
STATUTORY INSTRUMENTS

2009 No. 26

**HEALTH CARE AND
ASSOCIATED PROFESSIONS**

CHIROPRACTORS

**The General Chiropractic Council (Constitution of the
Statutory Committees) Rules Order of Council 2009**

<i>Made</i>	- - - -	<i>9th January 2009</i>
<i>Laid before Parliament</i>		<i>15th January 2009</i>
<i>Coming into force</i>	- -	<i>9th February 2009</i>

The General Chiropractic Council has made the General Chiropractic Council (Constitution of the Statutory Committees) Rules 2009, which are set out in the Schedule to this Order, in exercise of the powers conferred by section 35(2) of, and paragraphs 16(2), 17(4), 25, 30, 34 and 38 of Schedule 1 to, the Chiropractors Act 1994(1).

By virtue of section 35(1) of that Act, such Rules shall not come into force until approved by Order of the Privy Council.

Their Lordships, having taken these Rules into consideration, are pleased to and do approve them.

This Order may be cited as the General Chiropractic Council (Constitution of the Statutory Committees) Rules Order of Council 2009 and shall come into force on 9th February 2009.

Judith Simpson
Clerk of the Privy Council

(1) 1994 c.17; section 35(2) and paragraph 16(2) were amended by, and paragraphs 25, 30, 34 and 38 were substituted by, S.I. 2008/1774.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

The General Chiropractic Council (Constitution of the Statutory Committees) Rules 2009

CONTENTS

PART 1

Introductory

1. Citation, commencement and interpretation

PART 2

Provisions specific to each statutory committee

2. The Education Committee: composition, terms of office of ordinary members and quorum
3. Appointment of the ordinary members of the Education Committee who are members of the General Council
4. Chair and deputy chair of the Education Committee
5. The Investigating Committee: composition, terms of office of ordinary members and quorum
6. Chair and deputy chair of the Investigating Committee
7. The Professional Conduct Committee: composition, terms of office of ordinary members and quorum
8. Chairing of the Professional Conduct Committee
9. The Health Committee: composition, terms of office of ordinary members and quorum
10. Chairing of the Health Committee

PART 3

Common provisions

11. Approval and terms of office of co-opted members of statutory committees
12. Disqualification from appointment to any statutory committee
13. Removal of statutory committee members from office
14. Suspension of statutory committee members from office
15. Effect of vacancies etc. on the validity of proceedings

PART 4

Part heard cases on 8th February 2009

16. Part heard cases before the Professional Conduct Committee on 8th February 2009
 17. Part heard cases before the Health Committee on 8th February 2009
- Signature
Explanatory Note

The General Chiropractic Council makes the following Rules in exercise of the powers conferred by section 35(2) of, and paragraphs 16(2), 17(4), 25, 30, 34 and 38 of Schedule 1 to, the Chiropractors Act 1994.

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Chiropractic Council (Constitution of the Statutory Committees) Rules 2009 and shall come into force on 9th February 2009.

(2) In these Rules—

“the Act” means the Chiropractors Act 1994;

“final outcome”, in relation to any proceedings where there are rights of appeal, means the outcome of the proceedings—

- (a) once the period for bringing an appeal has expired without an appeal being brought; or
- (b) if an appeal is brought in accordance with those rights, once those rights have been exhausted;

“lay person” means a person who—

- (a) is not and never has been a registered chiropractor; and
- (b) does not hold qualifications which would entitle them to apply for registration under the Act;

“licensing body” means any body, other than the General Council, anywhere in the world that licenses or regulates any profession;

“ordinary member”, in relation to a statutory committee, means a member of that committee who is not a co-opted member; and

“spent conviction” means—

- (a) in relation to a conviction in a court in Great Britain, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974⁽²⁾; or
- (b) in relation to a conviction by a court in Northern Ireland, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978⁽³⁾.

PART 2

Provisions specific to each statutory committee

The Education Committee: composition, terms of office of ordinary members and quorum

2.—(1) The Education Committee shall consist of—

- (a) 5 members who are members of the General Council, appointed by it;
- (b) 5 members who are not members of the General Council but who are appointed by it; and

(2) 1974 c.53.

