
STATUTORY INSTRUMENTS

1998 No. 1138 (C.26)

OSTEOPATHS

The Osteopaths Act 1993 (Commencement No. 3) Order 1998

Made - - - - *28th April 1998*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 42(2) and (4) of the Osteopaths Act 1993(1), hereby makes the following Order.

Citation and interpretation

- 1.—(1) This Order may be cited as the Osteopaths Act 1993 (Commencement No. 3) Order 1998.
(2) In this Order, “the Act” means the Osteopaths Act 1993.

Appointed Day

2. 9th May 1998 is the day appointed for the coming into force of the following provisions of the Act and, save as provided below, those provisions shall come into force on that day for all purposes—
- (a) in section 1 (the General Osteopathic Council and its committees)
 - (i) subsection (2), so far as not already in force; and
 - (ii) subsection (3), so far as it relates to the other provisions of the Act brought into force by this Order;
 - (b) section 2 (registrar of osteopaths), section 3 (full registration), section 4 (conditional registration) and section 6 (registration: supplemental provision), so far as not yet in force;
 - (c) section 9 (access to the register)(2), with the exception of subsection (1C);
 - (d) section 10(1) (fraud or error in relation to registration);
 - (e) the following sections—
 - (i) section 12 (visitors);
 - (ii) section 14 (recognition of qualifications);
 - (iii) section 15 (recognition of qualifications: supplemental);
 - (iv) section 16 (withdrawal of recognition);
 - (v) section 18 (information to be given by institutions);
 - (vi) section 29 (appeals against decisions of the registrar);

(1) 1993 c. 21, amended by the Chiropractors Act 1994 (c. 17), Schedule 2.

(2) Section 9 was amended by paragraph 1 of Schedule 2 to the Chiropractors Act 1994 (c. 17).

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- (vii) section 33 (competition and anti-competitive practices); and
- (viii) section 38 (data protection and access to personal health information); and
- (f) section 42 (short title, commencement, transitional provisions and extent), so far as not yet in force.

28th April 1998

Frank Dobson
One of Her Majesty's Principal Secretaries of
State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 9th May certain provisions of the Osteopaths Act 1993 thereby enabling the General Osteopathic Council (the “GOsC”) to open the Register of Osteopaths and to enter on it the names and other details of those applicants for either full or conditional registration who have satisfied the Registrar of their fitness to practise and have paid the prescribed fee (sections 1(2) and (3), 2, 3, 4 and 6).

The Order also brings into force the following provisions of the Act—

Section 9 (with the exception of subsection (1C)), so as to require the GOsC to make the register available for inspection, to provide copies on payment of a reasonable fee and to publish annually a list of registered osteopaths.

Section 10(1) requiring the Registrar to investigate any claim that an entry on the Register has been fraudulently procured or incorrectly made and to make a report of his findings to the General Council.

Sections 12, 14, 15, 16 and 18 which concern the procedure for recognising qualifications and visiting and obtaining information from institutions offering relevant courses of study.

Section 29 which enables applicants for registration and those already registered to appeal against adverse decisions of the Registrar.

Section 33 which applies certain provisions of the Fair Trading Act 1973 in connection with competition and anti-competitive practices.

Section 38 which inserts the term “registered osteopath” into various enactments dealing with data protection and access to personal health records.

Section 42 in respect of the short title of the Act, the territorial extent of the Act and the power of the Secretary of State to bring the Act into force and make transitional provision is brought fully into force.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1)	14th January 1997	1997/34
Section 1(2) (partially)	14th January 1997	1997/34
Section 1(3) (partially)	14th January 1997 and 1st April 1998	1997/34 and 1998/872
Section 1(4) (partially)	14th January 1997 and 1st April 1998	1997/34 and 1998/872
Section 1(5) (partially)	1st April 1998	1998/872

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(6)	1st April 1998	1998/872
Section 1(7) (partially)	1st April 1998	1998/872
Section 1(8)	14th January 1997	1997/34
Section 1(9) (partially)	1st April 1998	1998/872
Section 1(10) to (12)	14th January 1997	1997/34
Section 2(1), (2), (4), (5) and (6)	14th January 1997	1997/34
Section 3 (partially)	1st April 1998	1998/872
Section 4 (partially)	1st April 1998	1998/872
Section 6 (partially)	1st April 1998	1998/872
Section 11	1st April 1998	1998/872
Section 13	1st April 1998	1998/872
Section 19	1st April 1998	1998/872
Section 34	14th January 1997	1997/34
Section 35(1), (2) and (4)	14th January 1997	1997/34
Section 36(1), (2), (4), (5) and (6)	14th January 1997	1997/34
Section 37	1st April 1998	1998/872
Section 39	1st April 1998	1998/872
Section 40	14th January 1997	1997/34
Section 41 (partially)	14th January 1997 and 1st April 1998	1997/34 and 1998/872
Section 42(1), (2), (3), (4), (5) and (6)	14th January 1997	1997/34
Section 42(7) (partially)	14th January 1997	1997/34
In the Schedule—		
in Part I—	14th January 1997	1997/34
paragraphs 1, 2, 4, 5, 6, 8, 11, 13 and 14(2)		
paragraph 14(3) (partially)	14th January 1997	1997/34
paragraph 14(5) (partially)	1st April 1998	1998/872
paragraph 15	14th January 1997	1997/34
in Part II—	1st April 1998	1998/872
paragraphs 16 to 21 and 23 to 24(1) (partially)		
paragraphs 25 to 29	1st April 1998	1998/872

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraphs 30 to 41 (partially)	1st April 1998	1998/872
Part III	14th January 1997	1997/34