

UK Parliament Acts/O/OO-OT/Osteopaths Act 1993 (1993 c 21)/10 Fraud or error in relation to registration

10 Fraud or error in relation to registration

- (1) The Registrar shall investigate any allegation that an entry in the register has been fraudulently procured or incorrectly made and report on the result of his investigation to the General Council.
- (2) An entry which has been restored to the register under section 6(5) or section 8, or under rules made by virtue of section 8(8), may be treated for the purposes of this section as having been fraudulently procured or incorrectly made if any previous entry from which the restored entry is derived was fraudulently procured or incorrectly made.
- (3) The Registrar may, at any time during his investigation, suspend the registration in question if he is satisfied that it is necessary to do so in order to protect members of the public.

(4) The General Council shall by rules make provision, in relation to any case where the Registrar proposes to suspend an osteopath's registration under subsection (3)--

- (a) giving the osteopath concerned an opportunity to appear before the Investigating Committee and argue his case against suspension;
- (b) allowing him to be legally represented; and
- (c) for the Registrar to be made a party to the proceedings.

(5) If, having considered any report of the Registrar, the General Council is satisfied that the entry in question has been fraudulently procured or incorrectly made it may order the Registrar to remove the entry.

(6) Where such an order is made, the Registrar shall without delay notify the person whose entry is to be removed--

- (a) of the order; and
- (b) of the right of appeal given by subsection (7).

(7) Where such an order is made, the person whose entry is to be removed may appeal to [a county court or, in the case of a person whose address in the register is in Scotland, the sheriff in whose sheriffdom the address is situated].

[(8) Any such appeal must be brought before the end of the period of 28 days beginning with the date on which notification of the order was served under subsection (6).]

(9) On an appeal under this section, the General Council shall be the respondent.

(10) ...

[(11) On an appeal under this section, the court (or the sheriff) may--

- (a) dismiss the appeal,
- (b) allow the appeal and quash the order appealed against, or
- (c) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),

and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit.]

(12) The General Council may by rules make such further provision as it considers appropriate with respect to suspensions under subsection (3), including in particular provision as to their duration.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 42(2).

Appointment

Sub-s (1): Appointment: 9 May 1998: see SI 1998/1138, art 2(d).

Sub-ss (2)-(12): Appointment (with the exception, in sub-s (2), of the words "or section 8, or under rules made by virtue of section 8(8),"): 5 July 1999: see SI 1999/1767, art 2(c).

Sub-s (2): Appointment (for the purposes of the words specified above): 8 March 2000: see SI 2000/217, art 2.

Amendment

Sub-s (7): words from "a county court" to "address is situated" in square brackets substituted by the National Health Service Reform and Health Care Professions Act 2002, s 33(1), (2)(a).

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), 4.

Sub-s (8): substituted by the National Health Service Reform and Health Care Professions Act 2002, s 33(1), (2)(b).

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), 4.

Sub-s (10): repealed by the National Health Service Reform and Health Care Professions Act 2002, ss 33(1), (2)(c), 37(2), Sch 9, Pt 2.

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), (c), 4.

Sub-s (11): substituted by the National Health Service Reform and Health Care Professions Act 2002, s 33(1), (2)(d).

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), 4.

Subordinate Legislation

General Osteopathic Council (Fraud or Error and Appeals) Rules Order of Council 1999, SI 1999/1846 (made under sub-ss (4), (12)).

UK Parliament Acts/O/OO-OT/Osteopaths Act 1993 (1993 c 21)/11 The Education Committee