
STATUTORY INSTRUMENTS

2000 No. 1065

**The Osteopaths Act 1993 (Commencement
No. 6 and Transitional Provision) Order 2000**

Transitional provision

3.—(1) This article applies where an application for registration under the Act has been made before 9th May 2000 which—

- (a) has not been determined by that date; or
- (b) has been refused prior to that date, but—
 - (i) on that date the period for an appeal to the General Council mentioned in section 29(3) of the Act, or for any subsequent appeal from the decision of the General Council or of a court which is unfavourable to the applicant has not expired;
 - (ii) an appeal has been made within the period for an appeal to the General Council, or for a subsequent appeal from the decision of the General Council or of a court which is unfavourable to the applicant and on that date that appeal has not yet been heard, or has been heard but no decision has been given; or
 - (iii) permission is required for an appeal to a court and on that date the period during which that permission could be sought has not expired, or by that date permission has been sought but the application for permission has not yet been heard, or if it has been heard, no decision has been given.

(2) Where an application for registration falling within paragraph (1) results in registration, whether by the Registrar in response to the application or following a successful appeal to the General Council or to a court, section 32(1) of the Act shall not apply to the applicant during the period beginning with 9th May 2000 and ending on the date of registration.

(3) Where an application for registration falling within paragraph (1) does not result in registration, whether by the Registrar in response to the application or following an unsuccessful appeal to the General Council or to a court, section 32(1) of the Act shall not apply to the applicant until the date specified in paragraph (4), (5) or (6) below.

(4) Where the applicant has not exhausted his rights of appeal, the date shall be that following—

- (a) the last day of the period during which an appeal against the decision, whether that of the Registrar, General Council or a court, or any subsequent appeal decision, could have been made; or
- (b) where permission to appeal is required, the last day of the period during which that permission could have been sought.

(5) Where an applicant has exhausted his rights of appeal and accordingly no further appeal against an appeal decision or a decision refusing permission to appeal is possible, the date shall be that following the date of the final decision disallowing the appeal, or, as the case may be, the refusal of permission to appeal.

(6) Where an applicant takes the necessary steps for an appeal to be discontinued or dismissed by a court, the date shall be that following the date of discontinuance or, as the case may be, the dismissal by a court.