

## SCHEDULE 1

Article 3(1) and (2)

### Amendments to the Health and Social Work Profession Order 2001 and related matters

## PART 1

### Amendments relating to the regulation of public health specialists

#### Amendment of article 13

1. In article 13(1) (transitional provisions relating to admission to the register), in paragraph (1), for sub-paragraph (c) substitute—

- “(c) who has never been registered in respect of that profession—
- (i) under the 1960 Act or this Order,
  - (ii) in the case of an operating department practitioner, in the AODP register,
  - (iii) in the case of a practitioner psychologist, in the BPS register or the AEP register,  
or
  - (iv) in the case of a public health specialist, in the PHR register; and”.

#### Amendment of article 39

2. After sub-paragraph (1A) of article 39(2) (offences), insert—

“(1B) A person who is listed in paragraph (1C) is to be regarded for the purposes of paragraph (1)(b) as entitled to use the title of “public health specialist”.

(1C) Paragraph (1B) refers to a person who is—

- (a) registered in the Specialist Register kept by the General Medical Council under section 34D of the Medical Act 1983(3) (specialist register);
- (b) included in the specialist list kept by the General Dental Council in accordance with regulations made by the General Dental Council pursuant to section 26(3) and (4) of the Dentists Act 1984(4);
- (c) a registrant in the register maintained by the Nursing and Midwifery Council in accordance with article 5 of the Nursing and Midwifery Order 2001(5), in respect of whom, an entry made in that register pursuant to rule 7(8) (entries indicating qualifications or competence) of the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004(6) to indicate that the registrant possesses a qualification in, or is competent to practise in, public health;
- (d) a registrant in the register maintained by the General Pharmaceutical Council in accordance with article 19 of the Pharmacy Order 2010(7), whose entry to that register has been annotated pursuant to rules made under article 27(1)(8) of that Order to denote that a registrant has a specialisation in public health;

(1) Amended by S.I. 2004/2033, 2009/1182, 2010/233 and 2012/1479.

(2) Article 39(2) was amended by 2009/1182. Paragraph 1A of that article was inserted by the Health and Social Care Act 2012, section 215(1) and (12).

(3) 1983 c. 54. Section 34D was inserted by S.I. 2010/234, article 4, Schedule 1, paragraph 10.

(4) 1984 c.24. Section 26 was amended by S.I. 2005/2011, articles 2(1) and 15.

(5) S.I. 2002/253.

(6) S.I. 2004/1765.

(7) S.I. 2010/231.

(8) Rules made under article 27 are contained in the Schedule to the General Pharmaceutical Council (Registration) Rules 2010 S.I. 2010/1617.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Health and Care Professions (Public Health Specialists and Miscellaneous Amendments) Order 2015* ISBN 978-0-11-113153-4

- (e) a registrant in the register made out and maintained by the Pharmaceutical Society Of Northern Ireland in accordance with Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976<sup>(9)</sup> whose entry to that register has been annotated pursuant to regulations made under Article 5(1)(ff) of that Order<sup>(10)</sup> to denote that a registrant has a specialisation in public health.
- (f) registered in a part of the register maintained by the Health and Care Professions Council in accordance with article 5 of this Order as member of a relevant profession other than that of a registered public health specialist, in respect of an entry has been made pursuant to rule 6(4) (entries indicating qualifications or competence) of the Health Professions (Parts of and Entries in the Register) Order of Council 2003<sup>(11)</sup> to indicate that such a registrant possesses qualification in, or is competent to practise in public health.”.

### Amendment of Schedule 1

3. In paragraph 1A of Schedule 1<sup>(12)</sup> (the Health and Care Professions Council and Committees: membership)—

- (a) in sub-paragraph (1)(b)(i), for “or the HAC register”, substitute “, the HAC register or the PHR register”; and
- (b) after sub-paragraph (1A), insert—

“(1B) For the purposes of sub-paragraph (1), “the PHR register” means the register maintained by the PHR.”.

### Amendment of Schedule 3

4. In Schedule 3<sup>(13)</sup> (interpretation), in paragraph 1—

- (a) insert each of the following definitions at the appropriate place in the alphabetical order—

““PHR” means the United Kingdom Public Health Register, a private company limited by guarantee which was incorporated on the 23rd May 2003<sup>(14)</sup>;

“PHR register” means (except in relation to paragraph 1A(1)(b)(i) of Schedule 1) the aggregate of entries in the register maintained by the PHR that relate to persons other than public health practitioners;

“public health practitioner” means a person registered with the PHR who—

  - (a) has not completed a national public health speciality training programme approved by the General Medical Council; or
  - (b) has not reached the requisite level of competence as determined by the PHR required by it for registration as a specialist in public health.”;
  - (b) in the definition of “relevant professions”, after “prosthetists and orthotists;”, insert “public health specialists;”

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<sup>(9)</sup> S.I. 1976/1213 (N.I. 22)

<sup>(10)</sup> Sub-paragraph (ff) of Article 5(1) was inserted by S.R. 2004 No. 78.

