



# National Health Service Reform and Health Care Professions Act 2002

## 2002 CHAPTER 17

### PART 2

[<sup>F1</sup>HEALTH AND SOCIAL CARE PROFESSIONS ETC.]

#### *Appeals*

#### **33 Osteopaths**

- (1) The Osteopaths Act 1993 (c. 21) is amended as follows.
- (2) In section 10 (fraud or error in relation to registration)—
  - (a) in subsection (7), for “Her Majesty in Council” there is substituted “ a county court or, in the case of a person whose address in the register is in Scotland, the sheriff in whose sherrifdom the address is situated ”,
  - (b) for subsection (8) there is substituted—

“(8) Any such appeal must be brought before the end of the period of 28 days beginning with the date on which notification of the order was served under subsection (6).”
  - (c) subsection (10) is omitted, and
  - (d) for subsection (11) there is substituted—

“(11) On an appeal under this section, the court (or the sheriff) may—
    - (a) dismiss the appeal,
    - (b) allow the appeal and quash the order appealed against, or
    - (c) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit.”

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*Changes to legislation:* There are currently no known outstanding effects for the National Health Service Reform and Health Care Professions Act 2002, Section 33. (See end of Document for details)

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- (3) In section 22 (consideration of allegations by the Professional Conduct Committee), in each of subsections (6) and (8), for “recommendation under section 31(8)(c)” there is substituted “ decision of a court on an appeal under section 31 ”.
- (4) In section 23 (consideration of allegations by the Health Committee), in each of subsections (4), (5) and (6), for “recommendation under section 31(8)(c)” there is substituted “ decision of a court on an appeal under section 31 ”.
- (5) In section 29 (appeals against decisions of the Registrar), for subsections (4) to (6) there is substituted—
- “(4) A person aggrieved by the decision of the General Council on an appeal under this section may appeal to a county court or, in the case of a person whose address in the register is (or if he were registered would be) in Scotland, the sheriff in whose sheriffdom the address is situated.
- (4A) On an appeal under subsection (4) above, the court (or the sheriff) may—
- (a) dismiss the appeal,
- (b) allow the appeal and quash the decision appealed against,
- (c) substitute for the decision appealed against any other decision which could have been made by the Registrar, or
- (d) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),
- and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit.”
- (6) In section 31 (appeals against decisions of the Professional Conduct Committee and appeal tribunals)—
- (a) in subsection (1), for the words from “sent to him” to the end there is substituted “ served on him, appeal against it to the relevant court. ”,
- (b) after subsection (1) there is inserted—
- “(1A) In subsection (1), “the relevant court”—
- (a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session,
- (b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland, and
- (c) in the case of any other person, means the High Court of Justice in England and Wales.”,
- (c) subsections (3) to (5) and (7) are omitted, and
- (d) for subsection (8) there is substituted—
- “(8) On an appeal under this section, the court may—
- (a) dismiss the appeal,
- (b) allow the appeal and quash the decision appealed against,
- (c) substitute for the decision appealed against any other decision which could have been made by the Professional Conduct Committee or (as the case may be) Health Committee, or

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(d) remit the case to the Committee or appeal tribunal concerned to dispose of the case in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.”

(7) In section 35 (rules), subsection (3) is omitted.

**Changes to legislation:**

There are currently no known outstanding effects for the National Health Service Reform and Health Care Professions Act 2002, Section 33.