

Draft Order laid before Parliament and the Scottish Parliament under section 62(10) of the Health Act 1999 (c.8) for approval by resolution of each House of Parliament and by resolution of the Scottish Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

PROFESSIONAL QUALIFICATIONS

PROFESSIONS SUPPLEMENTARY TO MEDICINE

**The Anaesthesia Associates and Physician Associates Order
2023**

Made - - - - 2023

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the [xxxx] day of [xxxx]

Present,

The King's Most Excellent Majesty in Council

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

The Secretary of State and the Scottish Ministers published a draft of this Order in Council and invited representations as required by paragraph 9(1) and (3) of Schedule 3 to the Health Act 1999.

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) 1999 c.8. Subsections 62(4) and (4A) were substituted by paragraph 11 of Schedule 10 to the Health and Social Care Act 2008 (c.14). Schedule 3 was amended by section 26(10) of the National Health Service Reform and Health Care Professions Act 2002 (c.17); paragraph 8(b) of Schedule 4 to the Health Professions Order 2001 (S.I. 2002/254); paragraph 67 of Schedule 11, and Part 4 of Schedule 14, to the Health and Social Care (Community Health and Standards) Act 2003 (c.43); section 33 of, and Schedule 9 to, the Health Act 2006 (c.28); paragraphs 4 to 10 of Schedule 8, paragraph 12 of Schedule 10 and Part 2 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 (c.7); and section 168(4) of the Health and Care Act 2022 (c.31).

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 the Health Act 1999.

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

PART 1 GENERAL

Citation and commencement

1.—(1) This Order may be cited as the Anaesthesia Associates and Physician Associates Order 2023.

(2) Article 14(b) comes into force after a period of three years beginning with the date on which this Order is made.

(3) The remaining provisions of this Order come into force after a period of one year beginning with the day on which this Order is made.

Interpretation

2.—(1) In this Order—

“approved qualification” means a qualification approved under article 4(1)(a)(iii);

“associate” means—

- (a) anaesthesia associate, or
- (b) physician associate;

“case examiner” means a person who carries out the functions under articles 9 and 10 on behalf of the Regulator;

“court”, except in the term “county court”, means—

- (a) in the case of a person whose registered address is, or would be if they were registered—
 - (i) in Scotland, the Court of Session,
 - (ii) in Northern Ireland, the High Court of Justice in Northern Ireland, and
- (b) in any other case, the High Court of Justice in England and Wales;

“emergency” means an emergency of the type described in section 19(1)(a) of, read with section 19(2)(a) and (b) of, the Civil Contingencies Act 2004(a) (meaning of “emergency”);

“Final Measure” means—

- (a) a condition imposed upon an associate;
- (b) a suspension of an associate from practice; or
- (c) a requirement that an associate’s entry be removed from a part of the register (into which the register is divided under article 5(2)(a));
- (d) “fitness to practise proceedings” means proceedings under Part 4;

“Interim Measure” means—

- (a) a condition imposed upon an associate; or
- (b) a suspension of an associate from practice;

“Panel” means a panel constituted pursuant to rules made under paragraph 5 of Schedule 4 which has functions under this Order;

(a) 2004 c.36.

“the register” means the register referred to in article 5(1);
“the Registrar” means the Registrar appointed under paragraph 1(b)(i) of Schedule 1;
“registration” means registration in the register; and “registered” must be construed accordingly; and
“the Regulator” means the General Medical Council(a).

- (2) Any reference in this Order to—
- (a) fitness to practise being impaired is a reference to impairment by reason of—
 - (i) inability to provide care to a sufficient standard; or
 - (ii) misconduct;
 - (b) a member of the Regulator is to a person appointed under paragraph 1A(2) of Schedule 1 to the Medical Act 1983(b).

PART 2

STANDARDS AND APPROVALS

Standards

- 3.—(1) The Regulator—
- (a) must determine standards for the purposes of article 4 (approvals) and article 6(2)(c)(i) (registration); and
 - (b) may determine other standards in relation to associates.
- (2) The Regulator must—
- (a) consult such persons as the Regulator considers appropriate before determining a standard under paragraph (1); and
 - (b) keep standards determined under paragraph (1) under review.

Approvals

- 4.—(1) The Regulator may—
- (a) approve—
 - (i) education or training of,
 - (ii) a person who provides education or training for,
 - (iii) a qualification for, or
 - (iv) an examination or assessment of,persons who are, or wish to be, registered;
 - (b) subject to article 13(1)(a)—
 - (i) attach a condition to any approval given under sub-paragraph (a) which may include a condition limiting the period of time for which that approval is valid; or
 - (ii) subject to article 13(1)(a), withdraw such an approval.
- (2) An approval under paragraph (1)(a) may be given in relation to a person or thing anywhere.
- (3) The Regulator may coordinate the stages of education and training of associates.