(3) S.I. 1978/1908 (N.I. 27).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) any members the Education Committee co-opts, if they are approved by the General Council in accordance with rule 11 and subject to a maximum number of 5 co-opted members.
- (2) The terms of office of the ordinary members of the Education Committee shall be determined by the General Council, on appointment (or re-appointment).
- (3) The quorum of the Education Committee shall be 5, of whom at least 2 shall be members of the General Council.

Appointment of the ordinary members of the Education Committee who are members of the General Council

- 3.—(1) If there is a vacancy amongst the ordinary members of the Education Committee who must be members of the General Council, that vacancy shall be filled by a member of the General Council selected in accordance with this rule.
- (2) The Registrar shall invite members of the General Council to nominate members of the General Council to fill the vacancy—
 - (a) in writing before a specified meeting of the General Council; or
 - (b) orally at that meeting.
 - (3) Members may not nominate themselves.
 - (4) At that meeting, if the number of members nominated does not exceed the number of vacancies, the members nominated shall be declared by the Registrar as the members provisionally appointed as members of the Education Committee (and the nominations process for any remaining vacancies shall be repeated for the next meeting of the General Council).
 - (5) If the number of members nominated exceeds the number of vacancies, at that meeting the Registrar shall conduct a ballot, and each member of the General Council—
 - (a) shall have a number of votes equal to the number of vacancies;
 - (b) may vote for themselves; and
 - (c) shall not vote more than once for the same member.
 - (6) At that meeting, the Registrar shall rank the candidates in order of the number of votes received, highest placed first, and declare as provisionally appointed as members of the Education Committee the candidates whose number in the ranking is equal to or higher than the number of vacancies.
 - (7) In the event of a tie between two or more candidates for a place in the ranking that would give rise to a provisional appointment, a further ballot shall be held in respect of that place, and the members nominated for the purposes of that ballot (which is to be held at the same meeting) shall be the candidates whose votes were tied.
 - (8) Any person declared to be provisionally appointed in accordance with this rule, shall be duly appointed as a member of the Education Committee if that appointment is ratified by a resolution of the General Council at the meeting at which the person was declared provisionally appointed.
 - (9) In the event of a failure by the General Council to ratify a provisional appointment, the Registrar shall repeat the process described in paragraphs (2) to (7) both before and at the next meeting of the General Council.

Chair and deputy chair of the Education Committee

- 4.—(1) The General Council shall appoint as the chair of the Education Committee an ordinary member of the Committee—
 - (a) who is a member of the General Council; and

- (b) whom the General Council elects to be the Committee’s chair.
- (2) The term of office of the chair shall be determined by the General Council on appointment, but it shall be for a period that is no longer than the period between the chair’s date of appointment as chair and the date on which the chair’s term of office as a member of the Education Committee is due to expire (regardless of whether or not they are thereafter reappointed as a member).
- (3) The member of the Education Committee serving as its chair shall cease to be its chair—
 - (a) if that person ceases to be a member of the Education Committee;
 - (b) if that person resigns as its chair, which that person may do at any time by a notice in writing to the General Council;
 - (c) if that person’s membership of the General Council is suspended by the Privy Council or provisionally suspended by the General Council; or
 - (d) if the General Council votes (and that person may not participate in the vote) to terminate that person’s appointment as chair.
- (4) The General Council shall nominate a member of the Education Committee who is also a member of the General Council to deputise for the chair (“the deputy chair”) if the chair is unable to perform the duties of the chair for any reason.
- (5) A person serving as deputy chair of the Education Committee shall cease to be its deputy chair—
 - (a) if that person ceases to be a member of the Education Committee;
 - (b) if that person resigns as deputy chair, which that person may do at any time by a notice in writing to the General Council;
 - (c) if that person’s membership of the General Council is suspended by the Privy Council or provisionally suspended by the General Council; or
 - (d) if the General Council votes (and that person may not participate in the vote) to terminate that person’s appointment as deputy chair.
- (6) If for any reason both the chair and the deputy chair of the Education Committee are absent from a meeting of the Committee, the members of the Committee who are present at that meeting shall nominate one of their number who is a member of the General Council to serve as chair of that meeting.

