

Draft Order in Council laid before Parliament and the Scottish Parliament under section 62(10) of the Health Act 1999 (c. 8), for approval by resolution of each House of Parliament and by resolution of the Scottish Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No.

HEALTH CARE AND ASSOCIATED PROFESSIONS

PROFESSIONAL QUALIFICATIONS

The Anaesthesia Associates and Physician Associates Order 2024

Made - - - -

Coming into force in accordance with article 1

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At the Court at Buckingham Palace, the day of

Present,

The King's Most Excellent Majesty in Council

This Order in Council is made in exercise of the powers conferred by sections 60(1)(b) and 62(4) and (4A) of, and Schedule 3 to, the Health Act 1999^(a).

The Secretary of State and the Scottish Ministers published a draft of this Order in Council and invited representations as required by paragraph 9(1) and (3) of Schedule 3 to the Health Act 1999.

The period of three months mentioned in paragraph 9(4) of that Schedule expired before a draft of this Order in Council, together with a report about the consultation, was laid before Parliament and the Scottish Parliament.

A draft of this Order in Council has been approved by resolution of each House of Parliament and the Scottish Parliament in accordance with section 62(10) of the Health Act 1999.

Accordingly, His Majesty is pleased, by and with the advice of His Privy Council, to make the following Order in Council:

(a) 1999 c. 8. Subsections 62(4) and (4A) were substituted by paragraph 11 of Schedule 10 to the Health and Social Care Act 2008 (c. 14). Schedule 3 was amended by: paragraph 8(b) of Schedule 4 to the Health Professions Order 2001 (S.I. 2002/254); section 26(10) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17); paragraph 67 of Schedule 11, and Part 4 of Schedule 14, to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); section 33 of, and Schedule 9 to, the Health Act 2006 (c. 28); paragraphs 4 to 10 of Schedule 8, paragraph 12 of Schedule 10 and Part 2 of Schedule 15, to the Health and Social Care Act 2008; section 211 of, and paragraphs 61 and 72 of Schedule 15 to, the Health and Social Care Act 2012 (c. 7); and section 168(4) of the Health and Care Act 2022 (c. 31).

PART 1

GENERAL

Citation and commencement

1.—(1) This Order may be cited as the Anaesthesia Associates and Physician Associates Order 2024.

(2) Article 19(1)(b) comes into force on 13th December 2026.

(3) The remaining provisions of this Order come into force on 13th December 2024.

Interpretation

2.—(1) In this Order—

“approved qualification” means a qualification approved under article 4(1)(a)(ii);

“associate” means—

- (a) anaesthesia associate, or
- (b) physician associate;

“case examiner” means a person who carries out case examiner functions under articles 10 and 13 on behalf of the Regulator;

“court”, except in the terms “county court” and “relevant court”, means—

- (a) in the case of a person whose address is shown in the register, or would have been so shown if the person were registered, as being—
 - (i) in Scotland, the Court of Session;
 - (ii) in Northern Ireland, the High Court of Justice in Northern Ireland, and
- (b) in any other case, the High Court of Justice in England and Wales;

“Final Measure” means a requirement set out in article 10(10) and imposed under article 10(3)(b)(i) or (5)(b)(ii) or 14(3)(c);

“fitness to practise proceedings” means proceedings and decisions which relate to consideration of whether a person’s fitness to practise as an associate is impaired;

“Interim Measure” means a requirement set out in article 11(8) and imposed under article 11(1) or 12(4)(c);

“the MPTS” means the Medical Practitioners Tribunal Service established under section 1(3)(g) of the Medical Act 1983(a);

“Panel” means a panel constituted pursuant to rules made under paragraph 6 of Schedule 4 which has functions under this Order;

“the register” means the register referred to in article 5(1)(a);

“registrant” means a person registered under article 6;

“the Registrar” means the Registrar appointed under paragraph 1(b)(i) of Schedule 1;

(a) 1983 c. 54. Section 1(3)(g) was inserted by article 2(1) of the General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794).

“registration” means registration in the register and “registered” must be construed accordingly;

“the Regulator” means the General Medical Council^(a).

- (2) Any reference in this Order to—
- (a) fitness to practise being impaired is a reference to impairment by reason of—
 - (i) inability to provide care to a sufficient standard, or
 - (ii) misconduct;
 - (b) a member of the Regulator is to a person appointed under paragraph 1A(2) of Schedule 1 to the Medical Act 1983^(b).

PART 2

STANDARDS AND APPROVALS

Standards

- 3.—(1) The Regulator must determine standards applicable to associates.
- (2) The standards must relate to—
- (a) education and training,
 - (b) knowledge and skills,
 - (c) experience and performance,
 - (d) conduct and ethics,
 - (e) proficiency in the English language, and
 - (f) such other matters as the Regulator may prescribe in rules made under paragraph 2(2)(a) of Schedule 4.
- (3) Before determining a standard, the Regulator must consult such persons as the Regulator considers appropriate.
- (4) The Regulator—
- (a) must keep the standards under review, and
 - (b) may vary or revoke a standard.

Approval of education, training, etc.

- 4.—(1) For the purposes of enabling a person to attain the standards determined under article 3, the Regulator may—
- (a) approve—
 - (i) education or training provided;
 - (ii) a qualification conferred;
 - (iii) an examination or assessment provided, inside or outside the United Kingdom;

^(a) Section 1(1) of the Medical Act 1983 provides for the continued existence of the General Medical Council.
^(b) Paragraph 1A was substituted by paragraph 21(2) of Schedule 1 to the Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774) and amended by paragraph 6 of Schedule 20 to the Health and Social Care Act 2012.

- (b) approve a person who provides education or training inside or outside the United Kingdom;
- (c) determine that—
 - (i) education or training provided;
 - (ii) a qualification conferred,
 by an institution other than one established in the United Kingdom, is acceptable for practising as an associate in the United Kingdom.
- (2) The Regulator may—
 - (a) attach a condition to an approval;
 - (b) limit the time for which an approval is to have effect;
 - (c) vary or revoke an approval.
- (3) The Regulator may coordinate the stages of education and training approved under paragraph (1).

PART 3

THE REGISTER

Register

- 5.—**(1) The Registrar must—
- (a) keep—
 - (i) a single register of persons registered under article 6, and
 - (ii) that register correct in accordance with the provisions of, and made under, this Order, and
 - (b) take steps to guard against, and facilitate the discovery of, falsification of the register.
- (2) The Registrar—
- (a) must divide the register into—
 - (i) one part for anaesthesia associates, and
 - (ii) one part for physician associates, and
 - (b) must not divide the register into further parts.
- (3) The Registrar must record in the register in respect of each registrant—
- (a) a registration number and date of most recent registration;
 - (b) the person's name and such contact details as are prescribed in rules made under paragraph 1(3) of Schedule 4;
 - (c) such other information in respect of the person's identity, inclusion of which in the register the Regulator is satisfied serves the purpose of protection of the public;
 - (d) information in respect of any—
 - (i) warning under article 10(3)(a)(ii) or (5)(a)(ii),
 - (ii) Interim Measure or Final Measure, or
 - (iii) decision under article 16(5) or article 17(6);
 - (e) such other information in respect of the person's practice as an associate, inclusion of which in the register the Regulator is satisfied serves the purpose of protection of the public.

(4) The Registrar may record information in the register other than that mentioned in paragraph (3).

Registration

6.—(1) Except where paragraphs (2) or (3) apply, the Registrar must register a person who applies for registration (“the applicant”) if the applicant—

- (a) meets the standards determined by the Regulator under article 3(1) as being required for registration,
- (b) has provided the Registrar with the information specified in paragraph (4), and
- (c) has complied with—
 - (i) any procedural requirements prescribed in rules made under paragraph 4(1)(a) of Schedule 4, and
 - (ii) such other requirements as the Registrar may direct.

(2) Where the applicant’s entry in the register has been removed due to the imposition of a Final Measure, the Registrar must register an applicant if—

- (a) such a person or Panel as is prescribed in rules under paragraph 2(1)(a) of Schedule 4 is satisfied in respect of the matters specified in paragraph (1)(a) to (c), and
- (b) a Panel has determined that the applicant’s fitness to practise is not impaired.

(3) Where the applicant’s entry in the register has been removed other than due to the imposition of a Final Measure, the Registrar must register an applicant if—

- (a) such a person or Panel as is prescribed in rules made under paragraph 2(1)(b) of Schedule 4 is satisfied in respect of the matters specified in paragraph (1)(a) to (c), and
- (b) in such cases as may be prescribed in rules made under paragraph 2(2)(d) of Schedule 4, such a person or Panel as is prescribed in rules made under paragraph 2(1)(c) of Schedule 4 has determined that the applicant’s fitness to practise is not impaired.

