(aa) if anyone is registered under section 18A, the emergency powers doctors list,".

Amendment of section 4

3. In section 4(**c**) (qualifying examinations and primary United Kingdom qualifications)—

(a) for subsections (1) and (2) substitute the following subsections—

"(1) Subject to the provisions of this Part of this Act, a qualifying examination for the purposes of this Part of this Act is an examination held for the purpose of granting one or more primary United Kingdom qualifications by any one of the bodies or combinations of bodies in the United Kingdom which are included in a list maintained by the General Council of the bodies and combinations of bodies entitled to hold such examinations.

(1A) The General Council may from time to time amend the list.

(1B) The list maintained under subsection (1) shall be published in such manner as the General Council see fit.

(1C) The General Council shall only include in the list maintained under subsection (1) bodies or combinations of bodies that require from candidates at examinations a standard of proficiency that conforms to the prescribed standard of proficiency.

(1D) If the General Council have formed the provisional opinion that a body or combination of bodies included in the list maintained under subsection (1) should be

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(**a**) 1946 c.36; section 1 has been amended by the Government of Wales Act 1998 (c.38), Schedule 12, paragraph 2.
(**b**) Section 2 has been amended by S.I. 1996/1591, 2002/3135 and 2006/1914.
(**c**) Section 4 has been amended by the Medical Qualifications (Amendment) Act 1991 (c. 38), section 1, and by S.I. 1996/1591, 2000/1841, 2004/1947, 2007/1386 and 2008/1037.

removed from the list, they shall notify that opinion in writing to the body or combination of bodies concerned and shall allow them a reasonable opportunity to respond before determining whether or not to remove the body or combination of bodies from the list.";

(b) in subsection (3)(a), for "any university in the United Kingdom" substitute "a body or combination of bodies included in the list maintained under subsection (1)";

(c) in subsection (4), for "universities and other bodies specified in subsection (3) above" substitute "bodies and combinations of bodies included in the list maintained under subsection (1)"; and

(d) after subsection (4) insert the following subsection—

"(4A) If a body or combination of bodies is removed from the list maintained under subsection (1), primary United Kingdom qualifications granted by that body or combination of bodies during the period in respect of which it was on the list are still to be considered primary United Kingdom qualifications after that removal."

Amendment of section 5

4. In section 5(**a**) (general functions of the Education Committee in relation to medical education in the United Kingdom)—

(a) in subsection (2)(a), for "in universities" substitute "in or under the direction of bodies or combinations of bodies"; and

(b) in subsection (3A), for "universities or other bodies" (in both places) substitute "bodies or combinations of bodies".

Amendment of section 6

5. In section 6 (further powers of the Education Committee)—

(a) in subsection (1), for "university or other body" substitute "body or combination of bodies";

(b) in subsection (2), for "university or body specified in section 4(3) above" substitute "body or combination of bodies included in the list maintained under section 4(1)"; and

(c) in subsection (5), omit the words from "and shall also" to the end of that subsection.

Amendment of section 7

6. In section 7 (power to appoint visitors of medical schools)—

(a) in subsection (1)—

(i) omit ", subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in any such directions,", and

(ii) for "university or other body specified in section 4(3) above" substitute "body or combination of bodies included in the list maintained under section 4(1)";

(b) in subsection (3)—

(i) for "university or other body" substitute "body or combination of bodies", and

(ii) after "that body" insert "or combination of bodies"; and

(c) omit subsection (4).

Repeal of section 8

7. Omit section 8(**b**) (power to add further qualifying examinations).

(**a**) Section 5 has been amended by S.I. 1996/1591, 2003/3148, 2004/1947, 2006/1914 and 2007/3101.
(**b**) Section 8 has been amended by S.I. 2006/1914.

Repeal of section 9

8. Omit section 9 (powers of the Privy Council where standards are not maintained).

Amendment of section 16

9. In section 16 (registration of qualifications), in subsection (1)(**a**), after "15A above" insert "or 18A below".

New section 18A

10. After section 18 (visiting medical practitioners from relevant European States), insert the following section—

"Temporary registration with regard to emergencies involving loss of human life or human illness etc.

18A.—(1) If the Secretary of State advises the Registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this section, the Registrar may register under this section—

(a) a person as a fully registered medical practitioner, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a fully registered medical practitioner with regard to the emergency; or

(b) the persons comprising a specified group of persons as fully registered medical practitioners, if the Registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as fully registered medical practitioners with regard to the emergency.

(2) The Registrar may register under this section by virtue of subsection (1)(b) all of the persons comprising a specified group of persons without first identifying each person in the group.

(3) The registration of a person under this section is subject to such conditions as the Registrar may specify, and the Registrar may at any time vary the conditions to which a person's registration under this section is subject (including by adding to the conditions or revoking any conditions).

(4) The registration of any person registered under this section by virtue of subsection (1)(b) as one of a specified group may be subject to the same conditions as the registration of other members of the group, or it may be subject to different conditions.

(5) A person's registration under this section shall cease to have effect if revoked by the Registrar, which—

(a) the Registrar must do if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to advise the Registrar as mentioned in subsection (1) no longer exist;

(b) the Registrar may do for any other reason at any time, including where the Registrar has grounds for suspecting that the person's fitness to practise may be impaired.

(6) The registration of a person registered under this section by virtue of subsection (1)(b) as one of a specified group may be revoked without revoking the registration of the other members of the group, or it may be revoked by virtue of a decision to revoke the registration of all the members of the group.

