

---

STATUTORY INSTRUMENTS

---

**1998 No. 1019**

**OSTEOPATHS**

**The General Osteopathic Council (Constitution and Procedure) Rules Order of Council 1998**

*Made* - - - - 30th March 1998

*Coming into force* - - 1st April 1998

At the Council Chamber, Whitehall, the 30th day of March 1998

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of sections 1(8) and (9) and 35(2) of, and paragraphs 4(2) and (4), 7, 14(5), 16(2), 17(4) and 20 of the Schedule to, the Osteopaths Act 1993<sup>(1)</sup> the General Osteopathic Council have made the General Osteopathic Council (Constitution and Procedure) Rules 1998 as set out in the Schedule to this Order:

And whereas by section 35(1) of the said Act such rules shall not have effect until approved by the Privy Council:

Now, therefore, Their Lordships, having taken the said Rules into consideration, are pleased to, and do hereby, approve the same.

This Order may be cited as the General Osteopathic Council (Constitution and Procedure) Rules Order of Council 1998 and shall come into force on 1st April 1998.

*N. H. Nicholls*  
Clerk of the Privy Council

*Status: This is the original version (as it was originally made).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 OSTEOPATHIC COUNCIL (CONSTITUTION AND PROCEDURE) RULES 1998

The General Osteopathic Council, in exercise of the powers conferred on them by sections 1(8) and (9) and 35(2) of and paragraphs 4(2) and (4), 7, 14(5), 16(2), 17(4), and 20 of the Schedule to the Osteopaths Act 1993<sup>(2)</sup> and of all other powers enabling them in that behalf, hereby make the following Rules:

## PART I

### *Preliminary*

#### **Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the General Osteopathic Council (Constitution and Procedure) Rules 1998 and shall come into force on 1st April 1998.

(2) In these Rules, except where the context otherwise requires—

- (a) “the Act” means the Osteopaths Act 1993;
- (b) “appointing authority” means the Privy Council, the Education Committee or the Secretary of State, as the case may be, being the bodies or person having the right of appointment of members of the Council under paragraph 1 of the Schedule to the Act;
- (c) “appointed member” means a member appointed by an appointing authority;
- (d) “the Chairman” means the Chairman of the Council or, as the case may be, any person acting on behalf of the Chairman in accordance with Rule 4;
- (e) “the Council” means the General Osteopathic Council;
- (f) “the Education Committee” means the committee of that name of the Council established by virtue of section 1(5) of, and paragraph 25 of the Schedule to, the Act;
- (g) “the Health Committee” means the committee of that name of the Council established by virtue of section 1(5) of, and paragraph 38 of the Schedule to, the Act;
- (h) “the Investigating Committee” means the committee of that name of the Council established by virtue of section 1(5) of, and paragraph 30 of the Schedule to, the Act;
- (i) “member” means a member of the Council;
- (j) “osteopath” means any person whose name is on the register of osteopaths;
- (k) “the Professional Conduct Committee” means the committee of that name of the Council established by virtue of section 1(5) of, and paragraph 34 of the Schedule to, the Act;
- (l) “the register” means the professional register of osteopaths maintained by the Registrar under section 2 of the Act;
- (m) “the Registrar” means the Registrar of the Council.

(3) Any reference in these Rules to a numbered rule shall be construed as reference to the rule bearing that number in these Rules and any reference to a numbered paragraph shall be construed as reference to the paragraph bearing that number in the rule in which it occurs.

---

(2) 1993 c. 21.

## PART II

### *The Council: Membership and Procedure*

#### **Period of unexpired term requiring vacancy to be filled**

2.—(1) In the circumstances referred to in paragraph (2) the prescribed period for the purposes of paragraph 4(2) of the Schedule to the Act is six months.

(2) The circumstances referred to in paragraph (1) are that a member fails to complete his term of office less than six months before the end of the term of office of one or more other members.

#### **Removal of members**

3.—(1) Any member may be removed from office in accordance with the provisions of paragraph (2) if at any time it shall be determined by a majority of the other members present at a meeting of the Council that he—

- (a) has failed to attend three consecutive meetings of the Council and the other members are not satisfied that such failure was occasioned by reasonable cause; or
- (b) has without the prior consent of the Council disclosed to any person who is not a member any information or matter which is known to him in confidence by reason of his membership of the Council and should in consequence be removed from office; or
- (c) has brought the Council into disrepute or has otherwise acted contrary to the best interests of the Council and should in consequence be removed from office; or
- (d) has at any time been found guilty in a court of law of a criminal offence and should in consequence be removed from office; or
- (e) has been declared bankrupt or has made an arrangement or composition with his creditors or has had a receiver appointed of his property and should in consequence be removed from office; or
- (f) has since becoming a member been found by the Professional Conduct Committee to have been guilty either of conduct which falls short of the standard required of a registered osteopath or of professional incompetence; or
- (g) not being an osteopath, has since becoming a member been found guilty of misconduct by any other professional or regulatory body and should in consequence be removed from office.

