

2003 No. 1577

HEALTH CARE AND ASSOCIATED PROFESSIONS

HEALTH PROFESSIONS

**The Health Professions Council (Functions of Assessors)
Rules Order of Council 2003**

Made - - - - 13th June 2003

Laid before Parliament 17th June 2003

Coming into force 9th July 2003

At the Council Chamber, Whitehall, the 13th day of June 2003
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in exercise of the powers conferred on it by articles 34(4), 35(3) and 36(3) of the Health Professions Order 2001^(a), and of all other powers enabling it in that behalf, the Health Professions Council has made the Health Professions Council (Functions of Assessors) Rules 2003 as set out in the Schedule to this Order:

And whereas by articles 41(1) and 42 of the Health Professions Order 2001 such Rules shall not come into force until approved by order of the Privy Council:

Now, therefore, Their Lordships, having taken the Rules into consideration, are pleased to, and do hereby, approve them.

This Order may be cited as the Health Professions Council (Functions of Assessors) Rules Order of Council 2003 and shall come into force on 9th July 2003.

A. K. Galloway
Clerk of the Privy Council

^(a) S.I. 2002/254.

SCHEDULE

**THE HEALTH PROFESSIONS COUNCIL (FUNCTIONS OF ASSESSORS)
RULES 2003**

The Health Professions Council, in exercise of its powers under articles 34(4), 35(3) and 36(3) of the Health Professions Order 2001(a) and of all other powers enabling it in that behalf and following consulting in accordance with article 41(3) of that Order, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Health Professions Council (Functions of Assessors) Rules 2003 and shall come into force on 9th July 2003.

Interpretation

2. In these Rules—

“appeal hearing” means a hearing held to consider an appeal under article 37 of the Order;

“the Order” means the Health Professions Order 2001; and

“Part V hearing” means a hearing before—

(a) the Investigating Committee in respect of an allegation under article 22(1)(b) of the Order or any matter which is treated as such an allegation in accordance with article 22(6) of the Order;

(b) the Health Committee under Part V of the Order;

(c) the Conduct and Competence Committee under Part V of the Order.

Additional functions of legal assessors

3. A legal assessor shall have the following additional functions—

(a) to be present at any Part V hearing held by a Practice Committee;

(b) to be present at any appeal hearing held by the Council; and

(c) where he is present at any hearing referred to in paragraph (a) or (b), to inform the Practice Committee or Council (as the case may be) of any irregularity in its consideration of the matter which is the subject of the hearing, or in the conduct of the hearing, which may come to his knowledge and to advise on the steps which may be taken (if any) to remedy the irregularity.

Additional functions of medical assessors

4. A medical assessor shall have the following additional functions—

(a) to be present at any Part V hearing held by a Practice Committee as the Practice Committee may request;

(b) to be present at any appeal hearing held by the Council as the Council may request;

(c) where he is present at any hearing referred to in paragraph (a) or (b) and it appears to him that, without his advice, a mistake may be made in judging the medical significance of information (or the absence of information) in relation to the hearing of informing the Practice Committee or Council and the parties to the proceedings of that; and

(d) at the request of a Practice Committee or the Council, to examine and report on the physical or mental condition of a person who is the subject of any hearing referred to in paragraph (a) or (b) and who consents to such an examination.

Additional functions of registrant assessors

5. A registrant assessor shall have the following additional functions—

(a) to be present at any Part V hearing held by a Practice Committee as the Practice Committee may request;

(a) S.I. 2002/254.

- (b) to be present at any appeal hearing held by the Council as the Council may request;
- (c) where he is present at any hearing referred to in paragraph (a) or (b) and it appears to him that, without his advice, a mistake may be made in judging the significance of information (or the absence of information) relating to any matter of professional practice within his professional competence in relation to the hearing, of informing the Practice Committee or Council and the parties to the proceedings of that.

Sealed with the common seal of the Health Professions Council on 6th June 2003.

Norma Brook
President

Marc Seale
Registrar



EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Health Professions Order 2001, approves Rules made by the Health Professions Council in respect of functions of legal, medical and registrant assessors.

£1.75

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E0859 6/03 ON (MFK)