

SCHEDULE 1

Amendments relating to indemnity arrangements

PART 6

Amendments to the Health and Social Work Professions Order 2001 and related matters

11. The Health and Social Work Professions Order 2001 ^{M1} is amended in accordance with paragraphs 12 to 18.

Marginal Citations

M1 [S.I. 2002/254](#). The title to this statutory instrument was amended by section 213(6) of the [Health and Social Care Act 2012 \(c. 7\)](#).

Amendment of article 9

12. In article 9 ^{M2}(registration)—

- (a) in paragraph (1), for “if he satisfies the conditions mentioned in paragraph (2) he shall be entitled to be registered in that part” substitute “ he shall be entitled to be registered in that part provided that the conditions mentioned in paragraph (2) are satisfied ”;
- (b) in paragraph (2), for “Subject to paragraph (3)” substitute “ Subject to paragraphs (3) and (3A) ” and omit “the applicant”;
- (c) at the beginning of each of sub-paragraphs (a), (b) and (c) of paragraph (2), insert “ the applicant ”;
- (d) after paragraph (2)(b) (but before the following “and”) insert—
 - “(ba) the Registrar informs the Education and Training Committee that the applicant has satisfied him that there is in force in relation to the applicant, or there will be as necessary for the purpose of complying with article 11A, appropriate cover under an indemnity arrangement;”;
- (e) after paragraph (3) insert—
 - “(3A) Paragraph (2)(ba) does not apply in the case of an applicant seeking admission to that part of the register which relates to the social work profession in England.”.

Marginal Citations

M2 Amended by [S.I. 2007/3101](#).

Amendment of article 10

13. In article 10 ^{M3} (renewal of registration and readmission)—

- (a) in paragraph (2), omit “the applicant”;
- (b) at the beginning of each of sub-paragraphs (a) and (b) of paragraph (2), insert “ the applicant ”;
- (c) in paragraph (2)(c), before “has met” insert “ the applicant ”;

- (d) after paragraph (2)(a) insert—
- “(aa) the Registrar informs the Education and Training Committee that the applicant has satisfied him that there is in force in relation to the applicant, or there will be as necessary for the purpose of complying with article 11A, appropriate cover under an indemnity arrangement;”;
- (e) in paragraph (4), after sub-paragraph (a) (but before the following “and”), insert—
- “(aa) the Registrar informs the Education and Training Committee that the applicant has satisfied him that there is in force in relation to the applicant, or there will be as necessary for the purpose of complying with article 11A, appropriate cover under an indemnity arrangement;”;
- (f) after paragraph (6) insert—
- “(7) Paragraphs (2)(aa) and (4)(aa) do not apply in the case of an applicant wishing to renew his registration in that part of the register which relates to the social work profession in England.”.

Marginal Citations

M3 Amended by [S.I. 2007/3101](#).

New article 11A

14. After article 11 insert—

“Indemnity arrangements

11A.—(1) Each practising registrant must have in force in relation to that registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(2) For the purposes of this article, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(3) For the purposes of this article, “appropriate cover”, in relation to practice as a registered member of a relevant professions, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) The Council may make rules in connection with the information to be provided to the Registrar—

- (a) by or in respect of a person applying for registration (including an application for restoration or readmission) for the purpose of determining whether or not the Registrar is satisfied that if the person is registered, there will be in force in relation to that person by the time that person begins to practise, an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question;
- (b) by or in respect of a person applying for renewal of their registration for the purpose of determining whether or not the Registrar is satisfied that if the person's registration is renewed, there will be in force in relation to that person, by the time that person resumes practice an indemnity arrangement which provides

appropriate cover for practising as a member of the relevant profession in question; and

- (c) by or in respect of a registrant for the purposes of determining whether, at any time, there is in force in relation to the registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(5) Rules made under paragraph (4) may require the information to be provided—

- (a) at the request of the Registrar; or
- (b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual registrants or registrants of a particular description.

(6) The Council may also make rules requiring a registrant to inform the Registrar if there ceases to be in force in relation to the registrant an indemnity arrangement which provides appropriate cover for practising as a member of the relevant profession in question.

(7) The Council may also make rules requiring a registrant to inform the Registrar if there is in force in relation to the registrant appropriate cover for practising as a member of the relevant profession in question provided under an indemnity arrangement by an employer.

(8) If a registrant is in breach of paragraph (1)—

- (a) the Education and Training Committee may remove that person from the register; or
- (b) the person's fitness to practise may be treated for the purposes of article 22(1)(a)(i) as being impaired by reason of misconduct, and the Council may accordingly refer the matter to, persons appointed by it under article 22(5)(b)(i) (where rules under article 23 provide) or to a Practice Committee under article 22(5)(b)(ii).

