

## SCHEDULE

Sections 1 and 42(3).

### THE GENERAL COUNCIL AND COMMITTEES

#### PART I

##### THE GENERAL COUNCIL

###### *Membership*

- 1 The General Council shall consist of—
- (a) 12 members elected by fully registered osteopaths;
  - (b) 8 members appointed by the Privy Council;
  - (c) 3 members appointed by the Education Committee; and
  - (d) 1 member appointed by the Secretary of State.
- 2 The quorum of the General Council shall be 12.
- 3 Subject to paragraphs 4 to 7, each member's term of office shall be for a period of 5 years.
- 4 (1) This paragraph applies where a member fails to complete his full term of office.
- (2) In such circumstances as may be prescribed, if the unexpired term is less than the prescribed period the vacancy need not be filled before the end of that term.
- (3) If the member's successor is elected or (as the case may be) appointed during the unexpired term, the successor's term of office shall, subject to paragraphs 5 to 7, be for the residue of the unexpired term.
- (4) Rules made by the General Council under sub-paragraph (2) shall not prescribe a period of more than twelve months.
- (5) 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.
- 5 Any member may at any time resign by notice in writing addressed to the Registrar.
- 6 Every member shall retire on reaching the age of 70.
- 7 The General Council shall by rules make provision as to the grounds (such as repeated absence from meetings or unacceptable professional conduct) on which any member may be removed from office and the procedure involved.
- 8 No person shall be prevented from being elected or from being appointed merely because he has previously been a member of the General Council.

###### *Members elected by fully registered osteopaths*

- 9 (1) This paragraph and paragraph 10 apply in relation to the 12 members elected by fully registered osteopaths.
- (2) Each member—
- (a) shall be a fully registered osteopath at the time of his election, and
  - (b) may be a registered medical practitioner.

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- (3) One member shall be expressly elected as a member who is both a fully registered osteopath and a registered medical practitioner at the time of his election.
  - (4) The member mentioned in sub-paragraph (3) shall be elected by fully registered osteopaths whose registered addresses are in the United Kingdom.
  - (5) Of the other 11 members—
    - (a) 8 shall be elected by fully registered osteopaths whose registered addresses are in England;
    - (b) 1 shall be elected by fully registered osteopaths whose registered addresses are in Wales;
    - (c) 1 shall be elected by fully registered osteopaths whose registered addresses are in Scotland; and
    - (d) 1 shall be elected by fully registered osteopaths whose registered addresses are in Northern Ireland.
- 10 The General Council shall make further provision by rules in relation to the election of the 12 members and as to by-elections.

*Members appointed by the Privy Council*

- 11 (1) Of the 8 members appointed by the Privy Council—
- (a) 1 shall be a registered medical practitioner at the time of his appointment and shall be appointed after consultation with the Conference of Medical Royal Colleges and their Faculties in the United Kingdom; and
  - (b) the other 7 shall be persons who are not registered osteopaths at the time of their appointment.
- (2) If the body mentioned in sub-paragraph (1)(a) ceases to exist, the Privy Council shall appoint the member in question after consultation with such other representative body or bodies as they think fit.
- (3) The member appointed in accordance with sub-paragraph (1)(a) shall not be a registered osteopath.
- (4) Any of the other members may be a registered medical practitioner.

*Members appointed by the Education Committee*

- 12 (1) The 3 members appointed by the Education Committee shall be persons appearing to the Committee to be qualified to advise the General Council on matters relating to education and training in osteopathy.
- (2) Before making any such appointment, the Committee shall consult—
- (a) those institutions in the United Kingdom by which or under whose direction any relevant course of study is given; and
  - (b) such other bodies (if any) as the Education Committee considers appropriate.
- (3) In this paragraph “relevant course of study” has the same meaning as in section 12(2).

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*The member appointed by the Secretary of State*

- 13 The member appointed by the Secretary of State shall be a person appearing to him to be qualified to advise the General Council on matters relating to professional education.