(7) Part 5 of this Act, apart from sections 35, 35A(1) and (4) to (8) and 35B(2) and (3), shall not apply to persons registered under this section.

(**a**) Subsection (1) has been amended by S.I. 2000/3041 and 2002/3135.

(8) If a person breaches any condition to which the person's registration under this section is subject, anything done by the person in breach of that condition is to be treated as not being done by a registered medical practitioner.

(9) For the purposes of this section, "emergency" means an emergency of the type described in section 19(1)(a) of the Civil Contingencies Act 2004(**a**) (meaning of "emergency"), read with subsection (2)(a) and (b) of that section."

Amendment of section 30

11. In section 30 (the registers), in subsection (1)(**b**), after paragraph (a) insert the following paragraph—

"(aa) in the emergency powers doctors list, the names of persons from time to time registered under section 18A;".

New section 30A

12. After section 30, insert the following section—

"**The register: emergency powers doctors list**

30A.—(1) Notwithstanding any other provision of this Act, the Registrar is not under an obligation to make any entry in the register in respect of any person registered by virtue of section 18A(1)(b) until the Registrar has been able to ascertain the person's name and address.

(2) The Registrar may make available information identifying any group of persons registered by virtue of section 18A(1)(b) in such manner as the Registrar sees fit."

Amendment of section 32

13. In section 32 (registration fees), in subsection (5)(**c**), after "registration" insert "in the emergency powers doctors list or".

Amendment of section 35A

14. In section 35A(**d**) (General Council's power to require disclosure of information), in subsection (1)—

(a) after "their committees" insert "or the Registrar"; and

(b) after "fitness to practise" insert ", or for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of section 18A(1)(b),".

Amendment of section 35C

15. In section 35C(**e**) (functions of the Investigation Committee), in subsection (2), omit "or" at the end of paragraph (d) and after paragraph (e) insert—

"(f) the Independent Barring Board including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006(**f**) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**g**)); or

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(**a**) 2004 c.36.
(**b**) Section 30(1) has been amended by S.I. 1996/1591, 2000/3041, 2002/3135 and 2006/1914.
(**c**) Section 32(5) was amended by S.I. 1996/1591 and 2007/3101.
(**d**) Section 35A is as substituted by S.I. 2002/3135 and thereafter amended by S.I. 2006/1914.
(**e**) Section 35C is as substituted by S.I. 2002/3135.
(**f**) 2006 c.47.
(**g**) S.I. 2007/1351 (N. I. 11).

(g) the Scottish Ministers including the person in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007(**a**)).".

Amendment of section 49B

16. In section 49B(**b**) (the Directive: designation of competent authority etc.), in subsection (4), for "specified in section 4(2)" substitute "included in the list maintained under section 4(1)".

Amendment of section 51

17. In section 51(**c**) (exercise of powers to make Orders in Council and other orders)—

(a) in subsection (1), omit "(except section 9(2) and (5))"; and

(b) omit paragraph (a) of subsection (3) (together with the "or" following it).

Substitution of section 52A

18. For section 52A(**d**) (annual reports) substitute the following section—

"Annual reports, statistical reports and strategic plans

52A.—(1) The General Council shall publish, by such date in each year as the Privy Council shall specify—

(a) a report on the exercise of their functions which includes a description of the arrangements that the General Council have put in place to ensure that they adhere 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(**e**));

(b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the General Council have put in place to protect members of the public from persons who are provisionally registered or fully registered and whose fitness to practise is impaired, together with the General Council's observations on the report; and

(c) a strategic plan for the General Council in respect of such number of years as the General Council shall determine.

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

Amendment of section 53

19. In section 53(**f**) (proof of certain instruments), in subsection (2), omit paragraph (a).

Amendment of section 55

20. In section 55 (interpretation), in subsection (1)—

(a) in the definition of "fully registered person"(**g**), after "14A," insert "18A,"; and

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(**a**) 2007 asp 14.
(**b**) Section 49B was inserted by S.I. 2007/3101.
(**c**) Section 51 has been amended by S.I. 2006/1914.
(**d**) Section 52A was inserted by S.I. 2002/3135.
(**e**) 2006 c.3.
(**f**) Section 53 has been amended by S.I. 2002/3135.
(**g**) The definition of "fully registered person" has been amended by S.I. 1996/1591, 2000/3041, 2002/3135 and 2006/1914.

(b) omit the definitions of "appointed member", "appointing body", "elected member" and "nominated member".

Amendment of Schedule 1

21.—(1) Schedule 1 (the General Medical Council and its committees, and the branch councils) is amended in accordance with the provisions of this paragraph.

(2) For Part 1(**a**) (constitution of the General Medical Council) substitute the following Part—

"Part 1

Constitution of the General Medical Council

Membership: general

1A.—(1) The General Council shall consist of—

(a) registrant members, that is members who—

(i) are fully registered or provisionally registered, and

(ii) hold licences to practise; and

(b) lay members, that is members who—

(i) are not and never have been provisionally registered or fully registered,

(ii) were at no time registered with limited registration under section 22 prior to its repeal, and

(iii) do not hold qualifications which would entitle them to apply for provisional or full registration under this Act.

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

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

(4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the General Council, the Privy Council shall consult the General Council.

