

## **SCHEDULE 1**

Article 3

### **THE HEALTH PROFESSIONS COUNCIL AND COMMITTEES**

#### **PART I**

#### **THE HEALTH PROFESSIONS COUNCIL**

##### *Membership*

**1.—**(1) The Council shall consist of—

- (a) 12 members who are appointed by the Council on being elected under the election scheme made under paragraph 2 (referred to in this Order as “registrant members”);
- (b) 11 members who are appointed by the Privy Council (referred to in this Order as “lay members”); and
- (c) 12 members appointed by the Council on being elected under the election scheme made under paragraph 2 (referred to in this Order as “alternate members”).

(2) The Council shall appoint an alternate member for each registrant member.

(3) An alternate member has the same functions as a registrant member but he may attend a Council meeting in his capacity as an alternate member and vote, only if his corresponding registrant member is unable to do so.

(4) The Council shall appoint an elected candidate to be a registrant member or alternate member in accordance with criteria set out in the election scheme made under paragraph 2.

**2.—**(1) The Council shall provide in rules for an election scheme to elect the registrant members and alternate members and may provide in the rules for by-elections.

(2) The election scheme shall provide that—

- (a) a person seeking election—
  - (i) shall be registered in the part of the register for which he seeks election but no person may be elected for more than one part of the register at a time;
  - (ii) lives or works wholly or mainly in the United Kingdom;
  - (iii) is not the subject of any allegation, investigation or proceedings concerning his fitness to practise; and
  - (iv) is wholly or mainly engaged in the practice, teaching or management of the profession in respect of which he is registered and seeks election or in research in those fields;
- (b) at least one registrant member and one alternate member shall be appointed from each part of the register and the number of members from each part shall be equal;
- (c) of the registrant and alternate members, at least one member shall be elected from each of the countries of the United Kingdom and that member shall live or work wholly or mainly in the country concerned;
- (d) a person may only vote—
  - (i) in respect of one part of the register,
  - (ii) for candidates who represent a part of the register in which he is registered at the time of the election;
- (e) a person may vote even if he lives or works outside the United Kingdom;

- (f) where someone ceases to be a registrant member or alternate member a replacement shall, subject to paragraph 8(3), be appointed by the Council.
- (3) The Council shall provide such information and advice for voters and candidates about the purpose and conduct of the elections as it considers appropriate.
3. Having consulted such persons as it considers appropriate, the Privy Council shall appoint lay members from among persons who are not and never have been on the register or any of the registers kept under the 1960 Act and who have such qualifications, interests and experience as, in the opinion of the Privy Council, will be of value to the Council in the performance of its functions.
4. Of the members appointed by the Privy Council, there shall be at least one appointed from each country of the United Kingdom and that member shall live or work wholly or mainly in the country concerned.
5. On a proposal from the Council or otherwise the Privy Council may by order vary the size or composition of the Council, provided that—
- (a) the number of registrant members constitutes no less than half the total number of members and the number of registrant members does not exceed the number of lay members by more than one;
  - (b) the members live or work wholly or mainly in the United Kingdom;
  - (c) there is at least one registrant member and one alternate member from each part of the register, and the number of registrant and alternate members from each part is equal;
  - (d) in respect of—
    - (i) the registrant and alternate members, and
    - (ii) the lay members,at least one member shall be appointed from each of the countries of the United Kingdom and that member shall live or work (wholly or mainly) in the country concerned.
6. Where the President is a registrant member, the Privy Council shall in addition to the registrant members appointed under paragraph 1(1)(a) appoint one from the same profession as the President, and shall appoint one lay member in addition to those appointed under paragraph 1(1)(b).
7. Where a member appointed by the Privy Council ceases to be a member, the Council shall inform the Privy Council and, subject to paragraph 8(3), the Privy Council shall replace him.
- 8.—(1) Where a member does not complete his term of office, his successor shall be appointed for the remainder of the unexpired term—
- (a) in the case of registrant and alternate members, by the Council; and
  - (b) in the case of lay members, by the Privy Council.
- (2) In this paragraph “the unexpired term” means the period beginning with the date on which the member ceased to be a member and ending with the date on which his full term of office would have expired.
- (3) If the unexpired term is less than twelve months, the vacancy need not be filled.
- (4) The person appointed for the unexpired term shall, in the case of a registrant member or alternate member, be registered in the same part of the register as the member he is to replace and, in any case, shall live or work wholly or mainly in the same country of the United Kingdom.

