

SCHEDULES

SCHEDULE 10

Section 127

FURTHER AMENDMENTS RELATING TO PART 2

Provision consequential on section 113(1)

- 1 (1) Any reference in any instrument or document to the Council for the Regulation of Health Care Professionals is to be read, in relation to any time after the commencement of section 113(1), as a reference to the Council for Healthcare Regulatory Excellence.
- (2) Any reference in this Act or in any other enactment, instrument or document to the Council for Healthcare Regulatory Excellence is to be read, in relation to any time before the commencement of section 113(1), as a reference to the Council for the Regulation of Health Care Professionals.

Public Records Act 1958 (c. 51)

- 2 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the table set out in paragraph 3 of that Schedule—
 - (a) for “Council for the Regulation of Health Care Professionals” substitute “Council for Healthcare Regulatory Excellence”, and
 - (b) at the appropriate place insert—

“The Office of the Health Professions Adjudicator.”

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 3 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960—
 - (a) in paragraph 1 (bodies to which in England and Wales Act applies), for the paragraph (bd) inserted by paragraph 21 of Schedule 7 to the 2002 Act substitute—
 - “(bca) the Council for Healthcare Regulatory Excellence;
 - (bcb) the Office of the Health Professions Adjudicator;”, and
 - (b) in paragraph 2 (bodies to which in Scotland Act applies), before paragraph (d) insert—
 - “(ca) the Council for Healthcare Regulatory Excellence;
 - (cb) the Office of the Health Professions Adjudicator;”.

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified)—
 - (a) for “The Council for the Regulation of Health Care Professionals” substitute “The Council for Healthcare Regulatory Excellence”, and

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(b) at the appropriate place insert—

“The Office of the Health Professions Adjudicator.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

5 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified)—

(a) for “The Council for the Regulation of Health Care Professionals” substitute “The Council for Healthcare Regulatory Excellence”, and

(b) at the appropriate place insert—

“The Office of the Health Professions Adjudicator.”

Race Relations Act 1976 (c. 74)

6 In Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty)—

(a) in Part 2, at the appropriate place under the heading “Health” insert—

“The Office of the Health Professions Adjudicator.”, and

(b) in Part 3, for “The Council for the Regulation of Health Care Professionals” substitute “The Council for Healthcare Regulatory Excellence”.

Dentists Act 1984 (c. 24)

7 In section 27 of the Dentists Act 1984 (allegations against registered dentists), in subsection (2)(g), after “social care profession” insert “, or by the Office of the Health Professions Adjudicator,”.

8 In section 36A of the Dentists Act 1984 (professions complementary to dentistry), in subsection (1)(b), for “the Council for the Regulation of Health Care Professionals” substitute “the Council for Healthcare Regulatory Excellence”.

9 In section 36N of the Dentists Act 1984 (allegations against registered dental care professionals), in subsection (2)(g), after “social care profession” insert “, or by the Office of the Health Professions Adjudicator,”.

Health Act 1999 (c. 8)

10 In section 60 of the 1999 Act (regulation of health care and associated professions), in subsection (1)(c), for “the Council for the Regulation of Health Care Professionals” substitute “the Council for Healthcare Regulatory Excellence”.

11 In section 62 of the 1999 Act (regulations and orders), for subsection (4) substitute—

“(4) Any power under this Act to make Orders in Council or orders—

(a) may be exercised either in relation to all cases to which the power extends, or in relation to all cases subject to specified exceptions, or in relation to any specified cases or classes of case,

(b) may be exercised so as to make, as respects the cases in relation to which it is exercised—

(i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),

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- (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition, and
 - (c) may, in particular, be exercised so as to make different provision for different areas.
 - (4A) Any such power includes power—
 - (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments) as the person exercising the power considers to be expedient, and
 - (b) to provide for a person to exercise a discretion in dealing with any matter.”
- 12 In Schedule 3 to the 1999 Act (regulation of health care and associated professions), in paragraph 7(4), for “the Council for the Regulation of Health Care Professionals” substitute “the Council for Healthcare Regulatory Excellence”.

Freedom of Information Act 2000 (c. 36)

- 13 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)—
- (a) for “The Council for the Regulation of Health Care Professionals” substitute “The Council for Healthcare Regulatory Excellence”, and
 - (b) at the appropriate place insert—

“The Office of the Health Professions Adjudicator.”