Matters for the order of the Privy Council under section 1(2)

1B.—(1) An order under section 1(2) shall include provision with regard to—

(a) the numbers of registrant members and lay members of the General Council;

(b) the terms of office for which members of the General 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 General Council;

(d) the appointment of a chair of the General 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;

(**a**) Part I has been amended by: the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 12, paragraph 2; the Health Act 2006 (c.28), Schedule 8, paragraph 26, and Schedule 9; and by S.I. 2002/3135 and 2006/1914.

(f) the quorum of the General 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 section 1(2) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.

(3) An order under section 1(2) may include provision with regard to—

(a) the maximum period for which a member of the General Council may hold office as a member during a specified period;

(b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;

(c) the education and training of members of the General Council, and the order may provide for the General Council to include the requirements with regard to education and training of their 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 General Council at meetings of the General Council;

(e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and

(f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as president of the General Council on the day before the first order of the Privy Council under section 1(2) comes into force.

(4) An order under section 1(2) 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.

Registration of members' private interests

1C.—(1) The General Council must maintain a system for the declaration and registration of private interests of their members.

(2) The General Council must publish in such manner as they see fit entries recorded in the register of members' private interests."

(3) For paragraph 9A (which relates to the General Council's general duties of co-operation) substitute the following paragraph—

"**9A.**—(1) In exercising their functions, the General Council shall—

(a) have proper regard for—

(i) the interests of persons using or needing the services of provisionally or fully registered medical practitioners in the United Kingdom, and

(ii) any differing interests of different categories of provisionally or fully registered medical practitioners;

(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 provisionally or fully registered medical practitioners,

(ii) the education or training of medical practitioners or other 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, and

(v) the provision, supervision or management of health services.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as a medical practitioner which apply in England, Scotland, Wales or Northern Ireland.

(3) In sub-paragraph (1), "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(**a**), other than the General Council."

(4) Omit paragraph 12 (which relates to the validity of proceedings of the General Council) and paragraph 13(**b**) (which relates to the quorum of the General Council).

(5) In paragraph 14 (which relates to voting at General Council meetings), for "presides at" substitute "chairs".

(6) In paragraph 15 (which relates to provisions in standing orders of the General Council)—

(a) after sub-paragraph (1) insert the following sub-paragraph—

"(1A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General 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 section 1(2)."; and

(b) in sub-paragraph (3), for "This paragraph" substitute "Sub-paragraph (1)".

(7) In paragraph 16(**c**) (officers of the General Council), for sub-paragraphs (1) and (2) substitute the following sub-paragraph—

"(1A) Standing orders of the General Council may make provision with regard to the appointment of a treasurer of the General Council."

(8) After paragraph 23B(**d**) (which relates to quora of panels and the Investigation Committee) insert the following paragraph—

"**23C.** Rules under any of the paragraphs mentioned in paragraph 23B may also make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the General Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the panels or the committee to which those paragraphs relate, including any function relating to tenure of office or suspension or removal from office."

Amendment of Schedule 3

22. In Schedule 3 (registration: supplementary provisions), in paragraph 3(**e**), in sub-paragraph (2), for "university in the United Kingdom or any other body specified in section 4(3)" substitute "body or combination of bodies included in the list maintained under section 4(1)".

(**a**) 2002 c.17.
(**b**) Paragraph 13 was substituted by S.I. 2002/3135.
(**c**) Paragraph 16 was amended by S.I. 2002/3135.
(**d**) Paragraph 23B was inserted by S.I. 2002/3135.
(**e**) Paragraph 3 has been amended by S.I. 1996/1519, 2000/3041 and 2006/1914.

SCHEDULE 2

Article 2(2)

Amendments to the Opticians Act 1989

Amendment of section 1

1. In section 1 (constitution and functions of the Council), for subsection (4) substitute the following subsection—

"(4) The Council shall be constituted as provided for by order of the Privy Council, subject to Schedule 1 (which relates to the constitution etc. of the Council), and the provisions of that Schedule shall have effect."

Amendment of section 13D

2. In section 13D(**a**) (allegations), in subsection (2), omit "or" at the end of paragraph (f) and after paragraph (g) insert—

"(h) the Independent Barring Board including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or

(i) the Scottish Ministers including the person in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)."

New section 32A

3. After section 32, insert the following section—

"Annual reports, statistical reports and strategic plans

32A.—(1) The Council shall publish, by such date in each year as the Privy Council shall specify—

(a) a report on the exercise of their functions which includes a description of the arrangements that the Council have put in place to ensure that they adhere 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);

(b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the Council have put in place to protect members of the public from registrants whose fitness to practise, to undertake training or to carry on a business 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 subsection (1) to the Privy Council and the Privy Council shall lay copies of the reports and the plan before each House of Parliament."

Amendment of section 34

4. In section 34(**b**) (subordinate legislation procedure)—

(a) in subsection (1), omit "and a scheme submitted by them under paragraph 3 of Schedule 1 to this Act"; and

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(**a**) Section 13D was inserted by S.I. 2005/848.
(**b**) Section 34 was amended by S.I. 2005/848.

(b) in subsection (7)—

(i) in paragraph (a), omit "other than an order such as is mentioned in subsection (9)(a) below",

(ii) omit paragraph (b) (together with the "and" following it), and

(iii) for paragraph (c) substitute the following paragraph—

"(c) an order under section 1(4) or 27.".

