

STATUTORY INSTRUMENTS

2002 No. 254

The Health Professions Order 2001

PART VI

APPEALS

PROSPECTIVE

Appeals

38.—(1) An appeal from—

- (a) any order or decision of the Health Committee or the Conduct and Competence Committee other than an interim order made under article 31, shall lie to the appropriate court; and
- (b) any decision of the Council under article 37 or of the Investigating Committee under article 26(7) or (12) shall lie to a county court or, in Scotland, to a sheriff.

(2) In any appeal under this article the Council shall be the respondent.

(3) The Court or sheriff may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision the Practice Committee concerned or the Council, as the case may be, could have made; or
- (d) remit the case to the Practice Committee concerned or Council, as the case may be, to be disposed of in accordance with the directions of the court or sheriff,

and may make such order as to costs (or, in Scotland, expenses) as it, or he, as the case may be, thinks fit.

(4) In this article “the appropriate court” means—

- (a) in the case of a person whose registered address is (or, if he were registered, would be) in Scotland, the Court of Session;
- (b) in the case of a person whose registered address is (or, if he were registered, would be) in Northern Ireland, the High Court of Justice in Northern Ireland; and
- (c) in any other case, the High Court of Justice in England and Wales.

Commencement Information

II Art. 38 not in force at made date, see [art. 1\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Health Professions Order 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Order title substituted by [2012 c. 7 s. 213\(6\)](#)
- Order title substituted by [2017 c. 16 Sch. 5 para. 45](#)
- art. 38 coming into force by [S.I. 2002/254 art. 1\(3\)](#) (See transitional provisions in [S.I. 2003/1700](#))
- art. 38(1)(b) words inserted by [S.I. 2014/1887 Sch. 1 para. 17](#)
- art. 38(1)(b) words substituted by [S.I. 2004/2033 art. 10\(3\)](#)
- art. 38(1)(b) words substituted by [S.I. 2007/3101 reg. 276\(a\)](#)
- art. 38(1)(b) words substituted by [S.I. 2019/593 Sch. 8 para. 13\(a\)](#)
- art. 38(3)(b) words inserted by [S.I. 2016/1030 reg. 149\(3\)](#)
