

SCHEDULE 5

Article 4(2)

Amendments to Acts of Parliament, Acts of the Scottish Parliament and Northern Ireland legislation

PART 1

Amendments to Acts of Parliament

Amendment of the Osteopaths Act 1993

1. In the Schedule to the Osteopaths Act 1993(1) (the General Council and Committees)—
 - (a) after paragraph 30 (which relates to the constitution of the Investigating Committee) insert the following paragraph—

“**30A.** Where rules under paragraph 30 provide for one or more panels of members of the Investigating Committee to perform functions of the Committee, the provision required by paragraph 30(c) includes provision with regard to the quorum at meetings of those panels.”;
 - (b) after paragraph 34 (which relates to the constitution of the Professional Conduct Committee) insert the following paragraph—

“**34A.** Where rules under paragraph 34 provide for one or more panels of members of the Professional Conduct Committee to perform functions of the Committee, the provision required by paragraph 34(c) includes provision with regard to the quorum at meetings of those panels.”; and
 - (c) after paragraph 38 (which relates to the constitution of the Health Committee) insert the following paragraph—

“**38A.** Where rules under paragraph 38 provide for one or more panels of members of the Health Committee to perform functions of the Committee, the provision required by paragraph 38(c) includes provision with regard to the quorum at meetings of those panels.”

Amendment of the Chiropractors Act 1994

2. In Schedule 1 to the Chiropractors Act 1994(2) (the General Council and Committees)—
 - (a) after paragraph 30 (which relates to the constitution of the Investigating Committee) insert the following paragraph—

“**30A.** Where rules under paragraph 30 provide for one or more panels of members of the Investigating Committee to perform functions of the Committee, the provision required by paragraph 30(c) includes provision with regard to the quorum at meetings of those panels.”;
 - (b) after paragraph 34 (which relates to the constitution of the Professional Conduct Committee) insert the following paragraph—

“**34A.** Where rules under paragraph 34 provide for one or more panels of members of the Professional Conduct Committee to perform functions of the Committee, the provision required by paragraph 34(c) includes provision with regard to the quorum at meetings of those panels.”; and

(1) Paragraphs 30, 34 and 38 of the Schedule are substituted by [S.I. 2008/1774](#).

(2) Paragraphs 30, 34 and 38 of Schedule 1 are substituted by [S.I. 2008/1774](#).

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- (c) after paragraph 38 (which relates to the constitution of the Health Committee) insert the following paragraph—

“**38A.** Where rules under paragraph 38 provide for one or more panels of members of the Health Committee to perform functions of the Committee, the provision required by paragraph 38(c) includes provision with regard to the quorum at meetings of those panels.”

Amendment of the Criminal Procedure (Scotland) Act 1995

- 3.** In the Criminal Procedure (Scotland) Act 1995**(3)**—

- (a) in section 230 (probation orders: requirement of treatment for mental condition), for “chartered psychologist”, at each place where it occurs, substitute “registered psychologist”;
- (b) in section 307 (interpretation), omit the definition of “chartered psychologist” and at the appropriate place insert—
- ““registered psychologist” means a person registered in the part of the register maintained under the Health Professions Order 2001 which relates to practitioner psychologists;”; and
- (c) in Schedule 6 (discharge of and amendment to probation orders), in paragraph 4, for “chartered psychologist” substitute “registered psychologist”.

Amendment of the Data Protection Act 1998

- 4.** In section 69 of the Data Protection Act 1998**(4)** (meaning of “health professional”), in subsection (1)(i), omit “clinical psychologist or”.

Amendment of the Powers of Criminal Courts (Sentencing) Act 2000

- 5.** In Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000**(5)** (which relates to the requirements that may be included in supervision orders and is to be repealed by the Criminal Justice and Immigration Act 2008**(6)**), in paragraph 6—

- (a) in sub-paragraph (2)(d), for “chartered psychologist” substitute “registered psychologist”; and
- (b) for sub-paragraph (5) substitute the following sub-paragraph—

“(5) In sub-paragraph (2), “registered psychologist” means a person registered in the part of the register maintained under the Health Professions Order 2001 which relates to practitioner psychologists.”.