#### *Tenure of members*

- 9.—(1) Each member’s term of office will be for a period of 4 years.
- (2) A person shall be removed from office as a Council member if—

- (a) there is a change in his qualifications, interests or experience such that it appears to the Privy Council that he will no longer contribute to the Council's exercise of its functions in such a manner as justifies his continued membership.
  - (b) he ceases to live or work wholly or mainly in the United Kingdom or, if he has been appointed as a member in respect of one of the countries of the United Kingdom, in that country;
  - (c) he ceases to be registered in the part of the register in respect of which he was appointed;
  - (d) he ceases to be wholly or mainly engaged in the practice, teaching or management of the profession for which he is registered and in respect of which he was appointed or in the research mentioned in paragraph 2(2)(a)(iv);
  - (e) an order has been made against him by a Practice Committee;
  - (f) he is removed by a majority of at least two-thirds of the other members of the Council because of a serious and persistent deficiency in his attendance at meetings or in his conduct or performance at meetings;
  - (g) such other circumstances as may be provided for by the Council in standing orders occur.
- 10.** A member may resign at any time by notice in writing addressed to the Registrar.
- 11.** No member may be appointed for more than three consecutive terms.

#### *The President*

- 12.—**(1) The members of the Council shall elect a President from among themselves for a term of four years.
- (2) The President shall hold office until whichever of the following first occurs—
- (a) he resigns as President;
  - (b) he ceases to be a member of the Council;
  - (c) he is removed by a majority vote of the other members of the Council.
- (3) A person shall not be prevented from being elected President merely because he has previously been President.
- (4) The President may resign the office of President at any time by notice in writing addressed to the Registrar.

#### *Procedure etc. of Council and committees*

- 13.—**(1) Subject to any provision made by or under this Order and subject to paragraph 17, the Council shall make standing orders in respect of the Council, its committees and sub-committees, but not in respect of any of the statutory committees, to provide for—
- (a) the quorum at meetings;
  - (b) the procedure at meetings;
  - (c) establishing standards for the education and training, attendance and performance of members;
  - (d) the composition of any of its committees and sub-committees;
  - (e) the chairman of each of its committees to be a Council member;
  - (f) the procedure by which a person is removed from office under paragraph 9(2);
  - (g) the functions of its officers; and
  - (h) circumstances in which meetings are to be in private.

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

**14.—**(1) In appointing non-Council members to any committee set up under article 3(12) the Council shall have regard, where appropriate and subject to the other provisions of this Order, to the guidance issued by the Commissioner for Public Appointments.

(2) The Council shall ensure that such members of the committee who are not Council members shall have such qualifications, interests or experience as, in the opinion of the Council, are relevant to the field with which the committee is mainly concerned.

(3) The majority of members of a professional advisory committee shall be members of the profession concerned and the Chairman shall be a Council member.

(4) The Council shall—

- (a) establish and maintain a system for the declaration and registration of private interests of its members and of other members of its committees and sub-committees; and
- (b) publish entries recorded in a register of members' interests.

**15.—**(1) Decisions of the Council and committees shall be made by a majority vote of the members present and voting.

(2) In the event of a tie the Chairman shall have an additional casting vote.

(3) This paragraph does not apply to the statutory committees or to decisions of the Council under article 37.

#### *Powers of the Council*

**16.—**(1) Subject to any provision made by or under this Order, the Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.

(2) The Council shall, in particular, have power—

- (a) to borrow;
- (b) to appoint such staff as it may determine;
- (c) to pay its staff such salaries, allowances and expenses as it may determine;
- (d) to make such provision for the payment of such pensions, allowances or gratuities, or such contributions or payments towards provision for such pensions, allowances or gratuities, to or in respect of its staff as it may determine;
- (e) to make such provision in respect of its members and members of its committees and sub-committees as it may determine—
  - (i) for the payment of fees and allowances, including the payment of allowances to employers of such members for the purposes of enabling the members to perform functions under this Order;
  - (ii) for the reimbursement of such expenses as the members may reasonably have incurred in the course of carrying out their functions under this Order;
- (f) to establish such sub-committees of any of its committees as it may determine;
- (g) subject to any provision made by or under this Order, to regulate the procedure of any of its committees or their sub-committees;
- (h) to abolish any of its committees, other than a statutory committee, or any sub-committee of any of its committees.

