

SCHEDULE 3

Article 3

Transitional and saving provisions

Interpretation

1. In this Schedule—

- (a) “appointed day” means the day on which this Order comes into force;
- (b) a reference to an old section or old article is to that section or article as it had effect immediately before its amendment or substitution by this Order; and
- (c) “the transitional period” means the period of twelve months beginning with the appointed day.

Medical Act 1983

2. The obligation imposed on a person who holds a licence to practise by subsection (1) of the section 44C of the Medical Act 1983 as substituted by paragraph 1 of Schedule 1 does not apply during the transitional period for so long as there is in force in relation to that person a policy, arrangement or combination of the two which—

- (a) was in force in relation to him immediately before the appointed day; and
- (b) would have been an indemnity arrangement within the meaning of subsection (2) of section 44C of that Act if that section had been fully in force at that time.

3. Where paragraph 2 applies, the Registrar shall request in writing that a person provides evidence of the policy, arrangement or combination of the two referred to in that paragraph to the General Medical Council within such period as the Registrar may specify.

4. Where there is a failure to comply with a request for information made under paragraph 3—

- (a) the Registrar may withdraw that medical practitioner’s licence to practice; or
- (b) the failure may be treated as misconduct for the purposes of section 35C(2)(a) and the Registrar may accordingly refer the matter to the Investigation Committee under section 35C(4).

5. For the purposes of paragraphs 3 and 4, “Registrar” means the Registrar of the General Medical Council.

Opticians Act 1989

6. The obligation imposed on a registered optometrist or registered dispensing optician by subsection (1) of the section 10A of the Opticians Act 1989 as substituted by paragraph 7 of Schedule 1 does not apply during the transitional period for so long as there is in force in relation to that registered optometrist or registered dispensing optician a policy or arrangement which—

- (a) was in force in relation to him immediately before the appointed day; and
- (b) was at that time adequate and appropriate for the purposes of the old section 10A of that Act.

7. Where paragraph 6 applies, the registrar shall request in writing that the registered optometrist or registered dispensing optician provides evidence of the policy or arrangement referred to in that paragraph to the General Optical Council within such period as the registrar may specify.

8. Where there is a failure to comply with a request for information made under paragraph 7—

- (a) the registrar may remove that person’s name from the appropriate register; or

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- (b) the failure may be treated as misconduct for the purposes of section 13D(2)(a), and the registrar may accordingly refer the matter to the Investigation Committee under section 13D(5).

9. For the purposes of paragraphs 7 and 8, “registrar” means the registrar of the General Optical Council.

Osteopaths Act 1993

10. The obligation imposed on a registered osteopath (but not including a temporarily registered osteopath) by subsection (1) of section 37 of the Osteopaths Act 1993 as substituted by paragraph 9 of Schedule 1 does not apply during the transitional period for so long as there is in force in relation to that registered osteopath insurance which—

- (a) was in force immediately before the appointed day; and
- (b) was at that time proper insurance for the purposes of section 37 of that Act.

11. Where paragraph 10 applies, the Registrar shall request in writing that the registered osteopath provides evidence of the insurance referred to in that paragraph to the General Osteopathic Council within such period as the Registrar may specify.

12. Where there is a failure to comply with a request for information made under paragraph 11—

- (a) the Registrar may remove that person’s entry from the register; or
- (b) the failure may be treated as unacceptable professional conduct and the Registrar may accordingly notify the General Osteopathic Council.

13. For the purposes of paragraphs 11 and 12, “Registrar” means the Registrar of the General Osteopathic Council.

14. The old section 37(1) and any rules made under it, shall continue to apply to a registered osteopath who, by virtue of paragraph 10, is exempt from the obligation imposed by subsection (1) of section 37 as substituted by paragraph 9 of Schedule 1 for so long as that registered osteopath is exempt from that obligation.

Chiropractors Act 1994

15. The obligation imposed on a registered chiropractor (but not including a temporarily registered chiropractor) by subsection (1) of section 37 as substituted by paragraph 10 of Schedule 1 does not apply during the transitional period for so long as there is in force in relation to that registered chiropractor insurance which—

- (a) was in force immediately before the appointed day; and
- (b) was at that time proper insurance for the purposes of section 37 of that Act.

16. Where paragraph 15 applies, the Registrar shall request in writing that the registered chiropractor provides evidence of the insurance referred to in that paragraph to the General Chiropractic Council within such period as the Registrar may specify.

17. Where there is a failure to comply with a request made under paragraph 16—

- (a) the Registrar may remove that person’s entry from the register; or
- (b) the failure may be treated as unacceptable professional conduct and the Registrar may notify the General Chiropractic Council.

18. For the purposes of paragraphs 16 and 17, “Registrar” means the Registrar of the General Chiropractic Council.

19. The old section 37(1) and any rules made under it, shall continue to apply to a registered chiropractor who, by virtue of paragraph 15, is exempt from the obligation imposed by subsection (1) of section 37 as substituted by paragraph 10 of Schedule 1 for so long as that registered chiropractor is exempt from that obligation.

Pharmacy Order 2010

20. The obligation imposed on a registrant by paragraph (1) of article 32 of the Pharmacy Order 2010 provided for by paragraph 35 of Schedule 1 does not apply during the transitional period for so long as there is in force in relation to that registrant a policy, arrangement or combination of the two which—

- (a) was in force in relation to the registrant immediately before the appointed day; and
- (b) was at that time an adequate and appropriate indemnity arrangement for the purposes of old article 32.

21. Where paragraph 20 applies, the Registrar shall request in writing that a registrant provides evidence of the policy, arrangement or combination of the two referred to in that paragraph to the General Pharmaceutical Council within such period as the Registrar may specify.

22. Where there is a failure to comply with a request for information made under paragraph 21—

- (a) the Registrar may remove that person's entry from the register; or
- (b) the failure may be treated as misconduct for the purposes of article 51(1)(a) and the Registrar must consider, in accordance with article 52(1), whether or not to refer the matter to the Investigating Committee or (where rules under article 52(1) so provide) to the Fitness to Practise Committee.

23. For the purposes of paragraphs 21 and 22, "Registrar" means the Registrar of the General Pharmaceutical Council.