

Agenda Item 5

Enclosure 3

Paper RC 3 / 02

REGISTRATION COMMITTEE

DRAFT REGISTRATION RULES

From : Secretary to the Committee

THE HEALTH PROFESSIONS COUNCIL (REGISTRATION) RULES 2002

The Health Professions Council in exercise of its powers under Articles 7, 10 and 11 of the Health Professions Order 2001, and after consultation with the Education and Training Committee, hereby makes the following Rules:-

PART 1. PRELIMINARY: CITATION AND INTERPRETATION

1. These Rules may be cited as the Health Professions Council (Registration) Rules 2002.

2. In these Rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :-

“applicant” means a person applying for registration under Article 9 of the Order and Rule 9;

“appropriate form” means an application form issued by the Council for the type of application in question, and a requirement that an application shall be made on the appropriate form shall mean that the Council is entitled to require completion of the form;

“the Committee” means the Education and Training Committee established under Article 3(9)(a) of the Order;

“the Conduct and Competence Committee” means the Committee established under Article 26 of the Order;

“the Council” means the Health Professions Council;

“the Health Committee” means the Committee established under Article 28 of the Order;

“the Investigating Committee” means the Committee established under Article 26 of the Order;

“the Order” means the Health Professions Order, 2001;

“profession” means any profession which is regulated by the provisions of the Order;

“registered address” means an address at which an applicant for registration in a profession in respect of which he or she is making his or her application, and at which he or she can receive written communication by post;

“the Registrar” means the Registrar of the Council appointed under Article 4 of the Order;

“Direct Debit” means a mandate in the form from time to time prescribed by the council and its bankers as governed by the London Clearing Banks and Scottish Clearing Banks’ Direct Debiting Scheme 1967 or under any variation thereof subsequently made.”

3. Unless the context otherwise requires –

- (a) any reference in these Rules to a numbered rule is a reference to the rule bearing that number in these Rules; and
- (b) any reference in a rule to a numbered paragraph is a reference to the paragraph bearing that number in that rule.

4. In accordance with Article 4(5) of the Order, in these Rules, any reference to the Registrar acting in any manner includes reference to a deputy or assistant registrar or any other person authorized by the Registrar to act in this manner.

PART II. THE REGISTER

5. The register shall contain the following particulars of each person registered therein:

(a) Full name.

(b) Registered address/practice address.

(c) *Any academic or professional qualifications held by the person registered and approved by the Council.*

[(d) Evidence of good health

(e) Evidence of good character]

[(f) Evidence of CPD and any other particulars as agreed by the Council]

[I'm not sure that the register will itself, as such, include the last three; rather, they will be a condition of registration, return after lapsing and continued registration after a set period. I have missed out all reference to the dreaded designatory letters for qualifications other than the registerable ones and we might even be able to get away with omitting the latter too!]

6. The Council may direct the Registrar to refuse to enter a name in the register, or to refuse to restore a name to the register, until the fees or other requirements prescribed by these Rules for entry or restoration have been paid or met.
7. The register shall be made available for inspection by members of the public at all reasonable times in a format agreed by the Council.
8. Any copy of, or extract from, the electronic register shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.

PART III. APPLICATIONS FOR REGISTRATION

9. An application to the Council for the inclusion of a name in the register shall be made on the appropriate form. The Council may require in any case such evidence in verification of the information given on the appropriate form as in its view is necessary to establish whether the applicant is entitled to be registered. The Council shall take any measure it sees fit to verify the accuracy of the evidence supplied to it.

10. An applicant for registration must satisfy the Registrar on behalf of the Committee that he or she meets the requirements as set out in Article 9(2) of the Order and the requirements as to good health and good character which the Council has specified under Article 27(a)(ii), and that he or she has agreed to abide by the requirements as laid down by the Council in accordance with Article 21(1) of the Order.

PART IV. RETENTION AND REMOVAL OF A NAME IN THE REGISTER

Retention of a name in the register and Removal for non-payment of fee

11. Not later than a date in each year as agreed by the Council, in respect of each profession the Registrar shall send to the registered permanent address of every member of that profession whose registration will expire on a date in the same year agreed by the Council, [the appropriate form of application for the retention of a name in the register together in each case with a notice of the fees payable, and a warning that non-payment will entail removal from the register, but failure by a registered person to receive a form or notice shall not constitute a ground for retention or restoration of a name.]

12. A registrant may elect to pay retention fees by direct debit.

(i) Whenever any sum payable under a direct debit is to be varied the Registrar shall, not less than 35 days before such payment is due, send to every registrant who has elected to make payment by direct debit mandate at his address for the time being entered in the register a notice specifying the amount to be paid under the direct debit and shall indicate the registrant's right to withdraw any failure to make payment under the terms of the mandate previously given or by other means will lead to the removal from the register of the registrant's name.

