Draft Order in Council laid before Parliament and the Scottish Parliament under section 62(10) of the Health Act 1999, for approval by resolution of each House of Parliament and the Scottish Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

HEALTH CARE AND ASSOCIATED PROFESSIONS

The Health and Care Professions (Public Health Specialists and Miscellaneous Amendments) Order 2015

Made - - - - 2015
Coming into force in accordance with article 1(2) and (3)

At the Court at Buckingham Palace, the xx day of xx 2015

Present,

The Queen's Most Excellent Majesty in Council

This Order in Council is made in exercise of the powers conferred by sections 60 and 62(4) and (4A) of, and Schedule 3 to, the Health Act 1999(**1**).

The Secretary of State and the Scottish Ministers published a draft Order and invited representations as required by paragraph 9(1) and (3) of Schedule 3 to that Act.

The period of three months mentioned in paragraph 9(4) of that Schedule expired before a draft of this Order in Council, together with a report about the consultation, was laid before Parliament and the Scottish Parliament.

A draft of this Order in Council has been approved by resolution of each House of Parliament and the Scottish Parliament, in accordance with section 62(10) of that Act.

(**1**) 1999 c. 8. Section 60 was amended by paragraph 16 of Schedule 5 to the Nursing and Midwifery Order 2001 (S.I. 2002/253): section26(9) of the National Health Service Reform and Health Care Professions Act 2002 (c .17); paragraph 1 of Schedule 8 to the Health and Social Care Act 2008 (c. 14); sections 209, 210 and 213 of, and paragraphs 60 and 72 of, Schedule 15 to the Health and Social Care Act 2012 (c. 7); paragraph 7 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231; paragraph 43 of Schedule 43 of Schedule 34 to the Human Medicines Regulations 2012 (S.I. 2012/1916).. Section 62 was amended by: the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraphs 194 and 197, and Schedule 4; and paragraph 2 of Schedule 8 to the Health and Social Care Act 2008. Subsection (4) and (4A) were substituted in section 62 by paragraph 11 of Schedule 10 to the Health and Social Care Act 2008. Schedule 3 was amended by, section 26(10) of the National Health Service Reform and Health Care Professions Act 2002; paragraph 8(b) of Schedule 4 to the Health and Social Work Professions Order 2001 (S.I. 2002/254); paragraph 67 of Schedule 11, and paragraph 1of Schedule 14 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); paragraphs 4 to 9 of Schedule 8, and paragraph 1 of Schedule 15, to the Health and Social Care Act 2008; section 211 of, and paragraphs 61 and 72 of Schedule 15 to, the Health and Social Care Act 2012.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to make the following Order in Council.

Citation, commencement and extent

1.—(1) This Order may be cited as the Health and Care Professions (Public Health Specialists and Miscellaneous Amendments) Order 2015.

(2) This article, articles 2, 3(2) and (3), 4 and 5(3) and (4) come into force on the day after the day on which this Order is made.

(3) Articles 3(1) and 5(1) and (2) come into force on 1st July 2016.

(4) The extent of any amendment of any enactment or instrument contained in this Order is the same as that of the enactment or instrument amended.

Interpretation

2. In this Order—

"the 2001 Order" means the Health and Social Work Professions Order 2001(**2**);

"HCPC" means the Health and Care Professions Council established under article 3 of the 2001 Order(**3**);

"HCPC register" means the register established under article 5 of the 2001 Order;

"PHR" means the United Kingdom Public Health Register, a private company limited by guarantee, which was incorporated on 23rd May 2003(**4**);

"PHR register" means the aggregate of entries in the register maintained by the PHR that relate to persons other than public health practitioners;

"public health practitioner" means a person registered with the PHR but who—

(a) has not completed a national public health speciality training programme approved by the General Medical Council; or

(b) has not reached the requisite level of competence as determined by the PHR required by it for registration as a specialist in public health.

Regulation of public health specialists

3.—(1) Part 1 of Schedule 1 to this Order makes amendments to the 2001 Order and other legislation relating to the regulation of the profession of public health specialist by the HCPC.

(2) Part 2 of Schedule 1 to this Order makes further miscellaneous amendments to the 2001 Order.

(3) Schedule 2 to this Order makes amendments to other subordinate legislation.

(**2**) S.I. 2002/25. The title to this statutory instrument was amended by section 213(6) of the Health and Social Care Act 2012 (c. 7).
(**3**) The name of body corporate previously known as the Health Profession Council was amended by section 214 (1)(b) of the Health and Social Care Act 2012 to the Health and Care Profession Council.
(**4**) The United Kingdom Public Health Register (UKPHR) has its registered office at Chadwick Court, 15 Hatfields, London, SE1 8DJ.