(a) Section 1(1) of the Medical Act 1983 (c.54) provides for the continued existence of the General Medical Council.
(b) Paragraph 1A was substituted by paragraph 21(2) of Schedule 1 to the Health Care and Associated Professions (Miscellaneous Amendments) Order (S.I. 2008/1774) and amended by paragraph 6 of Schedule 20 to the Health and Social Care Act 2012.

PART 3

THE REGISTER

Register

- 5.—(1) The Registrar must—
- (a) keep—
 - (i) a single register of persons registered under article 6 (registration); and
 - (ii) that register correct in accordance with the provisions of, and made under, this Order; and
 - (b) take steps to guard against, and facilitate the discovery of, falsification of the register.
- (2) The Registrar—
- (a) must divide the register into—
 - (i) one part for anaesthesia associates; and
 - (ii) one part for physician associates; and
 - (b) may not divide the register into further parts.
- (3) The Registrar must record in the register in relation to a person registered under article 6—
- (a) a registration number and date of most recent registration;
 - (b) details as to that person's identity inclusion of which in the register the Regulator is satisfied serves the purpose of protection of the public, which must include that person's name and contact details provided for in rules made under paragraph 1(3) of Schedule 4;
 - (c) information related to that person's practice as an associate, inclusion of which in the register the Regulator is satisfied serves the purpose of protection of the public;
 - (d) without prejudice to the generality of sub-paragraph (c), any—
 - (i) warning under article 9(1)(b) or 9(1)(d)(i);
 - (ii) Interim Measure or Final Measure; and
 - (iii) decision under article 12(3)(a).
- (4) The Registrar may record other information in the register.

Registration

- 6.—(1) Subject to rules made under paragraphs 2 and 3 of Schedule 4 (rules prescribing persons etc and procedure), the Registrar must register a person ("the applicant") who applies for registration if the applicant satisfies—
- (a) where the applicant is not registered by reason of a Final Measure—
 - (i) the Registrar of the matters in paragraph (2), and
 - (ii) a Panel that the applicant's fitness to practise is not impaired;
 - (b) where the applicant is not registered following removal of an entry in the register relating to that applicant other than by reason of a Final Measure, a person prescribed in rules under paragraph 2(1) of Schedule 4—
 - (i) of the matters in paragraph (2), and
 - (ii) in a case prescribed in rules under paragraph 2 of Schedule 4, that the applicant's fitness to practise is not impaired; or
 - (c) in any other case, the Registrar of the matters in paragraph (2).
- (2) The matters for the purpose of paragraph (1) are—
- (a) as to the applicant's identity;

- (b) that the applicant has in force, or will have in force by the date on which the applicant begins to practise in the United Kingdom, an indemnity arrangement, insurance policy or combination thereof which provides appropriate and adequate cover in relation to the applicant's practice as an associate; and
- (c) that the applicant meets—
 - (i) standards of education, training, knowledge, skills, experience, conduct, performance, ethics and English language determined under article 3(1)(a), and
 - (ii) any requirements specified in rules made under paragraph 3(1)(a) (procedure other than appeals) of Schedule 4.

(3) If the Secretary of State advises the Registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this paragraph, the Registrar may register a person if the Registrar considers the person to be—

- (a) a fit, proper and suitably experienced person to be registered with regard to the emergency; or
- (b) one of a group comprised of persons of a type who may be reasonably considered to be fit, proper and suitably experienced persons with regard to the emergency.

(4) The Registrar may register by virtue of paragraph (3)(b) all of the persons comprising a specified group of persons without first identifying each person in the group.

Conditions on registration

7. Registration under—

- (a) article 6(1) (non-emergency registration) is subject to such condition as the Regulator may decide in relation to a description of associate prescribed in rules under paragraph 2(d) of Schedule 4; and
- (b) article 6(3) (emergency registration) is subject to such condition as the Regulator may decide in relation to—
 - (i) an individual associate; or
 - (ii) a group, within the meaning of article 6(3)(b), of associates.

Removal of an entry

8.—(1) The Registrar must remove an entry from the register where—

- (a) the Registrar is satisfied that the person to whom the entry relates has died;
- (b) a Final Measure is imposed requiring the removal of the entry; or
- (c) the person to whom the entry relates has a conviction for an offence listed in—
 - (i) paragraphs 1 to 8 of Schedule 2 (listed offences), or
 - (ii) any other paragraph of Schedule 2 in respect of which a custodial sentence has been imposed,

which was committed on or after the date on which this article comes into force.

