



# Osteopaths Act 1993

## 1993 CHAPTER 21

### *Professional education*

#### **11 The Education Committee.**

- (1) The Education Committee shall have the general duty of promoting high standards of education and training in osteopathy and keeping the provision made for that education and training under review.
- (2) Where it considers it to be necessary in connection with the discharge of its general duty, the Education Committee may itself provide, or arrange for the provision of, education or training.
- (3) The General Council shall consult the Education Committee on matters relating to education, training, examinations or tests of competence.
- (4) It shall be the duty of the Education Committee to give advice to the General Council on the matters mentioned in subsection (3), either on being consulted by the Council or where it considers it appropriate to do so.

#### **12 Visitors.**

- (1) The Education Committee may appoint persons to visit any place at which or institution by which or under whose direction—
  - (a) any relevant course of study is, or is proposed to be, given;
  - (b) any examination is, or is proposed to be, held in connection with any such course;
  - (c) any test of competence is, or is proposed to be, conducted in connection with any such course or for any other purpose connected with this Act.
- (2) In subsection (1) “relevant course of study” means any course of study which forms, or is intended to form, part of—
  - (a) the complete course of study required in order to obtain a recognised qualification or a qualification for which recognition is being sought; or

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- (b) any training which a registered osteopath may be required to undergo after registration.
- (3) No person appointed as a visitor may exercise his functions under this section in relation to—
  - (a) any place at which he regularly gives instruction in any subject; or
  - (b) any institution with which he has a significant connection.
- (4) A person shall not be prevented from being appointed as a visitor merely because he is a member of—
  - (a) the General Council; or
  - (b) any of its committees.
- (5) Where a visitor visits any place or institution, in the exercise of his functions under this section, he shall report to the Education Committee—
  - (a) on the nature and quality of the instruction given, or to be given, and the facilities provided or to be provided, at that place or by that institution; and
  - (b) on such other matters (if any) as he was required to report on by the Committee.
- (6) Requirements of the kind mentioned in subsection (5)(b) may be imposed by the Education Committee—
  - (a) generally in relation to all visits;
  - (b) generally in relation to all visits made to a specified kind of place or institution; or
  - (c) specifically in relation to a particular visit.
- (7) Where a visitor reports to the Education Committee under subsection (5), the Committee shall on receipt of the report—
  - (a) send a copy of it to the institution concerned; and
  - (b) notify that institution of the period within which it may make observations on, or raise objections to, the report.
- (8) The period specified by the Committee in a notice given under subsection (7)(b) shall not be less than one month beginning with the date on which a copy of the report is sent to the institution under subsection (7)(a).
- (9) The Education Committee shall not take any steps in the light of any report made under subsection (5) before the end of the specified period.
- (10) The General Council may—
  - (a) pay fees, allowances and expenses to persons appointed as visitors; or
  - (b) treat any such person, for the purposes of paragraph 15(2)(c) to (e) of the Schedule, as a member of its staff.
- (11) In the case of a visitor who is also such a member as is mentioned in subsection (4), any payment made to him in his capacity as a visitor shall be in addition to any to which he is entitled as such a member.

### **13 The standard of proficiency.**

- (1) The General Council shall from time to time determine the standard of proficiency which, in its opinion, is required for the competent and safe practice of osteopathy.

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- (2) The Council shall publish a statement of the standard of proficiency determined by it under this section.
- (3) If the Council at any time varies the standard so determined it shall publish <sup>F1</sup> . . . a statement of the revised [<sup>F2</sup>standard, accompanied by] a statement of the differences between that standard and the standard as it was immediately before the revision.
- (4) No variation of the standard shall have effect before the end of the period of one year beginning with the date on which the Council publishes the [<sup>F3</sup>statements] required by subsection (3) in connection with that variation.

