
STATUTORY INSTRUMENTS

2002 No. 254

The Health Professions Order 2001

PART VII
OFFENCES

Offences

39.—(1) Subject to paragraph (2), a person commits an offence if with intent to deceive (whether expressly or by implication)—

- (a) he falsely represents himself to be registered in the register, or a particular part of it or to be the subject of any entry in the register;
- (b) he uses a title referred to in article 6(2) to which he is not entitled;
- (c) he falsely represents himself to possess qualifications in a relevant profession.

(2) If a person has been practising a relevant profession to which the title mentioned in paragraph (1)(b) relates before the coming into force of an order under article 6(1) which relates to that profession, he will not be guilty of an offence under paragraph (1)(b)—

- (a) during the relevant period mentioned in article 13(1)(b); or
- (b) if he applies during the relevant period for admission to the register, until his application and any appeal from a decision on that application has been finally disposed of.

(3) A person commits an offence if—

- (a) with intent that any person shall be deceived (whether expressly or by implication) he causes or permits another person to make any representation about himself which, if made by himself with intent to deceive, would be an offence under paragraph (1); or
- (b) with intent to deceive, he makes with regard to another person any representation which—
 - (i) is false to his own knowledge, and
 - (ii) if made by the other person with that intent would be an offence by him under paragraph (1).

(4) A person who fraudulently procures, or tries to procure, the making, amendment, removal or restoration of an entry in the register, is guilty of an offence.

(5) A person who, without reasonable excuse, fails to comply with any requirement imposed by—

- (a) the Council, or
- (b) a Practice Committee

under article 25(1) or (2) or rules made by virtue of article 32(2)(m) or under any corresponding rule made by virtue of article 26, 33 or 37 is guilty of an offence.

(6) A person guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.