(3) The Council may not employ any member of the Council or its committees or sub-committees.

(4) If it appears to the Council that any statutory committee is failing to perform its functions adequately, the Council may give a direction as to the proper performance of those functions.

(5) Where the Council, having given a direction under sub-paragraph (4), is satisfied that the committee has failed to comply with the direction, it may exercise any power of that committee or do any act or other thing authorised to be done by that committee.

(6) The powers of the Council may be exercised even though there is a vacancy among its members.

(7) No proceedings of the Council shall be invalidated by any defect in the election or appointment of a member.

(8) No person who is a member of the Council or any of its committees or sub-committees by virtue of his membership of any profession, may take part in any proceedings of the Council in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

## **PART II**

### **THE STATUTORY COMMITTEES**

#### *Education and Training Committee*

**17.—**(1) The Council shall by standing orders provide in respect of the Education and Training Committee for—

- (a) its composition;
  - (b) the appointment of members;
  - (c) its procedure;
  - (d) standards for the education and training, attendance and performance of its members; and
  - (e) the performance of its functions.
- (2) The standing orders shall, in particular, provide for—
- (a) the Chairman of the Committee to be a member of the Council;
  - (b) the majority of members of the Committee to have such qualifications and experience in relation to the provision, funding or assessment of professional education and training as the Council considers will be of value to the Committee in the performance of its functions;
  - (c) the Council to have regard, subject to other provisions in this Order, when selecting non-Council members for the Committee to the guidance issued by the Commissioner for Public Appointments;
  - (d) the Committee to comprise fewer members than the Council;
  - (e) the members, who may but need not be members of the Council, to include at least—
    - (i) one registrant from each part of the register,
    - (ii) one person appointed from each country of the United Kingdom and that member shall live or work wholly or mainly in the country concerned, and
    - (iii) one lay person who appears to the Council to represent the interests of the patients or clients of registrants or their carers;
  - (f) the number of registrant members from each part of the register to be equal.

(3) No person who is a member of the Council or the Education and Training Committee by virtue of his membership of any profession may take part in any proceedings of the Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

(4) The powers of the Education and Training Committee may be exercised even though there is a vacancy among its members.

(5) No proceedings of the Education and Training Committee shall be invalidated by any defect in the appointment of a member.

#### *Practice Committees*

**18.** Subject to any provision made by or under this Order, the Council shall in respect of each Practice Committee provide by rules for—

- (a) subject to paragraph 19(6), the quorum at meetings of the Committee;
- (b) regulating its procedure;
- (c) establishing standards for the education and training, attendance and performance of its members;
- (d) regulating its composition; and
- (e) the performance of its functions.

**19.—(1)** The members of each Practice Committee shall include registered professionals and other members, of whom at least one shall be a registered medical practitioner.

(2) The number of registered professionals on a Practice Committee may, but need not, exceed the number of other members on the Committee and shall not in any case exceed that number by more than one.

(3) The Chairman of the Committee shall be a Council member.

(4) No one shall be a member of more than one Practice Committee and shall not be both a Screener and a member of a Practice Committee.

(5) The Council shall, subject to other provisions in this Order, have regard when selecting non-Council members for a Practice Committee, to the guidance issued by the Commissioner for Public Appointments.

(6) The panel of a Practice Committee considering an allegation or taking any other action under Part V shall comprise at least three members who shall be selected with due regard to the former, current or proposed professional field of the person concerned as the case may be and to the nature of the matters in issue, provided that—

- (a) at least one member is registered in that part of the register in which, as the case may be, the person under consideration is or was registered or in respect of which he has made an application to be registered;
- (b) there is at least one lay member, who shall not be a registered medical practitioner;
- (c) where the health of the person is relevant to the case, there is at least one registered medical practitioner;
- (d) subject to sub-paragraph (f), the panel shall comprise both registrant and lay members none of whom is a Council member and the number of registrant members may exceed the number of lay members but may not exceed them by more than one;
- (e) no one who has been involved in the case in any other capacity may sit on the panel; and
- (f) the person presiding may but need not be a member of the Council.