Nursing and Midwifery Order 2001 (S.I. 2002/253)

- 14 In article 22 of the Nursing and Midwifery Order 2001 (allegations), in paragraph (1)(a)(v), after “social care profession” insert “, or by the Office of the Health Professions Adjudicator,”.

Health Professions Order 2001 (S.I. 2002/254)

- 15 In article 22 of the Health Professions Order 2001 (allegations), in paragraph (1)(a)(v), after “social care profession” insert “, or by the Office of the Health Professions Adjudicator,”.

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

- 16 For the title to section 25 of the 2002 Act, and for the heading immediately preceding the section, substitute “The Council for Healthcare Regulatory Excellence”.
- 17 (1) Section 25 of the 2002 Act is amended as follows.
- (2) In subsection (3), for paragraphs (h) and (i) substitute—
 - “(ga) the Nursing and Midwifery Council,
 - (gb) the Health Professions Council, and”.

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

- (3) In that subsection, for paragraph (j) substitute—
- “(j) any other regulatory body (within the meaning of Schedule 3 to the 1999 Act) established by an Order in Council under section 60 of that Act.”
- (4) In subsection (6), omit “and (3)”.
- 18 In section 26 of the 2002 Act (powers and duties of the Council: general), in subsection (3)(a), after “officer of the body,” insert “or before the Office of the Health Professions Adjudicator,”.
- 19 For the title to Schedule 7 to the 2002 Act substitute “The Council for Healthcare Regulatory Excellence”.

Health Act 2006 (c. 28)

- 20 In section 58 of the Health Act 2006 (which enables the Secretary of State to arrange for appointment functions of the Secretary of State to be exercised by the Appointments Commission), in subsection (3), for the words from “chairmen” to the end substitute—
- “(a) chairmen and non-executive members of any of the statutory bodies listed in Schedule 5, and
 (b) non-executive members of the Council for Healthcare Regulatory Excellence.”
- 21 In section 60 of the Health Act 2006 (which enables the Privy Council to arrange for its functions relating to the appointment of regulatory bodies to be exercised by the Appointments Commission), after subsection (2) insert—
- “(3) The Commission is to exercise so much of any function of the Privy Council relating to the appointment of—
- (a) the chair of the Council for Healthcare Regulatory Excellence, or
 (b) members of the Office of the Health Professions Adjudicator,
 as may be specified in a direction given by the Privy Council.”
- 22 In section 63 of the Health Act 2006 (Appointments Commission to assist other bodies with appointments), after subsection (6) insert—
- “(6A) The Commission may enter into arrangements under subsection (6B) with the Office of the Health Professions Adjudicator.
- (6B) Arrangements under this subsection are arrangements providing for the Commission to assist the Office of the Health Professions Adjudicator in connection with the exercise of its powers relating to—
- (a) the appointment of executive members of the Office of the Health Professions Adjudicator, or
 (b) the appointment of persons to lists under section 101 of the Health and Social Care Act 2008 (lists of persons eligible for membership of the OHPA’s fitness to practise panels).”
- 23 In Schedule 5 to the Health Act 2006 (Appointments Commission: list of statutory bodies), omit the entry relating to the Council for the Regulation of Health Care Professionals.

National Health Service Act 2006 (c. 41)

- 24 In section 201 of the National Health Service Act 2006 (disclosure of information), in subsection (4)(b), for “Council for the Regulation of Health Care Professionals” substitute “Council for Healthcare Regulatory Excellence”.

National Health Service (Wales) Act 2006 (c. 42)

- 25 In section 149 of the National Health Service (Wales) Act 2006 (disclosure of information), in subsection (4)(b), for “Council for the Regulation of Health Care Professionals” substitute “Council for Healthcare Regulatory Excellence”.

National Assembly for Wales (Disqualification) Order 2006 (S.I. 2006/3335)

- 26 In Part 1 of the Schedule to the National Assembly for Wales (Disqualification) Order 2006 (bodies of which all members are disqualified)—
- (a) for “Council for the Regulation of Health Care Professionals” substitute “Council for Healthcare Regulatory Excellence”, and
 - (b) at the appropriate place insert—
“Office of the Health Professions Adjudicator;”.

Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289)

- 27 In article 48 of the Pharmacists and Pharmacy Technicians Order 2007 (impairment of fitness to practise), in paragraph (1)(k), after “social care profession” insert “, or by the Office of the Health Professions Adjudicator,”.