

## SCHEDULE

Article 2

### The Health and Care Professions Council (Coronavirus) (Amendment) Rules 2021

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 26(3), 32, 37(4) and (5), and 41(2) of the Health Professions Order 2001.

The Council has consulted in accordance with article 41(3) of that Order with representatives of groups of persons who appear likely to be affected by the proposed rules.

#### Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Coronavirus) (Amendment) Rules 2021 and come into force on 4th March 2021.

#### Commencement Information

II Sch. rule 1 in force at 4.3.2021, see art. 1

#### Amendments to the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003

2.—(1) The Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003<sup>MI</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

##### “Emergency virtual meetings and hearings

2A.—(1) In an emergency, a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with paragraph (1)—

- (a) any notice required to be sent under these Rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and
- (b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.

(3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”

(3) For rule 3 (service of documents) substitute—

##### “Service of Documents

3. In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar—
  - (i) sent by post to or left at the offices of the Council, or
  - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;

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- (b) in the case of a registrant—
  - (i) sent by post to or left at the registrant's address as it appears in the register, or
  - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications;
- (c) in any other case—
  - (i) sent by post to or left at the last known address of that person, or
  - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”.

[<sup>F1</sup>(3A) After rule 3 (Service of Documents), insert—

“**3A.** Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”.]

(4) At the beginning of rule 8(1)(a) insert “ subject to rule 2A(2)(b), ”.

#### Textual Amendments

**F1** Sch. rule 2(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

#### Commencement Information

**I2** Sch. rule 2 in force at 4.3.2021, see art. 1

#### Marginal Citations

**M1** Rules as contained in the Schedule to the [Health Professions Council \(Investigating Committee\) \(Procedure Rules\) Order of Council 2003 \(S.I. 2003/1574\)](#).

### **Amendments to the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003**

**3.—(1)** The Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 <sup>M2</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

#### **“Emergency virtual meetings and hearings**

**2A.—(1)** In an emergency, a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with rule 2A(1)—

- (a) any notice required to be sent under these rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and
- (b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.

(3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”.

(3) For rule 3 (service of documents) substitute—

### “Service of Documents

3. In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar—
  - (i) sent by post to or left at the offices of the Council, or
  - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;
- (b) in the case of a registrant—
  - (i) sent by post to or left at the registrant's address as it appears in the register, or
  - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications; and
- (c) in any other case—
  - (i) sent by post to or left at the last known address of that person, or
  - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”.

[<sup>F2</sup>(3A) After rule 3 (Service of Documents), insert—

“**3A.** Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”.]

(4) At the beginning of rule 10(1)(a) insert “ subject to rule 2A(2)(b), ”.

(5) At the beginning of rule 13(10), for “A” substitute “ Subject to rule 2A, a ”.

#### Textual Amendments

**F2** Sch. rule 3(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

#### Commencement Information

**I3** Sch. rule 3 in force at 4.3.2021, see art. 1

#### Marginal Citations

**M2** Rules as set out in the Schedule to the [Health Professions Council \(Conduct and Competence Committee\) \(Procedure\) Rules Order of Council 2003 \(S.I. 2003/1575\)](#).

### Amendments to the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003

4.—(1) The Health and Care Professions Council (Health Committee) (Procedure) Rules 2003<sup>M3</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

#### “Emergency virtual meetings and hearings

**2A.**—(1) In an emergency, a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with paragraph (1)—

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- (a) any notice required to be sent under these rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and
  - (b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.
- (3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”
- (3) For rule 3 (service of documents) substitute—

**“Service of Documents**

**3.** In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

- (a) in the case of the Council, its committees or the Registrar—
  - (i) sent by post to or left at the offices of the Council, or
  - (ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;
- (b) in the case of a registrant—
  - (i) sent by post to or left at the registrant's address as it appears in the register, or
  - (ii) sent by electronic mail to an electronic mail address which the registrant has notified to the Council as an address for communications; and
- (c) in any other case—
  - (i) sent by post to or left at the last known address of that person, or
  - (ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”

[<sup>F3</sup>(3A) After rule 3 (Service of Documents), insert—

“**3A.** Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”.]

(4) At the beginning of rule 10(1)(a), insert “ subject to rule 2A(2)(b), ”.

(5) At the beginning of rule 13(10), for “A” substitute “ Subject to rule 2A, a ”.

**Textual Amendments**

**F3** Sch. rule 4(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

**Commencement Information**

**I4** Sch. rule 4 in force at 4.3.2021, see art. 1

**Marginal Citations**

**M3** Rules as set out in the Schedule to the [Health Professions Council \(Health Committee\) \(Procedure\) Rules Order of Council 2003 \(S.I. 2003/1576\)](#).

## Amendments to the Health Professions Council (Registration Appeals) Rules 2003

5.—(1) The Health Professions Council (Registration Appeals) Rules 2003 <sup>M4</sup> are amended as follows.

(2) After rule 2 (interpretation), insert—

### “Emergency virtual meetings and hearings

2A.—(1) In an emergency a meeting or hearing arranged under these Rules may be conducted using audio or video conferencing facilities.

(2) In cases where a meeting or hearing is held in accordance with paragraph (1)—

(a) any notice required to be sent under these rules giving notice of venue must include details of the audio or video conferencing arrangements required to access the hearing; and

(b) where a hearing is being held by audio or video conferencing, the Committee may order that the hearing is to be held in private.

(3) In this rule, an emergency exists where the Registrar considers that an emergency, as defined in Article 9A(12) of the Order, has occurred, is occurring or is about to occur.”.

(3) For rule 3 (service of documents) substitute—

### “Service of Documents

3. In these Rules a reference to the sending of a notice or other document to any person is a reference to it being—

(a) in the case of the Council, the Committee, an Appeal Panel or the Registrar—

(i) sent by post to or left at the offices of the Council, or

(ii) sent by electronic mail to an electronic mail address which the Council has notified to the sender as an address for communications;

(b) in the case of the appellant—

(i) sent by post to or left at the address identified in the appellant's notice of appeal, or

(ii) sent by electronic mail to an electronic mail address which the appellant has notified to the Council as an address for communications; and

(c) in any other case—

(i) sent by post to or left at the last known address of that person, or

(ii) sent by electronic mail to an electronic mail address which the person has notified to the Council as an address for communications.”.

[<sup>F4</sup>(3A) After rule 3 (Service of Documents), insert—

“3A. Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.”.]

(4) At the beginning of rule 14(1), insert “ subject to rule 2A(2)(b), ”.

### Textual Amendments

**F4** Sch. rule 5(3A) inserted (immediately before 4.3.2021) by [The Health and Care Professions Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2021 \(S.I. 2021/167\)](#), art. 1, **Sch. rule 2**

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I5** Sch. rule 5 in force at 4.3.2021, see art. 1

**Marginal Citations**

**M4** Rules as set out in the Schedule to the [Health Professions Council \(Registration Appeals\) Rules Order of Council 2003 \(S.I. 2003/1579\)](#).

Given under the seal of the Health and Care Professions Council 2nd day of October 2020.

L.S.

*Christine Elliott*  
*John Barwick*  
Chair Registrar

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021, SCHEDULE.