Transitory and transitional provisions relating to the introduction of the registration of public health specialists by the Health and Care Professions Council

4.—(1) The HCPC and the PHR shall enter into arrangements (which may include financial arrangements) to facilitate the introduction of arrangements for the regulation of public health specialists by the HCPC arising out of this Order.

(2) The arrangements entered into under paragraph (1) shall include arrangements to ensure that all the names in the PHR register which are to be entered in the HCPC register with effect from the 1st July 2016 are so entered.

(3) If on the 30th June 2016, a person's name is included in the PHR register, that person shall be registered in the part of the HCPC register which relates to public health specialists with effect from the 1st July 2016.

(4) If on the 30th June 2016, there is an outstanding application for a person's name to be entered in the PHR register (including an application for restoration to that register), the HCPC—

(a) may determine that the person's name is to be entered in the part of the HCPC register which relates to public health specialists; or

(b) shall dispose of the matter in such other manner as it considers just.

(5) Where a person who is registered in the HCPC register pursuant to paragraph (3) or (4), notifies the HCPC in writing no later than 12th August 2016 that they do not wish to be registered in the HCPC register, the HCPC must—

(a) remove that person's name from the HCPC register; and

(b) treat that person as not having been so registered.

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

(7) Paragraph (8) applies if, on 30th June 2016, a person's name is included in the PHR register but—

(a) the person's registration is suspended; or

(b) the person is the subject of proceedings which could lead to the person's removal or suspension from the PHR register.

(8) In the circumstances described in paragraph (7), the HCPC—

(a) may determine that the person's name is not to be entered in the part of the HCPC register which relates to public health specialists; or

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

Amendments

5.—(1) Part 1 of Schedule 1 (which deals with amendments to the 2001 Order and other legislation relating to the regulation of public health specialists) has effect.

(2) The reference in article 13(1)(b) of the 2001 Order to the coming in force of an order under article 6(1) of the Order in relation to a profession includes a reference to the coming into force in relation to a profession of paragraph 5 of Schedule 1.

(3) Part 2 of Schedule 1 (which deals with further miscellaneous amendments to the 2001 Order) has effect.

(4) Schedule 2 (which deals with amendments to the Health Professions Council (Registration Appeals) Rules Order of Council 2003(**5**)) has effect.

(**5**) S.I. 2003/1579.

Name
Clerk of the Privy Council

SCHEDULE 1 Article 3(1) and (2)

Amendments to the Health and Social Work Profession Order 2001 and related matters

PART 1

Amendments relating to the regulation of public health specialists

Amendment of article 13

1. In article 13(**6**) (transitional provisions relating to admission to the register), in paragraph (1), for sub-paragraph (c) substitute—

"(c) who has never been registered in respect of that profession—

(i) under the 1960 Act or this Order,

(ii) in the case of an operating department practitioner, in the AODP register,

(iii) in the case of a practitioner psychologist, in the BPS register or the AEP register, or

(iv) in the case of a public health specialist, in the PHR register; and".

Amendment of article 39

2. After sub-paragraph (1A) of article 39(**7**) (offences), insert—

"(1B) A person who is listed in paragraph (1C) is to be regarded for the purposes of paragraph (1)(b) as entitled to use the title of "public health specialist".

(1C) Paragraph (1B) refers to a person who is—

(a) registered in the Specialist Register kept by the General Medical Council under section 34D of the Medical Act 1983(**8**) (specialist register);

(b) included in the specialist list kept by the General Dental Council in accordance with regulations made by the General Dental Council pursuant to section 26(3) and (4) of the Dentists Act 1984(**9**);

(c) a registrant in the register maintained by the Nursing and Midwifery Council in accordance with article 5 of the Nursing and Midwifery Order 2001(**10**), in respect of whom, an entry made in that register pursuant to rule 7(8) (entries indicating qualifications or competence) of the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004(**11**) to indicate that the registrant possesses a qualification in, or is competent to practise in, public health;

(d) a registrant in the register maintained by the General Pharmaceutical Council in accordance with article 19 of the Pharmacy Order 2010(**12**), whose entry to that register has been annotated pursuant to rules made under article 27(1)(**13**) of that Order to denote that a registrant has a specialisation in public health;

(**6**) Amended by S.I. 2004/2033, 2009/1182, 2010/233 and 2012/1479.
(**7**) Article 39(2) was amended by 2009/1182. Paragraph 1A of that article was inserted by the Health and Social Care Act 2012, section 215(1) and (12).
(**8**) 1983 c. 54. Section 34D was inserted by S.I. 2010/234, article 4, Schedule 1, paragraph 10.
(**9**) 1984 c.24. Section 26 was amended by S.I. 2005/2011, articles 2(1) and 15.
(**10**) S.I. 2002/253.
(**11**) S.I. 2004/1765.
(**12**) S.I. 2010/231.
(**13**) Rules made under article 27 are contained in the Schedule to the General Pharmaceutical Council (Registration) Rules 2010 S.I. 2010/1617.