(2) Subject to article 13(1)(b), the Registrar may remove an entry from the register where—

- (a) registration was procured fraudulently or made incorrectly; or
- (b) the person to whom it relates—
 - (i) has requested the removal; or
 - (ii) has not—
 - (aa) complied with rules made under paragraph 3(2)(b) of Schedule 4 (evaluation as to standards and fitness to practise),
 - (bb) paid a fee in accordance with rules made under paragraph 7 of Schedule 4,

- (cc) an indemnity arrangement, insurance policy or combination thereof in force which provides appropriate and adequate cover in relation to their practice as an associate,
 - (dd) maintained an effective means of contact with the Registrar, or
 - (ee) provided information in accordance with a requirement under this Order.
- (3) The Registrar—
- (a) must remove an entry made under article 6(3) (emergency registration) from the register if the Secretary of State advises the Registrar that the circumstances that led to the advice mentioned in that paragraph no longer exist;
 - (b) may remove an entry made under article 6(3) from the register for any other reason at any time, including in particular where the Registrar has grounds for suspecting that the person’s fitness to practise may be impaired.
- (4) The entry of a person registered by virtue of article 6(3)(b) as one of a specified group may be removed—
- (a) without removing the entries of other members of the group, or
 - (b) along with the entries of all the members of the group.

PART 4

FITNESS TO PRACTISE

Case examiner and Panel functions where fitness to practise question arises

9.—(1) Where a question arises as to whether a person’s fitness to practise as an associate is impaired, a case examiner may, except in relation to a person registered under article 6(3) (emergency registration)—

- (a) pending the case examiner’s decision under sub-paragraphs (b) to (d), refer the case to a Panel which may, subject to article 13(4), impose an Interim Measure;
- (b) decide that the person’s fitness to practise is not impaired in which case the case examiner may issue a warning;
- (c) subject to article 13(1)(b), impose a Final Measure where paragraph (2) applies; or
- (d) subject to article 13(3), refer the case to a Panel which may—
 - (i) decide that the person’s fitness to practise is not impaired in which case the Panel may issue a warning; or
 - (ii) impose—
 - (aa) subject to article 13(4), an Interim Measure, or
 - (bb) subject to article 13(1)(b), a Final Measure if it is satisfied that the person’s fitness to practise is impaired.

(2) For the purpose of paragraph (1)(c), this paragraph applies where the person—

- (a) has—
 - (i) agreed to a Final Measure, and
 - (ii) accepted—
 - (aa) their fitness to practise is impaired, and
 - (bb) the case examiner’s findings in that respect; or
- (b) does not provide a reasoned response to a notification of a proposed Final Measure within the period prescribed in rules made under paragraph 10(1)(a) of Schedule 4 (prescribed period) provided that the notification warned the person of this consequence.

(3) An Interim Measure may be imposed for such period as is specified in the Measure save that such period may not be longer than 18 months but this is without prejudice to a subsequent measure being imposed by a court based on the same evidence.

(4) A Final Measure which is not a requirement that an entry be removed from the register may be imposed for such period as is specified in the Measure save that such period may not be longer than 12 months but this is without prejudice to a subsequent measure being imposed based on the same evidence.

Review of Interim Measure and imposition of further Interim Measure by court

10.—(1) A case examiner must review an Interim Measure which remains in force, whether or not it is revised, imposed under article 9 or this article—

- (a) before six months; and
- (b) again before twelve months,

have expired beginning with the date on which it was imposed.

(2) A failure to review under paragraph (1) does not affect the validity of the Interim Measure.

(3) The Regulator may apply to the court before an Interim Measure ceases to have effect.

(4) On an application under paragraph (3), the court may, before the expiry of an Interim Measure in relation to an associate, impose an Interim Measure in respect of that person.

PART 5

REVISIONS AND APPEALS

Revision of decisions

11.—(1) The Regulator may revise a decision under—

- (a) article 4(1);
- (b) article 6 other than paragraphs (1)(a)(ii) and (3);
- (c) article 7(a);
- (d) article 8(1) or (2);
- (e) article 9 of a case examiner—
 - (i) to impose a Final Measure,
 - (ii) that fitness to practise is not impaired, or
 - (iii) to issue a warning, or
- (f) this article,

on the ground that it was based on an error of fact or law or that there has been a material change of circumstances since it was made.

(2) The Regulator may revise a decision—

- (a) under article 9(1)(a) or (d)(ii) of the Panel but not so as to increase the period specified in an Interim Measure or Final Measure;
- (b) under article 10(4) to impose an Interim Measure;
- (c) under article 12(3)(a)(iii); or
- (d) pursuant to article 12(3)(a)(iv),

on the ground that there has been a material change of circumstances since it was made.