*The Chairman*

- 14 (1) The members of the General Council shall elect a Chairman from among themselves.
- (2) The Chairman may resign the office of Chairman at any time by notice in writing addressed to the Registrar.
- (3) The Chairman shall hold office until—
- (a) he resigns as Chairman;
  - (b) he ceases to be a member of the General Council;
  - (c) he is removed by a majority vote of the other members of the Council; or
  - (d) a period of 7 years, beginning with his assuming office as Chairman, has elapsed and no other person has been elected (and served) as Chairman during that time.
- (4) A person shall not be prevented from being elected as Chairman merely because he has previously been Chairman, but if he has ceased to hold office by virtue of subparagraph (3)(d) he may not be elected as Chairman until some other person has served as the elected Chairman.
- (5) The General Council shall by rules—
- (a) make further provision in relation to the election of a Chairman; and
  - (b) make provision for the appointment of an acting Chairman in the event of a vacancy in the office of Chairman or in such other circumstances as may be prescribed.

*Powers of the General Council*

- 15 (1) Subject to any provision made by or under this Act, the General Council shall have power to do anything which is calculated to facilitate the discharge of its functions or which is incidental or conducive to the discharge of its functions.
- (2) The General 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 as it may determine;
  - (d) to pay its staff, and the members of its committees and any of their sub-committees, such allowances and expenses as it may determine;
  - (e) 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;
  - (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 Act, to regulate the procedure of any of its committees or their sub-committees;

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- (h) to abolish any of its committees, other than a statutory committee, or any sub-committee of any of its committees;
  - (i) to delegate to any of its committees any functions of the General Council other than any power to make rules.
- (3) The powers of the General Council may be exercised even though there is a vacancy among its members.
- (4) No proceedings of the General Council shall be invalidated by any defect in the election or appointment of a member.
- (5) Subject to any provision made by or under this Act, the General Council may regulate its own procedure.

## PART II

### THE STATUTORY COMMITTEES

#### *General*

- 16 (1) The members of the statutory committees, other than co-opted members, shall be appointed by the General Council from among the members of the Council.
- (2) The General Council shall make provision by rules as to the procedure for such appointments.
- 17 (1) The co-option of any person to any of the statutory committees shall be subject to the approval of the General Council.
- (2) A co-opted member of any of the statutory committees may also be a member of the General Council.
- (3) The term of office of a co-opted member shall not exceed the period of 3 years beginning with the date of his co-option.
- (4) The General Council shall make further provision by rules in relation to co-option, including provision as to the procedure involved.
- 18 A person shall not be prevented from being a member of a statutory committee merely because he has previously been a member of that committee.
- 19 Any member of a statutory committee (other than a co-opted member) shall hold office until he ceases to be a member of the General Council or, where he is a member of the committee by virtue of being Chairman of the General Council, until he ceases to be Chairman of the General Council.
- 20 The General Council may by rules make provision with respect to any sub-committee of a statutory committee including, in particular, provision as to the functions and powers to be conferred on the sub-committee, its composition and its relationship with the statutory committee.
- 21 (1) The General Council shall make rules regulating the procedure of the statutory committees and their sub-committees (if any) including, in particular, provision as to rules of evidence to be observed in proceedings before any such committee or sub-committee.

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- (2) Subject to any rules made under sub-paragraph (1), and to any provision made by the General Council under paragraph 15(2)(g), each statutory committee and any sub-committee of such a committee may regulate its own procedure.
- 22 (1) If it appears to the General Council that any statutory committee is failing to perform its functions adequately, the General Council may give a direction as to the proper performance of those functions.
- (2) Where the General Council, having given a direction under sub-paragraph (1), 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.
- 23 (1) The powers of any statutory committee may be exercised even though there is a vacancy among its members.
- (2) No proceedings of a statutory committee shall be invalidated by any defect in the appointment of a member.
- 24 (1) A person may be a member of more than one statutory committee.
- (2) No member of the Professional Conduct Committee or the Health Committee shall take part in dealing with an allegation referred to either committee by another committee if he is also a member of the committee which referred the allegation.