(4) The information referred to in paragraph (1)(b) is—

- (a) proof of the applicant’s identity;
- (b) evidence to demonstrate that the applicant has in force, or will have in force by the date on which the applicant begins to practise in the United Kingdom—
 - (i) an indemnity arrangement,
 - (ii) an insurance policy, or
 - (iii) a combination thereof,

which provides appropriate and adequate cover in respect of the applicant’s practice as an associate.

Periodic assessment

7. The Regulator must carry out a periodic assessment as to whether a registrant continues to meet the standards determined under article 3(1).

Conditions on practice as an associate

8. The Regulator may impose conditions on the practice of such descriptions of associate as may be prescribed in rules under paragraph 2(2)(e) of Schedule 4.

Removal of an entry

9.—(1) The Registrar, as soon as reasonably practicable, must remove an entry from the register where—

- (a) the Registrar is satisfied that the person to whom the entry relates has died,
- (b) a Final Measure is imposed requiring the removal of the entry, or
- (c) the person to whom the entry relates has a conviction for an offence listed in—
 - (i) paragraphs 1 to 8 of Schedule 2, or
 - (ii) any other paragraph of Schedule 2 in respect of which a custodial sentence has been imposed,

which was committed on or after the date on which this article comes into force.

(2) The Registrar may remove an entry from the register where—

- (a) registration was procured fraudulently or made incorrectly,
- (b) a registrant does not meet the standards determined by the Regulator under article 3(1) pursuant to an assessment made under article 7, or
- (c) the person to whom it relates—
 - (i) has requested the removal, or
 - (ii) has not—
 - (aa) complied with an assessment procedure prescribed in rules under paragraph 4(2)(c) of Schedule 4,
 - (bb) paid a fee in accordance with rules made under paragraph 8 of Schedule 4,
 - (cc) an indemnity arrangement, insurance policy or combination thereof in force which provides appropriate and adequate cover in respect of their practice as an associate,
 - (dd) maintained an effective means of contact with the Registrar,
 - (ee) provided information in accordance with a requirement of, or made under, this Order, or
 - (ff) complied with a condition on registration imposed under article 8.

PART 4

FITNESS TO PRACTISE

Steps which may be taken where a question as to fitness to practise arises

10.—(1) Where the Regulator considers that a question has arisen as to whether an associate's fitness to practise is impaired, the Regulator must—

- (a) carry out an initial assessment, and
- (b) where the Regulator considers appropriate, refer the matter to a case examiner.

(2) The case examiner to which a referral is made under paragraph (1)(b) must take one of the steps specified in paragraphs (3) and (4).

(3) The step specified under this paragraph is for the case examiner to determine whether the associate's fitness to practise is impaired and—

- (a) where the associate's fitness to practise is found not to be impaired—

- (i) take no further action, or
 - (ii) issue the associate with a warning;
 - (b) where the associate's fitness to practise is found to be impaired—
 - (i) subject to paragraph (8), impose a Final Measure, or
 - (ii) refer the matter on to a Panel.
- (4) The step specified under this paragraph is for the case examiner to refer the matter on to a Panel.
- (5) A Panel to which a referral is made under paragraph (3)(b)(ii) must satisfy itself as to whether, and under paragraph (4) must determine whether, the associate's fitness to practise is impaired and—
- (a) where the associate's fitness to practise is found not to be impaired—
 - (i) take no further action, or
 - (ii) issue the associate with a warning;
 - (b) where the associate's fitness to practise is found to be impaired—
 - (i) take no further action, or
 - (ii) impose a Final Measure.
- (6) The case examiner may withdraw a referral to a Panel if the Panel has not yet satisfied itself as to whether, or determined whether, fitness to practise is impaired.
- (7) Paragraph (5) does not apply to a referral which is withdrawn under paragraph (6).
- (8) If a case examiner determines that an associate's fitness to practise is impaired, the case examiner may only impose a Final Measure if the associate—
- (a) has agreed to the Final Measure being imposed on the basis that—
 - (i) the associate's fitness to practise is impaired, and
 - (ii) the associate has accepted the case examiner's findings, or
 - (b) has been notified that the case examiner proposes imposing a Final Measure and a reasoned response by the associate has not been received by the case examiner within the period prescribed under paragraph 11(1)(a) of Schedule 4.
- (9) A notification under paragraph (8)(b) must—
- (a) request that the associate provide a reasoned response within the prescribed period, and
 - (b) inform the associate that a Final Measure may be imposed if the associate fails to respond.
- (10) A Final Measure imposed under paragraph (3)(b)(i) or (5)(b)(ii) may require that an associate's entry in a part of the register (into which the register is divided under article 5(2)(a)) be—
- (a) subject to condition,
 - (b) suspended, or
 - (c) removed.

Interim Measures

11.—(1) Where a question has arisen in accordance with article 10(1) as to whether an associate's fitness to practise is impaired, an Interim Measure may be imposed upon that associate by a Panel, pending—

- (a) the conclusion of an assessment under article 10(1)(a);

- (b) a determination by a case examiner under article 10(3);
- (c) a determination by a Panel under article 10(5);
- (d) a determination by the Regulator under article 14(2);
- (e) a decision under article 16(5) in respect of articles 10(3)(b)(i), 13(1) or 14(3);
- (f) a decision under article 17(6) in respect of articles 10(3)(b)(i) or (5)(b)(ii), 11(1), 13(1) or 14(3),

where the Panel considers that such an Interim Measure is necessary for the protection of the public, or is otherwise in the interests of the public or the associate.

(2) A Panel which imposes an Interim Measure under paragraph (1) must specify the period for which the Measure is to remain in force.

(3) The Panel may not specify a period longer than 18 months.

(4) The Regulator may—

(a) where it is carrying out—

- (i) an assessment mentioned in paragraph (1)(a), or
- (ii) a determination mentioned in paragraph (1)(b) or (c), and

(b) before the expiration of the period for which the Interim Measure to which the assessment or determination relates is to remain in force,

apply to the court for an extension of the period.

(5) On an application under paragraph (4), the court may only extend the period if it is satisfied that the current period will not allow such time as is reasonable in the circumstances of the case for the assessment or determination to conclude.

(6) The court may not extend the period for longer than 12 months on each application.

(7) For the purposes of paragraphs (4) to (6), reference to a period for which an Interim Measure is to remain in force includes a period as previously extended under those provisions or in accordance with article 12.

(8) An Interim Measure imposed under paragraph (1) may require that an associate's entry in a part of the register (into which the register is divided under article 5(2)(a)) be—

- (a) subject to condition, or
- (b) suspended.

Interim Measures - review

12.—(1) In respect of an Interim Measure which remains in force in respect of an associate, the Regulator must carry out—

- (a) a first review of the Measure before the end of a period of six months beginning with the date on which it first had effect, and
- (b) subsequent reviews of the Measure before the end of a period of six months beginning with—
 - (i) the date of the previous review, or
 - (ii) where a court has, since the previous review, extended the period for which the Measure is to remain in force, the date on which the order to extend is made.

(2) A failure to conduct a review in accordance with paragraph (1) does not affect the validity of the Interim Measure.

(3) The Regulator may at any time review an Interim Measure which remains in force, including where a question arises as to whether an associate is complying with a condition on their registration.

(4) On a review under this article, the Regulator may—

- (a) extend the period specified for the Measure to remain in force,
- (b) vary a condition to which an associate's entry is subject,
- (c) revoke an Interim Measure and impose a different Interim Measure in respect of an associate,

if, in the opinion of the Regulator, an Interim Measure remains necessary for the protection of the public or remains in the interests of the public or the associate upon whom the Measure is imposed.

(5) Where the Regulator imposes a different Interim Measure under paragraph (4)(c), it must specify the period for which the Measure is to remain in force.

(6) Article 11(8) applies to a different Interim Measure imposed under paragraph (4)(c).

(7) The Regulator may not exercise the power under paragraph (4) so as to provide that an associate is subject to an Interim Measure or Measures in respect of the same matter for a period of longer than 18 months.

(8) On a review under this article, the Regulator may only revoke an Interim Measure without imposing a different Interim Measure if, in the opinion of the Regulator, the Interim Measure is no longer necessary for the protection of the public or is no longer in the interests of the public or the associate upon whom the Interim Measure is imposed.

