

SCHEDULE

The General Chiropractic Council (Constitution of the Statutory Committees) Rules 2009

PART 3

Common provisions

Approval and terms of office of co-opted members of statutory committees

11.—(1) The approval of the co-option of a member to a statutory committee shall be sought by the submission by the committee concerned to the General Council of a request for approval, and that request shall be accompanied by—

- (a) a curriculum vitae of the proposed member; and
- (b) an explanation of the reasons for the request for the proposed member's co-option.

(2) Approval shall be by way of a resolution to that effect passed at a meeting of the General Council.

(3) The term of office of the co-opted member shall commence on the day after the day on which that resolution is passed.

(4) The duration of terms of office of any co-opted members of the statutory committees shall be determined by the committee co-opting them (subject to paragraph 17(3) of Schedule 1 to the Act).

Disqualification from appointment to any statutory committee

12. A person is disqualified from appointment as a member of a statutory committee if that person—

- (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
- (b) has at any time been convicted of an offence in the United Kingdom, and—
 - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
 - (ii) the conviction is not a spent conviction;
- (c) has at any time been removed—

- (i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—

- (aa) for which the person was responsible or to which the person was privy, or
 - (bb) which the person by their conduct contributed to or facilitated, or

- (ii) under—

- (aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(1) (powers of Court of Session to deal with management of charities), or

(1) 1990 c.40; section 7 was repealed by the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), Schedule 4, paragraph 7(b).

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- (bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005(2) (powers of the Court of Session),
from being concerned with the management or control of any body;
- (d) has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
- (e) is subject to—
- (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(3),
 - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989(4) (company directors disqualification),
 - (iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002(5), or
 - (iv) an order made under section 429(2) of the Insolvency Act 1986(6) (disabilities on revocation of a county court administration order);
- (f) has been included by—
- (i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006(7) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(8)), or
 - (ii) the Scottish Ministers in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007(9));
- (g) has at any time been subject to any investigation or proceedings concerning his fitness to practise by any licensing body, the final outcome of which was—
- (i) the person’s suspension from a register held by the licensing body,
 - (ii) the person’s erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body, or
 - (iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions;
- (h) has at any time been subject to any investigation or proceedings concerning his conduct, professional competence or health by the General Council, where the final outcome was that—
- (i) the person’s registration in the register was suspended,
 - (ii) the person was removed from the register (for a reason connected to the person’s conduct, professional competence or health), or
 - (iii) the person’s registration in the register was made subject to an order imposing conditions with which the person must comply; or
- (i) has at any time been subject to any investigation or proceedings relating to an allegation that the person’s entry in the register was fraudulently procured—

(2) 2005 asp 10.

(3) 1986 c.46.

(4) S.I. 1989/2404 (N.I. 18).

(5) S.I. 2002/3150 (N.I. 4); relevant amendments were made by S.I. 2005/1454 (N.I. 9).

(6) Section 429(2) was amended by the Enterprise Act 2002 (c.40), Schedule 23, paragraph 15.

(7) 2006 c.47.

(8) S.I. 2007/1351 (N. I. 11).

(9) 2007 asp 14.

- (i) in the course of which the person's registration was suspended and that suspension has not been terminated, or
- (ii) the final outcome of which was the removal of the person's entry in the register;
- (j) is subject to any investigation or proceedings concerning—
 - (i) the person's conduct, professional competence or health by the General Council, or
 - (ii) the person's fitness to practise by any licensing body,and the General Council is satisfied that the person's membership of the statutory committee would be liable to undermine public confidence in the regulation of registered chiropractors; or
- (k) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registered chiropractors.

