

SCHEDULE 3

Article 2(3)

Amendments to the Osteopaths Act 1993

Amendment of section 1

1. In section 1 (the General Osteopathic Council and its committees)—
 - (a) in subsection (2), omit “, promote”;
 - (b) for subsection (4) substitute the following subsection—

“(4) The General Council shall be constituted as provided for by order of the Privy Council, subject to Part 1 of the Schedule (which relates to orders under this subsection and powers of the General Council), which shall have effect.”; and
 - (c) omit subsections (10) to (12).

Amendment of section 3

2. In section 3 (full registration), after subsection (6) insert the following subsection—

“(6A) The General Council may by rules provide for treating a person who does not hold a recognised qualification but who, on an application made to the Registrar before 1 January 2011, satisfies the Registrar that the person—

 - (a) obtained a qualification in osteopathy in the United Kingdom before 9 May 2000,
 - (b) practised as an osteopath before 9 May 2000,
 - (c) has not practised as an osteopath in the United Kingdom on or after 9 May 2000,
 - (d) has a good reason for not having made a successful application for registration during the transitional period, and
 - (e) is capable of the competent and safe practice of osteopathy,

as holding a recognised qualification for the purposes of this Act.”

Amendment of section 17

3. In section 17(1) (post registration training)—
 - (a) in subsection (1), for “further courses of training” substitute “continuing professional development”; and
 - (b) in subsection (2B)—
 - (i) in paragraph (a), for “further courses of training” substitute “continuing professional development”, and
 - (ii) in paragraph (b)(ii), for “training” substitute “continuing professional development”.

Amendment of section 20

4. In section 20 (professional conduct and fitness to practise), in subsection (1), omit “or” at the end of paragraph (c) and after paragraph (d) insert—

“(e) the registered osteopath has been included by the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or

(1) Section 17 has been amended by [S.I. 2007/3101](#).

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- (f) the registered osteopath has been included by the Scottish Ministers in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007).”

Amendment of section 35

5. In section 35 (rules), in subsection (2), omit “or by Order in Council”.

Amendment of section 36

6. In section 36 (exercise of powers of Privy Council), in subsection (3), after “Any” insert “order under section 1(4) or any”.

New section 40A

7. After section 40, insert the following section—

“Annual reports, statistical reports and strategic plans

40A.—(1) The General Council shall publish, by such date in each year as the Privy Council shall specify—

- (a) a report on the exercise of its functions which includes a description of the arrangements that the General Council has put in place to ensure that it adheres to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006);
- (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the General Council has put in place to protect members of the public from registered osteopaths whose fitness to practise is impaired, together with the General Council’s observations on the report; and
- (c) a strategic plan for the General Council in respect of such number of years as the General Council shall determine.

(2) The General Council shall submit copies of the reports and the plan published under subsection (1) to the Privy Council and the Privy Council shall lay copies of the reports and the plan before each House of Parliament.”

Amendment of section 41

8. In section 41(2) (interpretation), after the definition of “temporarily registered osteopath” insert the following definition—

““training” includes continuing professional development;”.

Amendment of the Schedule

- 9.—(1) The Schedule (the General Council and committees) is amended in accordance with the provisions of this paragraph.

(2) In Part 1, for paragraphs 1 to 14 (including the heading “Membership” before paragraph 1) substitute the following paragraphs—

(2) Section 41 has been amended by the Chiropractors Act 2004, Schedule 2, paragraph 9, and by [S.I. 2007/3101](#).

“Membership: general

1A.—(1) The General Council shall consist of—

- (a) registrant members, that is members who are registered osteopaths; and
- (b) lay members, that is members who—
 - (i) are not and never have been registered osteopaths, and
 - (ii) do not hold qualifications which would entitle them to apply for registration under this Act.

(2) The members of the General Council shall be appointed by the Privy Council.

(3) The Privy Council shall ensure that, at any time, at least one member of the General Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

(4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the General Council, the Privy Council shall consult the General Council.

Matters for the order of the Privy Council under section 1(4)

1B.—(1) An order under section 1(4) shall include provision with regard to—

- (a) the numbers of registrant members and lay members of the General Council;
- (b) the terms of office for which members of the General Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
- (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the General Council;
- (d) the appointment of a chair of the General Council and the chair’s term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
- (e) deputising arrangements in respect of the chair;
- (f) the quorum of the General Council; and
- (g) the circumstances in which members cease to hold office or may be removed or suspended from office.

(2) But an order under section 1(4) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.

(3) An order under section 1(4) may include provision with regard to—

- (a) the maximum period for which a member of the General Council may hold office as a member during a specified period;
- (b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;
- (c) the education and training of members of the General Council, and the order may provide for the General Council to include the requirements with regard to education and training of its members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;

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- (d) the attendance of members of the General Council at meetings of the General Council;
- (e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and
- (f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as Chairman of the General Council on the day before the first order under section 1(4) comes into force.

