



# Professions Supplementary to Medicine Act 1960

## 1960 CHAPTER 66

### *Establishment of a Council and boards for certain professions supplementary to medicine*

#### **1 The Council for Professions Supplementary to Medicine, and the boards**

- (1) There shall be a body, to be called the Council for Professions Supplementary to Medicine (in this Act referred to as " the Council") which shall have the general function of co-ordinating and supervising the activities of the boards established under this Act, and the additional functions assigned to it by this Act.
- (2) For each of the following professions, that is to say, chiropodists, dietitians, medical laboratory technicians, occupational therapists, physiotherapists, radiographers and remedial gymnasts, there shall be a body, to be called the Chiropodists Board, the Dietitians Board, and similarly for the other professions, which shall have the general function of promoting high standards of professional education and professional conduct among members of the relevant profession, and the additional functions assigned to it by this Act.
- (3) The Council shall perform its general function of co-ordinating and supervising the activities of the boards—
  - (a) by making to each board, or inviting the board to make to the Council, proposals as to the activities to be carried on by the board or other boards;
  - (b) by recommending a board to carry on such activities, or to limit its activities in such manner, as the Council considers appropriate after consultation with the board on the proposals aforesaid ;
  - (c) by concerning itself with matters appearing to it to be of special interest to any two or more of the boards, and by giving the boards such advice and assistance as it thinks fit with respect to such matters;
  - (d) by exercising its powers under the following provisions of this Act in such manner as the Council considers most conducive to the satisfactory performance by each board of the board's functions under this Act.

- (4) The Council shall be constituted in accordance with Part I of the First Schedule to this Act and each board shall be constituted in accordance with the relevant provisions of Part II of that Schedule; and the supplementary provisions contained in Part III of that Schedule shall have effect (so far as applicable) with respect to the Council and the boards.

*Registration of members of the supplementary professions*

**2 Establishment and maintenance of registers**

- (1) It shall be the duty of each board to prepare and maintain a register of the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who are entitled in accordance with the provisions of this Act to be registered by the board and who apply in the prescribed manner to be so registered.
- (2) For the purposes of this Act, a person is registered by a board, and in respect of a profession, if his name is on the register maintained under this Act by the board for that profession.
- (3) The Council may, after consultation with all the boards for the time being established under this Act, make rules with respect to the form and keeping of the registers maintained by the boards and the making of entries, alterations and corrections therein, and in particular—
- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
  - (b) providing for the notification to a board of any change in the particulars entitling a person to registration;
  - (c) prescribing the fees to be paid in respect of the entry or retention of names on the register, being such fees as the Council considers will produce not more than the sums required to defray the reasonable expenses of the Council under this Act;
  - (d) authorising a board to refuse to enter a name on the register until any fee prescribed for the entry has been paid, and to remove from the register the name of any person who, after the prescribed notices and warnings, fails to pay any fee prescribed for the retention of his name on the register or fails to notify the board of any change in the particulars entitling him to registration;
  - (e) prescribing anything falling to be prescribed under the foregoing provisions of this section ;

and any such rules may make different provision for different circumstances.

Rules under this subsection shall not come into force until confirmed by order of the Privy Council.

- (4) It shall be the duty of each board—
- (a) to cause its register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year next following that in which the board is established; and
  - (b) in each year after that in which its register is first published under paragraph (a) above, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed; and

- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the offices of the Council;  
and it shall be the duty of the Council to keep the registers and lists so deposited open at all reasonable times for inspection by members of the public.
- (5) A document purporting to be a print of an edition of a register published under this section by authority of a board in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall be admissible in any proceedings as evidence, and in Scotland sufficient evidence, that any person specified in the document, or the documents read together, as being registered by the board is so registered, and that any person not so specified is not registered by the board.

