



# Osteopaths Act 1993

## 1993 CHAPTER 21

### *Registration of osteopaths*

#### **2 The Registrar of Osteopaths**

- (1) The General Council shall appoint a person to be the registrar for the purposes of this Act.
- (2) The person appointed shall be known as the Registrar of Osteopaths (referred to in this Act as “the Registrar”) and shall hold office for such period and on such terms as the General Council may determine.
- (3) It shall be the duty of the Registrar to establish and maintain a register of osteopaths in accordance with the provisions of this Act.
- (4) The Registrar shall have such other functions as the General Council may direct.
- (5) Where the terms on which the Registrar holds office include provision for the payment to him of any allowances or expenses, the rate at which those allowances or expenses are paid shall be determined by the General Council.
- (6) The terms on which the Registrar holds office may, in addition to providing for his remuneration, include provision for the payment of such pensions, allowances or gratuities to or in respect of him, or such contributions or payments towards provision for such pensions, allowances or gratuities, as may be determined by the General Council.

#### **3 Full registration**

- (1) Subject to the provisions of this Act, any person who satisfies the conditions mentioned in subsection (2) shall be entitled to be registered as a fully registered osteopath.
- (2) The conditions are that the application is made in the prescribed form and manner and that the applicant—
  - (a) has paid the prescribed fee;

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- (b) satisfies the Registrar that he is of good character;
  - (c) satisfies the Registrar that he is in good health, both physically and mentally;  
and
  - (d) has a recognised qualification.
- (3) Where an application for registration is made during the transitional period by a person who was in practice as an osteopath at any time before the opening of the register, he shall be treated as having a recognised qualification if he satisfies the Registrar that for a period of at least five years (which need not be continuous) he has spent a substantial part of his working time in the lawful, safe and competent practice of osteopathy.
- (4) For the purposes of subsection (3), no account shall be taken of any work done by the applicant before the beginning of the period of seven years ending with the opening of the register.
- (5) For the purposes of subsection (3), the question whether the applicant has spent any part of his working time in the lawful, safe and competent practice of osteopathy shall be determined in accordance with such rules (if any) as may be made by the General Council.
- (6) The General Council may by rules provide for treating a person who—
- (a) has obtained a qualification in osteopathy outside the United Kingdom,
  - (b) does not hold a recognised qualification, but
  - (c) satisfies the Registrar that he has reached the required standard of proficiency, as holding a recognised qualification for the purposes of this Act.
- (7) In this section “transitional period” means the period of two years beginning with the opening of the register.

#### **4 Conditional registration**

- (1) Subject to the provisions of this Act, any person who satisfies the conditions mentioned in subsection (2) shall be entitled to be registered as a conditionally registered osteopath.
- (2) The conditions are that the application is made in the prescribed form and manner during the transitional period and that the applicant—
- (a) has paid the prescribed fee;
  - (b) satisfies the Registrar that he is of good character;
  - (c) satisfies the Registrar that he is in good health, both physically and mentally;
  - (d) satisfies the Registrar that for a period of at least four years (which need not be continuous) he has spent a substantial part of his working time in the lawful, safe and competent practice of osteopathy;
  - (e) if required to do so by the Registrar in accordance with rules made by the General Council, passes—
    - (i) the prescribed test of competence; or
    - (ii) such part of that test as the Registrar may specify; and
  - (f) gives the required undertaking.
- (3) In the application of subsection (2)(d), in relation to any person, no account shall be taken of any work done by him before the beginning of the period of six years ending with the opening of the register.

- (4) The General Council may by rules provide for the conversion, in prescribed circumstances and subject to the osteopath concerned complying with such conditions (if any) as may be prescribed, of conditional registration into full registration.
- (5) Unless it is converted into full registration in accordance with the rules, any conditional registration shall cease to have effect—
  - (a) at the end of the period of five years beginning with the opening of the register; or
  - (b) where a shorter period has been specified by the Registrar in accordance with subsection (10) in relation to the osteopath in question, at the end of that shorter period.
- (6) In dealing with an application for registration made during the transitional period by a person who—
  - (a) cannot meet the requirement of subsection (2)(d), but
  - (b) has a qualification in osteopathy which, while not being a recognised qualification, has not been refused recognition by the General Council,the Registrar shall refer the matter to the Education Committee.
- (7) Where a reference is made to the Education Committee under subsection (6), it shall be the duty of the Committee to advise the General Council.
- (8) If, after considering the advice of the Education Committee, the General Council is satisfied that it is appropriate to do so, it shall direct the Registrar to disregard subsection (2)(d) in relation to the application in question.
- (9) For the purposes of subsection (2)(d), the question whether the applicant has spent any part of his working time in the lawful, safe and competent practice of osteopathy shall be determined in accordance with such rules (if any) as may be made by the General Council.
- (10) In this section—

