

**EXPLANATORY MEMORANDUM TO**  
**THE HEALTH PROFESSIONS COUNCIL (REGISTRATION AND FEES)**  
**(AMENDMENT) RULES ORDER OF COUNCIL 2010**

**2010 No. 479**

**1.** This Explanatory Memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This Order approves the Health Professions Council (Registration and Fees) (Amendment) Rules 2010 which amend the Health Professions Council (Registration and Fees) Rules 2003 (scheduled to S.I. 2003/1572). (“the principal Rules”)

2.2 The rule changes are scheduled to the Order and are necessary as a consequence of the Health Professions (Hearing Aid Dispensers) Order 2010 (SI 2010/233) (“the HAD Order”) which transfers the Hearing Aid Council’s (HAC) register of hearing aid dispensers operating in the private sector, on its abolition, to the Health Professions Council (HPC) and provides for their regulation by the HPC.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 The HPC was established in April 2002 by the Health Professions Order 2001 (S.I. 2001/254) (“the HP Order”) and is the regulatory body for 14 allied health professions. The HAD Order adds private hearing aid dispensers to that list and therefore, the power to make rules under the HP Order extends to private hearing aid dispensers.

**5. Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

- *What is being done and why*

7.1 Rule 2 amends the principal Rules. Paragraph (2) amends rule 10 concerning the registration period and provides that the first period of registration for the

transferred hearing aid dispensers ends on 31<sup>st</sup> July 2010 so that on transfer from the HAC to the HPC on 1<sup>st</sup> April, the HPC will have a month to check the data, ensure that records have transferred correctly and to print the registration renewal forms and other documents. Dispensers will then be written to (at the end of April/early May) and given three months in which to renew their registration, taking them up to 31st July 2010. The first period of registration for dispensers is then 1 April, to 31st July 2010. The second and subsequent periods then run from 1<sup>st</sup> August for twelve months.

7.2 Paragraph (3) amends rule 14 concerning the registration fee and provides that transferred hearing aid dispensers will not be liable to pay a fee for the registration period ending on 31<sup>st</sup> July 2010. The free period runs from the day that the HPC Register opens to the end of the initial registration renewal period. For dispensers, this means that although on the HPC register, they do not pay for their registration between 1st April and 31st July 2010. This system allows the HPC to manage registration renewals more easily, gives us them more time in which to communicate information about registration renewal to a profession which may not be familiar with the HPC process and also gives individuals more time to complete and return their registration renewal forms.

7.3 When the HPC was established in 2002, the fee levels set in the principal Rules were determined on the basis of financial projections made by the HPC at the time. In 2007, with the benefit of its experience of operating the regulatory regime provided for in the HP Order, the HPC for the first time revised those fees (in the Health Professions Council (Registration and Fees) (Amendment) Rules 2007 (scheduled to S.I. 2007/1280)) to levels which reflected more accurately the HPC's operating costs and the costs of the specific processes to which the fees relate, thus reducing the level of cross-subsidy between registrants.

7.4 Paragraph (4) amends Schedule 5 by prescribing future registration periods for hearing aid dispensers. Registration with the HPC must be renewed every two years. Each profession has a two-year cycle and renews its registration on the same date, regardless of when an individual first applied for registration. The registration renewal dates are set in the principal rules. The HPC are of the view that the end date of the renewal cycle for hearing aid dispensers should be 31<sup>st</sup> July in even numbered years.

- ***Consolidation***

7.5 The HPC has no plans formally to consolidate the principal Rules but it does make informal consolidated versions of all its rules, including the registration and Fees Rules, available free of charge on its website ([www.hpc-uk.org](http://www.hpc-uk.org)).

## **8. Consultation outcome**

8.1 Under the HP Order, the HPC must consult relevant stakeholders before making changes to rules.

8.2 The consultation document was sent to stakeholders and was available to download from the HPC's website. All those who responded to the consultation agreed with the proposed rules.

## **9. Guidance**

9.1 The HPC will write to hearing aid dispensers on the HAC's register both before and after the transfer takes place to communicate information about registration and fees. In addition, the HPC has already attended professional body conferences and other events to provide this information and will continue to do so.

## **10. Impact.**

10.1 The HPC registration fee is £76 per year. It is anticipated that approximately 1,500 hearing aid dispensers will transfer from the HAC to the HPC. The HPC fee represents a considerable reduction from the current fee paid by hearing aid dispensers.

10.2 There is no impact on business, charities or voluntary bodies. By virtue of the repeal of the Hearing Aid Council Act 1968, employers of hearing aid dispensers will no longer be required to register in their own right and therefore will no longer be required to pay a fee.

10.3 An Impact Assessment has not been prepared for this instrument as there is no negative impact on equality issues. Under article 44(1)(a) of the HP Order, the HPC is required, in any event, when reporting on the exercise of their functions, to include a description of the arrangements they have put in place to ensure they adhere to good practise in relation to equality and diversity.

## **11. Regulating small businesses**

11.1 There is minimal impact on small businesses.

## **12. Monitoring & review**

12.1 The HPC's aim is to stabilise fees, minimise cross-subsidy between registrants (except where there is strong support for a subsidy, such as the reduced fee for newly qualified applicants) and ensure that it obtains full cost recovery. It anticipates that new fees will apply until April 2011 and it will review them before that date, in line with its commitment to a stable cycle of two yearly reviews.

## **13. Contact**

13.1 Keith Baggs at the Department of Health Tel: 0113 254 5791 or email: [keith.baggs@dh.gsi.gov.uk](mailto:keith.baggs@dh.gsi.gov.uk) can answer any queries regarding the instrument.