(9) Where—

- (a) an appeal is brought under article 16 or 17 against a decision or a part of a decision, and
- (b) the decision, or part of it, is revoked or revised under this article before the appeal is determined,

the appeal (or the part of the appeal which relates to the revoked or revised part of the decision) will lapse.

Final Measures

13.—(1) A case examiner who imposes a Final Measure under article 10(3)(b)(i), or a Panel which imposes a Final Measure under article 10(5)(b)(ii), must specify the period for which the Final Measure is to remain in force.

(2) The case examiner or the Panel may not specify a period of longer than 12 months.

(3) This article does not apply where the Final Measure imposed is for an associate's entry to be removed from a part of the register.

Final Measures - review

14.—(1) The Regulator may at any time review a Final Measure which remains in force in respect of an associate where that associate's entry in the register is subject to a condition or is suspended, including where a question arises as to compliance with a condition on that associate's registration.

(2) On a review under this article, the Regulator may revoke a Final Measure if, in the opinion of the Regulator, the fitness to practise of the associate in respect of whom the Final Measure is imposed is no longer impaired.

(3) On a review under this article, the Regulator may—

- (a) extend the period for which a Final Measure is to remain in force,
 - (b) vary a condition to which an associate's entry in the register is subject,
 - (c) revoke a Final Measure and impose a different Final Measure in respect of an associate,
- if, in the opinion of the Regulator, the fitness to practise of that associate remains impaired.
- (4) For the purposes of paragraph (3)(a), the Regulator may only extend the period—
 - (a) specified under article 13(1), or
 - (b) previously extended under paragraph (3)(a),
 by a period not longer than 12 months on each occasion.
 - (5) Article 13 applies to the Regulator in imposing a different Final Measure under paragraph (3)(c) as it applies to a case examiner and Panel.
 - (6) Article 10(10) applies to a different Final Measure imposed under paragraph (3)(c).
 - (7) Where—
 - (a) an appeal is brought under article 16 or 17 against a decision or a part of a decision, and
 - (b) the decision, or part of it, is revoked or revised under this article before the appeal is determined,
 the appeal (or the part of the appeal which relates to the revoked or revised part of the decision) will lapse.

PART 5

REVISIONS AND APPEALS

Revision of decisions

- 15.**—(1) The Regulator may revise such decisions under this Order as are prescribed in rules under paragraph 3 of Schedule 4.
- (2) A decision may be revised if—
 - (a) the decision was based on an error of fact or law;
 - (b) except in respect of a determination under article 10(2) to (5) and (8) and article 11(1), a material change in circumstances has occurred since the decision was made.
 - (3) The Regulator may not revise a decision in order to—
 - (a) extend the period for which a Final Measure or an Interim Measure is to remain in force;
 - (b) vary a condition to which, by virtue of a Final Measure or an Interim Measure, a person's entry in the register is subject.
 - (4) For the purpose of any rule as to the time allowed for bringing an appeal under article 16 or 17, the decision revised under this article is to be deemed as made on the date on which it is so revised.
 - (5) Where—
 - (a) an appeal is brought under article 16 or 17 against a decision or part of a decision, and
 - (b) the decision, or part of it, is revised under this article before the appeal is determined,
 the appeal (or the part of the appeal which relates to the revised part of the decision) will lapse.
 - (6) A decision prescribed in accordance with paragraph (1) includes such a decision—

- (a) as previously revised under this article, and
- (b) as amended following an appeal under article 16.

Appeal to a Panel

16.—(1) In respect of a provision listed in the first column of the following table, a decision of the decision maker listed in the corresponding entry in the second column may be appealed to a Panel by a person listed in the corresponding entry in the third column.

<i>Provision</i>	<i>Decision maker</i>	<i>Appellant</i>
article 6(1)	the Registrar	the applicant
article 6(3)	the person prescribed	the applicant
article 7	the Regulator	the person registered
article 8	the Regulator	the person who is subject to the condition
article 9(2)	the Registrar	the person to whom the entry relates
article 10(3), other than sub-paragraph (b)(ii)	the case examiner	the person to whom the determination relates
article 12(4)	the Regulator	the person to whom the Interim Measure relates
article 13(1)	the case examiner	the person to whom the Final Measure relates
article 14(3)	the Regulator	the person to whom the Final Measure relates

(2) A person who wishes to appeal under paragraph (1) must seek permission to do so from the Regulator within 28 days beginning with the date on which the decision was notified to the person listed in the third column of the table.

- (3) Following receipt of an application for permission to appeal, the Regulator must—
- (a) grant permission,
 - (b) refuse permission, or
 - (c) where the rules under paragraph 3 of Schedule 4 permit, revise the decision under article 15.

(4) Rules made under paragraph 12 of Schedule 4 may prescribe other persons who may appeal against a decision made under a provision listed in the first column of the table in paragraph (1).

(5) On an appeal under this article, the Panel may—

- (a) dismiss the appeal;
- (b) quash the decision under appeal;
- (c) substitute for the decision under appeal a decision that could have been made;
- (d) remit the matter to be disposed of in accordance with directions.

(6) No appeal under paragraph (1) lies against a decision made solely on the ground that the person has not—

- (a) applied for registration under article 6 in accordance with rules made under paragraph 4(1)(a) of Schedule 4, or
 - (b) paid a fee payable in accordance with rules made under paragraph 8 of Schedule 4.
- (7) Reference to a decision under paragraph (1) includes a decision—
- (a) as previously revised under article 15, and
 - (b) as amended pursuant to article 17(6)(d).

Appeal to a court

17.—(1) In respect of a provision listed in the first column of the following table, a decision of the decision maker listed in the corresponding entry in the second column may be appealed to the court by a person listed in the corresponding entry in the third column.

<i>Provision</i>	<i>Decision maker</i>	<i>Appellant</i>
article 6(2) and (3)	the Panel or person prescribed	the applicant
article 7	the Regulator	the person registered
article 9(1)(c)	the Registrar	the person to whom the entry relates
article 10(3), other than sub-paragraph (b)(ii)	the case examiner	the person to whom the determination relates
article 10(5)	the Panel	the person to whom the determination relates
article 11(1) and (2)	the Panel	the person to whom the Interim Measure relates
article 12(4)	the Regulator	the person to whom the Interim Measure relates
article 13(1)	the case examiner or Panel	the person to whom the Final Measure relates
article 14(3)	the Regulator	the person to whom the Final Measure relates

(2) In respect of a provision listed in the first column of the following table, a decision of the decision maker listed in the corresponding entry in the second column may be appealed to the relevant court by a person listed in the corresponding entry in the third column.

<i>Provision</i>	<i>Decision maker</i>	<i>Appellant</i>
article 6(1)	the Registrar	the applicant
article 8	the Regulator	the person to whom the condition applies
article 9(1)(a)	the Registrar	the person to whom the entry relates
article 9(2)	the Registrar	the person to whom the entry relates

(3) For the purposes of paragraph (2), the “relevant court” means a county court or, in Scotland, the sheriff in whose Sheriffdom is situated the address—

- (a) which is shown in the register as the address of the person listed in the third column of the table, or
- (b) which would have been so shown if the person were registered.

(4) Where an appeal lies against a decision by virtue of article 16(1), such an appeal may not be commenced under this article unless—

- (a) permission to appeal has been refused under article 16(3)(b), or
- (b) the Panel has disposed of the appeal in accordance with article 16(5).

(5) Where a person wishes to appeal to the court, county court or sheriff under this article, the appeal must be commenced within 28 days beginning with the later of the date on which—

- (a) the decision,
- (b) a revision of the decision under article 15,
- (c) a refusal of permission to appeal under article 16, or
- (d) the determination of an appeal against the decision under article 16,

was notified to the person listed in the third column of the table in paragraph (1) or (2).

(6) On an appeal under this article, the court, county court or sheriff may—

- (a) dismiss the appeal;
- (b) quash the decision under appeal;
- (c) substitute for the decision under appeal a decision that could have been made;
- (d) remit the matter to be disposed of in accordance with directions.

(7) The court, county court or sheriff may make any order as to costs or, in Scotland, expenses as it thinks fit.

(8) No appeal under this article lies against a decision made solely on the ground that the person has not—

- (a) paid a fee payable in accordance with rules made under paragraph 8 of Schedule 4, or
- (b) applied for registration in accordance with rules made under paragraph 4(1)(a) of Schedule 4.

(9) Unless the context otherwise requires, reference to a decision in this article includes a decision—

- (a) as revised under article 15, and
- (b) as amended following an appeal under article 16.