“required undertaking” means an undertaking that the person giving it will, before the end of the period of five years beginning with the opening of the register or such shorter period as the Registrar may specify in relation to the applicant—

  - (a) complete such additional training and acquire such experience as may be specified by the Registrar in accordance with rules made by the General Council; and
  - (b) comply with such other conditions (if any) as may be imposed on him by the Registrar in accordance with such rules; and

“transitional period” means the period of two years beginning with the opening of the register.
- (11) Rules made by virtue of paragraph (b) in the definition of “required undertaking” in subsection (10) may, in particular, provide for the Registrar to be able to impose, as a condition, the passing of a test of competence specified by the Registrar.

## **5 Provisional registration**

- (1) The General Council may make rules providing for all applicants for registration who are entitled to be registered with full registration, or all such applicants falling within a prescribed class, to be registered initially with provisional registration.

- (2) No such rules shall be made before the end of the period of two years beginning with the opening of the register.
- (3) Before making any rules under subsection (1), the General Council shall take such steps as are reasonably practicable to consult those who are registered osteopaths.
- (4) The General Council may by rules provide for the conversion, in prescribed circumstances and subject to the osteopath concerned complying with such conditions (if any) as may be prescribed, of provisional registration into full registration.
- (5) Unless it is converted into full registration in accordance with the rules, any provisional registration shall cease to have effect at the end of the period of one year beginning with the date on which it is entered in the register.
- (6) A provisionally registered osteopath shall not practise osteopathy except under the supervision of a fully registered osteopath who is approved by the General Council for the purposes of this subsection.
- (7) The General Council shall maintain a list of those fully registered osteopaths who are for the time being approved by the Council for the purposes of subsection (6).

## **6 Registration: supplemental provision**

- (1) The register shall show, in relation to each registered osteopath—
  - (a) whether he is registered with full, conditional or provisional registration; and
  - (b) the address at which he has his practice or principal practice or, if he is not practising, such address as may be prescribed.
- (2) The General Council may make rules in connection with registration and the register and as to the payment of fees.
- (3) The rules may, in particular, make provision as to—
  - (a) the form and keeping of the register;
  - (b) the form and manner in which applications for registration are to be made;
  - (c) the documentary and other evidence which is to accompany applications for registration;
  - (d) the manner in which the Registrar is to satisfy himself as to the good character and competence of any person applying for registration and the procedure for so doing;
  - (e) the manner in which the Registrar is to satisfy himself as to the physical and mental health of any person applying for registration and the procedure for so doing;
  - (f) the description of persons from whom references are to be provided for persons applying for registration;
  - (g) in the case of an application for conditional registration, the conditions or kinds of condition which may be imposed on the osteopath concerned;
  - (h) the making, periodic renewal and removal of entries in the register;
  - (i) the giving of reasons for any removal of, or refusal to renew, an entry in the register;
  - (j) any failure on the part of a registered osteopath to comply with any conditions subject to which his registration has effect, including provision for the

- Registrar to refuse to renew his registration or for the removal of his name from the register;
- (k) the issue and form of certificates;
  - (l) the content, assessment and conduct of any test of competence imposed under section 4;
  - (m) the meaning of “principal practice” for the purposes of subsection (1).
- (4) The rules may, in particular, also make provision—
- (a) prescribing the fee to be charged for making an entry in the register or restoring such an entry;
  - (b) prescribing the fee to be charged in respect of the retention in the register of any entry in any year following the year in which the entry was first made;
  - (c) providing for the entry in the register of qualifications (whether or not they are recognised qualifications) possessed by registered osteopaths and the removal of such an entry;
  - (d) prescribing the fee to be charged in respect of the making or removal of any entry of a kind mentioned in paragraph (c);
  - (e) authorising the Registrar—
    - (i) to refuse to make an entry in the register, or restore such an entry, until the prescribed fee has been paid;
    - (ii) to remove from the register any entry relating to a person who, after the prescribed notice has been given, fails to pay the fee prescribed in respect of the retention of the entry.
- (5) A person who has failed to renew his registration as an osteopath shall be entitled to have his entry restored to the register on payment of the prescribed fee.

## **7 Suspension of registration**

- (1) Where the Registrar suspends the registration of an osteopath in accordance with any provision of this Act, the Registrar shall enter in the register a note of—
- (a) the suspension;
  - (b) the period of the suspension; and
  - (c) the provision under which the suspension was made.
- (2) Where the period of the suspension is extended, the Registrar shall note the extension in the register.
- (3) Any osteopath whose registration has been suspended shall, for the period of his suspension, cease to be a registered osteopath for the purposes of section 32(1).

