

1999 No. 1537

CHIROPRACTORS

**The General Chiropractic Council (Constitution and
Procedure) Rules Order 1999**

Made - - - - - *21st May 1999*

Coming into force *22nd May 1999*

At the Council Chamber, Whitehall, the 21st day of May 1999

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

Whereas in pursuance of paragraphs 7, 14(5)(b), 16(2) and 17(4) of Schedule 1 to the Chiropractors Act 1994^(a) the General Chiropractic Council have made the General Chiropractic Council (Constitution and Procedure) Rules 1999 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 Chiropractic Council (Constitution and Procedure) Rules Order 1999 and shall come into force on 22nd May 1999.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

THE GENERAL CHIROPRACTIC COUNCIL (CONSTITUTION AND PROCEDURE) RULES 1999

The General Chiropractic Council, in exercise of its powers under paragraphs 4(2), 7, 14(5)(b), 16(2) and 17(4) of Schedule 1 to the Chiropractors Act(a), and of all other powers enabling it in that behalf, hereby makes the following Rules:–

PART I

Preliminary

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Chiropractic Council (Constitution and Procedure) Rules 1999, and shall come into force on 22nd May 1999.

(2) In these Rules–

“the Act” means the Chiropractors Act 1994;

“the Council” means the General Chiropractic Council.

PART II

Removal from office of members of General Council

Grounds of removal

2.—(1) A member of the Council may be removed from office if–

- (a) he has failed to attend three consecutive meetings of the Council;
- (b) he has been found guilty of unacceptable professional conduct or of professional incompetence in accordance with the provisions of the Act;
- (c) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
- (d) he is a patient for the purposes of Part VII of the Mental Health Act 1983(b), or is otherwise incapable, by reason of mental disorder, of properly managing his property or affairs;
- (e) he has disclosed to another person who is not a member of the Council (or of a committee or sub-committee of the Council) without the consent of the Council any information which is known to him in confidence by reason of his membership of the Council;
- (f) he has been convicted in a court of law of a criminal offence relevant to his fitness to continue in office;
- (g) he has brought the Council into disrepute or has otherwise acted contrary to the best interests of the Council; or
- (h) not being a chiropractor, since becoming a member of the Council he has been found guilty of misconduct by another professional or regulatory body.

(2) A member may be removed by the Council only if it has concluded in accordance with the procedure in Rule 3 that the circumstances falling within paragraph (1) in his case are sufficient to warrant his removal.

Procedure for removal

3.—(1) A decision by the Council to remove a member of the Council from office shall be made by resolution of the Council passed at a meeting of the Council by a majority of the

(a) 1994 c. 17; see section 43 for the meaning of “prescribed”.

(b) 1983 c. 20.

members of the Council present and voting; and for this purpose, the member proposed to be removed shall not be entitled to vote.

(2) Not later than the beginning of a period of 14 days ending with the day appointed for the meeting at which any such resolution is proposed to be passed, the Chairman of the Council shall send to the member concerned a written statement of the grounds of the proposal, notice of the date, time and place of the meeting and an invitation that he should (at the choice of the member concerned) either submit written representations for consideration at the meeting or attend the meeting for the purpose of being heard before the decision is taken.

(3) The removal of a member under Rule 2 shall have effect from the time the resolution of removal is passed or, if the resolution specifies some later date, on that later date.

(4) No decision under paragraph (1) may be taken unless at least 12 members of the Council (other than the member proposed to be removed) are present at the meeting concerned.

(5) The written statement, notice and invitation referred to in paragraph (2) may be sent by post to the address of the member concerned which appears in the register pursuant to section 6(1)(b) of the Act, or if he is not a registered chiropractor, to his last known place of residence.

PART III

Statutory Committees

Appointment of ordinary members of statutory committees

4.—(1) The members (other than co-opted members) of any statutory committee of the Council from time to time in existence shall be appointed in accordance with the procedure set out in this Rule.

