
STATUTORY INSTRUMENTS

2008 No. 1774

**The Health Care and Associated Professions
(Miscellaneous Amendments) Order 2008**

Citation and commencement

1.—(1) This Order may be cited as the Health Care and Associated Professions (Miscellaneous Amendments) Order 2008.

(2) The following provisions come into force on the day after the day on which this Order is made—

- (a) this article and articles 5 to 7;
- (b) in Schedule 1, paragraphs 2, 9 to 14 and 20(a), and article 2(1) in so far as it relates to those provisions;
- (c) in Schedule 2, sub-paragraph (7) of paragraph 6, and sub-paragraph (1) of that paragraph in so far as it relates to sub-paragraph (7), and article 2(2) in so far as it relates to those provisions;
- (d) in Schedule 3, paragraphs 1(a), 3 and 8, and article 2(3) in so far as it relates to those provisions; and
- (e) in Schedule 4, paragraphs 1(a), 3 and 8, and article 2(4) in so far as it relates to those provisions.

(3) Except as provided for by paragraph (2), the provisions of this Order which confer, amend or substitute powers enabling rules or orders to be made come into force on the making of this Order, but for the purpose only of the exercise of those powers.

(4) The following provisions come into force on the coming into force of section 44(1) of the Safeguarding Vulnerable Groups Act 2006⁽¹⁾ (registers: power to apply for vetting information)—

- (a) paragraph 15 of Schedule 1, and article 2(1) in so far as it relates to that paragraph;
- (b) paragraph 2 of Schedule 2, and article 2(2) in so far as it relates to that paragraph;
- (c) paragraph 4 of Schedule 3, and article 2(3) in so far as it relates to that paragraph; and
- (d) paragraph 4 of Schedule 4, and article 2(4) in so far as it relates to that paragraph.

(5) Except as provided for by paragraphs (2) to (4), this Order comes into force on such day as the Privy Council may by order appoint.

(6) Different days may be appointed by an order under paragraph (5) for different provisions or different purposes.

Principal amendments

2.—(1) The amendments to the Medical Act 1983⁽²⁾ set out in Schedule 1 have effect.

(2) The amendments to the Opticians Act 1989⁽³⁾ set out in Schedule 2 have effect.

(1) 2006 c.47.
(2) 1983 c.54.
(3) 1989 c.44.

- (3) The amendments to the Osteopaths Act 1993⁽⁴⁾ set out in Schedule 3 have effect.
- (4) The amendments to the Chiropractors Act 1994⁽⁵⁾ set out in Schedule 4 have effect.

Consequential amendment and revocations

- 3.—(1) The amendment of the Dentists Acts 1984⁽⁶⁾ set out in Part 1 of Schedule 5 has effect.
- (2) The revocations of subordinate legislation set out in Part 2 of Schedule 5 have effect.

Transitional measures relating to re-appointment of presidents and chairs as members of the newly constituted councils

4. The Privy Council may, by a direction under subsection (1) of section 60 of the Health Act 2006⁽⁷⁾ (Commission to exercise Privy Council’s appointment functions), require the Appointments Commission—

- (a) to appoint the person who held office as president of the General Medical Council on the day before the first order of the Privy Council under section 1(2) of the Medical Act 1983 comes into force as a member of the General Medical Council as constituted on the day the first order of the Privy Council under section 1(2) of that Act comes into force;
- (b) to appoint the person who held office as chairman of the General Optical Council on the day before the first order of the Privy Council under section 1(4) of the Opticians Act 1989 comes into force as a member of the General Optical Council as constituted on the day the first order of the Privy Council under section 1(4) of that Act comes into force;
- (c) to appoint the person who held office as Chairman of the General Osteopathic Council on the day before the first order of the Privy Council under section 1(4) of the Osteopaths Act 1993 comes into force as a member of the General Osteopathic Council as constituted on the day the first order of the Privy Council under section 1(4) of that Act comes into force; and
- (d) to appoint the person who held office as Chairman of the General Chiropractic Council on the day before the first order of the Privy Council under section 1(4) of the Chiropractors Act 1994 comes into force as a member of the General Chiropractic Council as constituted on the day the first order of the Privy Council under section 1(4) of that Act comes into force.

Saving measure relating to the definition of “medical authority” in section 3(3) of the Dentists Act 1984

5. On and after the day on which paragraph 21(2) of Schedule 1 comes fully into force, subsection (3) of section 3 of the Dentists Act 1984⁽⁸⁾ (power of medical authorities to hold examinations and grant licences in dentistry) shall apply as if the reference to universities or other bodies who choose appointed members of the General Medical Council were a reference to the universities or other bodies who were entitled to choose those members immediately before paragraph 21(2) of Schedule 1 came fully into force.

(4) 1993 c.21.
(5) 1994 c.17.
(6) 1984 c.24.
(7) 2006 c.28.
(8) Section 3(3) has been amended by [S.I. 1987/2047](#).

Transitional, transitory or saving provisions orders

6.—(1) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.

- (2) The power to make an order under paragraph (1) may be exercised—
- (a) so as to make different provision—
 - (i) with respect to different cases or different classes of cases, or
 - (ii) in respect of the same case or class of case for different purposes;
 - (b) in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions; or
 - (c) so as to make any supplementary, incidental or consequential provisions which the Privy Council considers necessary or expedient.

Privy Council procedures etc.

7.—(1) The power of the Privy Council to make an order under article 1(5) or 6(1) may be exercised by any two or more members of the Privy Council.

(2) The making of an order under article 1(5) or 6(1) shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(3) The power to make an order under article 1(5) or 6(1) shall be exercisable by statutory instrument.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946⁽⁹⁾ (definition of “Statutory Instrument”), paragraph (3) shall have effect as if contained in an Act of Parliament.

(5) Where an order of the Privy Council under this Order is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that shall be evidence, and in Scotland sufficient evidence, of—

- (a) the fact that the order was duly made; and
- (b) the order’s terms.

Judith Simpson
Clerk of the Privy Council

(9) 1946 c.36; section 1 has been amended by the Government of Wales Act 1998 (c.38), Schedule 12, paragraph 2.