(7) Decisions of a Practice Committee shall be made by a majority vote of the members present and voting.

(8) In the event of a tie, the Chairman shall have an additional casting vote and in respect of a decision under Part V shall exercise his casting vote in favour of the person concerned.

(9) Except when it is performing functions under Part V a Practice Committee may exercise its powers even though there is a vacancy among its members.

(10) Apart from proceedings under Part V, no proceedings of a Practice Committee shall be invalidated by any defect in the appointment of a member.

(11) No person who is a member of the Council or a Committee by virtue of his membership of any profession may take part in any proceedings of a Practice Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

## **SCHEDULE 2**

**Article 48**

### **TRANSITIONAL PROVISIONS**

#### **The initial membership of the Council**

1. When first constituted, the membership of the Council shall be determined in accordance with the provisions of this Schedule.

#### **The transitional periods**

2. In this Schedule—

“the first transitional period” means the period beginning with the coming into force of article 3 and ending on the date of coming into force of the first order made by the Privy Council under article 6(1);

“the second transitional period” means the period beginning with the day after the coming into force of the first order made by the Privy Council under article 6(1) and ending on the second anniversary of that date, unless ended earlier by the Privy Council on a proposal received by it from the Council.

#### **The Members**

3.—(1) During the transitional periods, the Council shall consist of—

- (a) 12 members appointed by the Privy Council (referred to in this Order as “practitioner members”);
- (b) 11 members who are appointed by the Privy Council (referred to in this Order as “lay members”); and
- (c) 12 members appointed by the Privy Council (referred to in this Order as “alternate members”).

(2) The Privy Council shall appoint an alternate member for each practitioner member.

(3) An alternate member has the same functions as a practitioner member but he may attend a Council meeting in his capacity as an alternate member and vote, only if his corresponding practitioner member is unable to do so.

(4) Following consultation of persons who appear to it to be representative of the professions to which this Order relates, the Privy Council shall appoint from among persons who are registered under the 1960 Act, or, if section 2 has been repealed, who were so registered immediately before that provision was repealed, one practitioner member from each of the professions regulated under the 1960 Act as at 1st April 2001.

(5) No person may be appointed as a practitioner member while he is the subject of fitness to practise investigations or proceedings whether under this Order or under the 1960 Act.

(6) Having consulted such persons as it considers appropriate, the Privy Council shall appoint lay members from among persons who are not and never have been on the register or any of the register kept under the 1960 Act and who have such qualifications, interests and experience as, in the opinion of the Privy Council, will be of value to the Council in the performance of its functions.

(7) The number of practitioner members shall constitute no less than half the total number of members but shall not exceed the number of lay members by more than one.

(8) The members shall live or work wholly or mainly in the United Kingdom.

(9) There shall be at least one practitioner member and one alternate member from each part of the register, and the number of practitioner and alternate members from each part shall be equal.

(10) In respect of—

(a) the practitioner and alternate members; and

(b) the lay members,

at least one member shall be appointed from each of the countries of the United Kingdom and that member shall live or work wholly or mainly in the country concerned.

### **Tenure of members**

4. Unless he resigns or is removed in such circumstances as are set out in paragraph 9(2) of Schedule 1, each member shall hold office until the end of the second transitional period.

5. Where a member ceases to be a member, the Privy Council may replace him and the successor's term of office shall begin with the day after that on which the member ceases to be a member and end at the end of the second transitional period.

6. The Privy Council shall determine the duration, which may not exceed four years, of the first term of office for members whose appointments take effect on the ending of the second transitional period and shall ensure that—

(a) the terms of office of equal proportions of registrant and lay members, being one quarter (or the nearest whole even number above one quarter) of the Council membership, expire at the end of one, two and three years respectively beginning with the day after the end of the second transitional period; and

(b) the terms of office of the remaining members expire at the end of four years beginning with the day after the end of the second transitional period.

### **Election Scheme**

7. The Council shall provide in rules for an election scheme in accordance with the provisions of paragraph 2 of Part I of Schedule 1 to this Order no later than six months before the end of the second transitional period.