(2) Before first appointing any members to the Investigating Committee, Professional Conduct Committee or Health Committee, the Council shall determine the number of members of the Council of which the committee concerned is to be composed (subject always to the minimum number of such members provided for in the Act), and shall from time to time review that number.

(3) The appointment of members, other than co-opted members or the members of the Education Committee referred to in paragraph 25(1)(c) and (d) of Schedule 1 to the Act, to fill vacancies arising in relation to a statutory committee shall take place at the next convenient meeting of the Council after the vacancy arises, and, subject to paragraph (9), those members shall be chosen from members nominated in writing to the Registrar before the meeting of the Council concerned, or orally nominated at that meeting upon consideration of that item by the Council.

(4) Any member of the Council may nominate another member for the purposes of paragraph (3), but a member may not nominate himself; and any nomination shall specify the committee with respect to which the nominee is nominated.

(5) For the purposes of the following provisions of this Rule—

(a) on appointing members to fill vacancies in the Education Committee, each of the two categories described in paragraph 25(1)(a) and (b) of Schedule 1 to the Act shall be treated as giving rise to a separate class of appointment;

(b) on appointing members to fill vacancies in the Investigating Committee or the Professional Conduct Committee, vacancies which, to meet the requirements of paragraph 30 or 34 of that Schedule, must be filled by a member appointed to the

Council by the Privy Council shall be treated as giving rise to one class of appointment, and those for which there is no such requirement as giving rise to another class of appointment; and

- (c) on appointing members to fill vacancies in the Health Committee, vacancies which, to meet the requirement of paragraph 38(a) of that Schedule, must be filled by a member appointed to the Council by the Privy Council shall be treated as giving rise to a separate class of appointment from a vacancy which, to meet the requirement of paragraph 38(b) of that Schedule, must be filled by a member falling within that paragraph 38(b), and those for which there is neither requirement shall be treated as giving rise to a further class of appointment.

(6) In the case of an appointment to the Education Committee, only members meeting the requirement for the class of appointment in question as to election or appointment provided for in paragraph 25(1)(a) and (b) of Schedule 1 to the Act shall be eligible candidates in respect of that class.

(7) In the case of an appointment to the Investigating Committee, Professional Conduct Committee or Health Committee—

- (a) there shall first (so far as relevant to the committee in question) be filled any vacancy which, to meet the requirement of paragraph 38(b) of Schedule 1 to the Act, must be filled by a member falling within that paragraph 38(b) (registered medical practitioners), followed by any number of vacancies which, to meet the requirements of paragraph 30, 34 or 38(a) of that Schedule, must be filled by members appointed to the Council by the Privy Council, and last any number of vacancies for which there is no such requirement;
- (b) for the purposes of this Rule, only members meeting any such requirement shall be eligible candidates in respect of the class of appointment to which the requirement relates;
- (c) any member who is such an eligible candidate but who fails to be appointed on a ballot or lot relating to that class, may be appointed for any other class relating to the committee in question for which he is an eligible candidate and for which an appointment remains to be made; and
- (d) for the purposes of this Rule, in respect of the class of appointment referred to in sub-paragraphs (b) and (c) of paragraph (5) for which there is no such requirement as is mentioned in those sub-paragraphs, all members of the Council who are duly nominated to the committee concerned shall be eligible candidates.

(8) If the number of members nominated for appointment to a committee who are eligible candidates in respect of the class of appointment in question does not exceed the number of vacancies for that class, the members so nominated shall, subject to paragraph (12), be treated as duly appointed, and in any other case the appointment of members to the committee shall be determined between the members so nominated who are eligible candidates in respect of that class by ballot conducted by the Registrar at the meeting of the Council concerned.

(9) Where, at the time of an appointment to fill a vacancy in the Health Committee which must be filled by a person falling within paragraph 38(b) of Schedule 1 to the Act (registered medical practitioners), there is only one member of the Council who does so, that member shall be deemed to be nominated in respect of the Committee for the purposes of paragraph (3), and the provisions of paragraph (8) treating him to be duly appointed in respect of that class of appointment shall have effect accordingly.

