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STATUTORY INSTRUMENTS

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**2021 No. 27**

**HEALTH CARE AND  
ASSOCIATED PROFESSIONS**

**The Health and Care Professions Council (Coronavirus)  
(Amendment) Rules Order of Council 2021**

<i>Made</i>	- - - -	<i>12th January 2021</i>
<i>Laid before Parliament</i>		<i>14th January 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th January 2021</i>
<i>Coming into force</i>	- -	<i>4th March 2021</i>

At the Council Chamber, Whitehall, the 12th day of January 2021  
By the Lords of Her Majesty's Most Honourable Privy Council

The Health and Care Professions Council has made the Health and Care Professions Council (Coronavirus) (Amendment) Rules 2021, which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 26(3), 32, 37(4) and (5), and 41(2) of the Health Professions Order 2001<sup>M1</sup>.

In accordance with article 41(3) of that Order, the Health and Care Professions Council has consulted representatives of groups of persons who appear likely to be affected by the proposed rules.

In accordance with articles 41(1) and 42 of that Order, the Rules shall not come into force until approved by Order of the Privy Council.

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**Marginal Citations**

**M1** [S.I. 2002/254](#), amended by [S.I. 2009/1182](#) and [S.I. 2019/1436](#); there are other amending instruments but none is relevant.

**Citation and commencement**

**1.** This Order may be cited as the Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021 and comes into force on 4th March 2021.

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**Changes to legislation:** There are currently no known outstanding effects for the *The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021*. (See end of Document for details)

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**Commencement Information**

**I1** Art. 1 in force at 4.3.2021, see [art. 1](#)

**Privy Council approval**

2. Their Lordships, having taken the Rules into consideration, are pleased to, and do approve them.

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**Commencement Information**

**I2** Art. 2 in force at 4.3.2021, see [art. 1](#)

*Richard Tillbrook*  
Clerk of the Privy Council

## SCHEDULE

Article 2

### The Health and Care Professions Council (Coronavirus) (Amendment) Rules 2021

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 26(3), 32, 37(4) and (5), and 41(2) of the Health Professions Order 2001.

The Council has consulted in accordance with article 41(3) of that Order with representatives of groups of persons who appear likely to be affected by the proposed rules.

#### **Citation and commencement**

1. These Rules may be cited as the Health and Care Professions Council (Coronavirus) (Amendment) Rules 2021 and come into force on 4th March 2021.

#### **Commencement Information**

**I3** Sch. rule 1 in force at 4.3.2021, see art. 1

#### **Amendments to the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003**

2.—(1) The Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003 <sup>M2</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

#### **“Emergency virtual meetings and hearings**

**2A.**—(1) In an emergency, a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with paragraph (1)—

- (a) any notice required to be sent under these Rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and
- (b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.

(3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”

(3) For rule 3 (service of documents) substitute—

#### **“Service of Documents**

**3.** In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar—
  - (i) sent by post to or left at the offices of the Council, or
  - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021. (See end of Document for details)

- (b) in the case of a registrant—
  - (i) sent by post to or left at the registrant's address as it appears in the register, or
  - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications;
- (c) in any other case—
  - (i) sent by post to or left at the last known address of that person, or
  - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”.

[<sup>F1</sup>(3A) After rule 3 (Service of Documents), insert—

“**3A.** Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”.]

(4) At the beginning of rule 8(1)(a) insert “ subject to rule 2A(2)(b), ”.

**F1** Sch. rule 2(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

**Commencement Information**

**I4** Sch. rule 2 in force at 4.3.2021, see art. 1

**Marginal Citations**

**M2** Rules as contained in the Schedule to the [Health Professions Council \(Investigating Committee\) \(Procedure Rules\) Order of Council 2003 \(S.I. 2003/1574\)](#).

**Amendments to the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003**

**3.—(1)** The Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 <sup>M3</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

**“Emergency virtual meetings and hearings**

**2A.—(1)** In an emergency, a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with rule 2A(1)—

- (a) any notice required to be sent under these rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and
- (b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.

(3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”.

(3) For rule 3 (service of documents) substitute—

### “Service of Documents

3. In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar—
  - (i) sent by post to or left at the offices of the Council, or
  - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;
- (b) in the case of a registrant—
  - (i) sent by post to or left at the registrant's address as it appears in the register, or
  - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications; and
- (c) in any other case—
  - (i) sent by post to or left at the last known address of that person, or
  - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”.