Amendment of the Income Tax (Earnings and Pensions) Act 2003

- 6.** In section 343 of the Income Tax (Earnings and Pensions) Act 2003**(7)** (deduction for professional membership fees), in the Table in subsection (2), omit entries 1(a) and 2.

Amendment of the Criminal Justice Act 2003

- 7.** In the Criminal Justice Act 2003**(8)**—

(3) 1995 c.46.

(4) 1998 c.29; section 69(1) has been amended by S.I. 2002/253 and 254 and 2003/1590.

(5) 2000 c.6.

(6) 2008 c.4.

(7) 2003 c.1.

(8) 2003 c.44.

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- (a) in the following provisions, for “chartered psychologist”, wherever occurring, substitute “registered psychologist”—
 - (i) subsections (1) and (2)(c) of section 207 (mental health treatment requirement), and
 - (ii) subsections (1) and (3)(a) of section 208 (mental health treatment at place other than that specified in order); and
- (b) for subsection (6) of section 207 substitute the following subsection—

“(6) In this section and section 208, “registered psychologist” means a person registered in the part of the register maintained under the Health Professions Order 2001 which relates to practitioner psychologists.”.

Amendment of the Gender Recognition Act 2004

- 8.** In the Gender Recognition Act 2004⁽⁹⁾—
 - (a) in subsections (1)(b) and (2)(b) of section 3 (evidence), for “chartered psychologist” substitute “registered psychologist”;
 - (b) in section 25 (interpretation), omit the definition of “chartered psychologist” and insert the following definition at the appropriate place—

““registered psychologist” means a person registered in the part of the register maintained under the Health Professions Order 2001 which relates to practitioner psychologists.”;
 - (c) in section 27(5) (applications within two years of commencement), in the substituted section 3(1)(b), for “chartered psychologist” substitute “registered psychologist”; and
 - (d) in paragraph 1(2)(b) of Schedule 1 (gender recognition panels), for “chartered psychologists” substitute “registered psychologists”.

Amendment of the Safeguarding Vulnerable Groups Act 2006

9.—(1) The Safeguarding Vulnerable Groups Act 2006⁽¹⁰⁾ is amended in accordance with this paragraph.

- (2) In section 41 (registers: duty to refer)—
 - (a) after subsection (4) insert the following subsections—

“(4A) Subsection (4B) applies where the keeper of a relevant register appearing in column 1 of any of entries 2 to 7, 9 and 10 of the table in subsection (7) thinks that the harm test is satisfied.

(4B) Where this subsection applies, the second condition is to be taken as satisfied if—

 - (a) a relevant registration decision has effect in relation to the person and the reason, or one of the reasons, for the relevant registration decision is also the reason, or one of the reasons, for the keeper thinking the harm test is satisfied,
 - (b) the person is under investigation by the body of which the keeper is the registrar in relation to an offence and matters relevant to that investigation are the reason, or one of the reasons, for the keeper thinking that the harm test is satisfied, or
 - (c) the body of which the keeper is the registrar holds information about the person which the keeper thinks is likely, in due course—

⁽⁹⁾ 2004 c.7.
⁽¹⁰⁾ 2006 c.47.

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- (i) to lead to the making of a relevant registration decision for a reason which is the same as the reason, or one of the reasons, for the keeper thinking that the harm test is satisfied, or
 - (ii) to lead to an investigation in relation to an offence in which matters relevant to that investigation are the reason, or one of the reasons, for the keeper thinking that the harm test is satisfied.
- (4C) For the purposes of subsection (4B), a relevant registration decision is a decision, however expressed—
- (a) to refuse to register a person in a relevant register,
 - (b) to remove a person from a relevant register,
 - (c) to suspend a person’s registration in a relevant register (whether for a specified period or pending the outcome of an investigation or the final determination of proceedings),
 - (d) to make a person’s registration in a relevant register conditional on the person’s compliance with specified requirements (whether for a specified period or pending the outcome of an investigation or the final determination of proceedings),
 - (e) to annotate a person’s entry in a relevant register with a record of a formal caution or warning, or
 - (f) to agree with a person undertakings in respect of that person’s future conduct, if those undertakings are recorded in the relevant register.”; and
- (b) in the table in subsection (7)—
- (i) for entry 2 in column 1 (relevant register) substitute the following entry—
“The register of pharmacists maintained under Article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 or the register of pharmacy technicians maintained under Article 21(1) of that Order”,
 - (ii) for the corresponding entry in column 2 (keeper of the register) substitute the following entry—
“The registrar appointed under Article 9(1) of that Order”, and
 - (iii) in entry 3, in column 1, for “Either of” substitute “Any of”.
- (3) In section 43 (registers: notice of barring and cessation of monitoring), in subsection (6)(a), omit “of entry 1 or 8”.
- (4) In section 44 (registers: power to apply for vetting information), in subsection (4)(a), omit “of entry 1 or 8”.

