



# Osteopaths Act 1993

## 1993 CHAPTER 21

### *Miscellaneous*

#### **34 Default powers of the Privy Council.**

- (1) If it appears to the Privy Council that the General Council has failed to perform any functions which, in the opinion of the Privy Council, should have been performed, the Privy Council may give the General Council such direction as the Privy Council considers appropriate.
- (2) If the General Council fails to comply with any direction given under this section, the Privy Council may itself give effect to the direction.
- (3) For the purpose of enabling it to give effect to a direction under subsection (1), the Privy Council may—
  - (a) exercise any power of the General Council or do any act or other thing authorised to be done by the General Council; and
  - (b) do, of its own motion, any act or other thing which it is otherwise authorised to do under this Act on the instigation of the General Council.

#### **35 Rules.**

- (1) The approval of the Privy Council shall be required for any exercise by the General Council of a power to make rules under this Act.
- (2) Any rules made by the General Council <sup>F1</sup>... under this Act may make different provision with respect to different cases, or classes of case and, in particular, different provision with respect to different categories of osteopath or registered osteopath.
- <sup>F2</sup>(3) .....
- (4) Nothing in any rules made under this Act shall be taken to oblige or entitle any person to act in breach of the law relating to confidentiality.

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*Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Cross Heading: Miscellaneous. (See end of Document for details)*

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#### Textual Amendments

- F1** Words in s. 35(2) omitted (1.4.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(4), **Sch. 3 para. 5**; S.I. 2008/3150, art. 3(b)(ii)
- F2** S. 35(3) repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 33(7), 42(3), **Sch. 9 Pt. 2**; S.I. 2003/833, art. 3(a)(c) (with art. 4)

#### Commencement Information

- I1** S. 35 wholly in force at 8.3.2000; s. 35 not in force at Royal Assent see s. 42(2)(4)(5); s. 35(1)(2)(4) in force at 14.1.1997 by [S.I. 1997/34](#), art. 2, **Sch.**; s. 35 in force at 8.3.2000 insofar as not already in force by [S.I. 2000/217](#), art. 2

### 36 Exercise of powers of Privy Council.

- (1) Where the approval of the Privy Council is required by this Act in respect of the making of any rules by the General Council, it shall be given by an order made by the Privy Council.
- (2) Any power of the Privy Council under this Act to make an order shall be exercisable by statutory instrument.
- (3) Any [<sup>F3</sup>order under section 1(4) or any] order approving rules made under section 5, 8(8), 17 or 30 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) For the purposes of exercising any powers conferred by this Act (other than the power of hearing appeals) the quorum of the Privy Council shall be two.
- (5) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the Clerk of the Council.
- (6) Any document purporting to be—
  - (a) an instrument made by the Privy Council under this Act, 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.

#### Textual Amendments

- F3** Words in s. 36(3) inserted (9.7.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), **Sch. 3 para. 6**; S.I. 2008/3150, art. 3(b)(i)

#### Commencement Information

- I2** S. 36 wholly in force at 8.3.2000; s. 36 not in force at Royal Assent see s. 42(2)(4)(5); s. 36(1)(2)(4)-(6) in force at 14.1.1997 by [S.I. 1997/34](#), art. 2, **Sch.**; s. 36 in force at 8.3.2000 insofar as not already in force by [S.I. 2000/217](#), art. 2

**[<sup>F4</sup>37 Indemnity arrangements**

(1) A registered osteopath who practises as such must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.

<sup>F5</sup>(2) .....

(3) For the purposes of this section, 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.

(4) For the purposes of this section, “appropriate cover”, in relation to practice as a registered osteopath, 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.

(5) The General Council may by rules make provision in connection with the types of indemnity arrangement required and the information to be provided to the Registrar—

- (a) by or in respect of any person seeking to be entered in the register as a registered osteopath (including on an application for restoration) for the purposes of determining whether, if that person is so entered, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;
- (b) by or in respect of a registered osteopath for the purposes of determining whether at any time, there is in force in relation to him an indemnity arrangement which provides appropriate cover.

(6) Rules under subsection (5)(b) may require 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 registered osteopaths or registered osteopaths of a particular description.