- art. 38(3)(b) words omitted by [S.I. 2019/593 Sch. 8 para. 13\(c\)\(i\)](#)
- art. 38(3)(c) words inserted by [S.I. 2016/1030 reg. 149\(4\)](#)
- art. 38(3)(c) words omitted by [S.I. 2019/593 Sch. 8 para. 13\(c\)\(ii\)](#)
- art. 38(4) words inserted by [2012 c. 7 s. 216\(6\)](#)
- art. 38(4) words omitted by [2017 c. 16 Sch. 5 para. 24\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Sch. 1 para. 1A\(1\)\(b\)\(ia\)](#) inserted by [2012 c. 7 s. 213\(5\)](#)
- [Sch. 1 para. 19\(10A\)-\(10C\)](#) inserted by [2015 c. 28 Sch. para. 6\(4\)](#)
- [Sch. 1 para. 1\(2A\)](#) inserted by [S.I. 2009/1182 Sch. 2 para. 17\(1\)\(a\)\(iii\)](#)
- [Sch. 1 para. 1\(5\)](#) inserted by [S.I. 2009/1182 Sch. 2 para. 18\(b\)](#)
- [Sch. 1 para. 9\(1A\)\(1B\)](#) inserted by [S.I. 2009/1182 Sch. 2 para. 17\(1\)\(c\)\(ii\)](#)
- [Sch. 1 para. 9\(1C\)](#) inserted by [S.I. 2009/1182 Sch. 2 para. 18\(f\)\(ii\)](#)
- [Sch. 1 para. 1A\(1\)\(b\)\(ia\)](#) omitted by [2017 c. 16 Sch. 5 para. 26](#)
- [Sch. 1 para. 1A\(4\)](#) omitted by [S.I. 2013/235 Sch. 2 para. 52](#)
- [Sch. 1 para. 16A](#) revoked by [2006 c. 28 Sch. 8 para. 48](#)[Sch. 9](#)
- [Sch. 1 para. 17\(1\)-\(2B\)](#) substituted for [Sch. 1 para. 17\(1\)\(2\)](#) by [S.I. 2009/1182 Sch. 2 para. 15\(7\)](#)
- [Sch. 1 para. 1A1B](#) substituted for [Sch. 1 paras. 1-12](#) by [S.I. 2009/1182 Sch. 2 para. 15\(2\)](#)
- [Sch. 1 Pt. 1 para. 16A](#) inserted by [2003 c. 43 Sch. 12 para. 8](#)
- [Sch. 2 para. 25-27](#) added by [S.I. 2004/2033 art. 3\(3\)\(f\)](#)
- [Sch. 2 para. 25](#) coming into force by [S.I. 2002/254 art. 1\(3\)](#)
- [Sch. 2 para. 26](#) coming into force by [S.I. 2002/254 art. 1\(3\)](#)
- [Sch. 2 para. 27](#) coming into force by [S.I. 2002/254 art. 1\(3\)](#)
- [Sch. 2 para. 3\(4A\)](#) inserted by [S.I. 2004/2033 art. 3\(3\)\(c\)](#)
- [art. 3\(4\)\(4A\)](#) substituted for [art. 3\(4\)](#) by [2015 c. 28 Sch. para. 6\(2\)](#)
- [art. 3\(5\)-\(5B\)](#) substituted for [art. 3\(5\)](#) by [S.I. 2009/1182 Sch. 2 para. 1\(a\)](#)
- [art. 3\(5\)\(b\)\(vi\)\(vii\)](#) inserted by [2012 c. 7 s. 215\(2\)\(c\)](#)
- [art. 3\(5\)\(b\)\(vi\)\(vii\)](#) omitted by [2017 c. 16 Sch. 5 para. 11\(2\)\(c\)](#)