#### Textual Amendments

- F1** Word and (a) in s. 13 repealed (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 2(a)**
- F2** Words in s. 13(3) substituted (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 2(a)**
- F3** Words in s. 13(4) substituted (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 2(b)**

## 14 Recognition of qualifications.

- (1) For the purposes of this Act, a qualification is a “recognised qualification” if it is recognised by the General Council under this section.
- (2) Where the General Council is satisfied that—
  - (a) a qualification granted by an institution in the United Kingdom is evidence of having reached the required standard of proficiency, or
  - (b) a qualification which such an institution proposes to grant will be evidence of having reached that standard,it may, with the approval of the Privy Council, recognise that qualification for the purposes of this Act.
- (3) Where the General Council is satisfied that a qualification granted by an institution outside the United Kingdom is evidence of having reached the required standard of proficiency, or of reaching a comparable standard, it may, with the approval of the Privy Council, recognise that qualification for the purposes of this Act.
- (4) The General Council may by rules—
  - (a) impose additional conditions for registration, or
  - (b) provide for any provision made by this Act in relation to conditions for registration to have effect subject to prescribed modifications,in the case of any application for registration based on a person’s holding a qualification which is recognised under subsection (3).
- (5) The General Council shall maintain and publish a list of the qualifications which are for the time being recognised under this section.
- (6) Before deciding whether or not to recognise a qualification under this section, the General Council shall consult the Education Committee.
- (7) When requesting the approval of the Privy Council for the purposes of subsection (2) or (3), the General Council shall make available to the Privy Council—
  - (a) the information provided to it by the Education Committee; or

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- (b) where the Privy Council considers it appropriate, a summary of that information.
- (8) The Privy Council shall have regard to the information made available to it under subsection (7) before deciding whether or not to give its approval.
- (9) The General Council may by rules make provision requiring the Education Committee to publish a statement indicating—
  - (a) matters on which the Committee will wish to be satisfied before advising the General Council to recognise a qualification under subsection (2); and
  - (b) matters which may cause the Committee to advise the General Council not to recognise a qualification under subsection (2).
- (10) Where, by virtue of <sup>F4</sup>EU law a person (“the osteopath”) is to be authorised to practise the profession of osteopathy on the same conditions as a person who holds a recognised qualification—
  - (a) the osteopath shall be treated for the purposes of this Act as having a recognised qualification; but
  - (b) the General Council may, subject to <sup>F4</sup>EU law, require him to satisfy specified additional conditions before being registered.
- (11) In subsection (10) “<sup>F4</sup>EU law” means any enforceable <sup>F4</sup>EU right or any enactment giving effect to an <sup>F4</sup>EU obligation.

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**Textual Amendments**

**F4** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))

**15 Recognition of qualifications: supplemental.**

- (1) A qualification may be recognised by the General Council under section 14—
  - (a) only in respect of awards of that qualification made after a specified date;
  - (b) only in respect of awards made before a specified date; or
  - (c) only in respect of awards made after a specified date but before a specified date.
- (2) Any date specified under subsection (1) may be earlier than the date on which this Act is passed.
- (3) Where the General Council recognises a qualification in one or other of the limited ways allowed for by subsection (1), the limitation shall be specified in the list issued by the Council under section 14(5).
- (4) The General Council may, in recognising a qualification under section 14, direct that the qualification is to remain a recognised qualification only so long as such conditions as the General Council sees fit to impose are complied with in relation to the qualification.
- (5) Any such condition may at any time be removed by the General Council.
- (6) The General Council shall not exercise any of its functions under subsection (4) or (5) without the approval of the Privy Council.

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- (7) Any institution which is, or is likely to be, affected by a direction given by the General Council under subsection (4) shall be notified by the Council of the direction as soon as is reasonably practicable.
- (8) Where an application is made by any institution for the recognition of a qualification under section 14, the General Council shall notify the institution of the result of its application as soon as is reasonably practicable after the Council determines the application.
- (9) Where the General Council refuses such an application it shall, when notifying the institution concerned, give reasons for its refusal.

## **16 Withdrawal of recognition.**

- (1) Where, as a result of any visitor's report or other information acquired by the Education Committee, the Committee is of the opinion—
  - (a) that a recognised qualification is no longer, or will no longer be, evidence of having reached the required standard of proficiency,
  - (b) that a proposed qualification which has yet to be granted, but which was recognised by virtue of section 14(2)(b), will not be evidence of having reached that standard, or
  - (c) that a condition for the continued recognition of a qualification (imposed under section 15(4)) has not been complied with,it shall refer the matter to the General Council.
- (2) If the General Council is satisfied that the circumstances of the case are as mentioned in subsection (1)(a), (b) or (c) it may, with the approval of the Privy Council, direct that the qualification is no longer to be a recognised qualification for the purposes of this Act.
- (3) A direction under subsection (2) shall have effect from the date of the direction or from such later date as may be specified in the direction.
- (4) In considering any matter referred to it under subsection (1), the General Council shall have regard to the information on which the Education Committee formed its opinion together with any other relevant information which the Council may have.
- (5) When requesting the approval of the Privy Council for the purposes of subsection (2), the General Council shall make available to the Privy Council the information to which it had regard under subsection (4).
- (6) The Privy Council shall have regard to the information made available to it under subsection (5) before deciding whether or not to give its approval.
- (7) Where the recognition of any qualification is withdrawn under this section, the General Council shall use its best endeavours to secure that any person who is studying for that qualification at any place, at the time when recognition is withdrawn, is given the opportunity to study at that or any other place for a qualification which is recognised.
- (8) The withdrawal under this section of recognition from any qualification shall not affect the entitlement of any person to be registered by reference to an award of that qualification made to him before the date on which the direction withdrawing recognition had effect.