The Investigating Committee: composition, terms of office of ordinary members and quorum

- 5.—(1) The Investigating Committee shall consist of—
 - (a) 3 members who are lay persons, appointed by the General Council;
 - (b) 5 members who are registered chiropractors, appointed by the General Council; and
 - (c) any members the Investigating Committee co-opts, if they are approved by the General Council in accordance with rule 11 and subject to a maximum number of 5 co-opted members.
- (2) No ordinary member of the Investigating Committee may also be a member of the General Council, the Professional Conduct Committee or the Health Committee, and no co-opted member may also be a member of the Professional Conduct Committee or the Health Committee.
- (3) The terms of office of the ordinary members of the Investigating Committee shall be determined by the General Council, on appointment (or re-appointment), but no term of office shall be longer than 4 years.
- (4) The quorum of the Investigating Committee shall be 5, of whom 2 must be registered chiropractors and 2 must be lay persons (one of whom may be chairing the meeting).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Chair and deputy chair of the Investigating Committee

6.—(1) The General Council shall appoint as the chair of the Investigating Committee an ordinary member of the Committee who is a lay person.

(2) The term of office of the chair shall be determined by the General Council on appointment, but it shall be for a period that is no longer than the period between the chair's date of appointment as chair and the date on which the chair's term of office as a member of the Investigating Committee is due to expire (regardless of whether or not they are thereafter reappointed as a member).

(3) The member of the Investigating Committee serving as its chair shall cease to be its chair—

- (a) if that person ceases to be a member of the Investigating Committee;
- (b) if that person resigns as its chair, which that person may do at any time by a notice in writing to the General Council;
- (c) if that person's membership of the Investigating Committee is suspended by the General Council; or
- (d) if the General Council votes to terminate that person's appointment as chair.

(4) The General Council may nominate a member of the Investigating Committee who is a lay person to deputise for the chair ("the deputy chair") if the chair is unable to perform the duties of the chair for any reason.

(5) A person serving as deputy chair of the Investigating Committee shall cease to be its deputy chair—

- (a) if that person ceases to be a member of the Investigating Committee;
- (b) if that person resigns as deputy chair, which that person may do at any time by a notice in writing to the General Council;
- (c) if that person's membership of the Investigating Committee is suspended by the General Council; or
- (d) if the General Council votes to terminate that person's appointment as deputy chair.

(6) If for any reason both the chair and any deputy chair of the Investigating Committee are absent from a meeting of the Committee, the members of the Committee who are present at that meeting shall nominate one of their number to serve as chair of that meeting.

The Professional Conduct Committee: composition, terms of office of ordinary members and quorum

7.—(1) The membership of the Professional Conduct Committee shall consist of the registered chiropractors and lay persons included in the list of not more than 30 persons maintained by the General Council of persons appointed to the Committee.

(2) Members of the Professional Conduct Committee may attend only the proceedings of the Committee that they are invited to attend by the Registrar, or by a person duly authorised on the Registrar's behalf to invite them.

(3) If the members of the Professional Conduct Committee who are attending particular proceedings propose to co-opt a member for the purposes of consideration of those proceedings, approval for the co-option must be sought in accordance with rule 11.

(4) No ordinary member of the Professional Conduct Committee may also be a member of the General Council or the Investigating Committee, and no co-opted member may also be a member of the Investigating Committee.

(5) The terms of office of the ordinary members of the Professional Conduct Committee shall be determined by the General Council, on appointment (or re-appointment), but no term of office shall be longer than 4 years.

(6) The panel of ordinary members and any co-opted members attending particular proceedings of the Professional Conduct Committee may perform any functions of the Committee that are relevant to those proceedings.

(7) The quorum for the Professional Conduct Committee (that is, for panels of members as mentioned in paragraph (6)) shall be 3, of which at least one must be—

- (a) a registered chiropractor;
- (b) a lay person (who may or may not be the person chairing the meeting);
- (c) the person chairing the meeting (who may also be the one necessary lay person, mentioned in sub-paragraph (b)), who must be a person appointed in accordance with rule 8(1).