PART 6

MISCELLANEOUS

Opportunity to make representations

18.—(1) Subject to paragraph (2), a decision may not be made under—

- (a) article 4(2)(a) or (c) unless the person who applied for the approval under article 4(1) has been given an opportunity to make representations beforehand, or
- (b) article 12(4), article 13(1), or article 14(3) nor may a Final Measure be imposed unless the person affected has been given an opportunity to make representations beforehand.

(2) A case examiner may not refer a case under article 10(4) unless the person whose fitness to practise is in question has been given an opportunity to make written representations beforehand.

(3) Where practicable, representations made by an associate will be considered prior to a decision being taken under article 11(1) or (2).

Offences relating to registration etc.

19.—(1) A person commits an offence who, with intent to deceive—

- (a) falsely represents anyone, including themselves, to have an approved qualification, or to be registered,
- (b) uses the title of anaesthesia associate or physician associate without being registered as such,
- (c) makes a false representation as to the content of the register, or
- (d) procures, or attempts to procure, the inclusion of information in, or exclusion of information from, the register.

(2) A person who is guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

Schedules 1 and 3 to 5

20. Schedule 1 and Schedules 3 to 5 have effect.

Name
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 20

THE REGULATOR

Appointment of Registrar etc.

1. The Regulator, for the purposes of this Order—
 - (a) may make such appointments as it may determine, and
 - (b) without prejudice to the generality of sub-paragraph (a), must appoint—
 - (i) a Registrar, and
 - (ii) members of a Panel.

Delegation

2.—(1) Subject to paragraph 8 of Schedule 3 to the Health Act 1999^(a), the Regulator may delegate functions under this Order to—

- (a) a member of the Regulator;
- (b) a Panel or the MPTS;
- (c) any other person if—
 - (i) the Regulator considers that the delegation is likely to lead to an improvement in the exercise of its functions, and
 - (ii) the person has agreed to the terms of the delegation.

(2) The functions that may be delegated under sub-paragraph (1) do not include any function of making rules under Schedule 4.

(3) The functions that may be delegated under sub-paragraph (1)(b) and (c) do not include the power conferred by that paragraph.

(4) A function may be delegated under sub-paragraph (1)—

- (a) wholly or partly;
- (b) generally or only in specific circumstances;
- (c) unconditionally or subject to specific conditions.

(5) A delegation does not—

- (a) prevent the Regulator from exercising the function or making other arrangements for its exercise;
- (b) affect any liability or responsibility of the Regulator for the exercise of its functions.

(6) The Regulator may discharge a function delegated to it by another person.

(a) 1999 c. 8.

Objective, matters to which the Regulator must have regard and co-operation

3.—(1) The Regulator, in addition to its objectives and duties set out in section 1(1A) and (1B)(a) of, and paragraph 9A(1)(b) of Schedule 1 to, the Medical Act 1983^(a)—

- (a) has the objective of promoting and maintaining—
 - (i) public confidence in, and
 - (ii) proper professional standards and conduct for members of, the anaesthesia associate and physician associate professions,
- (b) must have regard, in exercising its functions under this Order, to—
 - (i) the interests of persons using or needing the services of associates in the United Kingdom,
 - (ii) any differing interests of different categories of anaesthesia associates and physician associates, and
 - (iii) the principle that regulatory activity should be targeted only at cases in which action is needed,
- (c) must discharge its functions under this Order in a way which is transparent, accountable, proportionate and consistent, and
- (d) must co-operate insofar as is appropriate and practicable, with persons concerned with the employment (whether or not under a contract of service), education or training of associates or the services they provide.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(d), the Regulator must have regard to any differing considerations relating to practising as an associate which apply in England, Scotland, Wales or Northern Ireland.

Default powers of the Privy Council

4.—(1) If it appears to the Privy Council that the Regulator has failed to perform any functions under this Order which, in the opinion of the Privy Council, should have been performed, the Privy Council may notify the Regulator of its opinion and require the Regulator to make representations to it.

(2) The Privy Council may, having considered such representations, give such directions to the Regulator as the Privy Council considers appropriate.

(3) If the Regulator does not comply with a direction given under sub-paragraph (2), the Privy Council may give effect to the direction.

(4) Subject to sub-paragraph (5), for the purpose of sub-paragraph (3), the Privy Council may—

- (a) exercise any power of the Regulator or do any act authorised to be done by the Regulator, and
- (b) do, of its own motion, any act which it is otherwise authorised to do under this Order at the instigation of the Regulator.

(5) The Privy Council may not under this paragraph make, amend or remove an entry in the register in respect of an individual, nor refuse to do so.

(6) The powers under sub-paragraphs (1) and (2) may be exercised by a person authorised or designated by the Privy Council for that purpose.

(a) 1983 c. 54.

Incidental powers

5.—(1) The Regulator may do anything which appears to it to be incidental or conducive to the purpose of, or in connection with, the performance of its functions other than its functions under the Medical Act 1983^(a) including—

- (a) paying members and staff of the Regulator and Panel members such remuneration, pensions, expenses, allowances or gratuities as it may determine,
- (b) paying a person to whom it has delegated a function in accordance with paragraph 2 for the discharge of that function, and
- (c) borrowing.

(2) The Regulator must arrange for the provision of such advice, assistance, accommodation, services and other facilities for a Panel as the Regulator thinks necessary or expedient for the proper performance of the Panel's functions.

(3) Arrangements under sub-paragraph (2) may include arrangements with the MPTS.

Grant-making power

6.—(1) The Secretary of State, the Scottish Ministers, the Welsh Ministers and the Department of Health in Northern Ireland may make a grant to the Regulator for the purposes of its functions under this Order.

(2) A grant under sub-paragraph (1) may be made unconditionally or subject to condition.

SCHEDULE 2

Article 9(1)(c)

LISTED OFFENCES

Listed offences

1. Murder.

2. An offence under the following provisions of the Sexual Offences Act 2003^(b)—

- (a) section 1 (rape);
- (b) section 2 (assault by penetration);
- (c) sections 5 to 8 (rape and other offences against children under 13);
- (d) sections 9 to 12 (child sex offences);
- (e) sections 30 to 33 (offences against persons with a mental disorder impeding choice);
- (f) sections 47 to 50 (sexual exploitation of children).

3. An offence under sections 9 to 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005^(c) (sexual services of children and child pornography).

4. An offence under the following provisions of the Sexual Offences (Northern Ireland) Order 2008^(d)—

-
- (a) See paragraph 9 of Schedule 1 to the Medical Act 1983.
 - (b) 2003 c. 42. Sections 47 to 50 were repealed in relation to Northern Ireland by articles 78(c) and 83 of, and Schedule 3 to, the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769) (N.I. 2). Section 47(7) was repealed by articles 3 and 8 of the Sexual Offences (Northern Ireland) Consequential Amendments Order 2008 (S.I. 2008/1779). Sections 48 to 50 were amended by section 68(1) and (3) to (5) of the Serious Crime Act 2015 (c. 9).
 - (c) 2005 asp 9; sections 9 to 12 were amended by section 40(2) of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13.
 - (d) S.I. 2008/1769 (N.I. 2).

- (a) article 5 (rape);
 - (b) article 6 (assault by penetration);
 - (c) article 12 (rape of a child under 13);
 - (d) articles 13 to 15 (assault in relation to children under 13);
 - (e) articles 16 to 19 (sexual offences against children under 16);
 - (f) articles 37 to 40 (abuse of children under 18: payment for sexual services and involvement in indecent images);
 - (g) articles 43 to 46 (offences against persons with a mental disorder impeding choice).
- 5.** An offence under the following provisions of the Sexual Offences (Scotland) Act 2009**(a)**—
- (a) section 1 (rape);
 - (b) section 2 (sexual assault by penetration);
 - (c) sections 3 to 6 (sexual assault and other sexual offences) committed against a person who is, by virtue of section 17 of that Act (capacity to consent: mentally disordered persons), treated as incapable of consenting;
 - (d) sections 18 to 26 (young children);
 - (e) sections 28 to 33 (older children).
- 6.** An offence under the following provisions of the Modern Slavery Act 2015**(b)**—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).
- 7.** An offence under either of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015**(c)**—
- (a) section 1 (offence of human trafficking);
 - (b) section 4 (slavery, servitude and forced or compulsory labour).
- 8.** An offence under the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**(d)**—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).
- 9.** Extortion (in Scotland).
- 10.** An offence under section 21 of the Theft Act 1968**(e)** (blackmail).
- 11.** An offence under section 20 of the Theft Act (Northern Ireland) 1969**(f)** (blackmail).
- 12.** An offence under section 3 of the Sexual Offences Act 2003 (sexual assault).
- 13.** An offence under article 7 of the Sexual Offences (Northern Ireland) Order 2008 (sexual assault).
- 14.** An offence under section 3 of the Sexual Offences (Scotland) Act 2009 (sexual assault).