### **3 Qualifications for registration**

- (1) Subject to section nine of this Act and to rules under the last foregoing section, a person shall be entitled to be registered by a board if he applies for registration after such date as the board may by order appoint for the purposes of this section and satisfies the board—
  - (a) that he has attended a course of training approved by the board under section four of this Act; and
  - (b) that the course was conducted at an institution so approved, or partly at one such institution and partly at another or others ; and
  - (c) that he holds a qualification so approved.
- (2) Subject as aforesaid, a person shall be entitled to be registered by a board if he applies for registration on or before the date aforesaid and satisfies the board that—
  - (a) he is qualified, in relation to the relevant profession, as mentioned in regulation 3 of the National Health Service (Medical Auxiliaries) Regulations, 1954, or the corresponding provision in force in Scotland (which relate to the qualifications of persons for employment under the National Health Service in the professions mentioned in section one of this Act); or
  - (b) he holds a qualification for the time being accepted for the purposes of this paragraph by the board; or
  - (c) he has had such training and practical experience in the relevant profession as the board considers are together sufficient to enable the applicant to practise that profession; or
  - (d) in consequence of his practical experience in the relevant profession, he is competent to practise that profession,and shall be so entitled if he applies for registration after the date aforesaid and satisfies the board that on that date he satisfied the requirements of any of paragraphs (a) to (d) of this subsection.
- (3) If a board refuses an application for registration made in pursuance of subsection (2) of this section, or neither grants nor refuses such an application before the expiration of twelve months from the date of the application, the applicant may appeal to the Council in accordance with rules made by the Council and confirmed by order of the Privy Council; and the said subsection (2) shall apply for the purposes of the appeal as if for references to the board in paragraphs (b) and (c) and to satisfying the board there were substituted respectively references to the Council and to satisfying the Council.

- (4) Subject as aforesaid, a person shall be entitled to be registered by a board if he satisfies the board—
- (a) that he holds a qualification granted outside the United Kingdom and for the time being accepted for the purposes of this subsection by the board; and
  - (b) if the board so requires, that he has had sufficient practical experience in the relevant profession.

#### **4 Approval of courses, qualifications and institutions**

- (1) Subject to the provisions of this section, the board for any profession may approve for the purposes of this Act—
- (a) any course of training which the board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession and which persons having such preliminary qualifications as the board considers appropriate are eligible to attend;
  - (b) any qualification which, as the result of an examination taken in conjunction with a course of training approved by the board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the board, that they have sufficient knowledge and skill to practise that profession;
  - (c) any institution which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board under this section,

and may refuse its approval under this section or withdraw such an approval previously given; and notice of the giving, refusal or withdrawal of such an approval shall be served by the board on the body or person affected.

- (2) Where an application is made to a board for its approval under this section for a course of training or a qualification, the board shall send the application with its recommendations thereon to the Council, and the Council shall send the application and recommendations, together with its own recommendations thereon, to the Privy Council, and the Privy Council shall determine whether the approval is to be given or refused:

Provided that before determining that an approval is to be refused, the Privy Council shall afford the applicant an opportunity of making representations to them with respect to the application and the recommendations of the Council and the board thereon.

- (3) If a board proposes to withdraw its approval under this section for a course of training or a qualification, the board shall report the matter to the Council and the Council shall send the report and its observations thereon to the Privy Council, and the Privy Council shall decide whether the proposal shall be abandoned or shall be proceeded with in accordance with the following provisions of this section.
- (4) If it appears to the Council, after consulting the board by which an approval has been given under this section for a course of training or a qualification, that the approval should be withdrawn in view of any advances in medicine or allied sciences or any other changes in circumstances (including changes in the activities of the board) which have occurred since the approval was given, the Council shall make a proposal to the Privy Council that the approval be withdrawn; and the Privy Council, after affording the board an opportunity of making observations on the proposal, shall decide whether

the proposal shall be abandoned or shall be proceeded with in accordance with the following provisions of this section.

