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 STATUTORY INSTRUMENTS
 

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1986 No. 630

**PROFESSIONS SUPPLEMENTARY TO MEDICINE**

**The Professions Supplementary to Medicine (Winding up of Remedial Gymnasts Board) Order of Council 1986**

*Laid before Parliament in draft*

*Made - - - - 1st April 1986*

*Coming into Operation 1st April 1986*

At the Council Chamber, Whitehall, the 1st day of April 1986

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas the Council for Professions Supplementary to Medicine have, in accordance with the provisions of section 10(1) of the Professions Supplementary to Medicine Act 1960 (a), recommended to the Privy Council, that the said Act should cease to extend to remedial gymnasts:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House:

Now, therefore, Their Lordships, in exercise of the powers conferred on Them by section 10(2) of the said Act, and all other powers enabling them in that behalf, after consulting the Physiotherapists Board and the Remedial Gymnasts Board as boards appearing to Them to be concerned, are pleased to order, and it is hereby ordered, as follows:-

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Professions Supplementary to Medicine (Winding up of Remedial Gymnasts Board) Order of Council 1986, and shall come into operation on the 1st April 1986.

(2) In this Order—

“the Act” means the Professions Supplementary to Medicine Act 1960;

“the appointed day” means the 1st April 1986;

“the Registrar” means the Registrar of the Council for Professions Supplementary to Medicine acting on behalf of the Physiotherapists Board;

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(a) 1960 c.66. The Act was extended in its application to the profession of orthoptists by the Professions Supplementary to Medicine (Orthoptists Board) Order of Council 1966 (S.I. 1966/990), which Order also made alterations to the First Schedule to the Act.

“the transitional period” means the period commencing on 1st April 1986 and expiring either on 31st December 1990, or, if the Physiotherapists Board so decide, an earlier date in 1990 but after 30th March of that year.

*Cessation of application of the Act to remedial gymnasts*

2. The Act shall have effect as if—

- (a) the profession of remedial gymnasts were not mentioned in subsection (2) of section 1 of the Act; and
- (b) in the First Schedule to the Act (Constitutions of the Council and Boards, and Supplementary Provisions) there were made the alterations, additions and omissions specified in the Schedule to this Order.

*Transfer of property*

3. Any property which immediately before the appointed day was the property of the Remedial Gymnasts Board shall on that day be transferred to the Physiotherapists Board.

*Enforceability of rights and liabilities*

4. Any right which was enforceable by and any liability which was enforceable against the Remedial Gymnasts Board immediately before the appointed day shall be enforceable by or against the Physiotherapists Board.

*Provision for continuity in exercise of function*

5. Anything done or any notice given by, or on behalf of, the Remedial Gymnasts Board and any application made to the Remedial Gymnasts Board shall be deemed to have been done or given by, or on behalf of, or made to the Physiotherapists Board.

*Winding up of the affairs of the Remedial Gymnasts Board*

6.— (1) It shall be the duty of the Physiotherapists Board to take such action as may be necessary for winding up the affairs of the Remedial Gymnasts Board and of any Committees thereof and it shall be a function of the Council to supervise the Physiotherapists Board in respect of that duty.

(2) Where immediately before the appointed day the Remedial Gymnasts Board had not, in respect of any period before that day, performed any duty imposed on it by the Act or fulfilled any requirement of the Council, responsibility for performing such a duty or fulfilling such requirement shall, except as otherwise provided by this Order, rest with the Physiotherapists Board.

*Transfer to the register of the Physiotherapists Board*

7.— (1) Any person who immediately before the appointed day was registered with the Remedial Gymnasts Board shall on the appointed day be

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treated for the purposes of the Act and any Order rule or direction made thereunder as registered with the Physiotherapists Board.

(2) Any person treated as registered pursuant to paragraph (1) of this Article who, before the appointed day, had paid a registration fee, a retention fee or a restoration fee to the Registrar in respect of the period expiring on 28th February 1987 pursuant to rule 16, 19 or 20, as the case may be, of the rules scheduled to the Professions Supplementary to Medicine (Registration Rules) Order of Council 1962 (a) shall not be liable to pay the Registrar any additional fees under the said rules, as a consequence of being treated as registered with the Physiotherapists Board, in respect of the period expiring on 31st March 1987.

(3) Any person who immediately before the appointed day was either—

- (a) entitled to be registered as a remedial gymnast but was not so registered, or
- (b) attending an approved course of training leading to a qualification in remedial gymnastics and who has since the appointed day obtained a certificate suitably endorsed by the Chartered Society of Physiotherapy,

shall, on application made to the Registrar at any time on or after the appointed day, be entitled, subject to the registration requirements of the Act and any Order, rule or direction made thereunder, to be registered with the Physiotherapists Board.

#### *Disciplinary proceedings*

8.— (1) Where immediately before the appointed day the investigating committee of the Remedial Gymnasts Board was charged with conducting any preliminary investigation into a case under section 8(1)(a) of the Act, or the disciplinary committee of the Remedial Gymnasts Board was charged with considering and determining any case under section 8(1)(b) of the Act, and the investigation or the consideration, as the case may be, have not been determined by the appointed day, the Act shall, notwithstanding the provisions of Article 2 of this Order, continue to have effect for the purposes of any such investigation or consideration as if this Order had not been made.

