

*These notes refer to the Health and Social Care Act 2008  
(c.14) which received Royal Assent on 21 July 2008*

# HEALTH AND SOCIAL CARE ACT 2008

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## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *Interpretation*

#### **Part 2 – Regulation of Health Professions and Health and Social Care Workforce**

#### **The Office of the Health Professions Adjudicator**

#### ***Section 109: OHPA rules: supplementary***

331. **Section 109** provides that before making rules, the OHPA must consult:
- the Council for Healthcare Regulatory Excellence;
  - the GMC, if the rules affect the profession regulated by the Medical Act 1983;
  - the GOC, if the rules affect the professions regulated by the Opticians Act 1989;
  - other bodies which appear to the OHPA to represent the professions regulated by the GMC or, as the case may be, the GOC, if the rules affect these regulated professions;
  - bodies that appear to the OHPA to represent the interests of patients;
  - any other persons the OHPA considers appropriate.
332. The rules come into force only if approved by the Privy Council by an Order of Council, subject to the negative resolution procedure (apart from any rules under section 100(4) containing provision for the piloting of legally qualified chairs, to which section 162(4) applies the affirmative procedure). The Privy Council may modify the rules before approving them but must first give the OHPA the opportunity to make observations on the proposed changes.