- (5) Where the Privy Council decide under subsection (3) or (4) of this section that a proposal shall be proceeded with, the board shall serve notice on the body or person affected stating that the withdrawal of the approval in question is being considered and inviting that body or person to send to the board in writing, within one month from the date of the notice, any representations which that body or person may wish to make to the Privy Council against the withdrawal.
- (6) Where no such representations are received by the board within the month aforesaid, the Privy Council may if they think fit direct the board to withdraw the approval; and where such representations are so received—
  - (a) the board shall send the representations and its observations thereon to the Council, and shall serve a copy of its observations on the body or person affected; and
  - (b) the Council shall send the representations and the board's observations, together with its own observations thereon, to the Privy Council, and shall serve a copy of its own observations on the body or person affected; and
  - (c) the Privy Council, after affording the body or person affected an opportunity of making additional representations on the observations of the board and the Council, shall determine whether the approval is to be withdrawn and shall give directions to the board accordingly.
- (7) The power of approval conferred on a board by subsection (1) of this section shall include power to approve—
  - (a) a course of training prepared by the board and conducted either under arrangements made by the board or otherwise;
  - (b) a qualification awarded by the board as the result of an examination held under arrangements made by the board;

and the foregoing provisions of this section shall apply in relation to an approval under this subsection, and any other approval for a course of training or a qualification for which no application is made, as if an application for the approval were made by the board concerned and as if subsections (5) and (6), and in subsections (3) and (4) the words " in accordance with the following provisions of this section ", were omitted.

- (8) If a board refuses or withdraws its approval under this section for an institution, the body or person affected may, within one month from the date of service on him of notice of the refusal or withdrawal, appeal to the Privy Council; and the Privy Council, after affording the board and the said body or person an opportunity of making observations on the case and after considering any representations of the said body or person on the board's observations, shall either dismiss or allow the appeal and, where they allow an appeal against a refusal of approval, shall direct the board to give that approval.
- (9) If before the expiration of six months from the date of an application for approval under this section for an institution the approval has not been given or refused, the applicant shall be deemed to have received notice of its refusal on the expiration of that period; and the withdrawal of such an approval shall not take effect until the expiration of the month mentioned in subsection (8) of this section and, if within that month the body or person affected gives notice to the Privy Council of an appeal under that subsection against the withdrawal, shall not take effect unless and until the appeal is dismissed or abandoned.

- (10) The withdrawal of an approval under this section shall not prejudice the registration or entitlement to registration of any person who was registered or entitled to registration by virtue of that approval immediately before it was withdrawn.
- (11) Any reference in this section to a body or person affected, in relation to an approval, is a reference to the body or person who applied for the approval.

## **5 Supervision of approved institutions and of examinations for approved qualifications**

- (1) It shall be the duty of each board to keep itself informed of the nature of—
  - (a) the instruction given at approved institutions to persons attending approved courses of training; and
  - (b) the examinations as the result of which approved qualifications are granted.
- (2) For the purpose of its duty under the foregoing subsection, a board may appoint persons to visit approved institutions or to attend examinations as a result of which approved qualifications are granted.
- (3) It shall be the duty of a visitor appointed under this section to report to the board as to the sufficiency of the instruction given to persons attending approved courses of training at the institutions visited by him, or as to the sufficiency of the examinations attended by him, and as to any other matters relating to the institutions or examinations on which the board may, either generally or in a particular case, request him to report; but no visitor shall interfere with the giving of any instruction or the holding of any examination.
- (4) A board may pay to visitors appointed under this section remuneration and travelling and subsistence allowances at such rates as the Council may determine with the consent of the Privy Council and after consultation with all the boards for the time being established under this Act.
- (5) In this section the expression " approved ", in relation to a board, means approved by the board under section four of this Act

## **6 Use of titles**

- (1) A person who is registered shall be entitled to use the title of state registered chiropodist or state registered dietitian (and similarly for the other professions mentioned in section one of this Act) according to the profession in respect of which he is registered.
- (2) Any person who—
  - (a) takes or uses either alone or in conjunction with any other words, the title of state registered chiropodist, state chiropodist or registered chiropodist (and similarly as respects the other professions mentioned in section one of this Act) when his name is not on the register established under this Act in respect of that profession ; or
  - (b) takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that his name is on a register established under this Act, shall be liable on summary conviction to a fine not exceeding fifty pounds and, in the case of a second or subsequent conviction, to a fine not exceeding one hundred pounds.

