



# Osteopaths Act 1993

## 1993 CHAPTER 21

### *Registration of osteopaths*

#### **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).

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (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.