(9) If an applicant breaches rules under paragraph (4)(a), or there is a breach in respect of the applicant of rules under paragraph (4)(a)—

- (a) the Education and Training Committee may refuse the applicant's application for admission (or readmission) to the register; or
- (b) in the case of restoration to the register, the Registrar may refuse to register the applicant in the register in accordance with article 33(7).

(10) If a registrant breaches rules under paragraph (4)(b) or (c), that person's fitness to practise may be treated for the purposes of article 22(1)(a)(i) as being impaired by reason of misconduct, and the Council may accordingly refer the matter to persons appointed by it under article 22(5)(b)(i) (where rules under article 23 provide) or to a Practice Committee under article 22(5)(b)(ii).

(11) For the purposes of this article, “relevant profession” does not include the social work profession in England.

(12) This article does not apply to a person who has an entitlement to be registered under article 13A (visiting health professionals from relevant European States).”.

Amendment of article 33

15. In article 33 (restoration to the register of persons who have been struck off), in paragraph (7)(a), after “the relevant part of the register” insert “ on his satisfying the Registrar as mentioned in article 10(4)(aa), ”.

Amendment of article 37

16. In article 37^{M4} (appeals against decisions of the Education and Training Committee)—

Changes to legislation: There are currently no known outstanding effects for the *The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, PART 6*. (See end of Document for details)

(a) in paragraph (1), after sub-paragraph (aa) insert—

“(ab) removes the name of a registrant from the register on the grounds that the registrant has failed to satisfy the Registrar that there is in force in relation to the registrant appropriate cover under an indemnity arrangement;”;

(b) after paragraph (1), insert—

“(1A) Paragraph (1)(ab) does not apply where the removal is in consequence of a refusal of an application for renewal (including an application for readmission or restoration where registration has lapsed).

“(1B) Paragraph (1)(ab) does not apply in the case of a person who has been admitted to that part of the register which relates to the social work profession in England.”; and

(c) after paragraph (2), insert—

“(2A) No appeal lies to the Council if the complaint of the person aggrieved is, in effect, that a provision of rules under article 7, 9, 10 or 11A is invalid.”.

Marginal Citations

M4 Amended by [S.I. 2004/2033](#), 2007/3101 and 2009/1182; and section 216 of the [Health and Social Care Act 2012 \(c. 7\)](#).

Amendment of article 38

17. In article 38 (appeals) in paragraph (1)(b), after “ article 26(7) or (12)” insert “ or of the Registrar under article 33(7)(a) as to whether he is satisfied as mentioned in article 10(4)(aa) ”.

Amendment of Schedule 3

18. In Schedule 3 ^{M5} (interpretation), in paragraph 1 insert the following definitions at the appropriate place—

““appropriate cover” is to be construed in accordance with article 11A(3);”;

““indemnity arrangement” is to be construed in accordance with article 11A(2);”.

Marginal Citations

M5 [Schedule 3](#) has been amended by [S.I. 2003/3148](#), 2004/1947 and 2033, 2009/1182 and 2010/233 and by the Health and Social Care Act 2012, section 213(1).

19. The Schedule to the Health Professions Council (Registration and Fees) Rules Order of Council 2003 ^{M6} is amended in accordance with paragraphs 20 to 22.

Marginal Citations

M6 [S.I. 2003/1572](#).

Amendment of rule 4

20. In rule 4 ^{M7} (applications for registration), in paragraph (2), after sub-paragraph (c) (but before the following “and”) insert—

“(ca) evidence that there is in force in relation to the applicant, or will be as necessary for the purpose of complying with article 11A of the Order, appropriate cover under an indemnity arrangement;”.

Marginal Citations

M7 Amended by [S.I. 2004/2524](#), 2005/1625, 2007/1280 and 2011/210.

Amendment of Schedule 1

21. In Schedule 1 (application for admission to a part of the register), in the unnumbered paragraph, after sub-paragraph (d) insert—

“(da) confirmation that there is in force in relation to the applicant, or will be as necessary for the purpose of complying with article 11A of the Order, appropriate cover under an indemnity arrangement;”.

Amendment of Schedule 2

22. In paragraph 1 of Schedule 2 (application for renewal of registration), in paragraph (1), after sub-paragraph (d) insert—

“(da) confirmation that there is in force in relation to the registrant, or will be as necessary for the purpose of complying with article 11A of the Order, appropriate cover under an indemnity arrangement;”.

Changes to legislation:

There are currently no known outstanding effects for the The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, PART 6.