
STATUTORY INSTRUMENTS

2007 No. 3101

**The European Qualifications (Health and
Social Care Professions) Regulations 2007**

PART 14

OSTEOPATHS: OSTEOPATHS ACT 1993

Amendment of the Osteopaths Act 1993

206. The Osteopaths Act 1993(1) shall be amended in accordance with this Part.

Insertion of section 5A

207. After section 5 insert—

“Temporary registration for visiting osteopaths from relevant European States

5A.—(1) This section applies to an exempt person (“V”) who is lawfully established as an osteopath in a relevant European State other than the United Kingdom (“State A”).

(2) Subsection (3) applies if V has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by V of services as an osteopath in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of services as an osteopath).

(3) V is entitled to be registered as a temporarily registered osteopath; and the Registrar shall give effect to the entitlement.

(4) If V is entitled under subsection (3) to be registered as a temporarily registered osteopath but is not registered with temporary registration, V shall be treated as being registered with temporary registration.

(5) V’s entitlement under subsection (3) ceases if V ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection with the provision by V of services as an osteopath in the United Kingdom on a temporary and occasional basis.

(6) If—

(a) V’s entitlement under subsection (3) ceases by reason of the operation of subsection (5), and

(b) V is registered as a temporarily registered osteopath,

the Registrar may remove from the register V’s entry as a temporarily registered osteopath.

(7) Subsection (8) applies if—

- (a) V's establishment in State A is subject to a condition relating to V's practice as an osteopath,
- (b) V is registered as a temporarily registered osteopath, and
- (c) for any of the purposes of this Act it falls to be decided whether V is or may be guilty of unacceptable professional conduct.

(8) The matters that may be counted as unacceptable professional conduct include (in particular) any act or omission by V during the course of the provision by V of services as an osteopath in the United Kingdom on a temporary and occasional basis that is, or would be if the condition applied in relation to practice as an osteopath outside State A, a breach of the condition.

(9) In subsections (7) and (8) "condition" includes limitation.

(10) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to temporarily registered osteopaths, of any other provision of this Act under which a registered osteopath's name may be removed from the register or under which a registered osteopath's registration may be suspended."

Amendment of section 6

208. In section 6 (registration: supplemental provision)—

- (a) in subsection (1)(a), for "or provisional registration" substitute ", provisional or temporary registration";
- (b) in subsection (2), for "The General Council" substitute "Subject to subsection (4A), the General Council";
- (c) after subsection (4) insert—

“(4A) Rules under this section may not prescribe a fee in connection with temporary registration.”;
- (d) in subsection (5), after "payment" insert ", except in the case of temporary registration,"; and
- (e) after subsection (5) add—

“(6) In subsection (3)(b) to (f), "registration" does not include temporary registration.”.

Amendment of section 8

209. In section 8 (restoration to the register of osteopaths who have been struck off), in subsection (8), for "or provisionally registered osteopaths" substitute ", provisionally registered osteopaths or temporarily registered osteopaths".

Amendment of section 17

210. In section 17 (post registration training), after subsection (2) insert—

“(2A) Subsections (1) and (2), so far as relating to a person ("P") who is a registered osteopath only as a result of being registered with temporary registration, have effect subject to, respectively, subsections (2B) and (2C).

(2B) Rules made under subsection (1)—

- (a) may not impose requirements on P if P is required to undertake, in P's home State, further courses of training in relation to the profession of osteopathy; and
- (b) where they impose requirements on P—

(i) shall take account of the fact that P is a fully qualified osteopath in P's home State, and

(ii) shall specify that training which P is required to undertake by the requirements may be undertaken outside the United Kingdom.

(2C) Where rules make provision such as is mentioned in subsection (2), the rules must secure that any sanction imposed in relation to P by or under that provision is appropriate and proportionate in view of P's continued lawful establishment as an osteopath in P's home State.

(2D) In this section "home State", in relation to P, means the relevant European State in which P is lawfully established as an osteopath."

Amendment of section 29

211. In section 29(2) (appeals against decisions of the Registrar), in subsection (1), after paragraph (b) insert—

“(ba) refuses to register a person with temporary registration.”.

Insertion of section 29A

212. After section 29 insert—

“Appeals against decisions of the General Council

29A.—(1) A person aggrieved by a decision mentioned in subsection (2) 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.

(2) Those decisions are—

- (a) a decision of the General Council under section 14(10)(b) imposing conditions;
- (b) a decision of the General Council under Part 3 of the General Systems Regulations requiring an exempt person to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to have access to, and to pursue, the profession of osteopathy in the United Kingdom.

(3) On an appeal under subsection (1), 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 General Council, 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.”.

Amendment of section 37

213. In section 37 (professional indemnity insurance), after subsection (1) insert—

“(1A) In subsection (1) “registered osteopath” does not include a temporarily registered osteopath.”.

Amendment of section 41

214. In section 41(3) (interpretation)—

(a) after the definition of “conditionally registered osteopath” insert—

““exempt person” means—

- (a) a national of a relevant European State other than the United Kingdom,
- (b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession of osteopathy by virtue of an enforceable Community right, or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the profession of osteopathy, no less favourably than a national of a relevant European State,

and in this definition, “national”, in relation to a relevant European State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;”;

(b) after the definition of “the General Council” insert—

““the General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 ([S.I. 2007/2781](#));”;

(c) in the definition of “registered osteopath”, for “or as a provisionally registered osteopath” substitute “, as a provisionally registered osteopath or as a temporarily registered osteopath”;

(d) after the definition of “the Registrar” insert—

““relevant European State” means an EEA State or Switzerland;”;

(e) after the definition of “the statutory committees” insert—

““temporarily registered osteopath” means a person who is registered with temporary registration;”.