

## The Health and Care Professions Council (Registration and Practice Committees) (Miscellaneous Amendments) Rules 2015

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 5(2)(b), 7(1) and (2), 9(2), 26(3), 32(4) and 41(2) of the Health and Social Work Professions Order 2001(a).

In accordance with articles 7(1) and (3) and 41(3) of that Order, the Health and Care Professions Council has consulted the Education and Training Committee and representatives of groups of persons it considers appropriate, including representatives of the groups listed in article 41(3) of that Order.

### Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Registration and Practice Committees) (Miscellaneous Amendments) Rules 2015 and come into force on \*\*\*.

### Amendment of the Health and Care Professions Council (Registration and Fees) Rules 2003

2.—(1) The Health and Care Professions Council (Registration and Fees) Rules 2003(b) are amended as follows.

(2) After rule 2 (interpretation) insert—

#### “Electronic communication

**2ZA.**—(1) A requirement in these rules for a person to send to or serve upon another person (“the recipient”) any document may be satisfied by—

- (a) sending it by post to the recipient; or
- (b) subject to paragraph (2) transmitting it by electronic means to the recipient.

(2) A document may be sent or served by electronic means only if the recipient has, in writing (which includes in electronic form)—

- (a) indicated to the sender (and has not withdrawn the indication) that the recipient is willing to receive documents of that kind by those means, and
- (b) where the recipient—
  - (i) is not the Council, the Committee or the Registrar, provided the sender with an e-mail address,
  - (ii) is the Council, the Committee or the Registrar, published on the Council’s website an appropriate e-mail address or other electronic identification.

(3) This rule does not apply to an application for—

- (a) admission to the register submitted under rule 4; or
- (b) renewal of registration submitted under rule 11.”.

(3) In rule 4 (applications for registration)—

(a) for paragraph (1A) substitute—

“(1A) The Registrar may accept an application for registration which is not made in accordance with paragraphs (1)(a) and (b) if the applicant has—

- (a) by electronic means, submitted to the Registrar—

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(a) S.I. 2002/254. By virtue of section 214 of the Health and Social Care Act 2012 (c. 7), the body corporate known as the Health Professions Council was re-named the “Health and Care Professions Council” and the Health Professions Order 2001 was renamed the “Health and Social Work Professions Order 2001”.

(b) S.I. 2003/1572. The title to the Rules was amended to read the “Health and Care Professions (Registration and Fees) Rules 2003” by rule 2 of S.I. 2014/532 to reflect the change in the Council’s name (see footnote (a)).

- (i) the information and any declaration which he would be required to provide if the application was submitted in writing on the appropriate form,
  - (ii) an attestation as to the accuracy of those matters; and
- (b) complied with all of the other requirements of this rule which apply to him.
- (1B) An appropriate form for the purposes of paragraph (1A) is a form provided by the Council and which contains the information listed in Schedule 1 and any declaration required by that Schedule.”;
- (b) in paragraph (2), omit sub-paragraph (a);
  - (c) omit paragraphs (3), (3A) and (3B).
- (4) In rule 5 (other conditions of registration)—
- (a) in paragraph (1), for sub-paragraph (a) substitute—
    - “(a) the character declaration provided by the applicant under rule 4(1)(a) or (1A)(a) and paragraph (n) of Schedule 1;”;
  - (b) in paragraph (2), in sub-paragraph (a) for “declaration” substitute “health declaration”.
- (5) In rule 10 (registration period)—
- (a) omit paragraphs (2), (2A), (2B) and (2C);
  - (b) in paragraph (3) for “Except as provided for in paragraph (2), (2A), (2B) or (2C), a person's” substitute “A person's”.
- (6) In rule 14 (registration fee)—
- (a) in paragraph (1) for “Subject to paragraphs (2) to (5) the fee” substitute “The fee”;
  - (b) omit paragraphs (2) to (5).
- (7) For rule 15 (renewal fee) substitute—

**“Renewal fee**

**15.** The fee to be charged for renewal of registration is £180.”.

- (8) Omit Schedule 3 (character reference).

