



Health and Social Care Act 2008

2008 CHAPTER 14

PART 2

REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

Amendments of Part 3 of Health Act 1999

112 Standard of proof in fitness to practise proceedings

After section 60 of the 1999 Act insert—

“60A Standard of proof in fitness to practise proceedings

- (1) The standard of proof applicable to any proceedings to which this subsection applies is that applicable to civil proceedings.
- (2) Subsection (1) applies to any proceedings before—
 - (a) the Office of the Health Professions Adjudicator, or
 - (b) a committee of a regulatory body, a regulatory body itself or any officer of a regulatory body,which relate to a person’s fitness to practise a profession to which section 60(2) applies.
- (3) In subsection (2) “regulatory body” means the body (or main body) responsible for the regulation of a profession to which section 60(2) applies.
- (4) An Order in Council under section 60 may not—
 - (a) amend this section, or
 - (b) make any provision that is inconsistent with subsection (1).”