(8) If the Registrar so directs, this rule does not apply in relation to proceedings, or particular stages of proceedings, before the Professional Conduct Committee on 8th February 2009.

Chairing of the Professional Conduct Committee

8.—(1) The General Council shall appoint, from amongst the lay persons who are members of the Professional Conduct Committee, persons to chair proceedings of the Committee (“panel chairs”).

(2) Of those persons, the General Council shall designate one panel chair of the Professional Conduct Committee to act as the chair of the Committee.

(3) If the Registrar or the person duly authorised on the Registrar’s behalf (“the inviter”) does not invite the chair to attend particular proceedings of the Professional Conduct Committee—

- (a) the inviter must invite another panel chair to those proceedings; and
- (b) that panel chair shall chair the proceedings in place of the chair of the Committee.

(4) A person serving as chair or panel chair of the Professional Conduct Committee shall cease office—

- (a) if that person ceases to be a member of the Professional Conduct Committee;
- (b) if that person resigns as chair or panel chair (or both), which the person may do at any time by a notice in writing to the General Council;
- (c) if that person’s membership of the Professional Conduct Committee is suspended by the General Council; or
- (d) if the General Council votes to terminate that person’s appointment as chair or panel chair (or both).

(5) If the Registrar so directs, this rule does not apply in relation to proceedings, or particular stages of proceedings, before the Professional Conduct Committee on 8th February 2009.

The Health Committee: composition, terms of office of ordinary members and quorum

9.—(1) The membership of the Health Committee shall consist of the registered chiropractors and lay persons included in the list of not more than 30 persons maintained by the General Council of persons appointed to the Committee.

(2) Members of the Health Committee may attend only the proceedings of the Committee that they are invited to attend by the Registrar, or by a person duly authorised on the Registrar’s behalf to invite them.

(3) If the members of the Health Committee who are attending particular proceedings propose to co-opt a member for the purposes of consideration of those proceedings, approval for the co-option must be sought in accordance with rule 11.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) No ordinary member of the Health Committee may also be a member of the General Council or the Investigating Committee, and no co-opted member may also be a member of the Investigating Committee.

(5) The terms of office of the ordinary members of the Health Committee shall be determined by the General Council, on appointment (or re-appointment), but no term of office shall be longer than 4 years.

(6) The panel of ordinary members and any co-opted members attending particular proceedings of the Health Committee may perform any functions of the Committee that are relevant to those proceedings.

(7) The quorum for the Health Committee (that is, for panels of members as mentioned in paragraph (6)) shall be 3, of which at least one must be—

- (a) a registered chiropractor;
- (b) a lay person (who may or may not be the person chairing the meeting);
- (c) the person chairing the meeting (who may also be the one necessary lay person, mentioned in sub-paragraph (b)), who must be a person appointed in accordance with rule 10(1).

(8) If the Registrar so directs, this rule does not apply in relation to proceedings, or particular stages of proceedings, before the Health Committee on 8th February 2009.

Chairing of the Health Committee

10.—(1) The General Council shall appoint, from amongst the lay persons who are members of the Health Committee, persons to chair proceedings of the Committee (“panel chairs”).

(2) Of those persons, the General Council shall designate one panel chair of the Health Committee to act as the chair of the Committee.

(3) If the Registrar or the person duly authorised on the Registrar’s behalf (“the inviter”) does not invite the chair to attend particular proceedings of the Health Committee—

- (a) the inviter must invite another panel chair to those proceedings; and
- (b) that panel chair shall chair the proceedings in place of the chair of the Committee.

(4) A person serving as chair or panel chair of the Health Committee shall cease office—

- (a) if that person ceases to be a member of the Health Committee;
- (b) if that person resigns as chair or panel chair (or both), which the person may do at any time by a notice in writing to the General Council;
- (c) if that person’s membership of the Health Committee is suspended by the General Council; or
- (d) if the General Council votes to terminate that person’s appointment as chair or panel chair (or both).

