
STATUTORY INSTRUMENTS

2002 No. 254

The Health Professions Order 2001

PART III REGISTRATION

Registrar

4.—(1) The Council shall appoint a Registrar who shall hold office for such period and on such terms as the Council may determine.

(2) The Registrar shall have such functions as the Council may direct.

(3) The terms on which the Registrar holds office may, in addition to providing for his remuneration, include provision for the payment of such pensions, allowances or gratuities to or in respect of him, or such contributions or payments towards provision for such pensions, allowances or gratuities, as may be determined by the Council.

(4) Where the terms on which the Registrar holds office include provision for the payment to him of any allowances or expenses, the rate at which those allowances or expenses are paid shall be determined by the Council.

(5) If the Council appoints a deputy or assistant Registrar and that deputy or assistant Registrar is authorised by the Registrar to act for him in any matter, any reference in this Order to “the Registrar” shall include a reference to that deputy or assistant Registrar.

Establishment and maintenance of register

5.—(1) In accordance with the provisions of this Order the Council shall establish and maintain a register of members of the relevant professions.

(2) The Council shall from time to time—

- (a) establish the standards of proficiency necessary to be admitted to the different parts of the register being the standards it considers necessary for safe and effective practice under that part of the register; and
- (b) prescribe the requirements to be met as to the evidence of good health and good character in order to satisfy the Education and Training Committee that an applicant is capable of safe and effective practice under that part of the register.

(3) The Council shall—

- (a) before prescribing the requirements mentioned in paragraph (2)(b), consult the Conduct and Competence Committee in addition to the persons referred to in article 3(14); and
- (b) publish those requirements.

(4) The register shall show, in relation to each registrant, such address and other details as the Council may prescribe.

(5) In any enactment or instrument (past or future and including this Order), except where the context otherwise provides, “registered” in relation to any of the relevant professions means registered in the register maintained under this article by virtue of qualifications in that profession.

Register

6.—(1) The register shall be divided into such parts as the Privy Council may by order determine, on a proposal by the Council or otherwise, and in this Order, references to parts of the register are to the parts so determined.

(2) There shall be one or more designated titles for each part of the register indicative of different qualifications and different kinds of education or training and a registrant is entitled to use whichever of those titles, corresponding to the part of the register in which he is registered, as is appropriate in his case.

(3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for—

- (a) the register to include entries indicating the possession of qualifications (whether or not they are approved qualifications) or competence in a particular field or at a particular level of practice, or for the use of a particular category of entry to be discontinued;
- (b) persons to be registered in one or more parts of the register by virtue of having been included in the register maintained under the 1960 Act;
- (c) the recording of additional entries by virtue of their having been in the register maintained under the 1960 Act;
- (d) a specified part of the register to be closed, as from a date specified in the order, so that on or after that date no further person may become registered in that part;
- (e) a specified part of the register to be sub-divided into two or more parts, or for two or more parts to be combined into one;
- (f) persons to be registered in one or more parts of the register by virtue of having been registered in a part or parts of the register which have been closed, sub-divided or combined;
- (g) the recording in Welsh of titles, qualifications and other entries referred to in this paragraph in respect of those members of the professions regulated by this Order whose registered address is in Wales.

(4) The Privy Council, except where acting in accordance with a proposal made by the Council, shall consult the Council before making, varying or revoking any order under this article.

(5) Before making any proposal referred to in paragraph (1) or (3), the Council shall consult representatives of any group of persons who appear likely to be affected by the proposed order.

The register: supplemental provisions

7.—(1) Having consulted the Education and Training Committee the Council shall make rules in connection with registration and the register, and as to the payment of fees.

(2) The rules shall, in particular, make provision as to—

- (a) the form and keeping of the register;
- (b) the procedure for the making, alteration and deletion of entries in the register;
- (c) the form and manner in which applications are to be made and the fee to be charged—
 - (i) for registration, renewal of registration and readmission to the register,

- (ii) for the making of any additional entry in the register, and
 - (iii) for registration to lapse;
 - (d) the documentary and other evidence which is to accompany applications of the kind mentioned in sub-paragraph (c).
- (3) Before determining or varying any fees mentioned in paragraph (2)(c) the Council shall consult the Education and Training Committee and such of those persons mentioned in article 3(14) as it considers appropriate.

