

Status: Point in time view as at 09/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Part I. (See end of Document for details)

SCHEDULE **U.K.**

THE GENERAL COUNCIL AND COMMITTEES

PART I **U.K.**

THE GENERAL COUNCIL

[^{F1}Membership]

Textual Amendments

- F1** Sch. Pt. 1 paras. 1A-1D substituted for Sch. Pt. 1 paras. 1-14 (9.7.2008 for specified purposes) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(3), [Sch. 3 para. 9\(2\)](#)

- 1 *[^{F1}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 *[^{F1}The quorum of the General Council shall be 12.]*
- 3 *[^{F1}Subject to paragraphs 4 to 7, each member’s term of office shall be for a period of 5 years.]*
- 4 *[^{F1}(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 *[^{F1}Any member may at any time resign by notice in writing addressed to the Registrar.]*

Modifications etc. (not altering text)

- C1** Sch. Pt. I para. 5 modified (14.1.1997) by [S.I. 1997/34](#), [art. 3\(a\)](#)

- 6 *[^{F1}Every member shall retire on reaching the age of 70.]*

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7 [F1The 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 [F1No person shall be prevented from being elected or from being appointed merely because he has previously been a member of the General Council.]

[F1 Members elected by fully registered osteopaths]

9 [F1(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.

(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 [F1The General Council shall make further provision by rules in relation to the election of the 12 members and as to by-elections.]

[F1 Members appointed by the Privy Council]

11 [F1(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.]

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Textual Amendments

- F2** Sch. para. 11A repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), Sch. 8 para. 31, [Sch. 9](#); [S.I. 2006/2603](#), art. 4(5)(c)(i)(e), Sch.

[^{F1} Members appointed by the Education Committee]

- 12 [^{F1}(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).]

[^{F1} The member appointed by the Secretary of State]

- 13 [^{F1}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.]

[^{F1} The Chairman]

- 14 [^{F1}(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.]

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Modifications etc. (not altering text)

C2 Sch. Pt. I para. 14(2) modified (14.1.1997) by [S.I. 1997/34](#), [art. 3\(b\)](#)

Commencement Information

II Sch. Pt I para. 14 wholly in force at 3.3.2002; Sch. Pt. I para. 14 not in force at Royal Assent see s. 42(2)(4)(5); Sch. Pt. I para. 14(2)(3)(a)-(c) in force at 14.1.1997 by [S.I. 1997/34](#), [art. 2](#), [Sch.](#); Sch. Pt. I para. 14(5)(b) in force at 1.4.1998 by [S.I. 1998/872](#), [art. 2\(1\)\(j\)](#); Sch. Pt. I para. 14(1)(3)(d)(4)(5)(a) in force at 3.3.2002 in so far as not already in force, by [S.I. 2002/500](#), [art. 2](#)

Membership: general

- [^{F1}1A. (1) The General Council shall consist of—
- (a) registrant members, that is members who are registered osteopaths; and
 - (b) lay members, that is members who—
 - (i) are not and never have been registered osteopaths, and
 - (ii) do not hold qualifications which would entitle them to apply for registration under this Act.
- (2) The members of the General Council shall be appointed by the Privy Council.
- (3) The Privy Council shall ensure that, at any time, at least one member of the General Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.
- (4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the General Council, the Privy Council shall consult the General Council.

Matters for the order of the Privy Council under section 1(4)

- 1B. (1) An order under section 1(4) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the General Council;
 - (b) the terms of office for which members of the General Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
 - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the General Council;
 - (d) the appointment of a chair of the General Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
 - (e) deputising arrangements in respect of the chair;
 - (f) the quorum of the General Council; and
 - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(4) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.
- (3) An order under section 1(4) may include provision with regard to—

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- (a) the maximum period for which a member of the General Council may hold office as a member during a specified period;
 - (b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;
 - (c) the education and training of members of the General Council, and the order may provide for the General Council to include the requirements with regard to education and training of its members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the General Council at meetings of the General Council;
 - (e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and
 - (f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as Chairman of the General Council on the day before the first order under section 1(4) comes into force.
- (4) An order under section 1(4) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

Registration of members' private interests

- 1C. (1) The General Council must establish and maintain a system for the declaration and registration of private interests of its members.
- (2) The General Council must publish in such manner as it sees fit entries recorded in the register of members' private interests.

Duties of co-operation etc.

- 1D. (1) In exercising its functions, the General Council shall—
- (a) have proper regard for—
 - (i) the interests of persons using or needing the services of registered osteopaths in the United Kingdom, and
 - (ii) any differing interests of different categories of registered osteopaths;
 - (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
 - (i) the employment (whether or not under a contract of service) of registered osteopaths,
 - (ii) the education or training of osteopaths or other health care professionals,
 - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
 - (iv) the regulation of health services, and
 - (v) the provision, supervision or management of health services.

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- (2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as an osteopath which apply in England, Scotland, Wales or Northern Ireland.
- (3) In sub-paragraph (1), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, other than the General Council.]

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;
 - [^{F3}(ee) to pay its members such allowances and expenses 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;
 - (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.
- [^{F4}(2A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(4).]
- (3) [^{F5}The powers of the General Council may be exercised even though there is a vacancy among its members.]
- (4) [^{F6}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.

Textual Amendments

F3 Sch. Pt. I para. 15(2)(ee) inserted (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 10(2)(4)**

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- F4** Sch. Pt. I para. 15(2A) inserted (9.7.2008 for specified purposes) by The Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774), art. 1(3), **Sch. 3 para. 9(3)(a)**
- F5** Sch. Pt. I para. 15(3) omitted (9.7.2008 for specified purposes) by The Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774), art. 1(3), **Sch. 3 para. 9(3)(b)**
- F6** Sch. Pt. I para. 15(4) omitted (9.7.2008 for specified purposes) by The Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774), art. 1(3), **Sch. 3 para. 9(3)(b)**

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