### **Appointment of first President**

8. The first President of the Council shall be appointed by the Privy Council from among the members of the Council.

9. Where the President is a practitioner member, the Privy Council shall in addition to the practitioner members appointed under paragraph 3(1)(a) appoint one from the same profession as the President, and shall appoint one lay member in addition to those appointed under paragraph 3(1)(b).



### **The register**

**10.** During the first transitional period, the Council shall make—

- (a) proposals to the Privy Council for an order to be made under article 6(1);
- (b) rules under articles 5 and 7 and such other rules as are necessary for the proper operation of the register.

**11.** Until such date as the first order under article 6(1) is and the rules referred to in paragraph 10 are in force (“the appointed day”) the Council shall—

- (a) perform the functions of maintaining the registers under section 2 of the 1960 Act, and
- (b) determine applications under section 3 of the 1960 Act,

and if those provisions have been repealed, shall act under sub-paragraphs (a) and (b) as if they remained in force and as if references in that Act or subordinate legislation made under it to the Council for the Professions Supplementary to Medicine (the “CPSM”) or to a board were to the Council.

**12.** Where on the appointed day there are outstanding applications for—

- (a) registration;
- (b) renewal of registration;
- (c) the recording of additional qualifications;
- (d) any entry in the register to be made, altered or restored,

the Council shall dispose of the application in accordance with the provisions of the 1960 Act, as if those provisions were still in force, or in such other manner as it considers just.

**13.** The entries in the register kept under the 1960 Act may be transferred to the register in accordance with articles 5 and 6 but, where the home address of a person registered under the 1960 Act appears in the register kept under that Act and the entry for that person is transferred to the register, his home address shall not be published in the register without the consent of that person.

### **The Registrar**

**14.** The first Registrar may be appointed by the Secretary of State, and shall otherwise be appointed by the Council, on such terms and conditions as the body appointing him sees fit.

**15.** If the first Registrar ceases to hold office before a Registrar is appointed under article 4, the Secretary of State or the Council, as the case may be, may appoint a replacement.

### **Functions of the Council during the transitional period**

**16.—(1)** During the transitional periods and subject to any contrary provision in this Order, the Council shall, until the relevant provisions of this Order and subordinate legislation made under it come into force, exercise the functions of the CPSM and the boards under the 1960 Act and subordinate legislation made under that Act with such modifications as necessary and as if references to the CPSM and boards were to the Council.

(2) If the relevant provision has been repealed, it shall be treated for the purposes of sub-paragraph (1) as if it remained in force.

### **Fitness to practise proceedings**

**17.—(1)** Until relevant rules under Part V come into force—

- (a) where disciplinary proceedings—

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

- (i) are pending before any of the committees referred to in section 8 of the 1960 Act; or
  - (ii) have begun but the committee dealing with the case has not communicated its decision to the person who is the subject of the proceedings,
- that committee shall refer the proceedings to the Council and the Council shall dispose of the matter in accordance with the 1960 Act or, if the relevant provisions have been repealed, as if those provisions remained in force or in such manner as it considers just;
- (b) where an allegation is received by the Council it shall dispose of the matter as if the 1960 Act remained in force; and in both cases
  - (c) references in the 1960 Act to the CPSM, the boards and their committees are to be treated as references to the Council.

**18. An appeal—**

- (a) under section 3(3) or 9 of the 1960 Act which is pending or proceeding before the CPSM or Her Majesty in Council, as the case may be, on the date on which that section is repealed; or
- (b) which is received by the Council before the relevant appeal provisions in the rules referred to in paragraph 17 are in force,

shall be dealt with as if that section remained in force.

**Transfer of staff and property**

**19. The Privy Council may by order make provision—**

- (a) enabling persons who, when paragraph 3(1) of this Order (creation of Council) comes into force, hold office as members or staff of the CPSM or its boards, to continue to hold office until those bodies are dissolved;
- (b) authorising the CPSM to make grants or loans to any person in connection with the implementation or preparations for the implementation of the Order.

**20.—(1) The Privy Council may by order provide for the transfer from the old to the new employer of any—**

- (a) eligible employee;
- (b) property, rights and liabilities.