Amendment of section 36

5. In section 36(**a**) (interpretation), in subsection (1), for the definition of "medical authority" substitute the following definition—

""medical authority" means a body or combination of bodies included in the list maintained by the General Medical Council under section 4(1) of the Medical Act 1983;".

Amendment of Schedule 1

6.—(1) Schedule 1(**b**) (constitution etc. of Council) is amended in accordance with the provisions of this paragraph.

(2) For paragraphs 1 to 9 substitute the following paragraphs—

"*Membership: general*

1A.—(1) The Council shall consist of—

(a) registrant members, that is members who are registered optometrists or registered dispensing opticians; and

(b) lay members, that is members who—

(i) are not and never have been registered in a register, or a director of a body corporate registered in a register, maintained by the Council, and

(ii) do not hold qualifications which would entitle them to apply for registration in one of the registers maintained under section 7 or 8B.

(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.

(4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the Council, the Privy Council shall consult the Council.

Matters for the order of the Privy Council under section 1(4)

1B.—(1) An order under section 1(4) 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;

(**a**) Section 36 was amended by S.I. 2005/848.

(**b**) Schedule 1 has been amended by the Health and Social Care (Community Health and Standards) Act 2003, Schedule 12, paragraph 4, and by S.I. 1998/3117 and 2005/848.

(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 section 1(4) 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 section 1(4) 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 their 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;

(e) the effect (if any) of any vacancy in the membership of the Council or any defect in the appointment of a member; and

(f) enabling the Privy Council to appoint as the chair of the Council, for a specified period, the person who held office as chairman of the Council on the day before the first order under section 1(4) comes into force.

(4) An order under section 1(4) 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.

Registration of members' private interests

1C.—(1) The Council must establish and maintain a system for the declaration and registration of private interests of their members.

(2) The Council must publish in such manner as they see fit entries recorded in the register of members' private interests."

(3) In paragraph 11 (which relates to powers of the Council)—

(a) in sub-paragraph (3), omit "the Council and" and "the Council or"; and

(b) after sub-paragraph (3), insert the following sub-paragraph—

"(4) 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 section 1(4)."

(4) After paragraph 11, insert the following paragraph—

"**11A.**—(1) In exercising their functions, the Council shall—

(a) have proper regard for—

(i) the interests of persons using or needing the services of registered optometrists, registered dispensing opticians or business 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 registered optometrists or registered dispensing opticians,

(ii) the education or training of individual registrants or other 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, and

(v) the provision, supervision or management of health services.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the Council shall have regard to any differing considerations relating to practising as a registered optometrist or a registered dispensing optician, or carrying on a business as a business registrant, which apply in England, Scotland, Wales or Northern Ireland.

(3) In sub-paragraph (1), "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(**a**), other than the Council."

(5) In paragraph 12—

(a) before "The Council may" insert "Subject to any provision made by or under this Act,"; and

(b) omit "(including quorum)".

(6) After paragraph 12A(**b**), insert the following paragraph—

"12B. Rules under sections 2 to 5D may make provision for a body (including a committee of the Council which is not one of the committees to which any of those sections relate) to assist the Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the committees or the panel to which those sections relate, including any function relating to tenure of office or suspension or removal from office."

(7) Omit paragraph 13 (which relates to the powers of the Privy Council to alter the membership of the Council).

SCHEDULE 3

Article 2(3)

Amendments to the Osteopaths Act 1993

Amendment of section 1

1. In section 1 (the General Osteopathic Council and its committees)—

(a) in subsection (2), omit ", promote";

(b) for subsection (4) substitute the following subsection—

"(4) The General Council shall be constituted as provided for by order of the Privy Council, subject to Part 1 of the Schedule (which relates to orders under this subsection and powers of the General Council), which shall have effect."; and

(c) omit subsections (10) to (12).

(**a**) 2002 c.17.
(**b**) Inserted by S.I. 2005/848.

Amendment of section 3

2. In section 3 (full registration), after subsection (6) insert the following subsection—

"(6A) The General Council may by rules provide for treating a person who does not hold a recognised qualification but who, on an application made to the Registrar before 1 January 2011, satisfies the Registrar that the person—

(a) obtained a qualification in osteopathy in the United Kingdom before 9 May 2000,

(b) practised as an osteopath before 9 May 2000,

(c) has not practised as an osteopath in the United Kingdom on or after 9 May 2000,

(d) has a good reason for not having made a successful application for registration during the transitional period, and

(e) is capable of the competent and safe practice of osteopathy,

as holding a recognised qualification for the purposes of this Act."

Amendment of section 17

3. In section 17(**a**) (post registration training)—

(a) in subsection (1), for "further courses of training" substitute "continuing professional development"; and

(b) in subsection (2B)—

(i) in paragraph (a), for "further courses of training" substitute "continuing professional development", and

(ii) in paragraph (b)(ii), for "training" substitute "continuing professional development".

Amendment of section 20

4. In section 20 (professional conduct and fitness to practise), in subsection (1), omit "or" at the end of paragraph (c) and after paragraph (d) insert—

"(e) the registered osteopath has been included by the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or

(f) the registered osteopath has been included by the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)."

Amendment of section 35

5. In section 35 (rules), in subsection (2), omit "or by Order in Council".

Amendment of section 36

6. In section 36 (exercise of powers of Privy Council), in subsection (3), after "Any" insert "order under section 1(4) or any".

New section 40A

7. After section 40, insert the following section—

(**a**) Section 17 has been amended by S.I. 2007/3101.