(5) If the Registrar so directs, this rule does not apply in relation to proceedings, or particular stages of proceedings, before the Health Committee on 8th February 2009.

PART 3

Common provisions

Approval and terms of office of co-opted members of statutory committees

11.—(1) The approval of the co-option of a member to a statutory committee shall be sought by the submission by the committee concerned to the General Council of a request for approval, and that request shall be accompanied by—

- (a) a curriculum vitae of the proposed member; and
- (b) an explanation of the reasons for the request for the proposed member's co-option.

(2) Approval shall be by way of a resolution to that effect passed at a meeting of the General Council.

(3) The term of office of the co-opted member shall commence on the day after the day on which that resolution is passed.

(4) The duration of terms of office of any co-opted members of the statutory committees shall be determined by the committee co-opting them (subject to paragraph 17(3) of Schedule 1 to the Act).

Disqualification from appointment to any statutory committee

12. A person is disqualified from appointment as a member of a statutory committee if that person—

- (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
- (b) has at any time been convicted of an offence in the United Kingdom, and—
 - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
 - (ii) the conviction is not a spent conviction;
- (c) has at any time been removed—
 - (i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—
 - (aa) for which the person was responsible or to which the person was privy, or
 - (bb) which the person by their conduct contributed to or facilitated, or
 - (ii) under—
 - (aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽⁴⁾ (powers of Court of Session to deal with management of charities), or
 - (bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005⁽⁵⁾ (powers of the Court of Session),from being concerned with the management or control of any body;

(4) 1990 c.40; section 7 was repealed by the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), Schedule 4, paragraph 7(b).

(5) 2005 asp 10.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
- (e) is subject to—
 - (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986⁽⁶⁾,
 - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989⁽⁷⁾ (company directors disqualification),
 - (iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002⁽⁸⁾, or
 - (iv) an order made under section 429(2) of the Insolvency Act 1986⁽⁹⁾ (disabilities on revocation of a county court administration order);
- (f) has been included by—
 - (i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006⁽¹⁰⁾ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁽¹¹⁾), or
 - (ii) the Scottish Ministers in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007⁽¹²⁾);
- (g) has at any time been subject to any investigation or proceedings concerning his fitness to practise by any licensing body, the final outcome of which was—
 - (i) the person’s suspension from a register held by the licensing body,
 - (ii) the person’s erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body, or
 - (iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions;
- (h) has at any time been subject to any investigation or proceedings concerning his conduct, professional competence or health by the General Council, where the final outcome was that—
 - (i) the person’s registration in the register was suspended,
 - (ii) the person was removed from the register (for a reason connected to the person’s conduct, professional competence or health), or
 - (iii) the person’s registration in the register was made subject to an order imposing conditions with which the person must comply; or
- (i) has at any time been subject to any investigation or proceedings relating to an allegation that the person’s entry in the register was fraudulently procured—
 - (i) in the course of which the person’s registration was suspended and that suspension has not been terminated, or
 - (ii) the final outcome of which was the removal of the person’s entry in the register;
- (j) is subject to any investigation or proceedings concerning—

⁽⁶⁾ 1986 c.46.

⁽⁷⁾ S.I. 1989/2404 (N.I. 18).

⁽⁸⁾ S.I. 2002/3150 (N.I. 4); relevant amendments were made by S.I. 2005/1454 (N.I. 9).

⁽⁹⁾ Section 429(2) was amended by the Enterprise Act 2002 (c.40), Schedule 23, paragraph 15.

⁽¹⁰⁾ 2006 c.47.

⁽¹¹⁾ S.I. 2007/1351 (N. I. 11).

⁽¹²⁾ 2007 asp 14.

- (i) the person's conduct, professional competence or health by the General Council, or
 - (ii) the person's fitness to practise by any licensing body,
- and the General Council is satisfied that the person's membership of the statutory committee would be liable to undermine public confidence in the regulation of registered chiropractors; or
- (k) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registered chiropractors.