(7) The General Council may also make rules requiring a registered osteopath to inform the Registrar if there ceases to be in force in relation to him an indemnity arrangement which provides appropriate cover.

(8) The General Council may also make rules requiring a registered osteopath to inform the Registrar if there is in force in relation to him appropriate cover provided under an indemnity arrangement by an employer.

(9) Where there is a failure to comply with the rules under subsection (5) by or in respect of a person who is entered or is seeking to be entered in the register, the Registrar may refuse to enter the person in, or to restore the person's entry to, the register.

(10) If a registered osteopath is in breach of subsection (1), or fails to comply with rules under subsection (5)(b), (7) or (8), or there is a failure to comply with rules under subsection (5)(b) in respect of a registered osteopath—

- (a) the Registrar may remove that person's entry from the register; or
- (b) the breach or failure may be treated as unacceptable professional conduct and the Registrar may notify the Council .]

*Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Cross Heading: Miscellaneous. (See end of Document for details)*

#### Textual Amendments

- F4** S. 37 substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 9** (with Sch. 3 paras. 10-14)
- F5** S. 37(2) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 6 para. 10** (with reg. 12A, Sch. 6 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 14); 2020 c. 1, Sch. 5 para. 1(1)

**F6**<sup>38</sup> .....

#### Textual Amendments

- F6** S. 38 repealed (1.3.2000) by [1998 c. 29, s. 74\(2\)](#), **Sch. 16 Pt. I**; [S.I. 2000/183](#), **art. 2**

#### [<sup>F7</sup>39 Exemption from provisions about rehabilitation of offenders.

(1) In this section—

“the 1975 Order” means the <sup>M1</sup>Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (professions etc. with respect to which provisions of the Act of 1974 are excluded); and

“the 1979 Order” means the <sup>M2</sup>Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (professions etc. with respect to which provisions of the <sup>M3</sup>Rehabilitation of Offenders (Northern Ireland) Order 1978 are excluded).

(2) In Part I of Schedule 1 to the 1975 Order, there shall be inserted at the end—

“11 Registered osteopath.”

(3) In Part I of Schedule 1 to the 1979 Order, there shall be inserted at the end—

“10 Registered osteopath.”

(4) In both the 1975 Order and the 1979 Order, in each case in Part IV of Schedule 1, there shall be inserted in the appropriate place—

““registered osteopath” has the meaning given by section 41 of the Osteopaths Act 1993.”

(5) The amendment of the 1975 Order and the 1979 Order by this section shall not be taken to prejudice the power to make further orders varying or revoking the amended provisions.]

#### Extent Information

- E1** S. 39 extends to United Kingdom with exceptions, see s. 42(7).

#### Textual Amendments

**F7** S. 39 repealed (*prosp.*) by 1997 c. 50, ss. 133(c), 134(2), 135, **Sch. 10**

#### Marginal Citations

**M1** S.I. 1975/1023.

**M2** S.R. 1979 No. 195.

**M3** S.I. 1978/1908 (N.I. 27).

## 40 Financial provisions.

- (1) The General Council shall keep proper accounts of all sums received or paid by it and proper records in relation to those accounts.
- (2) The accounts for each financial year of the General Council shall be audited by persons appointed by the Council.
- (3) No person may be appointed as an auditor under subsection (2) unless he is eligible for appointment as a [<sup>F8</sup>statutory auditor under Part 42 of the Companies Act 2006].
- (4) As soon as is reasonably practicable after the accounts of the General Council have been audited, 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 accounts and of any such report to the Privy Council.
- (5) The Privy Council shall lay any copy sent to them under subsection (4) before each House of Parliament.

#### Textual Amendments

**F8** Words in s. 40(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 3(b)** (with arts. 6, 11, 12)

## [<sup>F9</sup>40A. Annual reports, statistical reports and strategic plans

- (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.

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- (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.]

.....

**Textual Amendments**

- F9** S. 40A inserted (1.4.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(4), **Sch. 3 para. 7**; S.I. 2008/3150, art. 3(b)(ii)

**Changes to legislation:**

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