Removal of statutory committee members from office

13.—(1) A member of a statutory committee shall be removed from office by the General Council, if—

- (a) the member resigns, which a member may do at any time by a notice in writing to the General Council;
- (b) in the case of—
 - (i) a member appointed in part because they were a registered chiropractor, that member's registration lapses,
 - (ii) a member appointed in part because they were a lay person, that member ceases to be a lay person;
- (c) the member becomes a person of the type mentioned in rule 12(c) or (d);
- (d) the member becomes a person of the type mentioned in rule 12(a), (b) or (e) to (g), whether or not they thereafter cease to be such a person or a sanction mentioned in those provisions is lifted;
- (e) in the case of a registered chiropractor, the member becomes subject to any investigation or proceedings concerning his conduct, professional competence or health by the General Council, where the final outcome is that—
 - (i) the member's registration in the register is suspended by virtue of a suspension order,
 - (ii) the member is removed from the register, or
 - (iii) the member's registration in the register is made subject to a conditions of practice order;
- (f) in the case of a registered chiropractor, the member becomes subject to any investigation or proceedings relating to an allegation that the member's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the member's entry in the register;
- (g) the General Council is satisfied that the member's level of attendance at meetings of the committee falls below a minimum level of attendance acceptable to the General Council, having regard to—
 - (i) any recommended minimum levels of attendance that the General Council has set in their standing orders, and
 - (ii) whether or not there were reasonable causes for the member's absences;

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- (h) the General Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education, training and appraisal for members that apply to that member and which the General Council has included in their standing orders;
- (i) the General Council is satisfied that the member has disclosed or caused to be disclosed, without reasonable cause, confidential information relating to or in connection with proceedings of the committee;
- (j) the General Council is satisfied that the member is no longer able to perform their duties as a member of the statutory committee because of adverse physical or mental health;
- (k) the General Council is satisfied that the member's continued membership of the statutory committee would be liable to undermine public confidence in the regulation of registered chiropractors.

(2) A member who becomes, or may be about to become, a person to whom paragraph (1)(b) to (d) applies must notify the General Council in writing of that fact as soon as the person becomes aware of it.

Suspension of statutory committee members from office

14.—(1) The General Council may suspend a member from a statutory committee by a notice in writing served on the member—

- (a) if the General Council has reasonable grounds for suspecting that the member has become a person to whom rule 13(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;
- (b) while the General Council is considering whether or not it is satisfied as to the matters set out in rule 13(1)(g) to (k);
- (c) if the member is subject to any investigation or proceedings concerning—
 - (i) the member's conduct, professional competence or health by the General Council, or
 - (ii) the member's fitness to practise by any licensing body,and the General Council is satisfied that it would not be appropriate for the member to continue to participate in the work of the statutory committee while the investigation is or proceedings are ongoing;
- (d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the General Council is satisfied that it would not be appropriate for the member to continue to participate in the work of the statutory committee while the investigation or proceedings concerning the member's entry in the register is or are ongoing;
- (e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or in any other part of the world relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—
 - (i) either—
 - (aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or
 - (bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment or detention, and
 - (ii) the General Council is satisfied that it would not be appropriate for the member to continue to participate in the work of the statutory committee while the investigation or proceedings is or are ongoing.

(2) The notice in writing under paragraph (1) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than 6 months.

(3) The General Council—

- (a) may at any time review a suspension of a member of a statutory committee by it; and
- (b) shall review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(4) Following a review, the General Council may—

- (a) terminate the suspension;
- (b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(5) The General Council shall notify the suspended member in writing of the outcome of any review and that notice shall include the reasons for any decision taken.

Effect of vacancies etc. on the validity of proceedings

15.—(1) The validity of any proceedings before a statutory committee shall not be affected by—

- (a) any vacancy among its members;
- (b) any defect in the appointment of any of its members;
- (c) a member whom the General Council must remove from the committee under rule 13(1)(b) to (f) participating in the proceedings;
- (d) a member whom the General Council has removed under rule 13(1) having participated in the proceedings; or
- (e) a member who has been suspended by the General Council under rule 14(1) having participated in the proceedings.

(2) Notwithstanding paragraph (1)(c), a member of a statutory committee whom the General Council must remove from a statutory committee under rule 13(1)(b) to (f) is not entitled to participate in proceedings of the committee, pending the member's removal from the committee by the General Council.