(ii) Failure by a registered person to receive a notice sent under the provisions of (i) herein shall not constitute a ground for retention or restoration of a name."

13. If the Registrar in any year has not received by the date as laid down by the Council in accordance with Rule 11 in any year a retention fee due on that date, he or she shall remove the registrant's name from the register.

Removal for non-compliance with the Council's requirements in respect of post-registration training

14. The Registrar shall, in accordance with any such Rules the Council may make under Article 19(2) of the Order, remove from the register the name of a registrant who has failed to comply with any such requirements as the Council may prescribe in any Rules made under Article 19(1).

Changes in particulars notified to the Council

15. A registered person shall notify in writing all professions with which he or she is registered within 2 months of any of the following changes in the particulars entered in the register
 - a. Change of name in which practice is carried on.
 - b. Change or abandonment of any address entered in the register.

Alteration or removal of an entry in the register

16. [When the Registrar receives information that an entry in the register has become incorrect, {?}] or when application is made by a registered person for an entry in the register to be altered, if he or she has satisfied himself or herself by means of a statutory declaration or otherwise that the information is true or the ground for the application is sufficient, he or she shall make the required correction or alteration.
17. The Registrar shall remove from the register the name of any registered person upon receipt of a written application by the registered person, stating the grounds upon which the application is made, and such further information as the Registrar may require, and accompanied by a statutory declaration that the applicant is not aware of any reason for the institution of proceedings which might lead to the removal of his or her name by a Practice Committee under Articles 29 or 31 of the Order.
18. The Registrar shall remove from the register the name of any registered person in respect of whom he or she shall receive a direction to that effect from the Conduct and Competence Committee or Health Committee under Article 29 of the Order on the date upon which such direction takes effect in accordance with that Article, and shall suspend

from the register the name of any registered person in respect of whom he or she shall receive a direction to that effect from a Practice Committee under Articles 29 or 31 of the Order on the date upon which such direction takes effect in accordance with the respective Article.

Restoration of a name to the register

19. Where a person, whose registration has lapsed, wishes to restore his or her name in accordance with Article 10 (4) of the Order, provided that it has been removed from the register otherwise than in pursuance of a direction by a Practice Committee in accordance with Article 31 of the Order, the Registrar, on behalf of the Committee, shall restore it on receipt of an application on the appropriate form, provided that :

- (i) it is accompanied by the fee prescribed by Rule 24;
- (ii) where the name of the applicant has not been included in the register in respect of which an application under this Rule is made during any of the [five years] immediately preceding the date of application, Registrar is satisfied, from the evidence that the persons shall provide, as to his or her identity, good health and good character and that he or she remains capable of safe and effective practice under the part of the register concerned; and
- (iii) the persons meets any such requirements as the Council may make under Rules made under Article 19(3) of the Order and which apply to him or her.

PART V. FEES PAYABLE BY REGISTRANTS

20. The fee for the entry of a name in the register and the retention of the name for the period as laid down by the Council in accordance with Rule 11 shall be called the registration fee.

A further fee shall be charged for the retention of a name in the register for each year beyond the period covered by the registration fee, and shall be called the retention fee.

21. The registration fee shall be paid at the same time as the application for registration. The annual fee shall be set by the Council in accordance with Article 7(2)(c) and (3) of the Order.
21. In the case of an application received by the Council the registration fee shall entitle a person registered to the entry and retention of his or her name in the register until a date agreed by the Council for the relevant profession in the following year.
22. The registration fee shall cover the inclusion in the register of particulars inserted under Rule 5.
23. The retention fee shall be set by the Council and shall be paid by the registered members of each profession before a date agreed by the Council for that profession. It shall cover the retention in the register for the year following that date of particulars under Rule 5.
24. The fee for restoration of a name to the register shall be set by the Council in accordance with Article 7(2)(c) and (3) of the Order and shall be called the restoration fee.
25. If the Council shall require under Article 12(c)(ii) or Article 13(2) that a person who applies for registration in accordance with the provisions of Article 9 of the Order submit

himself or herself to a test of competence, the Council may also require payment of a fee set by the Council before such a test is held.

The Common Seal of the Health Professions Council
was hereunto affixed this []th []day of [] 2002

N.Brook
President of Council

M. Seale
Registrar

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Health Professions Order 2001 requires the professions established under the Order to keep registers of all persons entitled to be registered under the Order. The Rules confirmed by this Order include provisions as to the form of these registers, the procedure for the entry, removal or restoration of names, and the various fees payable to the Health Professions Council.

Draft: TCB 22nd April 02