



Health and Social Care Act 2008

2008 CHAPTER 14

PART 2

REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

The Council for Healthcare Regulatory Excellence

118 Reference of cases by Council to court

(1) Section 29 of the 2002 Act (reference of disciplinary cases by Council to court) is amended as follows.

(2) In subsection (1)—

(a) for paragraph (a) substitute—

“(a) a direction of—

(i) the Health Committee of the Royal Pharmaceutical Society of Great Britain under article 51 of the Pharmacists and Pharmacy Technicians Order 2007 (powers concerning registration), or

(ii) the Disciplinary Committee of that Society under article 52 of that Order (powers concerning registration) or under section 80 of the Medicines Act 1968 (power to disqualify and direct removal from register),”

(b) omit paragraph (c),

(c) in paragraph (e) omit the words from “(other than a determination” to the end,

(d) omit paragraph (f),

(e) for paragraph (g) substitute—

“(g) any step taken—

(i) by the Professional Conduct Committee of the General Osteopathic Council under section 22 of the Osteopaths Act 1993 (which relates to action

Status: This is the original version (as it was originally enacted).

- to be taken in cases of allegations referred to the Professional Conduct Committee), or
- (ii) by the Health Committee of the General Osteopathic Council under section 23 of that Act (which relates to action to be taken in cases of allegations referred to the Health Committee),”
- (f) for paragraph (h) substitute—
- “(h) any step taken—
- (i) by the Professional Conduct Committee of the General Chiropractic Council under section 22 of the Chiropractors Act 1994 (which relates to action to be taken in cases of allegations referred to the Professional Conduct Committee), or
- (ii) by the Health Committee of the General Chiropractic Council under section 23 of that Act (which relates to action to be taken in cases of allegations referred to the Health Committee),” and
- (g) for paragraph (j) substitute—
- “(j) any corresponding measure taken in relation to a member of a profession regulated by the Health Professions Order 2001, under that Order.”
- (3) For subsection (5) substitute—
- “(5) In subsection (4), the “relevant court” —
- (a) in the case of a person who (in accordance with the rules applying to the body making the relevant decision) was, or was required to be, notified of the relevant decision at an address in Scotland, means the Court of Session,
- (b) in the case of a person who (in accordance with the rules applying to the body making the relevant decision) was, or was required to be, notified of the relevant decision at an address in Northern Ireland, means the High Court of Justice in Northern Ireland, and
- (c) in the case of any other person, means the High Court of Justice in England and Wales.”
- (4) In subsection (6) for the words from “four weeks beginning with the last date” to the end substitute “40 days beginning with the day which is the last day on which the practitioner concerned can appeal against the relevant decision”.
- (5) Section 29(1)(c) of the 2002 Act has effect until the coming into force of the repeal of that provision by this Act as if the words “otherwise than by reason of his physical or mental health” were omitted.
- (6) Section 29(1)(f) of the 2002 Act has effect until the coming into force of the repeal of that provision by this Act as if the words from “, other than a direction” to the end were omitted.