#### *The Education Committee*

- 25 (1) The Education Committee shall consist of—
- (a) 6 of the members of the General Council elected by fully registered osteopaths;
  - (b) 3 of the members of the General Council appointed by the Privy Council;
  - (c) the 3 members of the General Council appointed by the Education Committee;
  - (d) the member of the General Council appointed by the Secretary of State.
- (2) In appointing the members of the Committee, the General Council shall secure, so far as is compatible with the provisions of sub-paragraph (1), that its Chairman is a member of the Committee.
- 26 The Committee may co-opt up to 8 further members.
- 27 (1) Subject to sub-paragraph (2), the members of the Committee shall elect a Chairman from among themselves.
- (2) The Chairman shall not be the Chairman of the General Council or a co-opted member of the Committee.
- (3) In the event of a tie in any voting, the Chairman of the Committee shall have an additional casting vote.
- 28 The quorum of the Committee shall be 7, of whom at least 4 shall be members of the General Council.
- 29 (1) The 3 members appointed to the General Council by the Committee shall not be entitled to take part in the appointment of any of their successors.

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- (2) The member appointed to the General Council by the Secretary of State shall also not be entitled to take part in the appointment of any of the successors to the 3 members mentioned in sub-paragraph (1).
- (3) Where the Chairman of the Committee is prevented by sub-paragraph (1) or (2) from taking part in an appointment the appointment shall be made in accordance with rules made by the General Council.

*The Investigating Committee*

- 30 The Investigating Committee shall consist of at least 8 members of the General Council, of whom at least 2 shall be members of the General Council appointed by the Privy Council.
- 31 The Committee may co-opt up to 8 further members.
- 32 (1) Subject to sub-paragraph (2), the members of the Committee shall elect a Chairman from among themselves.
- (2) The Chairman shall not be the Chairman of the General Council or a co-opted member of the Committee.
- (3) In the event of a tie in any voting, the Chairman of the Committee shall have an additional casting vote.
- (4) In the event of a tie in voting in respect of a decision under section 20(9)(c) or section 21(2), the Chairman shall cast his additional vote in favour of the osteopath concerned.
- 33 The quorum of the Committee shall be 7, of whom at least 4 shall be members of the General Council.

*The Professional Conduct Committee*

- 34 The Professional Conduct Committee shall consist of at least 6 members of the General Council, of whom at least 2 shall be members of the General Council appointed by the Privy Council.
- 35 The Committee may co-opt up to 4 further members.
- 36 (1) If the Chairman of the General Council is a member of the Committee he shall be Chairman of the Committee.
- (2) If he is not a member of the Committee, the members shall elect a Chairman from among those members who are not co-opted members.
- (3) In the event of a tie in any voting, the Chairman of the Committee shall have an additional casting vote.
- (4) In the event of a tie in voting in respect of a decision under section 22 or section 24, the Chairman shall cast his additional vote in favour of the osteopath concerned.
- 37 The quorum of the Committee shall be 5, of whom at least 3 shall be members of the General Council.

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### *The Health Committee*

- 38 The Health Committee shall consist of at least 6 members of the General Council, of whom—
- (a) at least 2 shall be members of the General Council appointed by the Privy Council; and
  - (b) at least one shall be a registered medical practitioner at the time of his appointment.
- 39 The Committee may co-opt up to 4 further members.
- 40 (1) If the Chairman of the General Council is a member of the Committee he shall be Chairman of the Committee.
- (2) If he is not a member of the Committee, the members shall elect a Chairman from among those members who are not co-opted members.
- (3) In the event of a tie in any voting, the Chairman of the Committee shall have an additional casting vote.
- (4) In the event of a tie in voting in respect of a decision under section 23 or section 24, the Chairman shall cast his additional vote in favour of the osteopath concerned.
- 41 The quorum of the Committee shall be 5, none of whom need be registered medical practitioners but at least 3 of whom shall be members of the General Council.

