
STATUTORY INSTRUMENTS

2010 No. 233

The Health Professions (Hearing Aid Dispensers) Order 2010

Transitory and transitional provisions relating to the introduction of registration of hearing aid dispensers by the HPC

6.—(1) The HPC and the HAC shall enter into arrangements (which may include financial arrangements) to facilitate the introduction of arrangements for the regulation of hearing aid dispensers by the HPC arising out of this Order.

(2) The arrangements entered into under paragraph (1) shall include arrangements to ensure that all the names in the HAC register which are to be entered in the HPC register with effect from 1st April 2010 are so entered.

(3) If on 31st March 2010, a person's name is included in the HAC register, the person shall be registered in the part of the HPC register which relates to hearing aid dispensers with effect from 1st April 2010.

(4) If on 31st March 2010, there is an outstanding application for a person's name to be entered in the HAC register (including an application for restoration to that register), the HPC—

- (a) may determine that the person's name is to be entered in the part of the HPC register which relates to hearing aid dispensers; and
- (b) shall dispose of the matter in such manner as it considers just.

(5) Where a person who is registered in the HPC register pursuant to paragraph (3), notifies the HPC in writing no later than 10th May 2010 that they do not wish to be registered in the HPC register, the HPC must—

- (a) remove that person's name from the HPC register; and
- (b) treat that person as not having been so registered.

(6) Where a person is registered in the HPC register pursuant to paragraph (3) or (4), the person's home address shall not be published in the HPC register without the person's consent.

(7) If on 31st March 2010, a person's name is included in the HAC register but—

- (a) a penalty has been imposed on that person and no appeal is made within 28 days of the notification of that penalty; or
- (b) the person is the subject of, or is being investigated with a view to the issue of, proceedings which could lead to the imposition of a penalty,

the HPC shall dispose of the matter (including any proceedings) in such manner as it considers just.

(8) As from 1st April 2010, no appeal lies under section 9(1) of the 1968 Act to the High Court or, in Scotland, the Court of Session in respect of the imposition of a penalty.

(9) Paragraph (10) applies in a case where—

- (a) a penalty has been imposed before 1st April 2010; and
- (b) an appeal against the imposition of that penalty could have been made under section 9(1) of that Act but for paragraph (8).

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

(10) An appeal lies against the imposition of the penalty referred to in paragraph (9) in accordance with article 38 of the 2001 Order as if the penalty had been imposed by an order or decision of the Conduct and Competence Committee of the HPC.

(11) In this article—

“the HAC register” means the register of dispensers of hearing aids maintained by the HAC under section 2(1)(a) of the 1968 Act;

“the HPC register” means the register established and maintained by the HPC under article 5 of the 2001 Order;

“penalty” means a penalty imposed under section 7(1)(i) to (iv) of the 1968 Act.