## **7 Penalty for false representations, etc., to obtain registration**

If a person procures or attempts to procure the entry of any name on a register established under this Act by wilfully making or producing or causing to be made or produced, either verbally or in writing, any declaration, certificate or representation which he knows to be false or fraudulent, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

### *Disciplinary provisions*

## **8 Investigating and disciplinary committees**

- (1) Each board shall set up two committees, to be known as the investigating committee and the disciplinary committee respectively, of which—
  - (a) the investigating committee shall be charged with the duty of conducting a preliminary investigation into any case where it is alleged that a person registered by the board is liable to have his name removed from the register, and of deciding whether the case should be referred to the disciplinary committee ; and
  - (b) the disciplinary committee shall be charged with the duty of considering and determining any case referred to it by the investigating committee and any other case of which the disciplinary committee has cognisance under subsection (5) of the next following section.
- (2) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the constitution of investigating and disciplinary committees, and the provisions of Part II of that Schedule shall have effect with respect to the procedure of disciplinary committees.

## **9 Removal of names from register for crime, infamous conduct, etc.**

- (1) Where—
  - (a) a person who is registered by a board is convicted by any court in the United Kingdom of a criminal offence which, in the opinion of the disciplinary committee set up by the board, renders him unfit to be registered; or
  - (b) such a person is judged by the disciplinary committee to be guilty of infamous conduct in any professional respect; or
  - (c) the disciplinary committee is satisfied that the name of such a person has been fraudulently entered on the register maintained by the board,the committee may, if it thinks fit, direct that the person's name shall be removed from the register.
- (2) When the disciplinary committee directs that a person's name shall be removed from the register, the committee shall cause notice of the direction to be served on that person.
- (3) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to Her Majesty in Council in accordance with such rules as Her Majesty in Council may by Order prescribe for the purposes of this subsection; and the board concerned may appear as respondent on any such appeal and, for the purpose of

enabling directions to be given as to the costs of the appeal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

The Judicial Committee Act, 1833, shall apply in relation to a disciplinary committee as it applies to such courts as are mentioned in section three of that Act (which provides for the reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).

- (4) A direction for the removal of a name from the register shall take effect—
- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time ;
  - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
  - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.
- (5) A person whose name is removed from a register in pursuance of a direction of a disciplinary committee under this section shall not be entitled to be registered in that register again except in pursuance of a direction in that behalf given by the committee on the application of that person ; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.
- (6) It shall be the duty of each disciplinary committee to prepare and from time to time revise, in consultation with its board and the Council, a statement as to the kind of conduct which the committee considers to be infamous conduct in a professional respect, and the board shall send by post to each registered member of the relevant profession, at his address on the register, a copy of the statement as for the time being revised ; but the fact that any matters are not mentioned in such a statement shall not preclude the disciplinary committee from judging a person to be guilty of infamous conduct in a professional respect by reference to such matters.

#### *Miscellaneous*

### **10 Power to extend or restrict application of Act**

- (1) If the Council considers it appropriate, after consulting any existing boards appearing to the Council to be concerned.—
- (a) that this Act should be extended to a profession which appears to the Council to be supplementary to medicine and is not mentioned in section one of this Act; or
  - (b) that having regard to changes in the activities usually carried on by persons practising a profession mentioned in the said section one, this Act should cease to extend to that profession; or
  - (c) that, in view of the amalgamation or proposed amalgamation of a profession mentioned in the said section one with another profession or other professions (whether so mentioned or not), a single board with a name appropriate for the amalgamated professions should be established under this Act; or
  - (d) that, in view of a proposal to exercise powers under this section with respect to any profession or for any other reason, the functions of a board should be



altered so as to give to it, or withdraw from it, functions with respect to persons of any description,

the Council shall make a recommendation to that effect to the Privy Council.