## **PART III**

### TRANSITIONAL PROVISIONS

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

- 42 When first constituted, the membership of the General Council shall be determined in accordance with the provisions of this Schedule as modified by this Part.

#### *The transitional periods*

- 43 In this Part—
- “the three year transitional period” means the period beginning with the passing of this Act and ending with the third anniversary of the opening of the register;
  - “the four year transitional period” means the period beginning with the passing of this Act and ending with the fourth anniversary of the opening of the register; and
  - “the five year transitional period” means the period beginning with the passing of this Act and ending with the fifth anniversary of the opening of the register.

#### *The osteopathic members*

- 44 (1) During the three year transitional period, paragraph 1(a) shall have effect as if it provided for the appointment of 12 members by the Privy Council.

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- (2) Each of those members shall be appointed by the Privy Council after consultation with bodies in the United Kingdom appearing to the Privy Council to represent practising osteopaths.
- (3) When appointing any such member the Privy Council shall designate him as a person appointed as one of the 12 members provided for by paragraph 1(a) (as modified by this paragraph).
- (4) In this paragraph “osteopathic member” means a member designated under this paragraph.
- (5) Each of the osteopathic members shall, at the time of his appointment, be a person appearing to the Privy Council to be a practising osteopath.
- (6) One of the osteopathic members shall be expressly appointed as a member who is also a registered medical practitioner at the time of his appointment.
- (7) Paragraph 6 shall not apply to any of the osteopathic members.
- (8) Subject to paragraphs 4, 5 and 7, the term of office of each of the osteopathic members shall end at the end of the three year transitional period.

*The lay members*

- 45 (1) The members appointed by the Privy Council under paragraph 1(b) during the five year transitional period shall each be designated by the Privy Council as a person appointed under paragraph 1(b).
- (2) In this Part “lay member” means a member designated under this paragraph.
- (3) Paragraph 11 shall have effect during the five year transitional period as if “registered osteopaths” and “registered osteopath” read, respectively, “persons appearing to the Privy Council to be practising osteopaths” and “a person appearing to the Privy Council to be a practising osteopath”.
- (4) Subject to paragraphs 4 to 7, the term of office of each of the lay members shall end at the end of the five year transitional period.

*The education members*

- 46 (1) During the four year transitional period, paragraph 1(c) shall have effect as if it provided for the appointment of 3 members by the Privy Council.
- (2) Each of those members shall be appointed by the Privy Council after consultation with the Secretary of State.
- (3) When appointing any such member the Privy Council shall designate him as a person appointed as one of the 3 members provided for by paragraph 1(c) (as modified by this paragraph).
- (4) The 3 education members shall be persons appearing to the Privy Council to be qualified to advise the General Council on matters relating to education and training in osteopathy.
- (5) In this paragraph “education member” means a member designated under this paragraph.



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- (6) Paragraph 6 shall not apply to any of the education members.
- (7) Subject to paragraphs 4 to 7, the term of office of each of the education members shall end at the end of the four year transitional period.

*The Secretary of State's nominee*

- 47 Subject to paragraphs 4, 5 and 7, the term of office of any person appointed by the Secretary of State under paragraph 1(d) during the four year transitional period shall come to an end at the end of that period.

*Appointment of first Chairman*

- 48 (1) The first Chairman of the General Council shall be appointed by the Privy Council from among the lay members to serve as such until the end of the first meeting of the Council to be held after the first election of members under paragraph 1(a).
- (2) If a person appointed as Chairman of the Council during the three year transitional period fails to serve his full term of office as Chairman, his successor as Chairman shall be appointed by the Privy Council from among the lay members for the residue of the unexpired term.
- (3) Paragraph 14(3) shall have effect in relation to any Chairman appointed by the Privy Council under this paragraph as if for paragraph (c) there were substituted—
- “(c) his removal by the Privy Council, where the Privy Council agrees to a request for his removal made by a majority of the other members of the General Council;”.
- (4) Paragraph 14(3)(d) shall not apply in relation to any person serving as the Chairman appointed by the Privy Council under this paragraph.