[<sup>F2</sup>(3A) After rule 3 (Service of Documents), insert—

“**3A.** Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”.]

(4) At the beginning of rule 10(1)(a) insert “ subject to rule 2A(2)(b), ”.

(5) At the beginning of rule 13(10), for “A” substitute “ Subject to rule 2A, a ”.

**F2** Sch. rule 3(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

#### Commencement Information

**I5** Sch. rule 3 in force at 4.3.2021, see art. 1

#### Marginal Citations

**M3** Rules as set out in the Schedule to the [Health Professions Council \(Conduct and Competence Committee\) \(Procedure\) Rules Order of Council 2003 \(S.I. 2003/1575\)](#).

### **Amendments to the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003**

4.—(1) The Health and Care Professions Council (Health Committee) (Procedure) Rules 2003<sup>M4</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

#### “Emergency virtual meetings and hearings

**2A.**—(1) In an emergency, a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with paragraph (1)—

- (a) any notice required to be sent under these rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and

**Changes to legislation:** There are currently no known outstanding effects for the *The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021*. (See end of Document for details)

(b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.

(3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”.

(3) For rule 3 (service of documents) substitute—

#### “Service of Documents

**3.** In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

(a) in the case of the Council, its committees or the Registrar—

(i) sent by post to or left at the offices of the Council, or

(ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;

(b) in the case of a registrant—

(i) sent by post to or left at the registrant's address as it appears in the register, or

(ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications; and

(c) in any other case—

(i) sent by post to or left at the last known address of that person, or

(ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”

[<sup>F3</sup>(3A) After rule 3 (Service of Documents), insert—

“**3A.** Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”.]

(4) At the beginning of rule 10(1)(a), insert “ subject to rule 2A(2)(b), ”.

(5) At the beginning of rule 13(10), for “A” substitute “ Subject to rule 2A, a ”.

**F3** Sch. rule 4(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

#### Commencement Information

**I6** Sch. rule 4 in force at 4.3.2021, see art. 1

#### Marginal Citations

**M4** Rules as set out in the Schedule to the [Health Professions Council \(Health Committee\) \(Procedure\) Rules Order of Council 2003 \(S.I. 2003/1576\)](#).

### Amendments to the Health Professions Council (Registration Appeals) Rules 2003

**5.—**(1) The Health Professions Council (Registration Appeals) Rules 2003 <sup>M5</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

### “Emergency virtual meetings and hearings

**2A.**—(1) In an emergency a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with paragraph (1)—

(a) any notice required to be sent under these rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and

(b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.

(3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”

(3) For rule 3 (service of documents) substitute—

### “Service of Documents

**3.** In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

(a) in the case of the Council, the Committee, an Appeal Panel or the Registrar—

(i) sent by post to or left at the offices of the Council, or

(ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;

(b) in the case of the appellant—

(i) sent by post to or left at the address identified in the appellant's notice of appeal, or

(ii) sent by electronic mail to an electronic mail address which the appellant has notified to the Council as an address for communications; and

(c) in any other case—

(i) sent by post to or left at the last known address of that person, or

(ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”

[<sup>F4</sup>(3A) After rule 3 (Service of Documents), insert—

“**3A.** Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”]

(4) At the beginning of rule 14(1), insert “ subject to rule 2A(2)(b), ”.

**F4** Sch. rule 5(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

#### Commencement Information

**I7** Sch. rule 5 in force at 4.3.2021, see art. 1

#### Marginal Citations

**M5** Rules as set out in the Schedule to the [Health Professions Council \(Registration Appeals\) Rules Order of Council 2003 \(S.I. 2003/1579\)](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021. (See end of Document for details)

Given under the seal of the Health and Care Professions Council 2nd day of October 2020.

L.S.

*Christine Elliott*  
*John Barwick*  
Chair Registrar

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order approves Rules made by the Health and Care Professions Council (HCPC). The Rules amend the procedural rules for the HCPC's three Practice Committees, which conduct fitness to practise proceedings, and the procedural rules for its Appeal Panel, which hears appeals against registration decisions.

The amendments to all four sets of procedural rules are in similar form and make two changes. They provide for the service by electronic means of notices and other documents relating to fitness to practise and appeals proceedings and enable the Practice Committees and Appeal Panel to conduct hearings and meetings by audio or video conference in an emergency. The amendments also allow committees to order that hearings and meetings held by audio or video conference are to be held in private.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021.