"**Annual reports, statistical reports and strategic plans**

40A.—(1) The General 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 General 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);

(b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the General Council has put in place to protect members of the public from registered osteopaths whose fitness to practise is impaired, together with the General Council's observations on the report; and

(c) a strategic plan for the General Council in respect of such number of years as the General Council shall determine.

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

Amendment of section 41

8. In section 41(**a**) (interpretation), after the definition of "temporarily registered osteopath" insert the following definition—

""training" includes continuing professional development;".

Amendment of the Schedule

9.—(1) The Schedule (the General Council and committees) is amended in accordance with the provisions of this paragraph.

(2) In Part 1, for paragraphs 1 to 14 (including the heading "Membership" before paragraph 1) substitute the following paragraphs—

"*Membership: general*

1A.—(1) The General Council shall consist of—

(a) registrant members, that is members who are registered osteopaths; and

(b) lay members, that is members who—

(i) are not and never have been registered osteopaths, and

(ii) do not hold qualifications which would entitle them to apply for registration under this Act.

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

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

(4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the General Council, the Privy Council shall consult the General Council.

(**a**) Section 41 has been amended by the Chiropractors Act 2004, Schedule 2, paragraph 9, and by S.I. 2007/3101.

Matters for the order of the Privy Council under section 1(4)

1B.—(1) An order under section 1(4) shall include provision with regard to—

(a) the numbers of registrant members and lay members of the General Council;

(b) the terms of office for which members of the General 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 General Council;

(d) the appointment of a chair of the General 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 General 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 section 1(4) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.

(3) An order under section 1(4) may include provision with regard to—

(a) the maximum period for which a member of the General Council may hold office as a member during a specified period;

(b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;

(c) the education and training of members of the General Council, and the order may provide for the General 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 General Council at meetings of the General Council;

(e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and

(f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as Chairman of the General Council on the day before the first order under section 1(4) comes into force.

(4) An order under section 1(4) 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.

Registration of members' private interests

1C.—(1) The General Council must establish and maintain a system for the declaration and registration of private interests of its members.

(2) The General Council must publish in such manner as it sees fit entries recorded in the register of members' private interests.

Duties of co-operation etc.

1D.—(1) In exercising its functions, the General Council shall—

(a) have proper regard for—

(i) the interests of persons using or needing the services of registered osteopaths in the United Kingdom, and

(ii) any differing interests of different categories of registered osteopaths;

(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 registered osteopaths,

(ii) the education or training of osteopaths or other 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, and

(v) the provision, supervision or management of health services.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as an osteopath which apply in England, Scotland, Wales or Northern Ireland.

(3) In sub-paragraph (1), "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, other than the General Council."

(3) In paragraph 15 (powers of the General Council)—

(a) after sub-paragraph (2) insert the following sub-paragraph—

"(2A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General 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 section 1(4).."; and

(b) omit sub-paragraphs (3) and (4).

(4) In paragraph 16 (which relates to appointment of members of statutory committees)—

(a) in sub-paragraph (1), after "General Council" insert "and may be, but are not required to be, appointed";

(b) in sub-paragraph (2), after "such appointments" insert ", and as to the suspension and removal from office of the persons appointed"; and

(c) after sub-paragraph (2) insert the following sub-paragraph—

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

(5) Omit paragraph 19 (which relates to duration of office of committee members).

(6) In paragraph 21 (which relates to the procedure of statutory committees and their sub-committees)—

(a) in sub-paragraph (1), for "shall" substitute "may"; and

(b) in sub-paragraph (2)(**a**), after "under this Act," insert "including provision made by standing orders of the General Council by virtue of paragraph 15(2)(g),".

(7) For paragraph 25 (which relates to the composition of the Education Committee), substitute the following paragraph—

(**a**) Paragraph 21(2) was amended by the Chiropractors Act 1994, Schedule 2, paragraph 10(3).

"**25.** The General Council shall by rules make provision with regard to the constitution of the Education Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(8) Omit paragraphs 26 (which relates to co-option of members onto the Education Committee), 27 (which relates to the chairman of the Education Committee), 28 (which relates to the quorum of the Education Committee) and 29 (which relates to appointment functions).

(9) For paragraph 30 (which relates to the composition of the Investigating Committee) substitute the following paragraph—

"**30.** The General Council shall by rules make provision with regard to the constitution of the Investigating Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(10) Omit paragraphs 31 (which relates to co-option of members onto the Investigating Committee), 32 (which relates to the chairman of the Investigating Committee) and 33 (which relates to the quorum of the Investigating Committee).

(11) For paragraph 34 (which relates to the composition of the Professional Conduct Committee) substitute the following paragraph—

"**34.** The General Council shall by rules make provision with regard to the constitution of the Professional Conduct Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(12) Omit paragraphs 35 (which relates to co-option of members onto the Professional Conduct Committee), 36 (which relates to the chairman of the Professional Conduct Committee) and 37 (which relates to the quorum of the Professional Conduct Committee).

(13) For paragraph 38 (which relates to the composition of the Health Committee) substitute the following paragraph—

"**38.** The General Council shall by rules make provision with regard to the constitution of the Health Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(14) Omit paragraphs 39 (which relates to co-option of members onto the Health Committee), 40 (which relates to the chairman of the Health Committee) and 41 (which relates to the quorum of the Health Committee).