- art. 3(5AA) inserted by 2012 c. 7 s. 215(3)
- art. 3(5AA) omitted by 2017 c. 16 Sch. 5 para. 11(3)
- art. 3(5ZA) inserted by 2012 c. 7 s. 218(3)
- art. 3(7A) inserted by S.I. 2009/1182 Sch. 2 para. 1(c)
- art. 3(17A) inserted by 2012 c. 7 s. 215(4)
- art. 6(3)(aa) inserted by S.I. 2007/3101 reg. 267
- art. 6(3)(aa) omitted by S.I. 2019/593 Sch. 8 para. 3
- art. 6(3)(aa) words inserted by 2012 c. 7 s. 215(5)
- art. 6(3)(aa) words omitted by 2017 c. 16 Sch. 5 para. 12
- art. 7(4) inserted by S.I. 2007/3101 reg. 268
- art. 7(4) omitted by S.I. 2019/593 Sch. 8 para. 4
- art. 7(4) words inserted by 2012 c. 7 s. 215(5)(b)
- art. 7(4) words omitted by 2017 c. 16 Sch. 5 para. 13
- art. 7A inserted by S.I. 2023/1286 Sch. 3 para. 70
- art. 9(2)(ba) inserted by S.I. 2014/1887 Sch. 1 para. 12(d)
- art. 9(3A) inserted by S.I. 2014/1887 Sch. 1 para. 12(e)
- art. 9(3A) omitted by 2017 c. 16 Sch. 5 para. 14(2)
- art. 9(4A) inserted by S.I. 2023/1286 Sch. 3 para. 71(b)
- art. 9(5)(a)(b) substituted for words by S.I. 2023/1286 Sch. 3 para. 71(c)
- art. 9(8) inserted by S.I. 2007/3101 reg. 270(d)
- art. 9(8) omitted by S.I. 2019/593 Sch. 8 para. 6(c)
- art. 9(8) words inserted by 2012 c. 7 s. 215(5)(b)
- art. 9(8) words omitted by 2017 c. 16 Sch. 5 para. 14(3)
- art. 9A inserted (temp.) by 2020 c. 7 Sch. 1 para. 2(2)
- art. 10(2)(aa) inserted by S.I. 2014/1887 Sch. 1 para. 13(d)
- art. 10(4)(aa) inserted by S.I. 2014/1887 Sch. 1 para. 13(e)
- art. 10(6) inserted by S.I. 2007/3101 reg. 271(b)
- art. 10(6) omitted by S.I. 2019/593 Sch. 8 para. 7(b)
- art. 10(6) words inserted by 2012 c. 7 s. 215(6)
- art. 10(6) words omitted by 2017 c. 16 Sch. 5 para. 15(2)
- art. 10(7) inserted by S.I. 2014/1887 Sch. 1 para. 13(f)
- art. 10(7) omitted by 2017 c. 16 Sch. 5 para. 15(3)
- art. 11A inserted by S.I. 2014/1887 Sch. 1 para. 14
- art. 11A(11) omitted by 2017 c. 16 Sch. 5 para. 16
- art. 11A(12) omitted by S.I. 2019/593 Sch. 8 para. 8
- art. 12(1)(c)(III) coming into force by S.I. 2002/254 art. 1(3)
- art. 12(1)(d) and word inserted by 2012 c. 7 s. 215(7)(b)
- art. 12(1)(d) and word omitted by 2017 c. 16 Sch. 5 para. 17(2)(b)
- art. 12(1)(ba) inserted by S.I. 2016/1030 reg. 147(2)
- art. 12(1)(ba) omitted by S.I. 2019/593 Sch. 8 para. 9(a)(ii)
- art. 12(1A) inserted by S.I. 2007/3101 reg. 272(b)
- art. 12(1A) omitted by S.I. 2019/593 Sch. 8 para. 9(b)
- art. 12(1ZA)-(1ZD) inserted by S.I. 2023/1286 Sch. 3 para. 72
- art. 12(2)(c) and word inserted by 2012 c. 7 s. 215(8)(b)
- art. 12(2)(c) and word omitted by 2017 c. 16 Sch. 5 para. 17(3)(b)
- art. 12A inserted by S.I. 2023/1286 Sch. 3 para. 73
- art. 13(1)(c) substituted by S.I. 2009/1182 Sch. 2 para. 3(a)
- art. 13(1)(d) words added by S.I. 2009/1182 Sch. 2 para. 3(b)
- art. 13(1B) inserted by S.I. 2012/1479 art. 2(b)
- art. 13(1B) omitted by 2017 c. 16 Sch. 5 para. 18(3)
- art. 13A inserted by S.I. 2007/3101 reg. 273
- art. 13A omitted by S.I. 2019/593 Sch. 8 para. 10
- art. 13A title substituted by 2012 c. 7 s. 215(5)(a)
- art. 13A heading words substituted by 2017 c. 16 Sch. 5 para. 19
- art. 13A(2) substituted by S.I. 2016/1030 reg. 148(2)
- art. 13A(5) word substituted by S.I. 2016/1030 reg. 148(3)(a)
- art. 13A(5) word substituted by S.I. 2016/1030 reg. 148(3)(b)
- art. 13B inserted by 2012 c. 7 s. 215(9)