<sup>(11)</sup> S.I. 2003/1571.

<sup>(12)</sup> Paragraph 1A was amended by S.I. 2009/1182 and 2010/233.

<sup>(13)</sup> Amended by S.I. 2009/1182 and 2010/233.

<sup>(14)</sup> Registered Office is at Chadwick Court, 15 Hatfields, London, SE1 8DJ.

### **Amendment of the Health and Care Professions (Parts of and Entries in the Register) Order of Council 2003**

**5.** In the Health Care Professions (Parts of and Entries in the Register) Order of Council 2003(15), in Schedule 1(16) (parts of the register)—

- (a) in column 1, after the entry “Part 16 -Social Workers” add the following entry: “Part 17 –Public Health Specialist”;
- (b) in column 2, after the entry “Social Worker” and opposite the entry in column 1 added by paragraph (a), add the following entry: “Public Health Specialist”.

### **Amendment of the European Communities (Recognition of Professional Qualifications) Regulations 2007**

**6.** In the European Communities (Recognition of Professional Qualifications) Regulations 2007(17)—

- (a) in Schedule 1(18) (regulated professions), in Part 1 (professions regulated by law or public authority) in the column headed “profession” after “Prosthetist and Orthotist” insert “Public Health Specialist”; and
- (b) in Schedule 2(19) (regulated professions having public health or safety implications), after “Prosthetist and Orthotist” insert “Public Health Specialist”.

## **PART 2**

### **Miscellaneous amendments to the Health and Social Work Professions Order 2001**

#### **Amendment of article 30**

**7.** In article 30 (review of orders by the Health Committee and the Conduct and Competence Committee)—

- (a) for paragraph (1)(b) substitute—
  - “(b) with effect from the expiry of that order, and subject to article 29(6) and (7), make an order falling within article 29(5);”;
- (b) for paragraph (4)(d) substitute—
  - “(d) subject to article 29(6) and (7), replace the order with one falling within article 29(5): any replacement order falling within article 29(5)(b), (c) or (d) shall have effect for the remainder of the term of the order it replaces;”.

#### **Amendment of article 37**

**8.** In article 37(5)(20) (appeals against decisions of the Education and Training Committee)—

- (a) after sub-paragraph (c)(i) insert “and”;
- (b) after sub-paragraph (c)(ii) omit “and”;
- (c) omit sub-paragraphs (c)(iii) and (d).

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(15) S.I.2003/1571; amended by S.I. 2004/2522, 2009/1182 and 2010/233.

(16) Amended by S.I. 2004/2522, 2009/1182 and 2010/233.

(17) S.I.2007/2781.

(18) Amended by S.I. 2009/1182 and 2010/233.

(19) Amended by S.I. 2009/1182.

(20) Article 37 was amended by S.I. 2007/3101, regulation 1(2), S.I. 2009/1182, article 3(2).

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## SCHEDULE 2

Article 3(3)

### Amendments to the Health Professions Council (Registration Appeals) Rules Order of Council 2003

1. The Health Professions Council (Registration Appeals) Rules Order of Council 2003**(21)** is amended as follows.
2. For the title to the Order, substitute “The Health and Care Professions Council (Registration Appeals) Rules Order of Council 2003”.
3. In the citation paragraph, for “the Health Professions Council (Registration Appeals) Rules Order of Council 2003” substitute “the Health and Care Professions Council (Registration Appeals) Rules Order of Council 2003”.
4. For the heading to the Schedule to the Order, for “The Health Professions Council (Registration Appeals) Rules 2003” substitute “The Health and Care Professions Council (Registration Appeals) Rules 2003”.
5. In rule 9 (consideration by Appeal Panel)-
  - (a) in paragraph (3), omit sub-paragraph (c);
  - (b) in paragraph (4)-
    - (i) for “Council” substitute “Panel”, and
    - (ii) for “(b)(i) and (ii)” substitute “(a) and (b)”;
  - (c) in paragraph (7), omit “other than the Chair”;
  - (d) in paragraph (8), omit “the Council or” (twice).

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(21) S.I. 2003/1579 as amended by S.I. 2009/1355 and S.I. 2012/1479.