

## SCHEDULES

### SCHEDULE 3

Section 60.

#### REGULATION OF HEALTH CARE AND ASSOCIATED PROFESSIONS

##### *Matters generally within the scope of the Orders*

- 1 An Order may make provision, in relation to any profession, for any of the following matters (among others)—
- (a) the establishment and continuance of a regulatory body,
  - (b) keeping a register of members admitted to practice,
  - (c) education and training before and after admission to practice,
  - (d) privileges of members admitted to practice,
  - (e) standards of conduct and performance,
  - (f) discipline and fitness to practise,
  - (g) investigation and enforcement by or on behalf of the regulatory body,
  - (h) appeals,
  - (j) default powers exercisable by a person other than the regulatory body.

##### *Manner of exercise of power*

- 2 (1) The power to make an Order may be exercised by amending or repealing any enactment (whether or not mentioned in section 60) or prerogative instrument and any other instrument or document.
- (2) But an Order may not amend the Medicines Act 1968.
- (3) Sub-paragraph (2) does not prevent an Order amending—
- (a) sections 80 to 83 of that Act (disqualification, and removal of premises from register), or
  - (b) (in pursuance of section 62(4)) any other provision of Part IV of that Act (pharmacies).
- 3 The power may be exercised so as to make provision for the delegation of functions, including provision conferring power to make, confirm or approve subordinate legislation.
- 4 The power may be exercised so as to make provision for the charging of fees.
- 5 The power may be exercised so as to—
- (a) confer functions (including power to pay grants) on Ministers of the Crown, the Scottish Ministers or the National Assembly for Wales, or
  - (b) modify their functions.
- 6 The power may not be exercised so as to create any criminal offence, except an offence punishable on summary conviction with a fine not exceeding the amount specified as level 5 on the standard scale.

---

*Status: This is the original version (as it was originally enacted).*

---

*Matters outside the scope of the Orders*

- 7 (1) An Order may not abolish the regulatory body of any profession to which section 60(2)(a) applies, any regulatory body established by an Order as the successor to the Council for Professions Supplementary to Medicine or the United Kingdom Central Council for Nursing, Midwifery and Health Visiting or any other regulatory body established by an Order.
- (2) An Order may not impose any requirement which would have the effect that a majority of the members of the regulatory body of any profession would be persons not included in the register of members admitted to practice.
- (3) An Order may not provide for any function conferred on the Privy Council, in relation to any profession to which section 60(2)(a) applies, to be exercised by a different person.
- 8 (1) Where an enactment provides, in relation to any profession, for any function mentioned in sub-paragraph (2) to be exercised by the regulatory body or any of its committees or officers, an Order may not provide for any person other than that regulatory body or any of its committees or officers to exercise that function.
- (2) The functions are—
- (a) keeping the register of members admitted to practice,
  - (b) determining standards of education and training for admission to practice,
  - (c) giving advice about standards of conduct and performance,
  - (d) administering procedures (including making rules) relating to misconduct, unfitness to practise and similar matters.
- (3) In sub-paragraph (1), “enactment” does not include any enactment contained in or made under the Professions Supplementary to Medicine Act 1960 or the Nurses, Midwives and Health Visitors Act 1997.

*Preliminary procedure for making Orders*

- 9 (1) If it is proposed to lay a draft of an Order before Parliament, the Secretary of State must first—
- (a) publish a draft of an Order, and
  - (b) invite representations to be made to him about the draft by persons appearing to him appropriate to represent the profession to be regulated, persons appearing to him appropriate to represent those provided with services by the profession and any other persons appearing to him appropriate to consult about the draft.
- (2) After the end of the period of three months beginning with the publication of the draft, he may lay the draft as published, or that draft with any modifications he considers appropriate, together with a report about the consultation before Parliament.
- (3) If any provision of a draft would, if it were included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament—
- (a) the Secretary of State’s duty under sub-paragraph (1) must be performed also by the Scottish Ministers, and
  - (b) sub-paragraph (4) shall apply instead of sub-paragraph (2).
- (4) After the end of the period of three months beginning with the publication of the draft, the draft as published, or that draft with any modifications which the Secretary of

---

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

---

State and the Scottish Ministers consider appropriate, may be laid before Parliament and the Scottish Parliament together with a report made by the Secretary of State and the Scottish Ministers about the consultation.

*Interpretation and application*

- 10 In this Schedule—
- “Order” means an Order in Council under section 60,
  - “regulatory body”, in relation to any profession, means the body (or main body) responsible for the regulation of the profession,
- and other expressions used in this Schedule and in the 1977 Act have the same meaning in this Schedule as in that Act.
- 11 (1) The powers conferred by section 60 may be exercised so as to regulate a profession which is not regulated by any enactment (whether established before or after the passing of this Act).
- (2) References to regulation, in relation to a profession, in that section and this Schedule include—
- (a) the regulation of persons seeking admission to practice or who were, but are no longer, allowed to practise as members of the profession,
  - (b) the regulation of activities carried on by persons who are not members of the profession but which are carried on in connection with the practice of the profession,
  - (c) in the case of the profession of medical practitioner, the regulation of the qualifications or experience required for a medical practitioner to provide, or assist in the provision of, general medical services under the 1977 Act,
  - (d) in the case of the profession of dental practitioner, the regulation of the qualifications or experience required for a dental practitioner to provide, or assist in the provision of, general dental services under the 1977 Act.
- (3) In sub-paragraph (2)(c), the reference to the provision of general medical services includes the performance of personal medical services and the reference to the 1977 Act includes arrangements under section 28C of that Act.
- 12 (1) The powers conferred by section 60 extend to the regulation of—
- (a) the profession regulated by the Pharmacy (Northern Ireland) Order 1976, and
  - (b) activities carried on by persons who are not members of that profession but which are carried on in connection with the practice of that profession,
- only in relation to the matters dealt with in sections 80 to 83 of the Medicines Act 1968.
- (2) But an Order may not provide for any function conferred by any of those sections on the Statutory Committee to be exercised, in relation to Northern Ireland, otherwise than by the committee appointed under Article 19 of the Pharmacy (Northern Ireland) Order 1976.