

2009 No. 1357 (C. 73)

HEALTH CARE AND ASSOCIATED PROFESSIONS

**The Health Care and Associated Professions (Miscellaneous
Amendments and Practitioner Psychologists) Order 2009
(Commencement No. 1 and Transitional Provisions) Order of
Council 2009**

Made - - - - *3rd June 2009*

At the Council Chamber, Whitehall, the 3rd day of June 2009

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

Their Lordships make the following Order of Council in exercise of the powers conferred by article 1(9) and 9(1) of the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009(a), having consulted the Scottish Ministers in accordance with article 1(11) of that Order.

Citation and interpretation

1.—(1) This Order may be cited as the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (Commencement No. 1 and Transitional Provisions) Order of Council 2009.

(2) In this Order, “the principal Order” means the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009.

Appointed days

2.—(1) 1st July 2009 is the day appointed for—

- (a) the coming into force of—
 - (i) paragraphs 1(c) and (d), 8, 9, 11 and 15 of Schedule 2 to the principal Order, in so far as not already in force, and
 - (ii) paragraphs 1(b) and (e), 2 to 4, 6(a) and (b), 7, 10 and 16(a) and (c) to (e) of Schedule 2 to the principal Order,
and article 3(2) of the principal Order in so far as it relates to those paragraphs;
- (b) the coming into force of paragraph 24(a) of Schedule 3 to the principal Order, in so far as not already in force, and article 3(3) of the principal Order in so far as it relates to that paragraph;

- (c) the coming into force of Parts 1 and 5 of Schedule 4 to the principal Order, and article 4(1) of the principal Order in so far as it relates to those Parts; and
 - (d) the coming into force of paragraphs 3 to 5, 7, 8, 10 and 11 of Schedule 5 to the principal Order, and article 4(2) of the principal Order in so far as it relates to those paragraphs.
- (2) 1st October 2009 is the day appointed for—
- (a) the coming into force of—
 - (i) paragraphs 2, 10 and 13 of Schedule 1 to the principal Order, in so far as not already in force, and
 - (ii) paragraph 1(b) of Schedule 1 to the principal Order, and article 3(1) of the principal Order in so far as it relates to those paragraphs; and
 - (b) the coming into force of Part 4 of Schedule 4 to the principal Order, and article 4(1) of the principal Order in so far as it relates to that Part.
- (3) 6th April 2010 is the day appointed for the coming into force of paragraph 6 of Schedule 5 to the principal Order, and article 4(2) of the principal Order in so far as it relates to that paragraph.

Transitional provisions

3. Until the end of 30th June 2012, the following provisions shall apply as if, where reference is made to a chartered psychologist (however described), that reference is to be treated as a reference to a chartered psychologist (however described) or a psychologist registered in Part 14 of the register maintained by the Health Professions Council—

- (a) sub-paragraph (d) of the paragraph in Schedule 1 to the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008(a) (professional requirements);
- (b) paragraph 1(2)(c) of Schedule 4 to the Criminal Justice (Northern Ireland) Order 2008(b) (the Parole Commissioners – appointment);
- (c) regulation 5(2)(e) of the Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008(c) (eligibility to carry out best interest assessments);
- (d) paragraph 1(d) of Schedule 1 to the Mental Health (Approval of Persons to be Approved Mental Health Professionals) (Wales) Regulations 2008(d) (professional requirements);
- (e) regulation 5(1)(e) of the Mental Capacity (Deprivation of Liberty: Assessments, Standard Authorisations and Disputes about Residence) (Wales) Regulations 2009(e) (eligibility to carry out best interest assessments).

Judith Simpson
Clerk of the Privy Council

(a) S.I. 2008/1206.
 (b) S.I. 2008/1216.
 (c) S.I. 2008/1858.
 (d) S.I. 2008/2436.
 (e) S.I. 2009/783.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 1st July 2009, the new governance arrangements for the Health Professions Council (“HPC”) that are set out in the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (“the principal Order”). The principal change is that the Council, instead of having a mix of elected registrant and appointed lay members, will now be fully appointed, and its constitution is now to be set out in a separate Order of the Privy Council. The new governance arrangements also include revised arrangements for the constitutions of HPC’s statutory committees.

Statutory regulation of practitioner psychologists, by the HPC, is also brought into force on 1st July 2009. In connection with this, there are transitional arrangements (in article 3) which will allow both chartered psychologists and psychologists registered with the HPC to continue to carry out certain functions currently reserved to chartered psychologists for the duration of the three year transitional period during which existing practitioners without recognised qualifications will be able to join the HPC’s register in certain circumstances. In most cases, chartered psychologists also need to have practising certificates to carry out these functions, and these certificates are issued by the British Psychological Society, which is also the body responsible for conferring chartered status on psychologists.

This Order also brings into force on 1st July 2009 an amendment to the Pharmacists and Pharmacy Technicians Order 2007 which removes a consultation requirement in relation to rules relating to legal and other specialist advisers.

This Order brings into force, on 1st October 2009, the new governance arrangements for the General Dental Council (“GDC”) that are set out in the principal Order. The principal change is that the Council, instead of having a mix of elected registrant and appointed lay members will now (like the HPC) be fully appointed, and its constitution is now to be set out in a separate Order of the Privy Council. The new governance arrangements (again like the HPC) also include revised arrangements for the GDC’s statutory committees and in respect of the use of standing orders.

This Order brings into force, on 6th April 2010, the removal of the income tax exemptions for professional fees associated with entries in the Register of Chartered Psychologists.

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STATUTORY INSTRUMENTS

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£4.00