- (2) If the Privy Council, after consulting any existing boards appearing to them to be concerned, agree with a recommendation under the foregoing subsection they may, subject to the following subsections, by order provide that this Act shall have effect—
- (a) in a case falling within paragraph (a) or (b) of the foregoing subsection, as if the profession in question were, or as the case may be, were not mentioned in subsection (2) of section one of this Act;
  - (b) in a case falling within paragraph (c) of the foregoing subsection, as if in the said subsection (2) for the name or names of such of the professions there mentioned as are specified by the order there were substituted a different name so specified ;
  - (c) in any case, as if in the First Schedule to this Act there were made such alterations, additions or omissions as may be specified by the order;
- and the order may contain such transitional, incidental and supplementary provisions (including in a case falling within paragraph (b) or (c) of the foregoing subsection provision for winding up any existing board and its committees) as the Privy Council consider expedient.
- (3) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by resolution of each House.
- (4) The Privy Council shall exercise their powers under this section so as to secure that—
- (a) the number of boards for the time being established under this Act does not exceed twelve ; and
  - (b) the number of the representative members of each board exceeds by one the number of the other members of the board; and
  - (c) the number of the members of the Council required by the First Schedule to this Act to be registered medical practitioners is equal to the number of the representative members of the Council;
- and in this subsection " representative member " has the same meaning as in that Schedule.

## **11 Default powers of the Privy Council**

- (1) If it appears to the Privy Council, either in consequence of representations made to them or for any other reason, that the Council or a board has failed either generally or in a particular case to do, or to do satisfactorily, any thing which under this Act that body has power or a duty to do, the Privy Council may if they think fit, subject to subsection (3) of this section, direct that body to do that thing in such manner and within such period as may be specified by the directions; and any such directions shall be enforceable by mandamus on the application of the Privy Council.
- (2) Instead of proceeding to enforce such directions by mandamus, the Privy Council may if they think fit—
- (a) in the case of directions to a board, order the Council to give effect to the directions; or
  - (b) in any case, themselves give effect to the directions and recover from the Council as a simple contract debt any expenses certified by them to have been incurred in doing so.

- (3) The power to give directions under this section shall not include power to give directions with respect to a board's functions under section three of this Act.
- (4) Any expenses of the Privy Council under this section shall be defrayed out of moneys provided by Parliament, and any sums received by the Privy Council under this section shall be paid into the Exchequer.

## **12 Exercise of powers conferred on the Privy Council**

- (1) For the purpose of exercising any powers conferred by this Act on the Privy Council, the quorum of the Privy Council shall be three.
- (2) Any document purporting to be—
  - (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made; and
  - (b) signed by the clerk of the Privy Council or by any other person authorised by the Privy Council in that behalf,shall be evidence of the fact that the instrument was so made and of the terms of the instrument.
- (3) Any power to make an order conferred on the Privy Council by a provision of this Act shall—
  - (a) include power to vary or revoke the order by a subsequent order under that provision; and
  - (b) be exercisable by statutory instrument.

## **13 Notices, etc.**

- (1) In this Act the expression " notice " means a notice in writing.
- (2) Any notice or other document authorised or required to be served under this Act may, without prejudice to any other method of service but subject to any provision to the contrary in rules under this Act, be served by post; and for the purpose of the application to this subsection of section twenty-six of the Interpretation Act, 1889 (which relates to service by post) the proper address of a person to whose registration such a document relates shall be his address on the relevant register.

## **14 Short title, extent and commencement**

- (1) This Act may be cited as the Professions Supplementary to Medicine Act, 1960.
- (2) It is hereby declared that this Act extends to Northern Ireland, and for the purposes of section six of the Government of Ireland Act, 1920 (which precludes the Parliament of Northern Ireland from amending the Acts of the Parliament of the United Kingdom passed after the day appointed for that section to come into operation) this Act shall be treated as passed before that day.
- (3) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for different provisions.