Access to register etc.

8.—(1) The Council shall make the register available for inspection by members of the public at all reasonable times.

(2) The Council shall publish the register maintained by it in such manner, and at such times, as it considers appropriate.

(3) Any copy of, or extract from, the published register shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.

(4) A certificate purporting to be signed by the Registrar, certifying that a person—

- (a) is registered in a specified category;
- (b) is not registered;
- (c) was registered in a specified category at a specified date or during a specified period;
- (d) was not registered in a specified category, or in any category, at a specified date or during a specified period; or
- (e) has never been registered,

shall be evidence (and in Scotland sufficient evidence) of the matters certified.

(5) On application by a registrant who wishes to practise in another EEA State, the Council shall provide him with such documentary evidence as is required by the relevant Directive.

Registration

9.—(1) A person seeking admission to a part of the register must apply to the Council and, subject to the provisions of this Order, and in particular paragraph (4), if he satisfies the conditions mentioned in paragraph (2) he shall be entitled to be registered in that part.

(2) Subject to paragraph (3), the conditions are that the application is made in the prescribed form and manner and that the applicant—

- (a) satisfies the Education and Training Committee that he holds an approved qualification awarded—
 - (i) within such period, not exceeding five years ending with the date of the application, as may be prescribed, or
 - (ii) before the prescribed period mentioned in head (i), and he has met such requirements as to additional education, training and experience as the Council may specify under article 19(3) and which apply to him;
- (b) satisfies the Education and Training Committee in accordance with the Council's requirements mentioned in article 5(2) that he is capable of safe and effective practice under the part of the register concerned; and
- (c) has paid the prescribed fee.

(3) Where the applicant is already registered in the register and wishes to be registered in an additional part of the register or to have additional entries recorded, paragraph (2)(a) shall apply only to the qualifications on which his application is based.

(4) Where a person who—

- (a) is not registered on the date of coming into force of an order made under article 6(1) which relates to his profession; but
- (b) has been on a register under the 1960 Act in the 5 years immediately preceding the date mentioned in sub-paragraph (a),

applies for admission to the register in the relevant period, the Education and Training Committee shall, if it is satisfied as to his good character, grant the application.

(5) The Education and Training Committee shall give its decision on an application under paragraph (1) as soon as reasonably practicable and in any event within the period specified in the European Communities (Recognition of Professional Qualifications) Regulations 1991⁽¹⁾ and the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996⁽²⁾.

(6) The Education and Training Committee shall notify the applicant in writing of its decision, and, where that decision is unfavourable to the applicant, of its reasons for reaching that decision and, of the applicant's right of appeal under article 37.

(7) Failure to notify the applicant of the Committee's decision within the time specified in paragraph (5) shall be treated as a decision from which the applicant may appeal under article 37.

Renewal of registration and readmission

10.—(1) Where a person is registered and wishes to renew his registration at the end of a prescribed period, he shall make an application for renewal to the Education and Training Committee in accordance with rules made by the Council.

(2) The Education and Training Committee shall grant the application for renewal if the applicant—

- (a) meets the conditions set out in article 9(2)(b) and (c);
- (b) satisfies the Education and Training Committee that he has met any prescribed requirements for continuing professional development within the prescribed time; and
- (c) where he has not practised, or has practised for less than the prescribed period, since his first registration or, as the case may be, his latest renewal, has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which apply to him.

(3) Where an applicant does not satisfy the Education and Training Committee that he has met the requirements mentioned in paragraph (2)(b) or (c), the Committee may renew the applicant's registration on condition that he satisfy those requirements within a specified time and if the person fails to comply with the condition, subject to article 11(3) and 37(3), his registration shall lapse and, in accordance with prescribed procedure, his name shall be removed from the register.