SCHEDULE 4

Article 2(4)

Amendments to the Chiropractors Act 1994

Amendment of section 1

1. In section 1 (the General Chiropractic Council and its committees)—

(a) in subsection (2), omit ", promote";

(b) for subsection (4) substitute the following subsection—

"(4) The General Council shall be constituted as provided for by order of the Privy Council, subject to Part 1 of Schedule 1 (which relates to orders under this subsection and powers of the General Council), which shall have effect."; and

(c) omit subsections (10) to (12).

Amendment of section 3

2. In section 3 (full registration), after subsection (6) insert the following subsection—

"(6A) The General Council may by rules provide for treating a person who does not hold a recognised qualification but who, on an application made to the Registrar before 1 January 2011, satisfies the Registrar that the person—

(a) obtained a qualification in chiropractic in the United Kingdom before 15 June 2001,

(b) practised as a chiropractor before 15 June 2001,

(c) has not practised as a chiropractor in the United Kingdom on or after 15 June 2001,

(d) has a good reason for not having made a successful application for registration during the transitional period, and

(e) is capable of the competent and safe practice of chiropractic,

as holding a recognised qualification for the purposes of this Act."

Amendment of section 17

3. In section 17(**a**) (post registration training)—

(a) in subsection (1), for "further courses of training" substitute "continuing professional development"; and

(b) in subsection (2B)—

(i) in paragraph (a), for "further courses of training" substitute "continuing professional development", and

(ii) in paragraph (b)(ii), for "training" substitute "continuing professional development".

Amendment of section 20

4. In section 20 (professional conduct and fitness to practise), in subsection (1), omit "or" at the end of paragraph (c) and after paragraph (d) insert—

"(e) the registered chiropractor has been included by the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or

(f) the registered chiropractor has been included by the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)."

Amendment of section 35

5. In section 35 (rules), in subsection (2), omit "or by Order in Council".

(**a**) Section 17 has been amended by S.I. 2007/3101.

Amendment of section 36

6. In section 36 (exercise of powers of Privy Council), in subsection (3), after "Any" insert "order under section 1(4) or any".

New section 41A

7. After section 41 insert the following section—

"**Annual reports, statistical reports and strategic plans**

41A.—(1) The General 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 General 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);

(b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the General Council has put in place to protect members of the public from registered chiropractors whose fitness to practise is impaired, together with the General Council's observations on the report; and

(c) a strategic plan for the General Council in respect of such number of years as the General Council shall determine.

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

Amendment of section 43

8. In section 43(**a**) (interpretation), after the definition of "temporarily registered chiropractor" insert the following definition—

""training" includes continuing professional development;".

Amendment of Schedule 1

9.—(1) Schedule 1 (the General Council and committees) is amended in accordance with the provisions of this paragraph.

(2) In Part 1, for paragraphs 1 to 14 (including the heading "Membership" before paragraph 1) substitute the following paragraphs—

"*Membership: general*

1A.—(1) The General Council shall consist of—

(a) registrant members, that is members who are registered chiropractors; and

(b) lay members, that is members who—

(i) are not and never have been registered chiropractors, and

(ii) do not hold qualifications which would entitle them to apply for registration under this Act.

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

(**a**) Section 43 has been amended by S.I. 2007/3101.

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

(4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the General Council, the Privy Council shall consult the General Council.

Matters for the order of the Privy Council under section 1(4)

1B.—(1) An order under section 1(4) shall include provision with regard to—

(a) the numbers of registrant members and lay members of the General Council;

(b) the terms of office for which members of the General 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 General Council;

(d) the appointment of a chair of the General 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 General 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 section 1(4) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.

(3) An order under section 1(4) may include provision with regard to—

(a) the maximum period for which a member of the General Council may hold office as a member during a specified period;

(b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;

(c) the education and training of members of the General Council, and the order may provide for the General 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 General Council at meetings of the General Council;

(e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and

(f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as Chairman of the General Council on the day before the first order under section 1(4) comes into force.

(4) An order under section 1(4) 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.

Registration of members' private interests

1C.—(1) The General Council must establish and maintain a system for the declaration and registration of private interests of its members.

(2) The General Council must publish in such manner as it sees fit entries recorded in the register of members' private interests.

Duties of co-operation etc.

1D.—(1) In exercising its functions, the General Council shall—

(a) have proper regard for—

(i) the interests of persons using or needing the services of registered chiropractors in the United Kingdom, and

(ii) any differing interests of different categories of registered chiropractors;

(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 registered chiropractors,

(ii) the education or training of chiropractors or other 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, and

(v) the provision, supervision or management of health services.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as a chiropractor which apply in England, Scotland, Wales or Northern Ireland.

(3) In sub-paragraph (1), "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, other than the General Council."

(3) In paragraph 15 (powers of the General Council)—

(a) after sub-paragraph (2) insert the following sub-paragraph—

"(2A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General 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 section 1(4).."; and

(b) omit sub-paragraphs (3) and (4).

(4) In paragraph 16 (which relates to appointment of members of statutory committees)—

(a) in sub-paragraph (1), after "General Council" insert "and may be, but are not required to be, appointed";

(b) in sub-paragraph (2), after "such appointments" insert ", and as to the suspension and removal from office of the persons appointed"; and

(c) after sub-paragraph (2) insert the following sub-paragraph—

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

(5) Omit paragraph 19 (which relates to duration of office of committee members).

