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STATUTORY INSTRUMENTS

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**1998 No. 1329**

**OSTEOPATHS**

**The General Osteopathic Council (Professional Indemnity Insurance) Rules Order of Council 1998**

*Made* - - - - 9th May 1998

*Coming into force* - - 9th May 1998

At the Council Chamber, Whitehall, the 9th day of May 1998  
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of section 37 of the Osteopaths Act 1993<sup>(1)</sup> the General Osteopathic Council have made the General Osteopathic Council (Professional Indemnity Insurance) Rules 1998 as set out in the Schedule to this Order:

And whereas by section 35(1) of the said Act such rules shall not have effect until approved by the Privy Council:

Now, therefore, Their Lordships, having taken the said rules into consideration, are pleased to, and do hereby, approve the same.

This Order may be cited as the General Osteopathic Council (Professional Indemnity Insurance) Rules Order of Council 1998 and shall come into force on 9th May 1998.

*N. H. Nicholls*  
Clerk of the Privy Council

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<sup>(1)</sup> 1993 c. 21.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

### THE GENERAL OSTEOPATHIC COUNCIL (PROFESSIONAL INDEMNITY INSURANCE) RULES 1998

The General Osteopathic Council, in exercise of their powers under section 37 of the Osteopaths Act 1993(2), and of all other powers enabling them in that behalf, hereby make the following Rules:

## PART I

### PRELIMINARY

#### Citation and commencement

1. These rules may be cited as the General Osteopathic Council (Professional Indemnity Insurance) Rules 1998, and shall come into force on 9th May 1998.

#### Interpretation

2.—(1) In these Rules—

“the Act” means the Osteopaths Act 1993;

“osteopath” means a registered osteopath as defined in the Act;

“prescribed risks” means the insurance risks which are prescribed under Rule 4;

“prescribed amounts” means the minimum amounts of insurance cover to be obtained by an osteopath in order to cover the prescribed risks and which are set out in Rule 6.

(2) unless the context otherwise requires, a reference—

(a) in these rules to a numbered rule is a reference to the rule bearing that number in these rules; and

(b) in a rule to a numbered paragraph is a reference to the paragraph bearing that number in that rule.

## PART II

### REQUIREMENT TO OBTAIN INSURANCE

#### Obligation to insure

3.—(1) Subject to Rule 3(2) any osteopath who practises as an osteopath must be insured against claims for any of the prescribed risks; and shall obtain and maintain insurance cover for not less than the prescribed amounts.

(2) An osteopath who is also a registered practitioner need not obtain separate insurance to cover his practice as an osteopath if he is indemnified in his capacity as a registered medical practitioner and that indemnity complies with the insurance requirements set out in Rules 4 and 5 and is approved by the Registrar.

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(2) 1993 c. 21.

### **Prescribed risks**

4. The insurance to be obtained by an osteopath shall cover the following risks—
- (a) any legal liability for any negligent act, error or omission in professional services rendered or which should have been rendered by an osteopath whilst practising as an osteopath;
  - (b) any liability for claims for public liability or product liability arising from death or injury to third parties or damage to third party property caused by the osteopath in the course of providing his professional services or in the course of supplying products in connection with those professional services;
  - (c) any legal liability of an osteopath in respect of the risks set out in Rules 4(a) and (b) above which are attributable to his employees, partners, associates, co-directors or agents and which are connected with the provision of osteopathic services on his behalf or under his supervision;
  - (d) any liability to pay all legal costs, of and incidental to all proceedings which may be recovered by a claimant against an osteopath arising out of any claim in respect of the prescribed risks, and all or any costs, fees and expenses which may be incurred by an osteopath in defending any claim in respect of the risks set out in rules 4(a) to (c) above.
5. Any insurance which is obtained by an Osteopath in respect of the prescribed risks need only cover his liability as a practising osteopath providing professional services in the United Kingdom.

### **Prescribed amounts**

6. The minimum amount of insurance cover to be obtained by an Osteopath in respect of the prescribed risks is £2,500,000 in the aggregate in the cases of rules 4(a), 4(b) and 4(c).

### **Run off cover**

7. Every practising osteopath shall maintain insurance cover for the prescribed risks and in the prescribed amounts to cover any claims in respect of his practice as an osteopath which may arise after the date on which he ceases to practise as an osteopath for whatever reason.

## **PART III COMPLIANCE**

### **Evidence of compliance**

8.—(1) Following registration, subsequent renewal or at any other time that the Registrar may stipulate an osteopath must provide the General Council with evidence acceptable to it that he has a current insurance policy which complies with the requirements of these Rules.

(2) Any osteopath whose insurance ceases to comply with the requirements of these Rules or ceases altogether (for whatever reason) shall notify the General Council forthwith.

### **Non compliance**

9. Any failure by an osteopath to maintain insurance in accordance with these Rules may be treated as constituting unacceptable professional conduct and dealt with accordingly.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Given under the official seal of the General Osteopathic Council this 29th day of April nineteen hundred and ninety eight.

*Simon Fielding*  
Chairman

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, which is made under the Osteopaths Act 1993, approves rules made by the General Osteopathic Council requiring registered osteopaths to ensure that they are properly insured against liability to, or in relation to, their patients.