(4) An order under section 1(4) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

Registration of members' private interests

1C.—(1) The General Council must establish and maintain a system for the declaration and registration of private interests of its members.

(2) The General Council must publish in such manner as it sees fit entries recorded in the register of members' private interests.

Duties of co-operation etc.

1D.—(1) In exercising its functions, the General Council shall—

- (a) have proper regard for—
 - (i) the interests of persons using or needing the services of registered osteopaths in the United Kingdom, and
 - (ii) any differing interests of different categories of registered osteopaths;
- (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
 - (i) the employment (whether or not under a contract of service) of registered osteopaths,
 - (ii) the education or training of osteopaths or other health care professionals,
 - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
 - (iv) the regulation of health services, and
 - (v) the provision, supervision or management of health services.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as an osteopath which apply in England, Scotland, Wales or Northern Ireland.

(3) In sub-paragraph (1), "other health care professionals" means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, other than the General Council."

(3) In paragraph 15 (powers of the General Council)—

- (a) after sub-paragraph (2) insert the following sub-paragraph—

“(2A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(4).”; and
- (b) omit sub-paragraphs (3) and (4).

- (4) In paragraph 16 (which relates to appointment of members of statutory committees)—
- (a) in sub-paragraph (1), after “General Council” insert “and may be, but are not required to be, appointed”;
 - (b) in sub-paragraph (2), after “such appointments” insert “, and as to the suspension and removal from office of the persons appointed”; and
 - (c) after sub-paragraph (2) insert the following sub-paragraph—

“(3) The rules may make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the General Council in connection with the exercise of any function relating to the appointment of members or particular members of any statutory committee, including any function in relation to tenure of office or suspension or removal from office.”
- (5) Omit paragraph 19 (which relates to duration of office of committee members).
- (6) In paragraph 21 (which relates to the procedure of statutory committees and their sub-committees)—
- (a) in sub-paragraph (1), for “shall” substitute “may”; and
 - (b) in sub-paragraph (2)(3), after “under this Act,” insert “including provision made by standing orders of the General Council by virtue of paragraph 15(2)(g),”.
- (7) For paragraph 25 (which relates to the composition of the Education Committee), substitute the following paragraph—
- “**25.** The General Council shall by rules make provision with regard to the constitution of the Education Committee, and those rules shall include provision with regard to—
- (a) its size and membership;
 - (b) its chair, including the deputising arrangements for its chair; and
 - (c) the quorum at its meetings.”
- (8) Omit paragraphs 26 (which relates to co-option of members onto the Education Committee), 27 (which relates to the chairman of the Education Committee), 28 (which relates to the quorum of the Education Committee) and 29 (which relates to appointment functions).
- (9) For paragraph 30 (which relates to the composition of the Investigating Committee) substitute the following paragraph—
- “**30.** The General Council shall by rules make provision with regard to the constitution of the Investigating Committee, and those rules shall include provision with regard to—
- (a) its size and membership;
 - (b) its chair, including the deputising arrangements for its chair; and
 - (c) the quorum at its meetings.”
- (10) Omit paragraphs 31 (which relates to co-option of members onto the Investigating Committee), 32 (which relates to the chairman of the Investigating Committee) and 33 (which relates to the quorum of the Investigating Committee).
- (11) For paragraph 34 (which relates to the composition of the Professional Conduct Committee) substitute the following paragraph—
- “**34.** The General Council shall by rules make provision with regard to the constitution of the Professional Conduct Committee, and those rules shall include provision with regard to—
- (a) its size and membership;

(3) Paragraph 21(2) was amended by the Chiropractors Act 1994, Schedule 2, paragraph 10(3).

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- (b) its chair, including the deputising arrangements for its chair; and
- (c) the quorum at its meetings.”

(12) Omit paragraphs 35 (which relates to co-option of members onto the Professional Conduct Committee), 36 (which relates to the chairman of the Professional Conduct Committee) and 37 (which relates to the quorum of the Professional Conduct Committee).

(13) For paragraph 38 (which relates to the composition of the Health Committee) substitute the following paragraph—

“**38.** The General Council shall by rules make provision with regard to the constitution of the Health Committee, and those rules shall include provision with regard to—

- (a) its size and membership;
- (b) its chair, including the deputising arrangements for its chair; and
- (c) the quorum at its meetings.”

(14) Omit paragraphs 39 (which relates to co-option of members onto the Health Committee), 40 (which relates to the chairman of the Health Committee) and 41 (which relates to the quorum of the Health Committee).