**(2) In this paragraph—**

- (a) “the new employer” means the Council;
- (b) “the old employer” means the CPSM;
- (c) “an eligible employee” means a person who is employed under a contract of employment with the old employer; and
- (d) “property” includes rights and interests of any description.

**21.** An order mentioned in paragraph 20(1)(a) may be made by the Privy Council only if any prescribed requirements about consultation have been complied with in relation to each of the employees to be transferred under the scheme.

**22.** Such an order may apply to all, or any description of, employees or to any individual employee.

**23.—(1) The contract of employment of an employee transferred under an order made under paragraph 20(1)(a)—**

- (a) is not terminated by the transfer; and

- (b) has effect from the date of the transfer as if originally made between the employee and the transferee.
- (2) Without prejudice to the generality of sub-paragraph (1), where an employee is transferred under an order mentioned in that sub-paragraph—
- (a) all the rights, powers, duties and liabilities of the old employer under or in connection with the contract of employment are, by virtue of this paragraph, transferred to the transferee on the date of the transfer; and
- (b) anything done before that date by or in relation to the old employer in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the transferee.
- (3) Sub-paragraphs (2)(a) and (b) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the old employer or the transferee that he objects to the transfer.
- (4) Where an employee objects as mentioned in sub-paragraph (3), his contract of employment with the old employer is terminated immediately before the date of the transfer, but he is not to be treated for any purpose as having been dismissed by that employer.
- (5) This paragraph does not prejudice any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right arises by reason only that, by virtue of this paragraph, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.
- (6) In this paragraph—
- “the date of the transfer” means the date of the transfer determined under an order made under paragraph 20 in relation to the employee; and
- “the transferee” means the new employer to whom the employee is or would be transferred under that order.
- 24.** Certificates of competence issued by a board to a professional on a register kept under section 2 of the 1960 Act, including those issued by the chiropodists' board for the purposes of the Prescription Only Medicines (Human Use) Order 1997<sup>(1)</sup> shall continue to have effect until the date on which they are due to expire or until replaced by the Council whichever is earlier.

## **SCHEDULE 3**

## **Article 2**

### **INTERPRETATION**

- 1.** In this Order, unless the context otherwise requires—
- “the 1960 Act” means the Professions Supplementary to Medicine Act 1960<sup>(2)</sup>;
- “alternate member” is a member of the Council appointed under Schedule 1, paragraph 1 or Schedule 2, paragraph 3;
- “application for restoration” has the meaning given to it in article 33;
- “approved course of education or training” means a course approved under article 15(5)(a);
- “approved qualification” has the meaning given to it in articles 13 and 15;

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(1) S.I.1997/1830.

(2) 1960 (8 and Eliz. 2 c. 66).

“corresponding practitioner member” means the practitioner member appointed under Schedule 2 from the same part of the register as the alternate member concerned;

“corresponding registrant member” means the registrant member appointed under Schedule 1 from the same part of the register as the alternate member concerned;

“the Council” means the Health Professions Council established under article 3;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by the Protocol signed at Brussels on the 17 March 1993;

“EEA national” means a national of an EEA State;

“EEA State” means a Contracting Party to the EEA Agreement;

“exempt person” means any person who is not an EEA national but is, by virtue of a right conferred by article 11 of Regulation (EEC) 1612/68, or any other enforceable right, entitled to be treated for the purposes of access to one of the relevant professions, no less favourably than a national of such a State;

“lay member” means, in relation to the Council or a statutory committee, any member who is not and never has been a registered member of one of the relevant professions;

“lay person” means, in relation to Screeners, a person who is not and never has been a member of a health or social care profession which is regulated under any enactment;

“licensing body” means a regulatory body which has the function of authorising persons to practise a health or social care profession;

“national”, in relation to an EEA State, means the same as it does for the purposes of the Community Treaties;

“parties” except in respect of article 53, means the Council and the person concerned except in respect of article 37 when it includes the Education and Training Committee;

“Practice Committees” means the Investigating Committee, the Conduct and Competence Committee and the Health Committee;

“practising” means working as a member of one of the relevant professions;

“preliminary meetings” has the meaning given to it in articles 25(5)(b) and 30(2)(b)(ii);