(6) In paragraph 21 (which relates to the procedure of statutory committees and their sub-committees)—

(a) in sub-paragraph (1), for "shall" substitute "may"; and

(b) in sub-paragraph (2), after "under this Act," insert "including provision made by standing orders of the General Council by virtue of paragraph 15(2)(h),".

(7) For paragraph 25 (which relates to the composition of the Education Committee), substitute the following paragraph—

"**25.** The General Council shall by rules make provision with regard to the constitution of the Education Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(8) Omit paragraphs 26 (which relates to co-option of members onto the Education Committee), 27 (which relates to the chairman of the Education Committee), 28 (which relates to the quorum of the Education Committee) and 29 (which relates to appointment functions).

(9) For paragraph 30 (which relates to the composition of the Investigating Committee) substitute the following paragraph—

"**30.** The General Council shall by rules make provision with regard to the constitution of the Investigating Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(10) Omit paragraphs 31 (which relates to co-option of members onto the Investigating Committee), 32 (which relates to the chairman of the Investigating Committee) and 33 (which relates to the quorum of the Investigating Committee).

(11) For paragraph 34 (which relates to the composition of the Professional Conduct Committee) substitute the following paragraph—

"**34.** The General Council shall by rules make provision with regard to the constitution of the Professional Conduct Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(12) Omit paragraphs 35 (which relates to co-option of members onto the Professional Conduct Committee), 36 (which relates to the chairman of the Professional Conduct Committee) and 37 (which relates to the quorum of the Professional Conduct Committee).

(13) For paragraph 38 (which relates to the composition of the Health Committee) substitute the following paragraph—

"**38.** The General Council shall by rules make provision with regard to the constitution of the Health Committee, and those rules shall include provision with regard to—

(a) its size and membership;

(b) its chair, including the deputising arrangements for its chair; and

(c) the quorum at its meetings."

(14) Omit paragraphs 39 (which relates to co-option of members onto the Health Committee), 40 (which relates to the chairman of the Health Committee) and 41 (which relates to the quorum of the Health Committee).

SCHEDULE 5

Article 3

Consequential amendment and revocations

PART 1

Amendment of the Dentists Act 1984

Amendment of the Dentists Act 1984

1. In section 37 of the Dentists Act 1984(**a**) (definition of practice of dentistry), in subsection (3)(**b**), for "one of the universities or other bodies listed in section 4(2)" substitute "a body or combination of bodies included in the list maintained under section 4(1)".

PART 2

Revocations of subordinate legislation

Revocation of General Medical Council legislation

2.—(1) The General Medical Council (Constitution) Order 2002(**c**) is revoked.

(2) The General Medical Council (Constitution) (Amendment) Order 2007(**d**) is revoked.

Revocation of General Optical Council legislation

3.—(1) The General Optical Council (Membership) Order of Council 1998(**e**) is revoked.

(2) The General Optical Council (Membership) Order of Council 2001(**f**) is revoked.

(3) The General Optical Council (Committee Constitution Rules) Order of Council 2005(**g**), and the Rules approved by that Order, are revoked.

Revocation of General Osteopathic Council legislation

4.—(1) The General Osteopathic Council (Constitution and Procedure) Rules Order of Council 1998(**h**), and the Rules approved by that Order, are revoked.

(2) The General Osteopathic Council (Election of members and Chairman of Council) Rules Order of Council 2002(**i**), and the Rules approved by that Order, are revoked.

Revocation of General Chiropractic Council legislation

5.—(1) The General Chiropractic Council (Constitution and Procedure Rules) Order 1999(**j**), and the Rules approved by that Order, are revoked.

(2) The General Chiropractic Council (Election of Members and Chairman of Council) Rules Order 2002(**a**), and the Rules approved by that Order, are revoked.

(**a**) 1984 c.24.
(**b**) Subsection (3) was substituted by S.I. 2002/3135.
(**c**) S.I. 2002/3136.
(**d**) S.I. 2007/616.
(**e**) S.I. 1998/3117.
(**f**) S.I. 2001/3057.
(**g**) S.I. 2005/1474.
(**h**) S.I. 1998/1019.
(**i**) S.I. 2002/827.
(**j**) S.I. 1999/1537.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes various amendments to the framework legislation for the regulation of doctors, opticians, osteopaths and chiropractors. Many of the amendments relate to the governance arrangements for the regulatory bodies that regulate those professions. Many of the changes result either in the standardising of practice across the regulatory bodies or in bringing their practice more closely into line with each other.

Schedule 1 contains amendments to the Medical Act 1983. The General Medical Council (GMC) is to be reconstituted, as provided for by an Order of the Privy Council (paragraph 1, 20(b) and 21). Instead of a mix of elected medical, nominated medical and appointed lay members, all of its members will be appointed. If the Privy Council, which is the body responsible for the appointments, directs the Appointments Commission to carry out any of the Privy Council's appointment functions, it must consult the GMC first. The GMC is responsible for appointing its own statutory committee members but is given new powers to seek the assistance of other bodies with these appointment functions. The new constitutional arrangements also revised duties of co-operation with stakeholders.

A number of amendments are made to the Medical Act 1983 to enable the GMC to maintain an emergency powers doctors list, which will be a list of persons whom the GMC will register temporarily in circumstances where a major emergency such as one involving the loss of human life or illness has occurred, is occurring or is about to occur. Registration will be at the discretion of the GMC's Registrar, who will be able to attach conditions to the doctors' registration and remove doctors from the list without going through the normal fitness to practise procedures. Emergency registration will however cease if the Secretary of State advises the Registrar that the circumstances which gave rise to the need for emergency registration no longer exist (paragraphs 2, 9 to 14 and 20(a)).