(a) 2009 asp 9; section 26 was amended by section 43(4) of the Criminal Justice and Licensing (Scotland) Act 2010.
 (b) 2015 c. 30.
 (c) 2015 asp 12.
 (d) 2015 c. 2 (N.I.).
 (e) 1968 c. 60; section 21 was extended by section 1(1)(d) of the Nuclear Material (Offences) Act 1983 (c. 18).
 (f) 1969 c. 16 (N.I.).

EVIDENCE GATHERING, NOTIFICATIONS, PUBLICATION AND
DATA**Disclosure of information**

1.—(1) Subject to sub-paragraph (2), the Regulator may disclose information about any matter, regardless of when or where it arose, relating to its functions under this Order.

(2) The Regulator must not disclose information—

- (a) which relates to a particular associate's fitness to practise, or
- (b) related to fitness to practise in respect of every—
 - (i) associate, or
 - (ii) associate of a particular class,

unless it considers it to be in the public interest to do so.

(3) For the purposes of sub-paragraph (2)(b), the Regulator need not consider whether it is in the public interest to disclose the information in question in respect of each individual to whom it relates.

Notifications

2.—(1) The Regulator must notify—

- (a) a decision under—
 - (i) article 4, in respect of an approval or determination under that article, to the person who applied to the Regulator for that approval or determination;
 - (ii) article 6(1) to (3) to the person who applied for registration under that paragraph;
 - (iii) article 7 to the registrant;
 - (iv) article 8 to the person whose registration is subject to a condition under that article;
 - (v) article 9(2), other than paragraph (2)(c)(i) or (ii)(dd), to the person whose entry is removed under that paragraph,

and such notification, where appropriate, must inform the notified person that they may apply for permission to appeal to a Panel under article 16 or appeal to a court under article 17;

- (b) where it considers appropriate, a person in respect of whom an assessment is carried out under article 10(1)(a)—
 - (i) that it is carrying out the assessment;
 - (ii) as to the outcome of the assessment;
- (c) a person ("P" in this paragraph and the next) of a decision in respect of P under articles 10, other than paragraph (1)(a), and 14(3), such notification being accompanied by—
 - (i) a statement of the reasons for the decision, and
 - (ii) information in respect of any right of appeal against the decision;
- (d) a decision under articles 7, 9(2)(b), 10(3) to (6), 13 and 14, other than a decision to refer a matter to a Panel, to—

- (i) any person by whom P is employed, or with whom P has an arrangement, to provide medical services (where known),
 - (ii) any regulatory body with which P is registered (where known), and
 - (iii) the complainant (if any);
- (e) a revision under article 15 to anyone who was notified of the decision that has been revised;
- (f) a decision under article 16(3) to the person applying for permission to appeal;
- (g) a Panel’s decision under article 16(5) to the parties to that appeal.
- (2) The Regulator must include in a notification under sub-paragraph (1)(a) reasons for the decision except where the decision is to grant an application without a condition.
- (3) The Regulator must notify a removal of an entry and the date of removal under article 9(1)(c) to—
- (a) the person (“R”) whose entry in the register has been removed under that provision, and
 - (b) where known, any—
 - (i) person by whom R is employed, or with whom R has an arrangement, to provide services as an associate, or in respect of such services, and
 - (ii) any regulatory body with which R is registered.
- (4) The Regulator must notify a person whose entry in the register has been removed under article 9(1)(c) that they may appeal to a court under article 17.

Power to publish

- 3.—(1) The Regulator may publish—
- (a) information related to fitness to practise in respect of every—
 - (i) associate, or
 - (ii) associate of a particular class,
 if it considers it to be in the public interest to do so;
 - (b) the findings of any assessment under paragraph 7(1)(a) in respect of an approval under article 4 and any warning the Regulator may give in consequence of the findings;
 - (c) a removal under article 9(2);
 - (d) an assessment under article 7;
 - (e) the reasons for the determination of an appeal under this Order if it considers it to be in the public interest to do so;
 - (f) information relating to former registrants which was previously published under paragraph 4;
 - (g) guidance about the exercise of functions under this Order.
- (2) For the purposes of sub-paragraph (1)(a), the Regulator need not consider whether it is in the public interest to publish the information in question in respect of each individual associate to whom it relates.

Duty to publish registration information and certain decisions

- 4.—(1) The Registrar must publish, together, in respect of each registered person—
- (a) that person’s name, registration number and date of most recent registration,

- (b) in which part of the register the person is registered, and
 - (c) information publication of which the Regulator is satisfied serves the purpose of protection of the public.
- (2) The Regulator must, as soon as practicable, publish in addition—
- (a) a removal under article 9(1)(c),
 - (b) a warning under article 10(3)(a)(ii) or (5)(a)(ii),
 - (c) a decision under article 10(5)(b)(i),
 - (d) an Interim Measure or a Final Measure, and
 - (e) a decision under article 16(5) or article 17(6),

until the Regulator is satisfied that such publication no longer serves the purpose of protection of the public.

Duty to publish other matters

- 5.—(1) The Regulator must publish—
- (a) any rules made under this Order,
 - (b) standards determined under article 3(1),
 - (c) a list of approvals given under article 4(1),
 - (d) any condition or revocation of approval under article 4(2)(a) and (c), and
 - (e) guidance as to what amounts to impairment of fitness to practise.
- (2) The Regulator must keep guidance under sub-paragraph (1)(e) under review.

Information to be included in a report under section 52A of the Medical Act 1983

6. The Regulator must include in a report under section 52A (annual reports, statistical reports and strategic plans) of the Medical Act 1983(a) produced on or after the date on which this paragraph is commenced a description of—
- (a) the arrangements which it has put in place to protect members of the public from registrants whose fitness to practise is impaired, together with its observations on the report, and
 - (b) the likely impact of any change made during the period covered by the report to fees set under paragraph 8 of Schedule 4, in particular in respect of—
 - (i) the workforce of the health service in the United Kingdom,
 - (ii) associates, and
 - (iii) the Regulator.

Evidence gathering

- 7.—(1) The Regulator must take such steps as it considers necessary for the purpose of assessing whether—
- (a) standards determined under article 3(1) are met at any point in time, or
 - (b) a person’s fitness to practise as an associate is impaired.
- (2) The steps taken under sub-paragraph (1)(a)—

(a) Section 52A was substituted by paragraph 18 of Schedule 1 to the Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774).

- (a) must include requiring prescribed persons to supply prescribed information, at prescribed intervals in such manner as may be prescribed, to the Regulator, and
- (b) may include setting examinations.

(3) In sub-paragraph (2)(a), “prescribed” means prescribed in rules under paragraph 14 of Schedule 4.

(4) Subject to sub-paragraph (5) and paragraph 8, the Regulator may require a person, including an associate in respect of whom the information or document is sought, to supply information or produce a document which the Regulator considers the person is able to supply and which appears to the Regulator to be relevant for the purposes of its functions under this Order.

(5) The Regulator may not require, for the purposes of fitness to practise proceedings, an associate to provide it with material produced by that associate—

- (a) for the purposes of professional development, or
- (b) in the course of reflecting on their professional practice in order to improve it.

(6) If a person fails to supply any information or produce any document within 14 days of being required to do so under sub-paragraph (4), the Regulator may seek an order of the county court or, in Scotland, the sheriff in whose Sheriffdom is situated the address which—

- (a) is shown in the register as the address of the person concerned, or
- (b) the last known address of the person concerned,

requiring the information to be supplied or the document to be produced.

Further provision as to disclosure

8.—(1) Nothing in article 18 or this Schedule requires or permits the making of a disclosure which contravenes the data protection legislation.

(2) Paragraph 7(4) does not apply in respect of the supply of information or the production of a document which a person could not be compelled to supply or produce in court.

(3) Where, for the purposes of paragraph 7(4), information is held in a form which is not disclosable by reason of the data protection legislation because the information is capable of identifying an individual, the Regulator may require that information be put into a form which is not capable of identifying that individual.

(4) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018^(a) (see section 3(9) of that Act (Terms relating to the processing of personal data)).

Proceedings before a Panel

9.—(1) For the purposes of fitness to practise proceedings before a Panel in England and Wales or Northern Ireland, a Panel may—

- (a) administer oaths, and
- (b) issue a writ of subpoena ad testificandum or subpoena duces tecum.

(2) Any such writ must not compel a person to produce any document which they could not be compelled to produce on the trial of an action.