Removal of statutory committee members from office

13.—(1) A member of a statutory committee shall be removed from office by the General Council, if—

- (a) the member resigns, which a member may do at any time by a notice in writing to the General Council;
- (b) in the case of—
 - (i) a member appointed in part because they were a registered chiropractor, that member's registration lapses,
 - (ii) a member appointed in part because they were a lay person, that member ceases to be a lay person;
- (c) the member becomes a person of the type mentioned in rule 12(c) or (d);
- (d) the member becomes a person of the type mentioned in rule 12(a), (b) or (e) to (g), whether or not they thereafter cease to be such a person or a sanction mentioned in those provisions is lifted;
- (e) in the case of a registered chiropractor, the member becomes subject to any investigation or proceedings concerning his conduct, professional competence or health by the General Council, where the final outcome is that—
 - (i) the member's registration in the register is suspended by virtue of a suspension order,
 - (ii) the member is removed from the register, or
 - (iii) the member's registration in the register is made subject to a conditions of practice order;
- (f) in the case of a registered chiropractor, the member becomes subject to any investigation or proceedings relating to an allegation that the member's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the member's entry in the register;
- (g) the General Council is satisfied that the member's level of attendance at meetings of the committee falls below a minimum level of attendance acceptable to the General Council, having regard to—
 - (i) any recommended minimum levels of attendance that the General Council has set in their standing orders, and
 - (ii) whether or not there were reasonable causes for the member's absences;
- (h) the General Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education, training and appraisal for members that apply to that member and which the General Council has included in their standing orders;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) the General Council is satisfied that the member has disclosed or caused to be disclosed, without reasonable cause, confidential information relating to or in connection with proceedings of the committee;
 - (j) the General Council is satisfied that the member is no longer able to perform their duties as a member of the statutory committee because of adverse physical or mental health;
 - (k) the General Council is satisfied that the member's continued membership of the statutory committee would be liable to undermine public confidence in the regulation of registered chiropractors.
- (2) A member who becomes, or may be about to become, a person to whom paragraph (1)(b) to (d) applies must notify the General Council in writing of that fact as soon as the person becomes aware of it.

Suspension of statutory committee members from office

14.—(1) The General Council may suspend a member from a statutory committee by a notice in writing served on the member—

- (a) if the General Council has reasonable grounds for suspecting that the member has become a person to whom rule 13(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;
- (b) while the General Council is considering whether or not it is satisfied as to the matters set out in rule 13(1)(g) to (k);
- (c) if the member is subject to any investigation or proceedings concerning—
 - (i) the member's conduct, professional competence or health by the General Council, or
 - (ii) the member's fitness to practise by any licensing body,

and the General Council is satisfied that it would not be appropriate for the member to continue to participate in the work of the statutory committee while the investigation is or proceedings are ongoing;

- (d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the General Council is satisfied that it would not be appropriate for the member to continue to participate in the work of the statutory committee while the investigation or proceedings concerning the member's entry in the register is or are ongoing;
- (e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or in any other part of the world relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—
 - (i) either—
 - (aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or
 - (bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment or detention, and
 - (ii) the General Council is satisfied that it would not be appropriate for the member to continue to participate in the work of the statutory committee while the investigation or proceedings is or are ongoing.

(2) The notice in writing under paragraph (1) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than 6 months.

(3) The General Council—

- (a) may at any time review a suspension of a member of a statutory committee by it; and

- (b) shall review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.
- (4) Following a review, the General Council may—
 - (a) terminate the suspension;
 - (b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.
- (5) The General Council shall notify the suspended member in writing of the outcome of any review and that notice shall include the reasons for any decision taken.

Effect of vacancies etc. on the validity of proceedings

- 15.**—(1) The validity of any proceedings before a statutory committee shall not be affected by—
- (a) any vacancy among its members;
 - (b) any defect in the appointment of any of its members;
 - (c) a member whom the General Council must remove from the committee under rule 13(1)(b) to (f) participating in the proceedings;
 - (d) a member whom the General Council has removed under rule 13(1) having participated in the proceedings; or
 - (e) a member who has been suspended by the General Council under rule 14(1) having participated in the proceedings.
- (2) Notwithstanding paragraph (1)(c), a member of a statutory committee whom the General Council must remove from a statutory committee under rule 13(1)(b) to (f) is not entitled to participate in proceedings of the committee, pending the member’s removal from the committee by the General Council.