**Amendment of the Health Professions Council (Investigating Committee) (Procedure) Rules 2003**

**3.—**(1) The Health Professions Council (Investigating Committee) (Procedure) Rules 2003(a) are amended as follows.

(2) For the title to the rules, substitute “the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003”.

(3) In rule 1 (citation and commencement), for “the Health Professions Council (Investigating Committee) (Procedure) Rules 2003” substitute “the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003”.

**Amendment of the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003**

**4.—**(1) The Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003(b) are amended as follows.

(2) For the title to the rules, substitute “the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003”.

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- (a) Scheduled to the Health Professions Council (Investigating Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1574).
  - (b) Scheduled to the Health Professions Council (Conduct and Competence) (Procedure) Rules Order of Council 2003 (S.I. 2003/1575).

(3) In rule 1 (citation and commencement), for “the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003” substitute “the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003”.

(4) For rule 7 (preliminary meetings) substitute—

**“Directions and Preliminary meetings**

7.—(1) The Chair may give directions under article 32(3) of the Order.

(2) The Committee or the Chair may hold a preliminary meeting in private with the parties, their representatives and any other person the Committee or the Chair considers appropriate if such a meeting would, in the opinion of the Committee or the Chair, assist the Committee to perform its functions.

(3) At any meeting which the Chair conducts under paragraph (2) the Chair may, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.”.

**Amendment of the Health Professions Council (Health Committee) (Procedure) Rules 2003**

5.—(1) The Health Professions Council (Health Committee) (Procedure) Rules 2003(a) are amended as follows.

(2) For the title to the rules, substitute “the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003”.

(3) In rule 1 (citation and commencement), for “the Health Professions Council (Health Committee) (Procedure) Rules 2003” substitute “the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003”.

(4) For rule 7 (preliminary meetings) substitute—

**“Directions and Preliminary meetings**

7.—(1) The Chair may give directions under article 32(3) of the Order.

(2) The Committee or the Chair may hold a preliminary meeting in private with the parties, their representatives and any other person the Committee or the Chair considers appropriate if such a meeting would, in the opinion of the Committee or the Chair, assist the Committee to perform its functions.

(3) At any meeting which the Chair conducts under paragraph (2) the Chair may, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.”.

Given under the official seal of the Health and Care Professions Council this \*\*\*

*Elaine Buckley*  
Chair

*Marc Seale*  
Registrar

**EXPLANATORY NOTE**

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

This Order approves Rules made by the Health and Care Professions Council (“HCPC”) amending the Health and Care Professions Council (Registration and Fees) Rules 2003, the Health Professions

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(a) Scheduled to the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1576).

Council (Investigating Committee) (Procedure) Rules 2003, the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 and the Health Professions Council (Health Committee) (Procedure) Rules 2003.

Rule 2(2) amends rule 2 the Health and Care Professions Council (Registration and Fees) Rules 2003 (“the Fees Rules”) by adding rule 2ZA. This provides for electronic communication between the HCPC, its registrants and those applying to registration.

Rules 2(3), 2(4) and 2(5) and 2(8) amend rules 4, 5 and 10 of, and Schedule 3 to, the Fees Rules, removing the requirement for applicants to provide a character reference and replacing it with a character declaration.

Rules 2(5) and 2(6) amend rules 10 and 14 of the Fees Rules by removing transitional provisions which are spent.

Rule 3 amends rule 1 of, and the title to, the Health Professions Council (Investigating Committee) (Procedure) Rules 2003 to refer to the “Health and Care Professions Council”.

Rule 4 makes similar amendments to the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 and substitutes a new rule 7 which enables the Chair of a Panel of the Committee, without the need to hold a preliminary meeting, to give directions under Article 32(3) of the Health and Social Work Professions Order 2001 in respect of the conduct of fitness to practise proceedings under Part V of that Order.

Rule 5 makes similar amendments to the Health Professions Council (Health Committee) (Procedure) Rules 2003.