



# Osteopaths Act 1993

## 1993 CHAPTER 21

### *Professional conduct and fitness to practise*

#### **20 Professional conduct and fitness to practise.**

- (1) This section applies where any allegation is made against a registered osteopath to the effect that—
  - (a) he has been guilty of conduct which falls short of the standard required of a registered osteopath;
  - (b) he has been guilty of professional incompetence;
  - (c) he has been convicted (at any time) in the United Kingdom of a criminal offence; or
  - (d) his ability to practise as an osteopath is seriously impaired because of his physical or mental condition.
- (2) In this Act conduct which falls short of the standard required of a registered osteopath is referred to as “unacceptable professional conduct”.
- (3) Where an allegation is made to the General Council, or to any of its committees (other than the Investigating Committee), it shall be the duty of the Council or committee to refer the allegation to the Investigating Committee.
- (4) The General Council may make rules requiring any allegation which is made or referred to the Investigating Committee to be referred for preliminary consideration to a person appointed by the Council in accordance with the rules.
- (5) Any rules made under subsection (4)—
  - (a) may allow for the appointment of persons who are members of the General Council; but
  - (b) may not allow for the appointment of the Registrar.
- (6) Any person to whom an allegation is referred by the Investigating Committee in accordance with rules made under subsection (4) shall—
  - (a) consider the allegation with a view to establishing whether, in his opinion, power is given by this Act to deal with it if it proves to be well founded; and

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*Status: Point in time view as at 01/04/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Section 20. (See end of Document for details)*

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- (b) if he considers that such power is given, give the Investigating Committee a report of the result of his consideration.
- (7) Where there are rules in force under subsection (4), the Investigating Committee shall investigate any allegation with respect to which it is given a report by a person appointed under the rules.
- (8) Where there are no such rules in force, the Investigating Committee shall investigate any allegation which is made or referred to it.
- (9) Where the Investigating Committee is required to investigate any allegation, it shall—
- (a) notify the registered osteopath concerned of the allegation and invite him to give it his observations before the end of the period of 28 days beginning with the day on which notice of the allegation is sent to him;
  - (b) take such steps as are reasonably practicable to obtain as much information as possible about the case; and
  - (c) consider, in the light of the information which it has been able to obtain and any observations duly made to it by the registered osteopath concerned, whether in its opinion there is a case to answer.
- (10) The General Council [<sup>F1</sup>shall] by rules make provision as to the procedure to be followed by the Investigating Committee in any investigation carried out by it under this section.
- (11) In the case of an allegation of a kind mentioned in subsection (1)(c), the Investigating Committee may conclude that there is no case to answer if it considers that the criminal offence in question has no material relevance to the fitness of the osteopath concerned to practise osteopathy.
- (12) Where the Investigating Committee concludes that there is a case to answer, it shall—
- (a) notify both the osteopath concerned and the person making the allegation of its conclusion; and
  - (b) refer the allegation, as formulated by the Investigating Committee—
    - (i) to the Health Committee, in the case of an allegation of a kind mentioned in subsection (1)(d); or
    - (ii) to the Professional Conduct Committee, in the case of an allegation of any other kind.
- (13) Where the Investigating Committee concludes that there is no case to answer, it shall notify both the osteopath concerned and the person making the allegation.
- (14) In this section “allegation” means an allegation of a kind mentioned in subsection (1).

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**Textual Amendments**

**F1** Word in s. 20(10) substituted (5.7.1994) by 1994 c. 17, s. 42, **Sch. 2 para. 4**

**Status:**

Point in time view as at 01/04/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the Osteopaths Act 1993, Section 20.