“prescribed” means prescribed in rules made by the Council;

“register” means the register established and maintained under article 5;

“registered professional” means a member of one of the relevant professions who has been admitted to the register established and maintained under article 5;

“registrant” means a member of one of the relevant professions who has been admitted to the register maintained under article 5;

“registrant member” has the meaning given to it in Schedule 1, paragraph 1(a);

“Registrar” means the person appointed under article 4;

“relevant period” has the meaning given to it in article 13;

“relevant professions” means arts therapists; chiroprodists; clinical scientists; dietitians; medical laboratory technicians; occupational therapists; orthoptists; paramedics; physiotherapists; prosthetists and orthotists; radiographers; and speech and language therapists;

“Screeners” means persons appointed under article 23;

“standards of proficiency” means the standards established by the Council under article 5(2);

“statutory committees” has the meaning given to it in article 3(9);

“United Kingdom country” means England, Scotland, Wales and Northern Ireland.

2. In this Order, words importing the masculine gender include the feminine.

## **SCHEDULE 4**

**Article 48**

### **CONSEQUENTIAL AMENDMENTS TO PRIMARY LEGISLATION**

#### *London County Council (General Powers) Act 1920 (c.lxxxix)*

1. In section 18 of the London County Council (General Powers) Act 1920 (saving for certain premises), in paragraph (E), for “by a board under the Professions Supplementary to Medicine Act 1960” there shall be substituted “under the Health Professions Order 2001”.

#### *Superannuation Act 1972 (c. 11)*

2. In the Superannuation Act 1972—

(a) in section 22 (pension schemes of various statutory bodies: removal of requirement to obtain Ministerial approval for certain determinations etc.), subsection (2) shall be omitted; and

(b) in Schedule 4 (bodies to whom section 22 relates) “Council for Professions Supplementary to Medicine” and “Professions Supplementary to Medicine Act 1960, Schedule 1, paragraph 20(1)” shall be omitted.

#### *Greater London Council (General Powers) Act 1984 (c.xxvii)*

3. In Schedule 2 to the Greater London Council (General Powers) Act 1984 (local enactments modified in Greater London in relation to the licensing of premises used for massage or special treatment), for “by a board under the Professions Supplementary to Medicine Act 1960” wherever it appears, there shall be substituted “under the Health Professions Order 2001”.

#### *The Video Recordings Act 1984 (c. 39)*

4. In section 3 of the Video Recordings Act 1984 (exempted supplies), in subsection (11), for “the Professions Supplementary to Medicine Act 1960,” there shall be substituted “the Health Professions Order 2001”.

#### *London Local Authorities Act 1991 (c.xiii)*

5. In section 4 of the London Local Authorities Act 1991 (special treatment premises), in paragraph (c) of the definition of “establishment for special treatment”, for “by a board under the Professions Supplementary to Medicine Act 1960”, there shall be substituted “under the Health Professions Order 2001”.

#### *The Value Added Tax Act 1994 (c. 23)*

6. In Part II of Schedule 9 to the Value Added Tax Act 1994 (exempt supplies of goods and services), in item 1(c) in Group 7 (health and welfare), for “any register kept under the Professions Supplementary to Medicine Act 1960” there shall be substituted “the register kept under the Health Professions Order 2001”.

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

*Data Protection Act 1998 (c. 29)*

7. In section 69 of the Data Protection Act 1998 (meaning of health professional), in subsection (1)(h), for “the Professions Supplementary to Medicine Act 1960” there shall be substituted “the Health Professions Order 2001”.

*The Health Act 1999 (c. 8)*

8. In the Health Act 1999—

- (a) in section 60 (regulation of health care and associated professions), in subsection (2), in paragraph (c) for “the Professions Supplementary to Medicine Act 1960”, there shall be substituted “the Health Professions Order 2001”; and
- (b) In Schedule 3 to the Health Act 1999, in paragraph 8 (certain functions not to be transferred from regulatory body) sub-paragraph (3) shall be omitted.

*Freedom of Information Act 2000 (c. 37)*

9. In Part VI of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), the entry relating to the Council for Professions Supplementary to Medicine shall be omitted and in the appropriate place there shall be substituted “The Health Professions Council”.