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STATUTORY INSTRUMENTS

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**2000 No. 1065 (C. 30)**

**OSTEOPATHS**

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

*Made - - - - 13th April 2000*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 42(2), (4) and (5) of the Osteopaths Act 1993<sup>(1)</sup>, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Osteopaths Act 1993 (Commencement No. 6 and Transitional Provision) Order 2000.

(2) In this Order, “the Act” means the Osteopaths Act 1993.

**Appointed Day**

2. 9th May 2000 is the day appointed for the coming into force of the following provisions of the Act and those provisions shall come into force on that day for all purposes—

- (a) section 7(3) (which provides that an osteopath whose registration has been suspended ceases to be a registered osteopath for the purposes of section 32(1)); and
- (b) section 32(1) (which provides that a person who describes himself in certain ways is guilty of an offence unless he is a registered osteopath) and section 32(3) so far as not yet in force.

**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;

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(1) 1993 c. 21, amended by the Chiropractors Act 1994 (c. 17), Schedule 2.

- (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.

13th April 2000

*Alan Milburn*  
Secretary of State for Health

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 9th May 2000 sections 7(3), 32(1) and 32(3) of the Osteopaths Act 1993 relating to offences committed by persons describing themselves as osteopaths or in similar ways without being registered with the General Osteopathic Council.

The Order includes a transitional provision so as to delay for certain periods the coming into force of the offence in section 32(1) where an application for registration with the General Osteopathic Council has been made prior to 9th May 2000.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order:

Provision	Date of Commencement	S.I. No.
Section 1(1)	14th January 1997	1997/34
Section 1(2)	14th January 1997 (partially) and 9th May 1998 (remainder)	1997/34 and 1998/1138
Section 1(3)	14th January 1997 (partially), 1st April 1998 (partially), 9th May 1998 (partially) and 8th March 2000 (remainder)	1997/34, 1998/872, 1998/1138 and 2000/217
Section 1(4) (partially)	14th January 1997, 1st April 1998 and 8th March 2000	1997/34, 1998/872 and 2000/217
Section 1(5)	1st April 1998 (partially), 5th July 1999 (partially) and 8th March 2000 (remainder)	1998/872, 1999/1767 and 2000/217
Section 1(6)	1st April 1998	1998/872
Section 1(7)	1st April 1998 (partially), 5th July 1999 (partially) and 8th March 2000 (remainder)	1998/872, 1999/1767 and 2000/217
Section 1(8)	14th January 1997	1997/34
Section 1(9)	1st April 1998 (partially), 5th July 1999 (partially) and 8th March 2000 (remainder)	1998/872, 1999/1767 and 2000/217
Section 1(10) to (12)	14th January 1997	1997/34
Section 2	14th January 1997 (partially) and 9th May 1998 (remainder)	1997/34 and 1998/1138

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Section 3	1st April 1998 (partially) and 9th May 1998 (remainder)	1998/872 and 1998/1138
Section 4	1st April 1998 (partially) and 9th May 1998 (remainder)	1998/872 and 1998/1138
Section 5	8th March 2000	2000/217
Section 6	1st April 1998 (partially) and 9th May 1998 (remainder)	1998/872 and 1998/1138
Section 7(1) and (2)	5th July 1999 (partially) and 8th March 2000 (remainder)	1999/1767 and 2000/217
Section 8	8th March 2000	2000/217
Section 9	9th May 1998 (partially) and 8th March 2000 (remainder)	1998/1138 and 2000/217
Section 10	9th May 1998 (partially), 5th July 1999 (partially) and 8th March 2000 (remainder)	1998/1138, 1999/1767 and 2000/217
Section 11	1st April 1998	1998/872
Section 12	9th May 1998	1998/1138
Section 13	1st April 1998	1998/872
Section 14 to 16	9th May 1998	1998/1138
Section 17	8th March 2000	2000/217
Section 18	9th May 1998	1998/1138
Section 19	1st April 1998	1998/872
Section 20 and 21	5th July 1999	1999/1767
Section 22 to 26	8th March 2000	2000/217
Section 27 and 28	5th July 1999	1999/1767
Section 29	9th May 1998	1998/1138
Section 30 and 31	8th March 2000	2000/217
Section 32 (partially)	8th March 2000	2000/217
Section 33	9th May 1998	1998/1138
Section 34	14th January 1997	1997/34
Section 35	14th January 1997 (partially) and 8th March 2000 (remainder)	1997/34 and 2000/217
Section 36	14th January 1997 (partially) and 8th March 2000 (remainder)	1997/34 and 2000/217
Section 37	1st April 1998	1998/872
Section 38	9th May 1998	1998/1138

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Section 39	1st April 1998	1998/872
Section 40	14th January 1997	1997/34
Section 41	14th January 1997 (partially), 1st April 1998 (partially) and 5th July 1999 (remainder)	1997/34, 1998/872 and 1999/1767
Section 42	14th January 1997 (partially) and 9th May 1998 (remainder)	1997/34 and 1998/1138
In the Schedule—		
in Part I—		
paragraphs 1, 2, 4, 5 and 6	14th January 1997	1997/34
paragraph 7	8th March 2000	2000/217
paragraphs 8, 11, 13 and 14(2)	14th January 1997	1997/34
paragraph 14(3) (partially)	14th January 1997	1997/34
paragraph 14(5) (partially)	1st April 1998	1998/872
paragraph 15	14th January 1997	1997/34
in Part II—		
paragraphs 16 to 21 and 23 to 24(1)	1st April 1998 (partially), 5th July 1999 (partially) and 8th March 2000 (remainder)	1998/872, 1999/1767 and 2000/217
paragraph 22	5th July 1999 (partially) and 8th March 2000 (remainder)	1999/1767 and 2000/217
paragraph 24(2)	8th March 2000	2000/217
paragraphs 25 to 29	1st April 1998	1998/872
paragraphs 30 to 33	1st April 1998 (partially) and 5th July 1999 (remainder)	1998/872 and 1999/1767
paragraphs 34 to 41	1st April 1998 (partially) and 8th March 2000 (remainder)	1998/872 and 2000/217
Part III	14th January 1997	1997/34