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## 17 Post registration training.

- (1) The General Council may make rules requiring registered osteopaths to undertake [<sup>F5</sup>continuing professional development].
- (2) The rules may, in particular, make provision with respect to registered osteopaths who fail to comply with any requirements of the rules, including provision for their registration to cease to have effect.
- [<sup>F6</sup>(2A) Subsections (1) and (2), so far as relating to a person (“P”) who is a registered osteopath only as a result of being registered with temporary registration, have effect subject to, respectively, subsections (2B) and (2C).
- (2B) Rules made under subsection (1)—
- (a) may not impose requirements on P if P is required to undertake, in P’s home State, [<sup>F7</sup>continuing professional development] in relation to the profession of osteopathy; and
  - (b) where they impose requirements on P—
    - (i) shall take account of the fact that P is a fully qualified osteopath in P’s home State, and
    - (ii) shall specify that [<sup>F8</sup>continuing professional development] which P is required to undertake by the requirements may be undertaken outside the United Kingdom.
- (2C) Where rules make provision such as is mentioned in subsection (2), the rules must secure that any sanction imposed in relation to P by or under that provision is appropriate and proportionate in view of P’s continued lawful establishment as an osteopath in P’s home State.
- (2D) In this section “home State”, in relation to P, means the relevant European State in which P is lawfully established as an osteopath.]
- (3) Before making, or varying, any rules under this section the General Council shall take such steps as are reasonably practicable to consult those who are registered osteopaths and such other persons as the Council considers appropriate.

### Textual Amendments

- F5** Words in s. 17(1) substituted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(d), **Sch. 3 para. 3(a)**
- F6** S. 17(2A)-(2D) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **210**
- F7** Words in s. 17(2B)(a) substituted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(d), **Sch. 3 para. 3(b)(i)**
- F8** Words in s. 17(2B)(b)(ii) substituted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(d), **Sch. 3 para. 3(b)(ii)**

## 18 Information to be given by institutions.

- (1) This section applies to any institution by which, or under whose direction—
- (a) any relevant course of study is, or is proposed to be, given;
  - (b) any examination is, or is proposed to be, held in connection with any such course; or

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- (c) any test of competence is, or is proposed to be, conducted in connection with any such course or for any other purpose connected with this Act.
- (2) In subsection (1) “relevant course of study” has the same meaning as in section 12.
- (3) Whenever required to do so by the [<sup>F9</sup>Education Committee], any such institution shall give to [<sup>F10</sup>the Committee] such information as [<sup>F10</sup>the Committee] may reasonably require in connection with the exercise of its functions under this Act.
- (4) The matters with respect to which the [<sup>F9</sup>Education Committee] may require information under subsection (3) include—
- (a) the requirements which must be met by any person pursuing the course of study, undergoing the course of training or taking the examination or test in question;
  - (b) the financial position of the institution;
  - (c) the efficiency of the institution’s management.
- [<sup>F11</sup>(5) Where an institution refuses any reasonable request for information made by the Education Committee under this section, the Committee may recommend to the General Council that recognition of the qualification in question be either—
- (a) refused, or
  - (b) withdrawn.
- (6) Where a recommendation is made to the General Council under subsection (5), the Council may—
- (a) in a case to which subsection (5)(a) applies, refuse to recognise the qualification under section 14; or
  - (b) in a case to which subsection (5)(b) applies, give a direction under section 16(2) (with the required approval of the Privy Council) in respect of the qualification.]

#### Textual Amendments

**F9** Words in s. 13(3)(4) substituted (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 3(1)(b)**

**F10** Words in s. 18(3) substituted (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 3(1)(a)**

**F11** S. 18(5) and (6) substituted for s. 18(5) (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 3(2)**

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