- art. 13B omitted by [2017 c. 16 Sch. 5 para. 20](#)
- art. 14(ba) inserted by [2012 c. 7 s. 218\(4\)](#)
- art. 14(ba) omitted by [S.I. 2022/1216 reg. 3\(b\)](#)
- art. 15(5A) inserted by [S.I. 2023/1286 Sch. 3 para. 74](#)
- art. 15A15B inserted by [2012 c. 7 s. 218\(5\)](#)
- art. 15A omitted by [S.I. 2018/893 reg. 41\(4\)](#) (This amendment comes into force on the date that 2017 c. 16, s. 39(1) comes into force. That provision is brought into force on 2.12.2019 by S.I. 2019/1436, reg. 2(b))
- art. 15B omitted by [S.I. 2018/893 reg. 41\(5\)](#) (This amendment comes into force on the date that 2017 c. 16, s. 39(1) comes into force. That provision is brought into force on 2.12.2019 by S.I. 2019/1436, reg. 2(b))
- art. 17(3A) inserted by [2012 c. 7 s. 218\(7\)](#)
- art. 17(3A) omitted by [S.I. 2018/893 reg. 41\(7\)](#) (This amendment comes into force on the date that 2017 c. 16, s. 39(1) comes into force. That provision is brought into force on 2.12.2019 by S.I. 2019/1436, reg. 2(b))
- art. 18(1A) inserted by [2012 c. 7 s. 218\(8\)](#)
- art. 18(1A) omitted by [S.I. 2018/893 reg. 41\(8\)\(a\)](#) (This amendment comes into force on the date that 2017 c. 16, s. 39(1) comes into force. That provision is brought into force on 2.12.2019 by S.I. 2019/1436, reg. 2(b))
- art. 19(2A)-(2D) inserted by [S.I. 2007/3101 reg. 274](#)
- art. 19(2A)-(2D) omitted by [S.I. 2019/593 Sch. 8 para. 11](#)
- art. 19(2A)(b) words inserted by [2012 c. 7 s. 215\(10\)](#)
- art. 19(2A)(b) words omitted by [2017 c. 16 Sch. 5 para. 21](#)
- art. 21A inserted by [S.I. 2023/1286 Sch. 3 para. 75](#)
- art. 22(1)(a)(vi)(vii) inserted by [S.I. 2009/1182 Sch. 2 para. 5](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- art. 26(6A) inserted by [2015 c. 28 Sch. para. 6\(3\)](#)
- art. 37(1)(aa) inserted by [S.I. 2007/3101 reg. 275](#)
- art. 37(1)(aa) omitted by [S.I. 2019/593 Sch. 8 para. 12](#)
- art. 37(1)(aa) words inserted by [2012 c. 7 s. 215\(5\)\(b\)](#)
- art. 37(1)(aa) words omitted by [2017 c. 16 Sch. 5 para. 23\(2\)](#)
- art. 37(1)(ab) inserted by [S.I. 2014/1887 Sch. 1 para. 16\(a\)](#)
- art. 37(1A)(1B) inserted by [S.I. 2014/1887 Sch. 1 para. 16\(b\)](#)
- art. 37(1B) omitted by [2017 c. 16 Sch. 5 para. 23\(3\)](#)
- art. 37(2A) inserted by [S.I. 2014/1887 Sch. 1 para. 16\(c\)](#)
- art. 37(5A) inserted by [S.I. 2009/1182 Sch. 2 para. 9\(b\)](#)
- art. 37(5A)(a) words inserted by [2012 c. 7 s. 216\(2\)](#)
- art. 37(5A)(a) words omitted by [2017 c. 16 Sch. 5 para. 23\(4\)](#)
- art. 37(8A) inserted by [2012 c. 7 s. 216\(4\)](#)
- art. 37(8A) omitted by [2017 c. 16 Sch. 5 para. 23\(6\)](#)
- art. 38(1A) inserted by [S.I. 2007/3101 reg. 276\(b\)](#)
- art. 38(1A) omitted by [S.I. 2019/593 Sch. 8 para. 13\(b\)](#)
- art. 38(1A)(c)-(e) inserted by [S.I. 2016/1030 reg. 149\(2\)](#)
- art. 38(1B) inserted (temp.) by [2020 c. 7 Sch. 1 para. 2\(4\)](#)
- art. 38(1ZA) inserted by [2012 c. 7 s. 216\(5\)](#)
- art. 38(1ZA) omitted by [2017 c. 16 Sch. 5 para. 24\(2\)](#)
- art. 38(5) inserted by [2012 c. 7 s. 216\(7\)](#)
- art. 38(5) omitted by [2017 c. 16 Sch. 5 para. 24\(4\)](#)
- art. 39(1A) inserted by [2012 c. 7 s. 215\(12\)](#)
- art. 39(1A) omitted by [2017 c. 16 Sch. 5 para. 25](#)
- art. 40(3) coming into force by [S.I. 2002/254 art. 1\(3\)](#) (See transitional provisions in S.I. 2003/1700)
- art. 40(3) coming into force by [S.I. 2002/254 art. 1\(3\)](#)
- art. 42(2A) inserted by [S.I. 2009/1182 Sch. 2 para. 12\(a\)](#)
- art. 42(3)(3A) substituted for art. 42(3) by [S.I. 2009/1182 Sch. 2 para. 12\(b\)](#)
- art. 44A inserted by [2012 c. 7 s. 219\(1\)](#)

- art. 45(3A) inserted by 2012 c. 7 s. 218(11)
- art. 49 inserted by S.I. 2016/1030 reg. 150
- art. 49 omitted by S.I. 2019/593 Sch. 8 para. 14