

**EXPLANATORY MEMORANDUM TO THE  
THE HEALTH PROFESSIONS COUNCIL (REGISTRATION AND FEES)  
(AMENDMENT) RULES ORDER OF COUNCIL 2004**

**2004 No. 2524**

1. This explanatory memorandum has been prepared by the Privy Council and is laid before Parliament by Command of Her Majesty.
2. This Memorandum contains information for the Joint Committee on Statutory Instruments.

**Description**

3. By this Instrument the Privy Council approves Rules made by the Health Professions Council (the HPC) which amend the Health Professions Council (Registration and Fees) Rules 2003 (Schedule to S.I. 2003/1572) made under the Health Professions Order 2001 (S.I. 2002/254) (“the Health Professions Order”). The amendments provide for registration applications to be made electronically; for amendments to the calculation of registration periods; for a scrutiny fee to be charged to applicants relying on Article 12 (1)(b) of the Health Professions Order (EEA nationals with specified recognition of qualifications rights); for the Council to waive, reduce and refund fees in specified circumstances; and for minor changes to the application form for registration. Some of these amendments are made to accommodate the addition of Operating Department Practitioners to the professions regulated by the HPC under the Health Professions (Operating Department Practitioners and Miscellaneous Amendments) Order 2004 (S.I. 2004/2033 (“the ODP Order”).

**Matters of special interest to the Joint Committee on Statutory Instruments**

4. These rules provide for a scrutiny fee of £200 to be charged to applicants for registration who rely on article 12(1)(b) of the Health Professions Order. These individuals are EEA nationals who have qualifications to which the European Communities (Recognition of Professional Qualifications) Regulations 1991 or the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996 apply. HPC’s existing rules provide for a similar fee to be charged to those with overseas qualifications (i.e non-EEA qualifications). The HPC has found that article 12(1)(b) applicant’s qualifications and experience can be as diverse as those with non-EEA qualifications and frequently do not match those required for practice in the United Kingdom. The work involved in scrutinising their applications is similar to that which is required for overseas applicants. The HPC wishes to recoup this cost from those on whose behalf it is incurred (i.e. article 12(1)(b) applicants). These applicants number fewer than 100 over the last 14 months.

## **Legislative Background**

5. Following an independent review of the regulation of allied health professions and some healthcare scientists, the Professions Supplementary to Medicine Act 1960 was replaced by the Health Professions Order which was made under section 60 of the Health Act 1999. The regulatory body, the Council for Professions Supplementary to Medicine, was replaced by the Health Professions Council which was established in April 2002 by the Health Professions Order.
6. Part III of the Health Professions Order contains provisions requiring the HPC to make rules relating to the registration of practitioners of the professions it regulates (article 5), and to charge fees in connection with registration (article 7).
7. The Health Professions Order was implemented in 2003 by a range of rules and Orders including the Health Professions Council (Registration and Fees) Rules Order (S.I 2003/1572) which contains the principal rules which the Rules under this Order now amend.
8. The ODP Order came into force partly on 27 July 2004. This Order together with the Health Provisions (Parts of and Entries in the Register) Order 2004 and the Health Provisions (Transitional Provisions) Order 2004 will complete the implementation of the ODP Order.

## **Extent**

9. This Instrument applies to all of the United Kingdom. .

## **European Convention on Human Rights**

10. Not applicable.

## **Policy background**

11. The Rules approved by this Instrument make minor changes to the HPC's existing Registration and Fees Rules. The HPC undertook its own consultation on the proposals for amendments to the registration and fees rules on which these rules are based in 2004 and on other aspects of its regulatory system in 2003.

## **Impact**

10. There are no identified costs either to the public or to the Exchequer arising from this Instrument, other than the charging of a fee of £200 each to those EEA nationals with specified qualifications who apply for registration by HPC under article 12(1)(b) of the Health Professions Order. The cost of regulation by the HPC is met from registrants' fees which the HPC is authorised to charge for this purpose under the Health Professions Council (Registration and Fees) Rules Order of Council 2003.

## **Contact**

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