(2) For the purposes of section 8(1)(b) of the Act, in any case which is referred to it on or after the appointed day in respect of a person who by virtue of Article 7 of this Order is treated as, or claims to be entitled to be, registered with the Physiotherapists Board, the disciplinary committee of the Physiotherapists Board shall if the relevant conduct occurred before the appointed day have regard to the Statement of Conduct prepared under section 9(6) of the Act by the Remedial Gymnasts Board.

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(a) S.I. 1962/1765.

*Composition of committees of the Physiotherapists Board during the transitional period*

9. During the transitional period each investigating committee, disciplinary committee or registration committee of the Physiotherapists Board considering the case of a person who immediately before the appointed day was, or was entitled to be, registered with the Remedial Gymnasts Board shall include at least one representative member of the Physiotherapists Board appointed pursuant to paragraph 5(4) of Part II of the First Schedule to the Act.

*G. I. de Deney,*  
Clerk of the Privy Council.

## SCHEDULE

## Article 2

## ALTERATIONS, ADDITIONS AND OMISSIONS TO FIRST SCHEDULE TO THE ACT

1. In Part I of the First Schedule (constitution of the Council)—
  - (a) in paragraph 1(1) for the word “twenty-three” there shall be substituted the word “twenty-one”;
  - (b) in paragraph 1(1)(b) for the word “four” there shall be substituted the word “three” and for the words “two only shall be registered medical practitioners” there shall be substituted the words “one only shall be a registered medical practitioner”;
  - (c) in paragraph 1(1)(c) for the word “eight” there shall be substituted the word “seven”.
2. In Part II of the First Schedule (relating to the constitution of boards)—
  - (a)(i) in the table at the end of paragraph 4(1), in the line relating to the Physiotherapists Board the entries relating to the membership of the Board shall be deleted and the following entries, under the headings indicated, shall be substituted as follows:—

(1)	(2)	(3)	(4)						(5)	(6)
Board	Total number of members	Representative members	(a)	(b)	(c)	(d)	(e)*	(f)*	Experts in professional education	Other members
Physiotherapists	21	11	4	1	1	—	—	—	1	3
			The English Colleges jointly	The Scottish Corporations jointly	The British Medical Association (c)	The Society of Medical Officers of Health	The Royal College of Physicians of London	The Royal College of Surgeons of England		

\* Sub-columns (e) and (f) were added by S.I. 1966/990

(ii) in the said table the line relating to the Remedial Gymnasts Board shall be omitted;

(b) in paragraph 4(2) for the reference to "paragraph 11" there shall be substituted the reference to "paragraphs 11 and 11A";

(c) after paragraph 5(3) there shall be inserted the following paragraph—

"(4) Two of the representative members of the Physiotherapists Board and their alternate members shall be appointed for the transitional period from persons who immediately before 1st April 1986 were registered with the Remedial Gymnasts Board.";

(d) in paragraph 7(3) the words "the Physiotherapists Board and" shall be deleted;

(e) paragraph 7(4) shall be deleted and the following shall be substituted for it—

"(4) Of the three members of the Physiotherapists Board appointed in pursuance of the said paragraph (d), one shall be an expert in physical education, one shall be a physicist and one shall be a person with experience relating to physiotherapy and engaged in biophysics, bio-engineering, work physiology or related fields.";

(f) in paragraph 8(2) for the word "Subject" there shall be substituted the words "Except in the case of persons appointed pursuant to paragraph 5(4), and subject";

(g) after paragraph 8(2) there shall be inserted the following paragraph—

"(2A) Subject to paragraph 11A the representative and alternate members of the Physiotherapists Board appointed pursuant to paragraph 5(4) shall be appointed by the Council.".

3. In Part III of the First Schedule (relating to supplementary provisions relating to the Council and Boards)—

(a) in paragraph 10(1) for the reference to "paragraph 11" there shall be substituted the reference to "paragraphs 11 and 11A";

(b) after paragraph 11 there shall be inserted the following paragraph—

"11A(1) When a representative member or alternate member appointed pursuant to paragraph 5(4) ceases to hold office during the transitional period his place shall be taken—

(a) in the case of a representative member by his alternate member if then in office and if not by a person appointed by the Council from persons who were immediately before 1st April 1986 registered with the Remedial Gymnasts Board;

(b) in the case of an alternate member by a person appointed by the Council from persons who were immediately before 1st April 1986 registered with the Remedial Gymnasts Board.

(2) A person taking office by virtue of sub-paragraph (1) above shall retire when the person whose place he takes would normally have retired.";

(c) in paragraph 22(1) the following definition shall be inserted after the definition of "representative member"—

"the transitional period" means the period commencing on 1st April 1986 and expiring either on 31st December 1990 or, if the Physiotherapists Board so decide, an earlier date in 1990 but after 30th March of that year.".

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order which is made under section 10(2) of the Professions Supplementary to Medicine Act 1960 provides for the winding up of the Remedial Gymnasts Board and for the transfer on 1st April 1986 ("the appointed day") of persons on the register of that Board to the register of the Physiotherapists Board. The recommendation of the Council for Professions Supplementary to Medicine to this effect reflects the fact that the activities of remedial gymnasts have now become indistinguishable from those of physiotherapists. There is provision for certain categories of persons previously entitled to apply to be registered as remedial gymnasts instead to apply to be registered as physiotherapists after the appointed day.

The Order also makes transitional provision as regards disciplinary proceedings commenced before the appointed day, so that these shall be completed by reference to the disciplinary code applicable at the time the conduct complained of took place, and for ancillary matters concerning the composition of committees of the Physiotherapists Board during a specified transitional period.

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