(2) No member shall be removed from office under this Rule unless—

- (a) the Chairman shall first have sent to him a written statement giving him—
  - (i) particulars of the grounds on which one or more of the matters set out in paragraph (1) is or are considered to apply to him,
  - (ii) not less than 14 days' notice of the date, time and place of a meeting of the Council at which it is proposed that any determination under paragraph (1) is to be made, and
  - (iii) the opportunity to submit written representations to the Council or the right to attend at the meeting of the Council and be heard before any such determination is made; and
- (b) at any meeting of the Council at which such a determination is made, the number of other members present is not less than 12.

(3) The removal of a member under this Rule shall have effect from the date of the determination under paragraph (1) or such later date as shall be determined by the meeting at which it is made.

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

### **Acting Chairman**

4. The members of the Council shall from time to time and not less than once in every twelve months appoint from among themselves a person who shall act as the Chairman in the event of any vacancy in the office of Chairman or if the Chairman is unable to act, and such person may be re-appointed.

## **PART III**

### *Statutory Committees*

#### **Constitution of statutory committees and sub-committees**

5.—(1) The Council shall establish and maintain the four statutory committees referred to in section 1(6) of the Act.

(2) Save as otherwise provided in the Schedule to the Act, or in Rule 7, no person shall be a member of any statutory committee or sub-committee of such a committee who is not at the same time a member of the Council and a person who ceases to be a member of the Council shall at the same time cease to be a member of every statutory committee and sub-committee of such a committee.

#### **Appointment of members of committees**

6.—(1) This Rule applies to the appointment by the Council under paragraph 16(1) of the Schedule to the Act of the members of the statutory committees.

(2) Prior to the establishment of the statutory committees, the Registrar shall, after consultation with the Chairman and members of the Council, prepare and send to every member of the Council a list of members who he recommends should be appointed to be members of the committees.

(3) Prior to the appointment of any successor to the initial members of any of the statutory committees, the Chairman of the committee in question shall, after consultation with the Chairman and members of the Council, propose the name of any person who he recommends should be appointed to be a member of the committee and the Registrar shall send details to every member of the Council.

(4) Any member of the Council may send or hand to the Registrar, at any time before the appointment of the member or members of the committee is made, written particulars of any further nomination he wishes to make, signed by the proposer and a seconder.

(5) At the meeting of the Council when any such recommendation or nomination is to be considered, the member or members or (as the case may be) the new member or members of the committee—

- (a) shall (if there has been no additional nomination) be the person or persons recommended by the Registrar or Chairman of the committee, as the case may be; and
- (b) where any additional nomination to a committee has been made, shall (subject to the constitution of the committee complying with the provisions of the Act and these Rules) be determined by a ballot of members present at the meeting from among all members duly nominated; provided that, in the event of a tie in any voting, the Chairman shall have an additional casting vote.

### **Co-option of committee members**

7.—(1) The Chairman shall maintain a list of persons (who may include members of the Council) whom he considers suitable, by reason of their experience or qualifications, to serve as co-opted members of the statutory committees.

(2) If, subject to the provisions of the Act and of these Rules, any statutory committee shall consider it appropriate to increase its membership or the membership of any subcommittee of such committee by co-opting one or more persons, the Chairman shall, after consulting the chairman of the committee or sub-committee concerned, give not less than 14 days' written notice to members of the Council that the proposal will be considered at the next meeting of the Council.

(3) Where any such proposal is approved by the Council, the person concerned shall serve as a co-opted member of the committee or sub-committee in question for a term not exceeding three years beginning with the date of his co-option.

Given under the official seal of the General Osteopathic Council this 23rd day of March nineteen hundred and ninety eight.

*Simon Fielding*  
Chairman

---

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, which is made under the Osteopaths Act 1993, approves Rules made by the General Osteopathic Council (“the Council”) setting out the arrangements for the appointment, co-option and removal of members of the Statutory Committees of the Council. The Rules provide for the appointment of an acting Chairman of the Council in circumstances where the Chairman is unable to act because the post is vacant or for any other reason. They also prescribe the circumstances in which an unexpired term of office (where a member fails to complete his full term) need not be filled before the end of that term.