## **8 Restoration to the register of osteopaths who have been struck off**

- (1) Where a person who has had his entry as a fully registered osteopath removed from the register as the result of an order under section 22(4)(d) wishes to have his entry restored to the register he shall make an application for registration to the Registrar.
- (2) No such application may be made before the end of the period of ten months beginning with the date on which the order under section 22(4)(d) was made.

- (3) Any application for registration in the circumstances mentioned in subsection (1) (an “application for restoration”) shall be referred by the Registrar to the Professional Conduct Committee for determination by that Committee.
- (4) For the purposes of determining an application for restoration—
  - (a) the Committee shall exercise the Registrar’s functions under section 3; and
  - (b) subsection (2) of that section shall have effect as if paragraph (d) were omitted.
- (5) The Committee shall not grant an application for restoration unless it is satisfied that the applicant not only satisfies the requirements of section 3 (as modified) but, having regard in particular to the circumstances which led to the making of the order under section 22(4)(d), is also a fit and proper person to practise the profession of osteopathy.
- (6) On granting an application for restoration, the Committee—
  - (a) shall direct the Registrar to register the applicant as a fully registered osteopath; and
  - (b) may make a conditions of practice order with respect to him.
- (7) The provisions of section 22 shall have effect in relation to a conditions of practice order made by virtue of subsection (6) as they have effect in relation to one made by virtue of subsection (4)(b) of that section.
- (8) The General Council may by rules make provision in relation to the restoration to the register of conditionally registered osteopaths or provisionally registered osteopaths, and any such rules may provide for restoration, in prescribed circumstances, as a fully registered osteopath.

## **9 Access to the register etc**

- (1) The General Council shall—
  - (a) make the register available for inspection by members of the public at all reasonable times; and
  - (b) publish the register before the end of the period of twelve months beginning with the opening of the register and at least once in every succeeding period of twelve months.
- (2) Any person who asks the General Council for a copy of the most recently published register shall be entitled to have one on payment of such reasonable fee as the Council may determine.
- (3) Subsection (2) shall not be taken as preventing the General Council from providing copies of the register free of charge whenever it considers it appropriate.
- (4) Any copy of, or extract from, the published register shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.
- (5) A certificate purporting to be signed by the Registrar, certifying that a person—
  - (a) is registered in a specified category,
  - (b) is not registered,
  - (c) was registered in a specified category at a specified date or during a specified period,
  - (d) was not registered in a specified category, or in any category, at a specified date or during a specified period, or

(e) has never been registered,  
shall be evidence (and in Scotland sufficient evidence) of the matters certified.

## **10 Fraud or error in relation to registration**

- (1) The Registrar shall investigate any allegation that an entry in the register has been fraudulently procured or incorrectly made and report on the result of his investigation to the General Council.
- (2) An entry which has been restored to the register under section 6(5) or section 8, or under rules made by virtue of section 8(8), may be treated for the purposes of this section as having been fraudulently procured or incorrectly made if any previous entry from which the restored entry is derived was fraudulently procured or incorrectly made.
- (3) The Registrar may, at any time during his investigation, suspend the registration in question if he is satisfied that it is necessary to do so in order to protect members of the public.
- (4) The General Council shall by rules make provision, in relation to any case where the Registrar proposes to suspend an osteopath's registration under subsection (3)—
  - (a) giving the osteopath concerned an opportunity to appear before the Investigating Committee and argue his case against suspension;
  - (b) allowing him to be legally represented; and
  - (c) for the Registrar to be made a party to the proceedings.
- (5) If, having considered any report of the Registrar, the General Council is satisfied that the entry in question has been fraudulently procured or incorrectly made it may order the Registrar to remove the entry.
- (6) Where such an order is made, the Registrar shall without delay notify the person whose entry is to be removed—
  - (a) of the order; and
  - (b) of the right of appeal given by subsection (7).
- (7) Where such an order is made, the person whose entry is to be removed may appeal to Her Majesty in Council.
- (8) Any such appeal—
  - (a) must be brought before the end of the period of 28 days beginning with the date on which the order is made; and
  - (b) shall be dealt with in accordance with rules made by Her Majesty by Order in Council for the purposes of this section.
- (9) On an appeal under this section, the General Council shall be the respondent.
- (10) The Judicial Committee Act 1833 shall apply in relation to the General Council as it applies in relation to any court from which an appeal lies to Her Majesty in Council.
- (11) Without prejudice to the application of that Act, on an appeal under this section to Her Majesty in Council the Judicial Committee may, in their report, recommend to Her Majesty in Council—
  - (a) that the appeal be dismissed; or
  - (b) that it be allowed and the order appealed against quashed.

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- (12) The General Council may by rules make such further provision as it considers appropriate with respect to suspensions under subsection (3), including in particular provision as to their duration.