



# Osteopaths Act 1993

## 1993 CHAPTER 21

### *Miscellaneous*

#### **34 Default powers of the Privy Council.**

- (1) If it appears to the Privy Council that the General Council has failed to perform any functions which, in the opinion of the Privy Council, should have been performed, the Privy Council may give the General Council such direction as the Privy Council considers appropriate.
- (2) If the General Council fails to comply with any direction given under this section, the Privy Council may itself give effect to the direction.
- (3) For the purpose of enabling it to give effect to a direction under subsection (1), the Privy Council may—
  - (a) exercise any power of the General Council or do any act or other thing authorised to be done by the General Council; and
  - (b) do, of its own motion, any act or other thing which it is otherwise authorised to do under this Act on the instigation of the General Council.

#### **35 Rules.**

- (1) The approval of the Privy Council shall be required for any exercise by the General Council of a power to make rules under this Act.
- (2) Any rules made by the General Council or by Order in Council under this Act may make different provision with respect to different cases, or classes of case and, in particular, different provision with respect to different categories of osteopath or registered osteopath.
- (3) Any Order in Council made under section 10(8)(b) or 31(5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Nothing in any rules made under this Act shall be taken to oblige or entitle any person to act in breach of the law relating to confidentiality.

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*Changes to legislation: There are currently no known outstanding effects for the Osteopaths Act 1993, Cross Heading: Miscellaneous. (See end of Document for details)*

#### Commencement Information

- II** S. 35 wholly in force at 8.3.2000; s. 35 not in force at Royal Assent see s. 42(2)(4)(5); s. 35(1)(2)(4) in force at 14.1.1997 by S.I. 1997/34, art. 2, **Sch.**; s. 35 in force at 8.3.2000 insofar as not already in force by S.I. 2000/217, **art. 2**

### 36 Exercise of powers of Privy Council.

- (1) Where the approval of the Privy Council is required by this Act in respect of the making of any rules by the General Council, it shall be given by an order made by the Privy Council.
- (2) Any power of the Privy Council under this Act to make an order shall be exercisable by statutory instrument.
- (3) Any order approving rules made under section 5, 8(8), 17 or 30 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) For the purposes of exercising any powers conferred by this Act (other than the power of hearing appeals) the quorum of the Privy Council shall be two.
- (5) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the Clerk of the Council.
- (6) Any document purporting to be—
  - (a) an instrument made by the Privy Council under this Act, and
  - (b) signed by the Clerk of the Privy Council,
 shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of its terms.

#### Commencement Information

- I2** S. 36 wholly in force at 8.3.2000; s. 36 not in force at Royal Assent see s. 42(2)(4)(5); s. 36(1)(2)(4)-(6) in force at 14.1.1997 by S.I. 1997/34, art. 2, **Sch.**; s. 36 in force at 8.3.2000 insofar as not already in force by S.I. 2000/217, **art. 2**

### 37 Professional indemnity insurance.

- (1) The General Council may by rules make provision requiring—
  - (a) registered osteopaths who are practising as osteopaths, or
  - (b) prescribed categories of registered osteopaths who are practising as osteopaths,
 to secure that they are properly insured against liability to, or in relation to, their patients.
- (2) The rules may, in particular—
  - (a) prescribe risks, or descriptions of risk, with respect to which insurance is required;
  - (b) prescribe the amount of insurance that is required either generally or with respect to prescribed risks;

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- (c) make such provision as the General Council considers appropriate for the purpose of securing, so far as is reasonably practicable, that the requirements of the rules are complied with;
- (d) make provision with respect to failure to comply with their requirements (including provision for treating any failure as constituting unacceptable professional conduct).

### 38 Data protection and access to personal health information.

- (1) In section 2(1) of the <sup>M1</sup>Access to Health Records Act 1990 (definition of health professionals), after paragraph (f) there shall be inserted—
  - “(ff) a registered osteopath;”.
- (2) The following instruments shall be amended as mentioned in subsection (3)—
  - (a) the <sup>M2</sup>Data Protection (Subject Access Modification) (Health) Order 1987;
  - (b) the <sup>M3</sup>Access to Personal Files (Social Services) Regulations 1989;
  - (c) the <sup>M4</sup>Access to Personal Files (Social Work) (Scotland) Regulations 1989;
  - (d) the <sup>M5</sup>Access to Personal Files (Housing) Regulations 1989; and
  - (e) the <sup>M6</sup>Access to Personal Files (Housing) (Scotland) Regulations 1992.
- (3) In each case, at the end of the Table in the Schedule there shall be inserted—

“Registered osteopath	Osteopaths Act 1993, section 41.”
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- (4) The reference in section 2(1) of the <sup>M7</sup>Access to Medical Reports Act 1988 to the order mentioned in subsection (2)(a) shall be read as a reference to that order as amended by this section.
- (5) The amendments made by this section shall not be taken to prejudice the power to make further orders or (as the case may be) regulations varying or revoking the amended provisions.

#### Extent Information

**E1** S. 38 extends to United Kingdom, with exceptions, see s.42(7).

#### Marginal Citations

**M1** 1990 c. 23.  
**M2** S.I. 1987/1903.  
**M3** S.I. 1989/206.  
**M4** S.I. 1989/251.  
**M5** S.I. 1989/503.  
**M6** S.I. 1992/1852.  
**M7** 1988 c. 28.

### 39 Exemption from provisions about rehabilitation of offenders.

- (1) In this section—
  - “the 1975 Order” means the <sup>M8</sup>Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (professions etc. with respect to which provisions of the Act of 1974 are excluded); and

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“the 1979 Order” means the <sup>M9</sup>Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (professions etc. with respect to which provisions of the <sup>M10</sup>Rehabilitation of Offenders (Northern Ireland) Order 1978 are excluded).

(2) In Part I of Schedule 1 to the 1975 Order, there shall be inserted at the end—

“11 Registered osteopath.”

(3) In Part I of Schedule 1 to the 1979 Order, there shall be inserted at the end—

“10 Registered osteopath.”

(4) In both the 1975 Order and the 1979 Order, in each case in Part IV of Schedule 1, there shall be inserted in the appropriate place—

““registered osteopath” has the meaning given by section 41 of the Osteopaths Act 1993.”

(5) The amendment of the 1975 Order and the 1979 Order by this section shall not be taken to prejudice the power to make further orders varying or revoking the amended provisions.

#### **Extent Information**

**E2** S. 39 extends to United Kingdom with exceptions, see s. 42(7).

#### **Marginal Citations**

**M8** S.I. 1975/1023.

**M9** S.R. 1979 No. 195.

**M10** S.I. 1978/1908 (N.I. 27).

## **40 Financial provisions.**

- (1) The General Council shall keep proper accounts of all sums received or paid by it and proper records in relation to those accounts.
- (2) The accounts for each financial year of the General Council shall be audited by persons appointed by the Council.
- (3) No person may be appointed as an auditor under subsection (2) unless he is eligible for appointment as a company auditor under section 25 of the <sup>M11</sup>Companies Act 1989 or Article 28 of the <sup>M12</sup>Companies (Northern Ireland) Order 1990.
- (4) As soon as is reasonably practicable after the accounts of the General Council have been audited, the Council shall—
  - (a) cause them to be published, together with any report on them made by the auditors; and
  - (b) send a copy of the accounts and of any such report to the Privy Council.
- (5) The Privy Council shall lay any copy sent to them under subsection (4) before each House of Parliament.

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**Marginal Citations**

**M11** 1989 c. 40.

**M12** S.I. 1990/593 (N.I. 5).

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**Changes to legislation:**

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