



# Osteopaths Act 1993

## 1993 CHAPTER 21

### *Registration of osteopaths*

#### **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).

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*Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Section 10. (See end of Document for details)*

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- (7) Where such an order is made, the person whose entry is to be removed may appeal [<sup>F1</sup>in England and Wales to the county court or in Northern Ireland] to [<sup>F2</sup>a county court or, in the case of a person whose address in the register is in Scotland, [<sup>F3</sup>to] the sheriff in whose sheriffdom the address is situated] .
- [<sup>F4</sup>(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.
- [<sup>F5</sup>(10) . . . . .]
- [<sup>F6</sup>(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.

#### Textual Amendments

- F1** Words in s. 10(7) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 116(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words in s. 10(7) substituted (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **ss. 33(2)(a)**, 42(3); S.I. 2003/833, art. 3(a) (with art. 4)
- F3** Word in s. 10(7) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 116(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** S. 10(8) substituted (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **ss. 33(2)(b)**, 42(3); S.I. 2003/833, art. 3(a) (with art. 4)
- F5** S. 10(10) repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **ss. 33(2)(c)**, 42(3), **Sch. 9 Pt. 2**; S.I. 2003/833, art. 3(a)(c) (with art. 4)
- F6** S. 10(11) substituted (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **ss. 33(2)(d)**, 42(3); S.I. 2003/833, art. 3(a) (with art. 4)

#### Commencement Information

- I1** S. 10 wholly in force at 8.3.2000; s. 10 not in force at Royal Assent see s. 42(2)(4)(5); s. 10(1) in force at 9.5.1998 by [S.I. 1998/1138](#), **art. 2(d)**; s. 10(2) partly in force and s. 10(3)-(12) in force insofar as not already in force at 5.7.1999 by [S.I. 1999/1767](#), **art. 2(c)**; s. 10(2) in force at 8.3.2000 insofar as not already in force by [S.I. 2000/217](#), **art.2**

**Changes to legislation:**

There are currently no known outstanding effects for the Osteopaths Act 1993, Section 10.