

## SCHEDULE

Section 5

### OBJECTIVES OF REGULATORS OF HEALTH AND SOCIAL CARE PROFESSIONS

#### *General Dental Council*

- 1 (1) The Dentists Act 1984 is amended as follows.
- (2) In section 1 (constitution and general duties of the General Dental Council)—
  - (a) after subsection (1) insert—

“(1ZA) The over-arching objective of the Council in exercising their functions under this Act is the protection of the public.

(1ZB) The pursuit by the Council of their over-arching objective involves the pursuit of the following objectives—

    - (a) to protect, promote and maintain the health, safety and well-being of the public;
    - (b) to promote and maintain public confidence in the professions regulated under this Act; and
    - (c) to promote and maintain proper professional standards and conduct for members of those professions.”;
  - (b) omit subsection (2)(b) (and the word “and” immediately preceding it).
- (3) In section 27A (powers of the Investigating Committee in respect of registered dentists), after subsection (3) insert—

“(3A) In deciding whether to issue a warning or advice under subsection (2) or give a direction under subsection (3), the Investigating Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.”
- (4) In section 33 (the dental profession: supplementary provision relating to fitness to practise cases), after subsection (5) insert—

“(5A) In exercising a function under section 27B, 27C or 28, a Practice Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.”
- (5) In section 36O (powers of the Investigating Committee in respect of registered dental care professionals), after subsection (3) insert—

“(3A) In deciding whether to issue a warning or advice under subsection (2) or give a direction under subsection (3), the Investigating Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.”
- (6) In section 36W (professions complementary to dentistry: supplementary provision relating to fitness to practise cases), after subsection (5) insert—

“(5A) In exercising a function under section 36P, 36Q or 36R, a Practice Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.”
- (7) In section 53 (interpretation), after subsection (3) insert—

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“(3A) References in this Act to the over-arching objective are to the over-arching objective of the Council under section 1(1ZA) (read with section 1(1ZB)).”

*General Optical Council*

- 2 (1) The Opticians Act 1989 is amended as follows.
- (2) In section 1 (constitution and functions of the General Optical Council), for subsection (2A) substitute—
- “(2A) The over-arching objective of the Council in exercising their functions is the protection of the public.
- (2B) The pursuit by the Council of their over-arching objective involves the pursuit of the following objectives—
- (a) to protect, promote and maintain the health, safety and well-being of the public;
- (b) to promote and maintain public confidence in the professions regulated under this Act;
- (c) to promote and maintain proper professional standards and conduct for members of those professions; and
- (d) to promote and maintain proper standards and conduct for business registrants.”
- (3) In section 5A (Registration Appeals Committee), at the end insert—
- “(5) In exercising a function under section 13K, the Registration Appeals Committee must have regard to the over-arching objective.”
- (4) In section 5C (Fitness to Practise Committee), at the end insert—
- “(5) In exercising a function under section 13F or 13H, the Fitness to Practise Committee must have regard to the over-arching objective.”
- (5) In section 13D (allegations), after subsection (7) insert—
- “(7A) In deciding whether to give a warning under subsection (7), the Investigation Committee must have regard to the over-arching objective.”
- (6) In section 36 (interpretation), at the end insert—
- “(3) References in this Act to the over-arching objective are to the over-arching objective of the Council under section 1(2A) (read with section 1(2B)).”

*General Osteopathic Council*

- 3 (1) The Osteopaths Act 1993 is amended as follows.
- (2) In section 1 (the General Osteopathic Council and its committees), after subsection (3) insert—
- “(3A) The over-arching objective of the General Council in exercising its functions is the protection of the public.
- (3B) The pursuit by the General Council of its over-arching objective involves the pursuit of the following objectives—

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- (a) to protect, promote and maintain the health, safety and well-being of the public;
  - (b) to promote and maintain public confidence in the profession of osteopathy; and
  - (c) to promote and maintain proper professional standards and conduct for members of that profession.”
- (3) In the Schedule, in Part 2 (statutory committees of the General Osteopathic Council)
- (a) after paragraph 34A insert—

“34B In exercising a function under section 8 or 22, the Professional Conduct Committee (or any panel by which the function is exercisable as mentioned in paragraph 34A) must have regard to the over-arching objective of the General Council under section 1(3A) (read with section 1(3B)).”;
  - (b) after paragraph 38A insert—

“38B In exercising a function under section 23, the Health Committee (or any panel by which the function is exercisable as mentioned in paragraph 38A) must have regard to the over-arching objective of the General Council under section 1(3A) (read with section 1(3B)).”

#### *General Chiropractic Council*

- 4 (1) The Chiropractors Act 1994 is amended as follows.
- (2) In section 1 (the General Chiropractic Council and its committees), after subsection (4) insert—
- “(4A) The over-arching objective of the General Council in exercising its functions is the protection of the public.
  - (4B) The pursuit by the General Council of its over-arching objective involves the pursuit of the following objectives—
    - (a) to protect, promote and maintain the health, safety and well-being of the public;
    - (b) to promote and maintain public confidence in the profession of chiropractic; and
    - (c) to promote and maintain proper professional standards and conduct for members of that profession.”
- (3) In Schedule 1, in Part 2 (statutory committees of the General Chiropractic Council)—
- (a) after paragraph 34A insert—

“34B In exercising a function under section 8 or 22, the Professional Conduct Committee (or any panel by which the function is exercisable as mentioned in paragraph 34A) must have regard to the over-arching objective of the General Council under section 1(4A) (read with section 1(4B)).”;
  - (b) after paragraph 38A insert—

“38B In exercising a function under section 23, the Health Committee (or any panel by which the function is exercisable as mentioned

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in paragraph 38A) must have regard to the over-arching objective of the General Council under section 1(4A) (read with section 1(4B)).”

