

2015 No. 000

HEALTHCARE AND ASSOCIATED PROFESSIONS

OSTEOPATHS

**The General Osteopathic Council (Indemnity Arrangements)
Rules Order of Council 2015**

Made - - - - 2015

Coming into force - - 1st May 2015

At the Council Chamber, Whitehall the [] day of [] 2015

By the Lords of Her Majesty's Most Honourable Privy Council

The General Osteopathic Council has made the General Osteopathic Council (Indemnity Arrangements) Rules 2015, which are set out in the Schedule to this Order, in exercise of the powers conferred by sections 6(2) and (3), 37 (5) to (8), and 35(2) of the Osteopaths Act 1993^(a).

By virtue of sections 35(1) and 36(1) of that Act, such Rules shall not come into force until approved by Order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Osteopathic Council (Indemnity Arrangements) Rules Order of Council 2015 and shall come into force on 1st May 2015.

Privy Council Approval

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

Richard Tilbrook
Clerk of the Privy Council

(a) 1993 c. 21. Section 37 was amended by S.I. 20141887 and section 35(2) was amended by S.I. 2008/1774.

SCHEDULE

article 2

THE GENERAL OSTEOPATHIC COUNCIL (INDEMNITY ARRANGEMENTS) RULES 2015

The General Osteopathic Council, in exercise of its powers under sections 6(2) and(3), and 37(5) to (8) of the Osteopaths Act 1993(a) makes the following Rules:

PART 1

PRELIMINARY

Citation and commencement

3. These rules may be cited as the General Osteopathic Council (Indemnity Arrangements) Rules 2015, and shall come into force on 1 May 2015.

Interpretation

4. In these Rules—

“the Act” means the Osteopaths Act 1993;

“indemnity arrangement” means the arrangement referred to in rule 5;

“osteopath” means a person who is registered as a fully registered osteopath, as a conditionally registered osteopath or a provisionally registered osteopath;

“prescribed risks” means the risks which are prescribed under rule 6;

“prescribed amounts” means the minimum amounts of indemnity cover to be obtained by an osteopath in order to cover the prescribed risks and which are set out in rule 7.

PART 2

REQUIREMENT TO HAVE AN INDEMNITY ARRANGEMENT

Obligation to have an indemnity arrangement

5. An osteopath must have in force in relation to that osteopath an indemnity arrangement which provides appropriate cover, for not less than the prescribed amount, in respect of claims for any of the prescribed risks.

Prescribed risks

6. An indemnity arrangement must cover the following risks—

(a) any legal liability for any negligent act, error or omission in professional services rendered or which should have been rendered by an osteopath whilst practising as an osteopath;

(b) any liability for claims for public liability or product liability arising from death or injury to third parties or damage to third party property caused by the osteopath in the course of providing professional services or in the course of supplying products in connection with those services;

(a) 1993 c. 21. Section 37 of the Act was amended by the Health Care and Associated Professions (Indemnity Arrangements) 2014. (S.I. 2014/1887)

- (c) any legal liability of an osteopath in respect of the risks set out in paragraphs (a) and (b) which are attributable to that osteopath's employees, partners, associates, co-directors or agents and which are connected with the provision of osteopathic services on behalf of, or under, that osteopath's supervision;
- (d) any liability to pay any or all legal costs, of and incidental to all proceedings which may be recovered by a claimant against an osteopath arising out of any claim in respect of the prescribed risks; and
- (e) all or any costs, fees and expenses which may be incurred by an osteopath in defending any claim in respect of the risks set out in paragraphs (a) to (d).

Prescribed amounts

7. The minimum amount of cover under an indemnity arrangement that must be obtained by an osteopath in respect of the prescribed risks is £5,000,000 in the aggregate.

Run off cover

8. An osteopath must maintain appropriate cover under an indemnity arrangement for the prescribed risks and in the prescribed amounts in respect of any claims made in respect of that osteopath's practice which may arise—

- (a) after the date on which that osteopath ceases to practise as an osteopath for whatever reason;
- (b) (in the event of a change of provider) after the expiry of the period covered by a previous policy or indemnity arrangement;
- (c) at any time after the date of the event which gave rise to the claim.

**PART 3
COMPLIANCE**

Duty to notify the General Council

9. Where an indemnity arrangement in the prescribed amount for the prescribed risks ceases to be in force in relation to an osteopath, that osteopath must notify the Registrar immediately in writing.

Demonstration of Compliance

10. Where a person applies for registration (including renewal of registration), that person must provide the Registrar with—

- (a) evidence which, in the opinion of the Registrar, is sufficient evidence that there is or will be in force in relation to that person, an indemnity arrangement for the purposes of complying with section 37(1) of the Act;
- (b) a signed declaration that there is or will be in force in relation to that person an indemnity arrangement; and
- (c) a signed authorisation for the provider of any indemnity arrangement to disclose to the Registrar, such information about indemnity arrangements as the Registrar may reasonably require for the purpose of determining whether there is or will be appropriate cover in force in relation to that person.

11. The Registrar may request in writing, giving notice of not less than five days, that an osteopath must provide the General Council with evidence, which in the opinion of the Registrar, is sufficient evidence that there is in force in relation to that osteopath, indemnity arrangements which comply with the requirements of these Rules and section 37(1) of the Act.

12.—(1) The Registrar may by written notice require an osteopath to provide the General Council with evidence, which in the opinion of the Registrar, is sufficient evidence that there is in force in relation to that osteopath, an indemnity arrangement.

(2) An osteopath must provide the evidence referred to in the notice within 5 days of the date of that notice, or such other longer period specified in it.

Given under the official seal of the General Osteopathic Council this 4th day of February 2015

Alison J. White

Chair of the General Osteopathic Council

EXPLANATORY NOTE

(This note is not part of the Order)

The Rules contained in the Schedule to this Order impose an obligation on all practising osteopaths to have in place indemnity arrangements to cover risks and claims in relation to the country or countries in which they practise. The Rules prescribe a minimum aggregate level of cover (£5 million); the risks which must be covered by the indemnity arrangements; and set out requirements for demonstrating compliance with the Rules to the Registrar of the General Council.