^(a) 2018 c. 12; section 3(9) was amended by paragraph 4(3) of Schedule 2 to the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/419).

(3) Section 36 of the Senior Courts Act 1981(a) (subpoena issued by High Court to run throughout United Kingdom) or section 67 of the Judicature (Northern Ireland) Act 1978(b) (which provide a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) applies in respect of fitness to practise proceedings before a Panel in England and Wales or, as the case may be, in Northern Ireland as those provisions apply in respect of causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

(4) For the purpose of fitness to practise proceedings before a Panel in Scotland, the Panel may administer oaths and the Court of Session will on the application of any party to the proceedings have the like power as in any action in that court—

- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Panel and for the issue of letters of second diligence against any witness or haver failing to appear after due citation,
- (b) to grant warrant for the recovery of documents, and
- (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

(5) No person shall be compelled under any of the provisions in this paragraph to produce any document described in paragraph 7(5).

SCHEDULE 4

Article 20

RULE-MAKING POWERS

Rules as to the register

1.—(1) The Regulator may make rules as to the form and keeping of the register.

(2) Subject to sub-paragraph (3) and paragraph 4, the Regulator may make rules as to the entering, amendment and removal of information in the register.

(3) The Regulator must prescribe in rules which contact details, including addresses, of associates must be recorded in the register under article 5(3)(b).

Rules prescribing persons etc. for the purposes of articles 6 and 8

2.—(1) The Regulator must prescribe in rules a person or Panel for the purposes of—

- (a) article 6(2)(a),
- (b) article 6(3)(a), and
- (c) article 6(3)(b).

(2) The Regulator may prescribe in rules—

- (a) standards for the purposes of article 3(1);
- (b) a period, for the purposes of article 6(2) or (3), that must have elapsed before an applicant may apply to be registered;
- (c) a limitation on the number of applications an applicant may make under article 6(2) or (3);
- (d) a case for the purposes of article 6(3)(b);

(a) 1981 c. 54.

(b) 1978 c. 23.

- (e) a description of associate for the purposes of article 8.

Rules as to revision of decisions

3.—(1) The Regulator must prescribe in rules decisions for the purposes of article 15(1).

(2) In respect of decisions which are prescribed under sub-paragraph (1), the Regulator may prescribe the circumstances and cases in which it may request representations from the person to whom the decision relates.

(3) The representations referred to in sub-paragraph (2) must be in writing unless the Regulator directs otherwise.

Procedural rules other than for appeals

4.—(1) The Regulator must prescribe in rules the procedure for the purposes of—

- (a) articles 4(1), 6, 10, 11, 12, 13, 14 and 15, and
- (b) removing an entry under article 9(1)(c).

(2) The Regulator may prescribe in rules the procedure for—

- (a) article 4(2);
- (b) the removal of entries in the register in the circumstances referred to in article 9(1)(a) and (2);
- (c) an assessment under paragraph 7 of Schedule 3 and, in particular, for an assessment of a person's physical or mental health.

Procedural rules for appeals

5. The Regulator must prescribe in rules the procedure for appeals under article 16, which must in particular—

- (a) specify—
 - (i) the timescales within which any steps in an appeal are to be taken,
 - (ii) the content of a notice of appeal,
 - (iii) the information to be provided with such a notice of appeal, and
 - (iv) the manner, and deemed date of service, of a notice of appeal,
- (b) provide for a Panel to dispose of the appeal with or without a hearing, but with the proviso that a Panel must hold a hearing if the appellant so requests, and
- (c) permit, in respect of any hearing, the appellant to—
 - (i) attend, and be represented,
 - (ii) make oral representations, and
 - (iii) call witnesses.

Rules as to Panels

6.—(1) The Regulator must prescribe in rules—

- (a) the quorum and constitution of Panels,
- (b) the circumstances in which a Panel may comprise a single decision maker, and
- (c) the circumstances in which proceedings before a Panel are to be held in private.

(2) The Regulator may in rules provide that a Panel may join more than one referral in respect of a person and consider them at the same time.

(3) The Regulator may make rules on any matter relating to the functions of Panels, including as to—

- (a) case management;
- (b) procedural directions;
- (c) evidence;
- (d) administration of oaths;
- (e) requiring persons to attend and give evidence or to produce documents.

Rules as to non-compliance

7.—(1) The Regulator may prescribe in rules—

- (a) the consequences of non-compliance with—
 - (i) rules under paragraph 4(2)(c);
 - (ii) a direction under rules under paragraph 6(3)(b);
- (b) that the Regulator, the Registrar, a Panel, a case examiner and a person prescribed in rules for the purposes of article 6(3)(a) may draw adverse inferences in circumstances prescribed in the rules.

(2) Rules under sub-paragraph (1)(a)(ii) may—

- (a) prescribe—
 - (i) the circumstances in which costs may be awarded by a Panel;
 - (ii) what factors need to be taken into account in awarding costs;
- (b) provide for—
 - (i) the assessment and taxation of costs or, in Scotland, expenses;
 - (ii) the enforcement of an award of costs or, in Scotland, expenses by a Panel in the same manner as if the award had been made by an order of the county court or, in Scotland, by decree of the sheriff.

Rules as to fees

8.—(1) The Regulator must make rules as to the setting, charging, collection and recovery of fees in connection with the discharge of a function under this Order, including a function discharged outside the United Kingdom.

(2) The rules must not require a registrant to pay fees in connection with specific proceedings to determine that registrant's fitness to practise.

(3) The rules must require the level of any fees to be set with a view to ensuring that, so far as is reasonably practicable and taking one year with another, the Regulator's fee income does not exceed its expenses, including amounts reasonably required to be set aside as reserves.

(4) The rules may provide that a request or application in respect of which a fee is payable is not valid unless the fee is paid.

(5) Any fees recoverable pursuant to this paragraph may be recovered by—

- (a) the Regulator, or
- (b) a person or body prescribed in the rules,

in such circumstances or cases, and to such extent, as may be prescribed in the rules.

(6) Any such sum is recoverable in Scotland as a debt and in England, Wales and Northern Ireland summarily as a civil debt.

Rules as to notifications

9.—(1) The Regulator must make rules as to the notification of the opportunity to make representations under article 18 and as to notification under paragraph 2 of Schedule 3, which include provision as to—

- (a) the content of the notifications,
- (b) any information to be provided with them,
- (c) the period within which they must be given,
- (d) their service, and
- (e) the date on which they are to be deemed to have been received.

(2) Rules under sub-paragraph (1) must require that any notification informs the recipient of, as appropriate—

- (a) the nature of the proceedings to which it refers,
- (b) the timescale within which any response to it is required and the method for making such a response,
- (c) any consequences of failing to respond to it or to comply with the fitness to practise procedure, and in particular any decisions that may be taken in the absence of the person and any action that may be taken for failure to comply with the fitness to practise procedure, and
- (d) any right to be represented and to make representations.

Rules as to Panel appointments

10.—(1) The Regulator must make rules for appointments under paragraph 1(b)(ii) of Schedule 1.

(2) Such rules must secure that a person who is a member or an officer of the Regulator must not be appointed to a Panel.

(3) Such rules may provide for, in particular—

- (a) the process for appointment, suspension and removal;
- (b) the term of appointment;
- (c) remuneration.

(4) The reference in sub-paragraph (2) to an officer of the Regulator is to a person appointed under paragraph 16 of Schedule 1 to the Medical Act 1983(a).

Rules as to Fitness to Practise

11.—(1) The Regulator must prescribe in rules—

- (a) subject to sub-paragraph (2), a period for the purpose of article 10(8)(b) which may not be less than 28 days beginning with the date on which the associate received the notification of proposed Final Measure referred to in that provision;
- (b) that a Panel in fitness to practise proceedings must consist of at least—
 - (i) one person who—

(a) Paragraph 16 was amended by S.I. 2002/3135, 2008/1774 and 2015/794.

- (aa) has been registered,
- (bb) has an approved qualification, or
- (cc) is a registrant member (within the meaning of paragraph 1A(1) of Schedule 1 to the Medical Act 1983(a)), and

(ii) one person who does not satisfy sub-paragraph (i).

(2) For the purpose of sub-paragraph (1)(a), a notification sent electronically must be deemed to be received on the day on which it was sent.

(3) In respect of the functions of a case examiner the Regulator may make rules in respect of case management and evidence.

Rules as to appeals

12. The Regulator may prescribe in rules persons, other than itself, for the purposes of article 16(4).

Rules as to when decisions take effect

13. The Regulator may make rules setting out the date from which—

- (a) a revision under article 15;
- (b) an Interim Measure;
- (c) any Final Measure which does not require removal of an associate's entry from the register,

takes effect.