Amendment of the Criminal Justice and Immigration Act 2008

10. In Schedule 1 to the Criminal Justice and Immigration Act 2008 (further provisions about youth rehabilitation orders)—

- (a) in paragraph 20—
 - (i) in sub-paragraph (1), for “chartered psychologist” substitute “registered psychologist”,
 - (ii) in sub-paragraph (2)(c), for “chartered psychologist” substitute “registered psychologist”, and
 - (iii) for sub-paragraph (6) substitute the following sub-paragraph—

“(6) In this paragraph and paragraph 21, “registered psychologist” means a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 which relates to practitioner psychologists.”; and

(b) in paragraph 21—

- (i) in sub-paragraph (1), for “chartered psychologist” (in both places) substitute “registered psychologist”, and
- (ii) in sub-paragraph (4)(a), for “chartered psychologist” substitute “registered psychologist”.

PART 2

Amendments to Acts of the Scottish Parliament

Amendment of the Criminal Justice (Scotland) Act 2003

11. In section 21 of the Criminal Justice (Scotland) Act 2003(**11**) (sexual and certain other offences: reports), in subsection (2)(b), for “a chartered clinical psychologist or chartered forensic psychologist (that is to say from a person for the time being so described in the British Psychological Society’s Register of Chartered Psychologists)” substitute “a registered psychologist (that is to say from a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 that relates to practitioner psychologists)”.

Amendment of the Protection of Vulnerable Groups (Scotland) Act 2007

12. After section 30 of the Protection of Vulnerable Groups (Scotland) Act 2007(**12**) (notice of listing etc.), insert the following section—

“Notification of health regulatory bodies etc.

30A.—(1) Where section 30(2) applies, Ministers must notify any relevant health regulatory body whom they think it would be appropriate to notify of the fact—

- (a) that the individual has been barred from doing regulated work with children or adults, or, as the case may be,
- (b) that they are considering whether to list the individual.

(2) Where, after considering whether to list an individual, Ministers decide not to do so, they must give notice of that fact to any relevant health regulatory body to whom they gave notice under subsection (1)(b).

(3) A notice given under subsection (1) or (2) may include—

- (a) such details as Ministers think appropriate—
 - (i) where the individual has been barred (by being listed or otherwise), about the circumstances in which the individual was barred,
 - (ii) where they have decided not to list an individual, about the circumstances in which the individual was considered for listing, and
- (b) any other information about the individual which Ministers think appropriate.

(11) 2003 asp 7.

(12) 2007 asp 14.

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(4) Where Ministers remove an individual from a list under section 29, they must give notice of that fact to any relevant health regulatory body whom they think it would be appropriate to notify of that fact (having regard to the period for which the individual has been listed).

(5) The following are “relevant health regulatory bodies”—

- the General Chiropractic Council
- the General Dental Council
- the General Medical Council
- the General Optical Council
- the General Osteopathic Council
- the Health Professions Council
- the Nursing and Midwifery Council
- the Pharmaceutical Society of Northern Ireland
- the Royal Pharmaceutical Society of Great Britain.”

PART 3

Amendment of Northern Ireland legislation

Amendment of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

13. In Article 46 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**13**) (registers: power to apply for vetting information), in paragraph (4)(a), omit “of entry 1 or 8”.

(13) S.I. 2007/1351 (N.I. 11).