Amendments are made to Part II of the Medical Act 1983, and consequential amendments are made elsewhere, to change the system for the approval of providers of primary United Kingdom medical qualifications (paragraphs 3 to 8, 17 and 22 of Schedule 1, paragraph 5 of Schedule 2 and paragraph 1 of Schedule 5). Instead of the list of approved providers being set out in the Act, it will be set out in a list maintained by the GMC, who will be responsible for the monitoring of, and potentially the removal of, the bodies or combinations of bodies that are on the list. Whereas only universities could be added to the previous list, the GMC will have the power to include any type of body or combination of bodies in the list (for example, university colleges or medical schools).

Section 35C of the Medical Act 1983 is amended so that the inclusion of a person in a barred list kept by the Independent Barring Board, or in the children's list or the adults' list by the Scottish Ministers, becomes a reason for finding that a medical practitioner's fitness to practise is impaired (paragraph 15).

Section 52A of the Medical Act 1983 is revised so that it contains new arrangements for the annual documentation that the GMC is required to produce: an annual report that includes a description of the arrangements that they have in place to ensure that they adhere to good practice in relation to equality and diversity; a statistical report relating to their fitness to practise functions; and a strategic plan.

Schedule 2 to this Order contains amendments to the Opticians Act 1989. The General Optical Council (GOC) is to be reconstituted as provided for by an Order of the Privy Council (paragraphs 1, 2, 4 and 6). Instead of a mix of elected members who are optometrists or dispensing opticians, nominated medical practitioner members, members nominated by educational establishments and appointed lay members, all of the GOC's members will be appointed. If the Privy Council, which is the body responsible for the appointments, directs the Appointments Commission to carry out any of the Privy Council's appointment functions, it must consult the GOC first. The GOC is responsible for appointing its own statutory committee members but is given new powers to seek

(**a**) S.I. 2002/1263.

the assistance of other bodies with these appointment functions. The new constitutional arrangements also include the obligation to keep a register of members' private interests and duties of co-operation with stakeholders.

Section 13D of the Opticians Act 1989 is amended so that the inclusion of a person in a barred list kept by the Independent Barring Board, or in the children's list or the adults' list by the Scottish Ministers, becomes a reason for finding that an individual registrant's fitness to practise is impaired (paragraph 2).

Section 32A of the Opticians Act 1989 contains new arrangements for annual reports and related documentation. The GOC has to produce: an annual report that includes a description of the arrangements that it has in place to ensure that it adheres to good practice in relation to equality and diversity; a statistical report relating to its fitness to practise functions; and a strategic plan (paragraph 3).

Schedules 3 and 4 contain amendments in very similar terms to the Osteopaths Act 1993 and the Chiropractors Act 1994. The General Osteopathic Council (GOsC) and the General Chiropractic Council (GCC) are relieved of obligations to promote their respective professions (paragraph 1(a) of Schedule 3 and of Schedule 4).

The GOsC and the GCC are to be reconstituted as provided for by Order of the Privy Council (paragraphs 1, 5, 6 and 8 of Schedule 3 and of Schedule 4). Instead of a mix of elected members who are registered osteopaths or, as the case may be chiropractors, and appointed members, all their members will be appointed. If the Privy Council, which becomes the body responsible for all of the appointments, directs the Appointments Commission to carry out any of the Privy Council's appointment functions, it must consult the GOsC or, as the case may be, the GCC first. The new constitutional arrangements for the Councils also include obligations to keep registers of members' private interests and duties of co-operation with stakeholders.

The constitutions of the statutory committees of the GOsC and GCC are revised: these are left to the Councils themselves to determine in rules. There are powers for the Councils and their statutory committees to determine their procedural rules by standing orders, subject to the requirements of legislation. The Councils will be responsible for appointing the members of these committees, but are given powers to seek the assistance of other bodies with these appointment functions.

Both the GOsC and the GCC are given new powers to make rules allowing onto their registers, for a limited period, some osteopaths or chiropractors with older qualifications that are not currently recognised, subject to certain conditions being satisfied (paragraph 2 of Schedule 3 and of Schedule 4).

Section 20 of the Osteopaths Act 1993 and section 20 of the Chiropractors Act 1994 are amended so that the inclusion of a person in a barred list kept by the Independent Barring Board, or in the children's list or the adults' list kept by the Scottish Ministers, becomes a reason for finding that a registrant is guilty of unacceptable professional conduct (paragraph 4 of Schedule 3 and of Schedule 4).

Section 40A of the Osteopaths Act 1993 and section 41A of the Chiropractors Act 1994 contain new arrangements for annual reports and related documentation. The GOsC and GCC have to produce: an annual report that includes a description of the arrangements that they have in place to ensure that they adhere to good practice in relation to equality and diversity; a statistical report relating to their fitness to practise functions; and a strategic plan.

Some consequential revocations of subordinate legislation are also included in Part 2 of Schedule 5. The Order also contains a transitional and a saving provision, and provisions which allow for the making of further transitional, transitory or saving provisions by order of the Privy Council (articles 4 to 7).

An impact assessment has been prepared in relation to this Order and is available from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

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