(10) At a ballot under paragraph (8), each member shall have a number of votes equal to the number of vacancies, and a member may vote for himself; save that no member may vote more than once for the same person in respect of the same ballot.

(11) The persons appointed to a committee on a ballot under paragraph (8) shall be the eligible candidates (equal in number to the number of vacancies for the class of appointment in question)

who have received in order the highest number of votes recorded, and in the case of a tie between those having the lowest number of votes which would be capable of giving rise to an appointment to the Committee in respect of that class, shall (subject to paragraph (12)) be determined between those tying by lot conducted by the Registrar at the meeting.

(12) The appointments treated as made under paragraph (8) without a ballot, and those made by lot under paragraph (11), shall be subject to ratification by resolution of the Council passed (following completion of appointments to committees under the preceding provisions of this Rule) by a majority of those members of the Council present and voting; and if any such appointment is not so ratified, the Council shall (without prejudice to those appointments which are duly ratified by such resolution) proceed with the appointment concerned afresh in accordance with this Rule, but ignoring so far as necessary paragraph (7)(a)).

(13) Upon a person referred to in paragraph 25(1)(c) or (d) of Schedule 1 to the Act being appointed a member of the Council, the person so appointed shall, in accordance with that paragraph 25(1), become a member of the Education Committee, and the Registrar shall report that fact to the next convenient meeting of the Council.

(14) References in this Rule to any requirements of provisions of Part II of Schedule 1 to the Act shall be construed as including reference to those requirements as they may be modified in effect by Part III of that Schedule.

Approval of co-opted members of statutory committees

5.—(1) The approval of the co-option of a member to a statutory committee required by paragraph 17(1) of Schedule 1 to the Act shall be sought by the submission by the committee concerned to the next convenient meeting of the Council of a report and request for approval, incorporating a brief curriculum vitae of each proposed member and an explanation of the reasons for and factors in support of his co-option; and the approval shall be treated as granted if a resolution to that effect is passed by a majority of the members present and voting on the matter at the meeting of the Council.

(2) The co-option of a member to a statutory committee shall have effect from the day after the meeting of the Council at which the co-option is so approved, and (subject to paragraph 17(3) of Schedule 1 to the Act) for such term as is specified in the resolution of approval.

PART IV

Miscellaneous

Short vacancies in membership of Council

6.—(1) The period of six months is prescribed for the purposes of paragraph 4(2) of Schedule 1 to the Act.

(2) Paragraph 4(2) of Schedule 1 to the Act shall have effect wherever the unexpired term of a member who fails to complete his full term of office is less than the period prescribed under paragraph (1) of this Rule and the number of members of the Council remaining in office is not less than 13.

Appointment of Acting Chairman

7.—(1) In the event of—

- (a) there being a vacancy in the office of Chairman of the Council; or
- (b) the Chairman of the Council being unable to attend to the business of his office by virtue of illness, absence or other substantial unavailability;

the Council may appoint an Acting Chairman to exercise the functions of the office of Chairman during the period of vacancy, illness, absence or other substantial unavailability.

(2) The Acting Chairman may be appointed at any meeting of the Council, but so far as practicable the Registrar shall give notice of any proposed appointment to the members of the Council, whether by including it on any agenda distributed before the meeting or in some other manner.

(3) If it appears to the Council at any time that any such vacancy, illness, absence or other substantial unavailability as is mentioned in paragraph (1) may occur, it may appoint an Acting Chairman designate under this rule, to take office as Acting Chairman upon the event concerned occurring, and paragraph (2) shall apply to such an appointment.

(4) Nothing in this Rule shall affect the operation of paragraph 48(2) of Schedule 1 to the Act.

Given under the common seal of the General Chiropractic Council
this 14th day of May 1999

Norma Morris
Chairman



Richard Rumary
Member

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Chiropractors Act 1994, approves Rules made by the General Chiropractic Council (“the Council”) setting out the grounds of and procedure for removal of members of the Council and the arrangements for the appointment and co-option of members to the statutory committees of the Council. The Rules 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, and 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 another reason specified in Rule 6.

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