
STATUTORY INSTRUMENTS

2004 No. 2033

The Health Professions (Operating Department Practitioners and Miscellaneous Amendments) Order 2004

PART 1

OPERATING DEPARTMENT PRACTITIONERS

Arrangements for transfer of ODPs to the register

2.—(1) The Council and the Association of Operating Department Practitioners shall enter into arrangements to ensure that all the names in the AODP register which are to be entered in the register on the day article 3(3)(f) of this Order comes into force are so entered.

(2) If—

(a) the Council has determined—

(i) pursuant to the arrangements mentioned in paragraph (1), and

(ii) in accordance with paragraph 25 of Schedule 2 to the 2001 Order⁽¹⁾ that a person's name is to be entered in the register; and

(b) solely as a consequence of that determination that name has been removed from the AODP register,

then notwithstanding paragraph 25(1) of Schedule 2 to the 2001 Order, that person's name is to be entered in the register on the day article 3(3)(f) of this Order comes into force.

ODP amendments to the 2001 Order

3.—(1) For article 13(1) of the 2001 Order (transitional provisions relating to admission to the register) substitute—

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

(a) who applies for admission to the register under article 9(1);

(b) who is not registered on the date of coming into force of an order made under article 6(1) which relates to the profession in respect of which he is applying to be registered;

(c) who has never been registered in respect of that profession—

(i) under the 1960 Act or this Order, or

(ii) in the case of an ODP, on the AODP register; but

(d) who applies for admission to the register in respect of that profession within the period of two years beginning with the date mentioned in sub-paragraph (b) (“the relevant period”).”

(1) Paragraph 25 is inserted into Schedule 2 of the 2001 Order by article 3 of this Order.

- (2) In Part I of Schedule 1 to the 2001 Order (the Health Professions Council)—
- (a) in paragraph 1(1)—
 - (i) in paragraph (a), for “12 members” substitute “13 members”,
 - (ii) in paragraph (b), for “11 members” substitute “12 members”, and
 - (iii) in paragraph (c), for “12 members” substitute “13 members”; and
 - (b) in paragraph 3, after “Act”, insert “or the AODP register”.
- (3) In Schedule 2 to the 2001 Order (transitional provisions)—
- (a) in paragraph 1, after “first constituted,” insert “and thereafter, after article 3 of the ODP Order comes into force and until the end of the second transitional period,”;
 - (b) in paragraph 3(1)—
 - (i) after “the Council shall” insert “after article 3 of the ODP Order comes into force”,
 - (ii) in paragraph (a), for “12 members” substitute “13 members”,
 - (iii) in paragraph (b), for “11 members” substitute “12 members”, and
 - (iv) in paragraph (c), for “12 members” substitute “13 members”;
 - (c) after paragraph 3(4) insert—

“(4A) Following consultation of persons who appear to it to be representative of operating department practitioners, the Privy Council shall appoint one practitioner member from among persons who were registered in the AODP register immediately before this sub-paragraph comes into force, or who were removed from that register pursuant to article 2 of the ODP Order.”;
 - (d) in paragraph 3(6) after “Act”, insert “or the AODP register”;
 - (e) in paragraph 20(2)(b), after “CPSM” add “or the Association of Operating Department Practitioners”;
 - (f) after paragraph 24 add—

“Provisions on ODPs - register

25.—(1) Subject to sub-paragraph (2), if on the day before this paragraph comes into force a person’s name is included in the AODP register, he shall be registered in Part 13 of the register with effect from the day this paragraph comes into force.

(2) If on the day this paragraph comes into force there is an outstanding application for a person’s name to be entered into the AODP register (including an application for restoration to that register), the Council—

- (a) may determine that his name is to be entered in the register; and
- (b) shall dispose of the matter in such manner as it considers just.

26. Where a person is registered in Part 13 of the register pursuant to paragraph 25, his home address shall not be published in the register without his consent.

Provisions on ODPs - fitness to practise

27. If on the day before paragraph 25 comes into force a person’s name is included in the AODP register but his registration is suspended (whether temporarily or permanently) or he is the subject of proceedings which, but for the closure of the AODP register, could have led to his removal or suspension from the AODP register, the Council—

- (a) may determine that his name is not to be entered in the register; and

- (b) shall dispose of the matter (including any proceedings) in such manner as it considers just.”.
- (4) In Schedule 3 to the 2001 Order (interpretation)—
- (a) after the definition of “alternate member” insert the following definition—
- ““AODP register” means Part 1 of the register of operating department practitioners maintained by the Association of Operating Department Practitioners;”;
- (b) after the definition of “national” insert the following definition—
- ““the ODP Order” means the Health Professions (Operating Department Practitioners and Miscellaneous Amendments) Order 2004;”;
- (c) in the definition of “relevant professions”, after “occupational therapists”, insert “operating department practitioners”.

Amendment of the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002

4. In Part 1 of Schedule 2 to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(2) (regulated professions – professions regulated by law or public authority)—

- (a) in the column headed “profession”, before “State Registered Paramedic” insert “Operating Department Practitioner”; and
- (b) in the column headed “designated authority”, opposite “Operating Department Practitioner” in the column headed “profession”, insert “Health Professions Council”.