*Nursing and Midwifery Council*

- 5 (1) The Nursing and Midwifery Order 2001 ([S.I. 2002/253](#)) is amended as follows.
- (2) In article 3 (Nursing and Midwifery Council and its committees), for paragraph (4) substitute—
- “(4) The over-arching objective of the Council in exercising its functions is the protection of the public.
- (4A) The pursuit by the Council of its over-arching objective involves the pursuit of the following objectives—
- (a) to protect, promote and maintain the health, safety and well-being of the public;
- (b) to promote and maintain public confidence in the professions regulated under this Order; and
- (c) to promote and maintain proper professional standards and conduct for members of those professions.”
- (3) In article 26 (the Investigating Committee), after paragraph (6) insert—
- “(6A) In deciding whether to act under paragraph (6)(a) or (b)(i), the Investigating Committee (or any panel by which a function under that paragraph is exercisable as mentioned in paragraph 17(1A) of Schedule 1) must have regard to the over-arching objective of the Council under article 3(4) (read with article 3(4A)).”
- (4) In Schedule 1, in Part 2 (statutory committees of Nursing and Midwifery Council), after paragraph 18(10) insert—
- “(10A) In exercising a function under article 27, 29, 30 or 33, the Conduct and Competence Committee (or any panel by which the function is exercisable as mentioned in paragraph 17(1A) of this Schedule) must have regard to the over-arching objective.
- (10B) In exercising a function under any of articles 28 to 30 and 33, the Health Committee (or any panel by which the function is exercisable as mentioned in paragraph 17(1A) of this Schedule) must have regard to the over-arching objective.
- (10C) References in sub-paragraphs (10A) and (10B) to the over-arching objective are to the over-arching objective of the Council under article 3(4) (read with article 3(4A)).”

*Health and Care Professions Council*

- 6 (1) The Health and Social Work Professions Order 2001 ([S.I. 2002/254](#)) is amended as follows.
- (2) In article 3 (Health and Care Professions Council and its committees), for paragraph (4) substitute—

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“(4) The over-arching objective of the Council in exercising its functions is the protection of the public.

(4A) The pursuit by the Council of its over-arching objective involves the pursuit of the following objectives—

- (a) to protect, promote and maintain the health, safety and well-being of the public;
- (b) to promote and maintain public confidence in the professions regulated under this Order; and
- (c) to promote and maintain proper professional standards and conduct for members of those professions.”

(3) In article 26 (the Investigating Committee), after paragraph (6) insert—

“(6A) In deciding whether to act under paragraph (6)(a) or (b)(i), the Investigating Committee (or any panel by which a function under that paragraph is exercisable as mentioned in paragraph 18(2) of Schedule 1) must have regard to the over-arching objective of the Council under article 3(4) (read with article 3(4A)).”

(4) In Schedule 1, in Part 2 (statutory committees of Health and Care Professions Council)—

(a) after paragraph 19(10) insert—

“(10A) In exercising a function under article 27, 29, 30 or 33, the Conduct and Competence Committee (or any panel by which the function is exercisable as mentioned in paragraph 18(2) of this Schedule) must have regard to the over-arching objective.

(10B) In exercising a function under any of articles 28 to 30 and 33, the Health Committee (or any panel by which the function is exercisable as mentioned in paragraph 18(2) of this Schedule) must have regard to the over-arching objective.

(10C) References in sub-paragraphs (10A) and (10B) to the over-arching objective are to the over-arching objective of the Council under article 3(4) (read with article 3(4A)).”

### *General Pharmaceutical Council*

7 (1) The Pharmacy Order 2010 ([S.I. 2010/231](#)) is amended as follows.

(2) In article 6 (General Pharmaceutical Council’s general duties), for paragraph (1) substitute—

“(1) The over-arching objective of the Council in exercising its functions is the protection of the public.

(1A) The pursuit by the Council of its over-arching objective involves the pursuit of the following objectives—

- (a) to protect, promote and maintain the health, safety and well-being of the public;
- (b) to promote and maintain public confidence in the professions regulated under this Order;

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- (c) to promote and maintain proper professional standards and conduct for members of those professions; and
  - (d) to promote and maintain proper standards in relation to the carrying on of retail pharmacy businesses at registered pharmacies.”
- (3) In article 53 (consideration by the Investigating Committee), after paragraph (2) insert—
  - “(2A) In deciding whether to give a warning or advice under paragraph (2), the Investigating Committee must have regard to the over-arching objective of the Council under article 6(1) (read with article 6(1A)).”
- (4) In Schedule 1 (constitution of the General Pharmaceutical Council), at the end of paragraph 5 insert—
  - “(8) In exercising a function under article 54 or 57, the Fitness to Practise Committee must have regard to the over-arching objective of the Council under article 6(1) (read with article 6(1A)).”