

SCHEDULES

SCHEDULE 15

PART 7: CONSEQUENTIAL AMENDMENTS AND SAVINGS

PART 4

THE OFFICE OF THE HEALTH PROFESSIONS ADJUDICATOR

Miscellaneous amendments

- 70 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, omit paragraphs 1(bcb) and 2(cb).
- 71 (1) Omit the entry for the Office of the Health Professions Adjudicator in each of the following—
- (a) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
 - (b) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975,
 - (c) Part 6 of Schedule 1 to the Freedom of Information Act 2000, and
 - (d) the table in Article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 ([S.I. 2007/2951](#)).
- (2) In consequence of those repeals, omit paragraphs 4(b), 5(b) and 13(b) of Schedule 10 to the Health and Social Care Act 2008 and the preceding “and” in each case.
- (3) Omit paragraph 26(b) of Schedule 10 to the Health and Social Care Act 2008 (which inserts a reference to the OHPA in the National Assembly for Wales (Disqualification) Order 2006, which has itself been revoked).
- (4) Omit paragraph 27 of that Schedule (which inserts a reference to the OHPA in the Pharmacists and Pharmacy Technicians Order 2007, which has itself been revoked).

Amendments to the [Health Act 1999 \(c. 8\)](#)

- 72 (1) The Health Act 1999 is amended as follows.
- (2) Omit section 60(1)(f) (power to modify constitution or functions of OHPA).
 - (3) In consequence of that repeal, omit paragraph 1(2) of Schedule 8 to the Health and Social Care Act 2008.
 - (4) In paragraph 8(2A) of Schedule 3 (provision under section 60 as to functions relating to unfitness to practise must provide for functions to be exercised by relevant regulatory body or OHPA), omit “or the Office of the Health Professions Adjudicator”.

Status: This is the original version (as it was originally enacted).

- (5) In section 60A(2) (standard of proof in fitness to practise proceedings before OHPA or regulatory bodies), omit paragraph (a) and the “or” following it.

Amendments to the National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 73 (1) In section 29 of the National Health Service Reform and Health Care Professions Act 2002 (reference of disciplinary cases by the Council for Healthcare Regulatory Excellence to the court), in subsection (1)—
- (a) in paragraph (c), omit “otherwise than by reason of his physical or mental health”, and
 - (b) in paragraph (f), omit the words from “, other than a direction” to the end.
- (2) In consequence of those repeals, omit section 118(2)(b) and (d), (5) and (6) of the Health and Social Care Act 2008.

Amendments to the Health Act 2006 (c. 28)

- 74 (1) Omit section 60(3)(b) of the Health Act 2006 (Appointments Commission to exercise functions of Privy Council relating to appointment of members of OHPA) and the “or” immediately preceding it.
- (2) Omit section 63(6A) and (6B) of that Act (Appointments Commission to assist OHPA with exercise of appointment functions).
- (3) In consequence of those repeals, omit paragraph 22 of Schedule 10 to the Health and Social Care Act 2008.

Amendments to the Health and Social Care Act 2008 (c. 14)

- 75 (1) The Health and Social Care Act 2008 is amended as follows.
- (2) In section 128 (interpretation), omit the definition of “the OHPA”.
 - (3) In section 162 (orders and regulations), omit subsections (1)(b) and (c) and (4).
 - (4) In Schedule 10 (amendments relating to Part 2 of that Act), omit paragraphs 7, 9, 14, 15 and 18.

Savings

- 76 (1) If abolition is to occur at a time other than immediately after the end of a financial year within the meaning of paragraphs 19 and 20 of Schedule 6 to the Health and Social Care Act 2008 (annual reports), the period that begins with the 1 April before abolition and ends with abolition is to be treated as a financial year for the purposes of those paragraphs.
- (2) Despite section 231(2), paragraphs 19 and 20 of that Schedule are to continue to have effect for the purpose of imposing the duties under paragraphs 19(2), (3)(b) and (4) to (6) and 20(1), (2)(b) and (3) and for the purpose of conferring the power under paragraph 20(4); and for those purposes—
- (a) the duties under paragraphs 19(2) and 20(1), in so far as they have not been discharged by the OHPA, must be discharged by the Secretary of State,

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- (b) the duties under paragraphs 19(3)(b) and (4) and 20(2)(b) must be discharged by the Secretary of State, and
 - (c) the power conferred by paragraph 20(4) may be exercised by giving directions of the description in question to the Secretary of State.
 - (3) Subject to that, anything which the OHPA is required to do under an enactment before abolition may, in so far as it has not been done by the OHPA, be done by the Secretary of State after abolition.
- 77 A reference in any document to the OHPA is, so far as necessary or appropriate in consequence of section 231(1), to be read after abolition as a reference to the Secretary of State.
- 78 In paragraphs 76 and 77—
- “abolition” means the commencement of section 231(1);
 - “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978);
 - “the OHPA” means the Office of the Health Professions Adjudicator.