PART 4

Part heard cases on 8th February 2009

Part heard cases before the Professional Conduct Committee on 8th February 2009

- 16.**—(1) Subject to paragraph (2), where the Registrar exercises the Registrar’s powers of direction under rule 7(8) and 8(5)—
- (a) the composition of the Professional Conduct Committee for the proceedings or the stage of proceedings in question shall be the composition of the Committee on 8th February 2009;
 - (b) the quorum of the Professional Conduct Committee shall be 4, of whom at least 3 shall be persons who were members of the General Council on 8th February 2009; and
 - (c) the chairing arrangements for the Committee shall be those set out in paragraph 36 of Schedule 1 to the Chiropractors Act 1994, as in force on 8th February 2009, except that references to the General Council shall be construed as references to the General Council as on 8th February 2009.
- (2) If the Committee proposes to co-opt additional members, approval shall be sought in accordance with rule 11.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part heard cases before the Health Committee on 8th February 2009

17.—(1) Subject to paragraph (2), where the Registrar exercises the Registrar’s powers of direction under rule 9(8) and 10(5)—

- (a) the composition of the Health Committee for the proceedings or the stage of proceedings in question shall be the composition of the Committee on 8th February 2009;
- (b) the quorum of the Health Committee shall be 5 (none of whom need be registered medical practitioners) of whom at least 3 shall be persons who were members of the General Council on 8th February 2009; and
- (c) the chairing arrangements for the Committee shall be those set out in paragraph 40 of Schedule 1 to the Chiropractors Act 1994, as in force on 8th February 2009, except that references to the General Council shall be construed as references to the General Council as on 8th February 2009.

(2) If the Committee proposes to co-opt additional members, approval shall be sought in accordance with rule 11.

Given under the official seal of the General Chiropractic Council this 7th day of January 2009



*Linda Stone
Michael Kondracki
MemberMember*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules of the General Chiropractic Council (GCC) relating to the constitution of its four statutory committees: the Education Committee; the Investigating Committee; the Professional Conduct Committee; and the Health Committee.

Part 1 of the Rules contains introductory provisions. Part 2 contains the provisions specific to each statutory committee, including those relating to the committees’ compositions, the terms of office of their members and their quora. Each committee has ordinary members who are appointed by the GCC, and may also have co-opted members, whom the committees themselves may put forward but whose co-option must be approved by the GCC in accordance with a set procedure (rules 2, 5, 7, 9 and 11).

For the Education Committee, some of the ordinary members must also be members of the GCC, and if more GCC members are nominated for membership of the committee than there are vacancies to fill, the selection of members to fill those vacancies is done by a ballot of GCC members (rule 3). The Education Committee will also have a chair and deputy chair, both appointed by the GCC

(rule 4). For the Health and Professional Conduct Committees, panels of members drawn from the membership list of each committee will be invited to attend particular proceedings, and each panel will be chaired by a panel chair, appointed by the GCC – and one of the panel chairs will be designated by the GCC as the overall chair of the committee (rules 7 to 10).

Part 3 contains common provisions for all of the statutory committees. In addition to the provisions relating to the approval and terms of office of co-opted members (rule 11), there are common provisions relating to the grounds for disqualification from appointment to one of the committees, and to the removal of committee members from office (rules 12 and 13). The GCC is also given powers to suspend committee members where, for example, it is considering removing them from office (rule 14). There are also provisions to ensure that the validity of the committees' proceedings is not affected by defects in appointments, vacancies or disciplinary action that is being taken, or needs to be taken, against their members (rule 15).

Part 4 deals with cases before the Health and Professional Conduct Committees that are ongoing on the day the Rules come into force. Provision is made so that these cases can be taken forward by these committees as constituted on the day before the Rules come into force, where the Registrar of the GCC so directs, rather than by these committees as newly constituted on 9th February 2009.