

**General Osteopathic Council**  
**Appeals against decisions of the Registrar:**  
**Guidelines and Procedures**

**Statutory Basis – the Osteopaths Act 1993 (the Act)**

'Appeals

29. (1) Where the Registrar-

- (a) refuses to register an applicant for registration under this Act,
- (b) registers such an applicant with provisional or conditional registration,
- (ba) refuses to register a person with temporary registration,
- (c) refuses to renew any registration,
- (d) removes the name of a registered osteopath from the register on the ground that he has breached one or more of the conditions subject to which his registration had effect (otherwise than under an order of the Professional Conduct Committee), or
- (e) refuses to grant an application for the conversion of a conditional, or provisional, registration into full registration,

the person aggrieved may appeal to the General Council.

(2) Any such appeal shall be subject to such rules as the General Council may make for the purpose of regulating appeals under this section.

(3) An appeal to the General Council must be made before the end of the period of 28 days beginning with the date on which notice of the Registrar's decision is sent to the person concerned...'

**Secondary Legislation**

Pursuant to section 29(2), the GOsC has made [The General Osteopathic Council \(Fraud or Error and Appeals\) Rules 1999 \(SI 1999/1846\)](#) (the Rules).

**The Registration Appeals Committee**

In exercise of its powers under section 1(8) of the Act, the Council shall appoint a Registration Appeals Committee (the Committee) in connection with the discharge of its function under section 29 of the Act.

The Committee shall have delegated to it by the Council, under paragraph 15(2)(i) of the Schedule to the Act, the function of hearing appeals pursuant to section 29 of the Act, and the power to make decisions in respect of such appeals.

#### Terms of Reference of the Committee

1. To hear registration appeals that are made in accordance with section 29(1) of the Osteopaths Act 1993.
2. To hear such appeals in accordance with the General Osteopathic Council (Fraud or Error and Appeals) Rules 1999.
3. To give advice on matters arising out of any registration appeal hearing.

#### Composition and quorum

The Committee shall consist of all members of Council. Attendance at a hearing shall be at the invitation of the Chair of Council.

The quorum of the Committee shall be three, two of which shall be registrant members and one shall be a lay member.

The Committee shall be chaired by a lay member.

#### Legal Assessor

A Legal Assessor, appointed by the Council under section 27 of the Act, shall attend all hearings.

The Legal Assessor's role shall be as set out in the General Osteopathic Council (Legal Assessor) Rules 1999 and includes giving advice to the Committee on questions of law.

#### **Procedure at the Hearing**

The Chair shall open the hearing by confirming that it is a meeting of the Registration Appeals Committee of the General Osteopathic Council and announcing the appeal that is to be heard and the names of those persons present, including the Committee, legal assessor, appellant and legal representatives.

If the appellant is not present nor represented, the Committee shall first proceed in accordance with paragraph 4 of the Schedule to the Rules.

The Chair shall then conduct the hearing in accordance with paragraph 5 of the Schedule to the Rules.

At the conclusion of the evidence, the Committee will retire in private and decide whether to dismiss or allow the appeal, in accordance with paragraph 6 of the Schedule to the Rules.

The Committee shall announce its decision and the reasons for it at the end of the hearing and shall ensure that a written record of this is sent to the parties in reasonable time after the hearing.

#### Production of documents

Documents that are to be relied upon by the parties during hearing should be disclosed to the other party at least four clear days in advance of the hearing date. If not, the Committee shall consider carefully whether to allow the party to rely on that document at the hearing. When determining this, the Committee should have regard to the relevance of the document to the appeal, fairness to each party and the interests of justice. Before making its decision, the Committee shall seek advice from its legal assessor.

#### Changes to procedure

Paragraph 5(4) of the Schedule to the Rules provides for the Committee to change the procedure for hearing an appeal. This discretion, if exercised, should be used in the interests of justice, and for the proper running of the hearing. The Committee shall seek advice from its legal assessor before making any changes to the procedures.

#### Hearings in public

Paragraph 2 of the Schedule to the Rules provides that registration appeal hearings shall be held in private, unless the appellant requests a public hearing.

#### Recording of proceedings

Paragraph 7 of the Schedule to the Rules requires the hearing to be recorded and transcripts to be made available, on request, and on payment of a reasonable fee.