Rules for the purpose of paragraph 7 of Schedule 3

14. The Regulator must prescribe in rules persons, information, an interval and a manner for the purpose of paragraph 7(1)(a) and (2) of Schedule 3.

General provision about rules

15.—(1) Rules under this Schedule may—

- (a) make different provision for different cases or different classes of case;
- (b) make different provision for different circumstances;
- (c) contain such incidental, consequential, transitional, transitory, saving or supplementary provision as appears to the Regulator to be necessary or expedient.

(2) Before making rules under this Schedule the Regulator must consult, to the extent it considers appropriate, representatives of any group of persons which appear to the Regulator likely to be affected by the rules, including representatives of—

- (a) associates,
- (b) employers of associates,
- (c) users of the services of associates, and
- (d) persons providing, assessing or funding education or training for associates or prospective associates.

(a) Paragraph 1A was substituted by S.I. 2008/1774 and amended by paragraph 6(a) of Schedule 20 to the Health and Social Care Act 2012 (c. 7).

CONSEQUENTIAL AMENDMENTS

Medical Act 1983

1.—(1) Schedule 1 to the Medical Act 1983 (the General Medical Council and its Committees, and the Branch Councils) is amended as follows.

(2) In paragraph 1A(1) (membership of the General Medical Council: general)—

(a) for paragraph (a) substitute—

“(a) registrant members, that is members who are—

- (i) fully registered under this Act and hold licences to practise,
- (ii) provisionally registered under this Act and hold licences to practise, or
- (iii) registered under the Anaesthesia Associates and Physician Associates Order 2024; and”;

(b) in paragraph (b)—

- (i) in sub-paragraph (i), at the end insert “under this Act”;
- (ii) omit “and” at the end of sub-paragraph (ii);
- (iii) after sub-paragraph (iii) insert—

“(iv) are not and never have been registered under the Anaesthesia Associates and Physician Associates Order 2024, and

(v) do not hold a qualification approved under article 4(1)(a)(ii) of that Order.”.

(3) For paragraph 19G(14)(a) (Medical Practitioners Tribunals and Interim Orders Tribunals) substitute—

“(14) In this paragraph—

“lay member” has the same meaning as in paragraph 1A;

“registrant member” means a member who—

- (a) is fully registered or provisionally registered under this Act, and
- (b) holds a licence to practise.”.

Video Recordings Act 1984

2. In the Video Recordings Act 1984(b) in section 3(11) (exempted supplies of video recordings), after “the Nursing and Midwifery Order 2001,” insert “the Anaesthesia Associates and Physician Associates Order 2024,”.

(a) Paragraph 19G was inserted by article 3(3) of the General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794).

(b) 1984 c. 39; section 3(11) was amended by section 39 of the Chiropractors Act 1994 (c. 17), paragraph 47(b) of Schedule 5 to the Children and Social Work Act 2017 (c. 16), paragraph 4 of Schedule 4 to the Health Professions Order 2001 (S.I. 2002/254) and paragraph 9 of Schedule 5 to the Nursing and Midwifery Order 2001 (S.I. 2002/253).

Police Act 1997

3. In the Police Act 1997(a), in Schedule 8A (offences which must be disclosed unless a sheriff orders otherwise), after paragraph 34F insert—

“34G. An offence under article 19 of the Anaesthesia Associates and Physician Associates Order 2024 (offences relating to registration etc.).”.

National Health Service Reform and Health Care Professions Act 2002

4.—(1) The National Health Service Reform and Health Care Professions Act 2002(b) is amended as follows.

(2) In section 26 (powers and duties of the Authority: general), in subsection (4) (powers to take action in relation to the case of an individual)—

(a) omit “or” at the end of paragraph (b);

(b) at the end of paragraph (c) insert—

“, or

(d) requesting that the General Medical Council exercises the power conferred by article 15(1) of the Anaesthesia Associates and Physician Associates Order 2024 so as to revise a decision of a case examiner to take any step under article 10(3) of that Order other than a decision to refer a matter on to a Panel.”.

(3) In section 29 (reference of disciplinary cases by Authority to court)—

(a) in subsection (1), after paragraph (h) insert—

“(ha) any step taken under article 10(5) or 13(1) of the Anaesthesia Associates and Physician Associates Order 2024 by a panel constituted under that Order,

(hb) any step taken by the General Medical Council under article 14(2) or (3) of the Anaesthesia Associates and Physician Associates Order 2024,

(hc) any revision by the General Medical Council under article 15(1) of the Anaesthesia Associates and Physician Associates Order 2024 where the decision revised is a decision under article 10(5) of that Order;”;

(b) in subsection (2)(c) after “committees” insert “, panels”;

(c) after subsection (7A) insert—

“(7B) In a case where the relevant decision is taken by a panel constituted under the Anaesthesia Associates and Physician Associates Order 2024, the reference in subsection (7)(b) to the body which made the decision is to be read as a reference to the General Medical Council.”.

(a) 1997 c. 50; Schedule 8A was inserted by article 3(8) of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 (S.S.I. 2015/423). Paragraph 34F was inserted, in relation to Scotland, by regulation 2(20) of the Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379).

(b) 2002 c. 17; section 26(4) was substituted by section 115 of the Health and Social Care Act 2008 and amended by paragraph 62(b) of Schedule 15 to the Health and Social Care Act 2012. Section 29(1) was amended by section 118 and Part 2 of Schedule 15 to the Health and Social Care Act 2008, paragraph 73(1) of Schedule 15 to the Health and Social Care Act 2012, paragraph 13 of Schedule 1 to the Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), paragraph 1 of the Schedule to the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771), paragraph 13 of Schedule 1 to the Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848), paragraph 4 of Schedule 6 to the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), paragraph 10(4) of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231), article 18 of the General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794).

Income Tax (Earnings and Pensions) Act 2003

5. In the Income Tax (Earnings and Pensions) Act 2003(a) in section 343(2) (deduction for professional membership fees), in paragraph 1 of the Table (health professionals), at the end insert—

“(t) the register kept under the Anaesthesia Associates and Physician Associates Order 2024.”.

Safeguarding Vulnerable Groups Act 2006

6. In the Safeguarding Vulnerable Groups Act 2006(b), in the table in section 41(7) (registers: power to refer), at the end insert—

“12. The register kept under article 5 of the Anaesthesia Associates and Physician Associates Order 2024	The Registrar appointed under paragraph 1(b)(i) of Schedule 1 to that Order”.
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Data Protection Act 2018

7. In the Data Protection Act 2018(c), in section 204(1) (meaning of “health professional”), at the end insert—

“(l) a person registered under the Anaesthesia Associates and Physician Associates Order 2024.”.

Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001

8. In the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001(d), in regulation 4(5) (disqualification for appointment)—

- (a) omit “or” after sub-paragraph (g);
- (b) at the end of sub-paragraph (h), insert—

“; or

- (i) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

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- (a) 2003 c. 1. The part of the Table relating to health professionals in section 343(2) was amended by Part 2 of Schedule 15 to the Health and Social Care Act 2008, paragraphs 51 and 56(d) of Schedule 15 to the Health and Social Care Act 2012, paragraph 29 of Schedule 5 to the Children and Social Work Act 2017, paragraph 5 of Schedule 6 to the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), paragraph 9 of Schedule 1 to the Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), article 2(2) of the Income Tax (Professional Fees) Order 2008 (S.I. 2008/836), paragraph 6 of Schedule 5 to the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), paragraph 11 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231).
 - (b) 2006 c. 47; section 41(7) was amended by paragraph 27(2) of Schedule 2 to the Education Act 2011 (c. 21), section 213(7)(m) and paragraph 52 of Schedule 15 to the Health and Social Care Act 2012, paragraph 64 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9), paragraph 54 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), paragraphs 34 and 47(l) of Schedule 5 to the Children and Social Work Act 2017 and paragraph 15 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231).
 - (c) There are amendments to section 204(1) which are not relevant to this Order.
 - (d) S.S.I. 2001/303, there is an amendment to regulation 4(5) not relevant to this Order.

Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001

9. In the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(a), in regulation 4(7) (disqualification for appointment)—

- (a) omit “or” after sub-paragraph (f);
- (b) at the end of sub-paragraph (g), insert—

“; or

- (h) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002

10. In the Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002(b), in regulation 4(8) (disqualification for appointment), at the end of sub-paragraph (g), insert—

“;

- (h) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

Medicines for Human Use (Clinical Trials) Regulations 2004

11. In the Medicines for Human Use (Clinical Trials) Regulations 2004(c), in regulation 2(1) (interpretation), in the definition of “health care professional”—

- (a) omit “or” after paragraph (g);
- (b) at the end of paragraph (h), insert—

“; or

- (i) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004

12. In the Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004(d), in Article 5(10) (disqualification for appointment), at the end of sub-paragraph (g), insert—

“;

- (h) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

(a) S.R. 2001 No. 313; regulation 4(7) was amended by regulation 3(c) of the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations 2002 (S.R. 2002 No. 349).
(b) S.R. 2002 No. 386.
(c) S.I. 2004/1031, there are amendments to regulation 2(1) not relevant to this Order.
(d) S.R. 2004 No. 62. Article 5(10) was amended by paragraph 7 of Schedule 3 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094).

Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004

13. In the Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(a), in regulation 4(8) (disqualification for appointment)—

- (a) omit “or” after sub-paragraph (f);
- (b) at the end of sub-paragraph (g), insert—

“; or

- (h) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

National Assembly for Wales (Representation of the People) Order 2007

14. In the National Assembly for Wales (Representation of the People) Order 2007(b), in paragraph 4(2) (professionals who may attest to disability for the purposes of proxy voting in elections for the National Assembly for Wales) of Schedule 1—

- (a) omit “or” after paragraph (n);
- (b) at the end of paragraph (o) insert—

“; or

- (p) a person registered as either a physician associate or an anaesthesia associate under the Anaesthesia Associates and Physician Associates Order 2024”.

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

15. In the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(c), in the table in Article 43(7) (registers: power to refer), at the end insert—

“11. The register kept under article 5 of the Anaesthesia Associates and Physician Associates Order 2024	The Registrar appointed under paragraph 1(b)(i) of Schedule 1 to that Order”.
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Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008

16. In the Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008(d), in regulation 2(2)(j) (condition of appointment for chair and non-executive members of the Council)—

- (a) omit “and” after paragraph (ix);
- (b) at the end of paragraph (x), insert—

“; and

- (xi) the Anaesthesia Associates and Physician Associates Order 2024”.

(a) S.R. 2004 No. 37.

(b) S.I. 2007/236; paragraph 4(2) of Schedule 1 was amended by paragraph 13 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2017 (S.I. 2017/52) and paragraph 16 of Schedule 3 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094). There are other amendments to paragraph 4 not relevant to this Order.

(c) S.I. 2007/1351 (N.I. 11).

(d) S.I. 2008/2927; regulation 2(2)(j) was amended by paragraph 67 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231), paragraph 56 of the Schedule to the Health and Social Care Act 2012 (Consequential Provision—Social Workers) Order 2012 (S.I. 2012/1479) and paragraph 19 of Schedule 3 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094).

Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

17. In the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011(a), in regulation 1(2) (interpretation), in the definition of “health care professional”—

(a) omit “or” after paragraph (g);

(b) at the end of paragraph (h), insert—

“; or

(i) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011

18. In the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011(b), in regulation 4(4) (welfare of users)—

(a) omit “or” after sub-paragraph (g);

(b) at the end of sub-paragraph (h), insert—

“; or

(i) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

Human Medicines Regulations 2012

19. In the Human Medicines Regulations 2012(c), in regulation 8(1) (general interpretation), in the definition of “health care professional”—

(a) omit “or” after paragraph (j);

(b) at the end of paragraph (k), insert—

“; or

(l) a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

Social Security (Personal Independence Payment) Regulations 2013

20. In the Social Security (Personal Independence Payment) Regulations 2013(d), in paragraph 1 of Schedule 1 (personal independence payment assessment)—

(a) in the definition of “monitor a health condition”—

(i) omit “or” after paragraph (b)(ii);

(ii) at the end of paragraph (b)(iii), insert—

(a) S.S.I. 2011/182, there are amendments to regulation 1(2) not relevant to this Order.

(b) S.S.I. 2011/210, there is an amendment to regulation 4(4) not relevant to this Order.

(c) S.I. 2012/1916; the definition of “health care professional” was amended by paragraph 42(a) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593) and paragraph 30(b) of Schedule 2 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094).

(d) S.I. 2013/377; the definition of “monitor a health condition” was amended by regulation 2(2)(d) of the Social Security (Personal Independence Payment) (Amendment) Regulations 2017 (S.I. 2017/194).

“; or

(iv) a physician associate registered under the Anaesthesia Associates and Physician Associates Order 2024”;

(b) in the definition of “therapy”—

(i) omit “or” after paragraph (a)(ii);

(ii) after paragraph (a)(iii), insert—

“(iv) a physician associate; or”.

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

21. In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(a), in—

(a) article 2(1)(b) (interpretation)—

(i) after ““associate”,”, insert “except in the expression “registered associate”,”;

(ii) before the definition of “registered chiropractor”, insert—

““registered associate” means a person registered under the Anaesthesia Associates and Physician Associates Order 2024;”;

(b) Schedule A1(c) (offences which must be disclosed subject to exceptions), after paragraph 35, insert—

“**35A.** An offence under article 19 of the Anaesthesia Associates and Physician Associates Order 2024 (offences relating to registration etc.)”;

(c) Part 1 of Schedule 4 (excepted professions, offices, employments and occupations), at the end, insert—

“**18.** Registered associate.”.

Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014

22. In the Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014(d), in regulation 2 (prescribed descriptions of health professionals)—

(a) omit “or” after paragraph (h);

(b) at the end of paragraph (i), insert—

“; or

(j) persons included in the register kept under article 5 of the Anaesthesia Associates and Physician Associates Order 2024”.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

23. In the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014(e), in paragraph 4(4) of Schedule 1 (regulated activities)—

(a) in paragraph (a)—

(a) S.S.I. 2013/50.

(b) There are amendments to article 2(1) not relevant to this Order.

(c) Schedule A1 was inserted by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015 (S.S.I. 2015/329). There are amendments to Schedule A1 not relevant to this Order.

(d) S.S.I. 2014/307.

(e) S.I. 2014/2936, to which there are amendments not relevant to this Order.

- (i) omit “or” after sub-paragraph (xiii);
- (ii) at the end of sub-paragraph (xiv) insert—
 - “; or
 - (xv) an associate”;
- (b) at the end of paragraph (f) insert—
 - “;
 - (g) “associate” means a person registered under the Anaesthesia Associates and Physician Associates Order 2024”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the regulation of anaesthesia associates and physician associates (“associates”) by the General Medical Council (“the Regulator”).

Article 3 requires the Regulator to set standards in relation to education, training and registration of associates. It enables the Regulator to set other standards. It also provides for consultation and review in that respect. Article 4 enables the Regulator to give approvals in relation to education and training of associates; to attach conditions to such approvals and to withdraw them.

Articles 5 and 6 provide for the Regulator’s Registrar to register associates and to maintain the register. Article 7 requires the Regulator to periodically assess whether a registrant continues to meet the standards set under article 3. Article 8 allows for conditions to be imposed on associates’ registration; and article 9 provides for the removal of entries in the register.

Articles 10 to 14 provide for fitness to practise proceedings. Article 10 enables case examiners and Panels to impose Final Measures and issue warnings. Article 11 enables Panels to impose Interim Measures and for a court to extend the period of such Measures. “Interim Measure” and “Final Measure” are defined in article 2: they allow for conditions, suspension or, in the case of a Final Measure, removal from the register. Article 12 provides for the review of Interim Measures. Article 13 places a duty on a case examiner or Panel to specify how long a Final Measure will remain in force, which cannot exceed 12 months. Article 14 allows the Regulator to review a Final Measure which remains in force and sets out the Regulator’s review powers.

Article 15 enables the Regulator to revise decisions under the Order on the ground of error of fact or law or, except in relation to fitness to practise proceedings, where there has been a material change of circumstances since it was made. Article 16 enables decisions of the regulator under the Order to be appealed to a panel; article 17 allows for specified Panel decisions to be appealed to a court.

Article 18 provides for the making of representations by persons applying for the approval of education etc. and by associates before Interim Measures and Final Measures are imposed or specified other decisions are made.

Article 19 creates offences.

Schedule 1 makes provision as to the Regulator, in particular as to appointments, delegation, how it is to exercise its functions, default powers of the Privy Council, incidental powers and the making of grants to the Regulator. Schedule 2 contains the list of offences for the purposes of automatic removal pursuant to article 9(1)(c). Schedule 3 provides for evidence gathering, notifications, publication and data processing under this Order. Schedule 4 provides rule making powers. Schedule 5 makes amendments consequential on the provisions in this Order.

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