

SCHEDULE 1

Amendments relating to indemnity arrangements

PART 4

Amendments to the Osteopaths Act 1993

Amendment of section 37

9. For section 37 of the Osteopaths Act 1993(1) (professional indemnity insurance), substitute—

“37 Indemnity arrangements

(1) A registered osteopath who practises as such must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.

(2) In this section, references to “registered osteopath” do not include a reference to a temporarily registered osteopath.

(3) For the purposes of this section, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(4) For the purposes of this section, “appropriate cover”, in relation to practice as a registered osteopath, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(5) The General Council may by rules make provision in connection with the types of indemnity arrangement required and the information to be provided to the Registrar—

- (a) by or in respect of any person seeking to be entered in the register as a registered osteopath (including on an application for restoration) for the purposes of determining whether, if that person is so entered, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;
 - (b) by or in respect of a registered osteopath for the purposes of determining whether at any time, there is in force in relation to him an indemnity arrangement which provides appropriate cover.
- (6) Rules under subsection (5)(b) may require information to be provided—
- (a) at the request of the Registrar; or
 - (b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual registered osteopaths or registered osteopaths of a particular description.

(7) The General Council may also make rules requiring a registered osteopath to inform the Registrar if there ceases to be in force in relation to him an indemnity arrangement which provides appropriate cover.

Status: This is the original version (as it was originally made).

(8) The General Council may also make rules requiring a registered osteopath to inform the Registrar if there is in force in relation to him appropriate cover provided under an indemnity arrangement by an employer.

(9) Where there is a failure to comply with the rules under subsection (5) by or in respect of a person who is entered or is seeking to be entered in the register, the Registrar may refuse to enter the person in, or to restore the person's entry to, the register.

(10) If a registered osteopath is in breach of subsection (1), or fails to comply with rules under subsection (5)(b), (7) or (8), or there is a failure to comply with rules under subsection (5)(b) in respect of a registered osteopath—

- (a) the Registrar may remove that person's entry from the register; or
- (b) the breach or failure may be treated as unacceptable professional conduct and the Registrar may notify the Council .”.