(4) Where a person's registration has lapsed, he may apply to the Education and Training Committee to be readmitted and the Committee shall grant the application if—

- (a) the applicant meets the conditions set out in article 9(2)(b) and (c); and

(1) S.I. 1991/824 relevant amendments to which are made by S.I. 2000/1960.

(2) S.I. 1996/2374 as amended by S.I. 1999/67 and S.I. 2001/200.

- (b) he satisfies the Education and Training Committee that he has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which apply to him.
- (5) Article 9(4) to (6) shall apply to applications made under this article.

Lapse of registration

11.—(1) The Council may make rules providing for the procedure by which and the circumstances in which a registrant's name may be removed from the register on his own application or after the expiry of a specified period.

(2) Where a person's name is removed in accordance with this article or article 10(3), his registration shall be referred to as lapsed.

(3) Any rules made under paragraph (1) shall provide that a person's registration shall not lapse under this article or under article 10(3)—

- (a) where the person concerned is the subject of an allegation, or is treated under article 22(6) as if he were the subject of an allegation, or is the subject of any investigations or proceedings under Part V or VI of this Order, on the grounds only that he has not paid the prescribed fee or has failed to apply for renewal in the prescribed form or within the prescribed time; or
- (b) if the person concerned is the subject of a suspension order, a conditions of practice order, an interim suspension order or an interim conditions of practice order.

Approved qualifications

12.—(1) For the purposes of this Order a person is to be regarded as having an approved qualification if—

- (a) he has a qualification awarded in the United Kingdom which has been approved by the Council as attesting to the standard of proficiency it requires for admission to the part of the register in respect of which he is applying;
 - (b) he is an EEA national and has a qualification to which the European Communities (Recognition of Professional Qualifications) Regulations 1991 or, as the case may be, the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996 apply; or
 - (c) he has, elsewhere than in the United Kingdom, undergone training in one of the relevant professions and either—
 - (i) holds a qualification which the Council is satisfied attests to a standard of proficiency comparable to that attested to by a qualification referred to in sub-paragraph (a), or
 - (ii) the Council is not so satisfied, but the applicant has undergone in the United Kingdom or elsewhere such additional training or experience as satisfies the Council, following any test of competence as it may require him to take, that he has the requisite standard of proficiency for admission to the part of the register in respect of which he is applying; and, in either case,
 - (iii) he is not an EEA national or exempt person and he satisfies prescribed requirements as to knowledge of English.
- (2) The Education and Training Committee shall determine procedures to—
- (a) assess whether a qualification awarded outside the United Kingdom is of a comparable standard to a qualification mentioned in paragraph (1)(a) and it shall, where it sees fit, keep a list of qualifications which are of a comparable standard which it shall publish and keep under review; and

- (b) assess other training or professional experience acquired outside the United Kingdom and to compare it, together with qualifications mentioned in sub-paragraph (a) where appropriate, with the standard of proficiency required for admission to any part of the register.

Transitional provisions relating to admission to the register

13.—(1) This article applies to a person—

- (a) who is not registered on the date of coming into force of an order made under article 6(1) which relates to his profession and who has never been registered under the 1960 Act or this Order; but
- (b) who within the period of two years beginning with the date mentioned in sub-paragraph (a) (“the relevant period”),

applies for admission to the register under article 9(1).

(2) A person to whom this article applies shall be treated as satisfying the requirements of article 9(2)(a) if he satisfies the Education and Training Committee, following any test of competence as it may require him to take—

- (a) that for a period of at least three out of the five years immediately preceding the date mentioned in paragraph (1)(a), or its equivalent on a part-time basis, he has been wholly or mainly engaged in the lawful, safe and effective practice of the profession in respect of which he wishes to be registered; or
- (b) that he has not so practised but he has undergone in the United Kingdom or elsewhere such additional training and experience as satisfies the Council that he has the requisite standard of proficiency for admission to the part of the register in respect of which he is applying.

(3) The Council shall, having consulted such of those persons mentioned in article 3(14) as it considers appropriate, establish from time to time the criteria to which the Education and Training Committee shall have regard in reaching a decision under paragraph (2) and it shall publish those criteria.