(3) Paragraphs (1) and (2) are subject to article 13(1)(b) and rules made under paragraph 11(a) of Schedule 4.

(4) Subject to rules made under paragraph 11(a) of Schedule 4, the Regulator may revise a decision under article 6(3), 7(b) or 8(3).

Appeals

12.—(1) Subject to paragraph (4), a person described in paragraph (5) may appeal to a Panel against a decision under—

- (a) article 4(1) (approvals);
- (b) article 6(1) (registration) other than sub-paragraph (a)(ii);
- (c) article 7(a) (conditions on registration);
- (d) article 8(2) (removal of an entry);
- (e) article 9 of a case examiner—
 - (i) to impose a Final Measure,
 - (ii) that fitness to practise is not impaired, or
 - (iii) to issue a warning; or
- (f) article 11(1) or (2).

(2) A person described in paragraph (6) may appeal to—

- (a) the county court against a decision of the Panel on an appeal under paragraph (1)(b) or (d); and
- (b) the court against a decision—
 - (i) under article 6(1)(a)(ii) or 8(1)(c); or
 - (ii) except where sub-paragraph (a) applies, of the Panel on the ground of error of law,

within 28 days beginning with the date on which that decision was served on that person.

(3) On an appeal under this article—

- (a) the Panel, county court or court may—
 - (i) dismiss the appeal,
 - (ii) quash the decision under appeal,
 - (iii) substitute for the decision under appeal a decision that could have been made, or
 - (iv) remit the matter to be disposed of in accordance with its directions; and
- (b) the county court or court may make any order as to costs as it thinks fit.

(4) No appeal under paragraph (1) lies against a decision made solely on the ground that the person has not—

- (a) paid a fee payable in accordance with rules made under paragraph 7 of Schedule 4; or
- (b) applied for registration in accordance with rules made under paragraph 3(1) of Schedule 4.

(5) The person for the purposes of paragraph (1) is any person prescribed in rules made under paragraph 11(b) of Schedule 4 for the purpose of this paragraph and for the purposes of—

- (a) paragraph (1)(a), is the person who applied for approval;
- (b) paragraph (1)(b), is the applicant;
- (c) paragraph (1)(c), is the person who is subject to the condition;
- (d) paragraph (1)(d), is the person to whom the entry relates;
- (e) paragraph (1)(e), is the person in respect of whom a Final Measure or to whom the warning is given; and
- (f) paragraph (1)(f) is the person subject to the decision which is revised.

(6) The person—

- (a) for the purposes of paragraph (2) is, subject to sub-paragraph (b), any person prescribed in rules made for the purpose of this paragraph under paragraph 11(b) of Schedule 4; and
- (b) for the purposes of—
 - (i) paragraph (2)(a), is a party to the appeal to the Panel; and
 - (ii) paragraph (2)(b)(i), is—
 - (aa) the applicant in the case of a decision under article 6(1)(a)(ii), and
 - (bb) the person to whom the entry relates in the case of a decision under article 8(1)(c).

PART 6

MISCELLANEOUS

Opportunity to make representations

13.—(1) Subject to paragraph (2), a decision may not be made under—

- (a) article 4(1)(b) (approvals) unless the person who applied for the approval under article 4(1)(a) has been given an opportunity to make representations beforehand; or
- (b) article 8(2)(a), (b)(ii)(aa) or (ee) (removal of entry from register), 11(1) or (2) (revision) nor may a Final Measure be imposed unless the associate affected has been given an opportunity to make representations beforehand.

(2) The representations under paragraph (1)(b) may be in writing or, except where—

- (a) the Regulator revises an Interim Measure; or
- (b) a case examiner imposes a Final Measure,

if the associate chooses, orally.

(3) A case examiner may not refer a case under article 9(1)(d) unless the person whose fitness to practise is in question has been given an opportunity to make written representations beforehand.

(4) A Panel may not impose an Interim Measure on an associate unless, where practicable, that associate has been given an opportunity to make representations beforehand in writing or, if the associate chooses, orally.

(5) Representations under paragraphs (2) and (4) may, if the associate chooses, be made by a representative.

Offence relating to registration etc.

14. A person commits an offence, who, with intent to deceive—

- (a) falsely represents anyone, including themselves, to have an approved qualification, or to be registered;
- (b) uses the title of anaesthesia associate or physician associate without being registered as such;
- (c) makes a false representation as to the content of the register; or
- (d) procures, or attempts to procure, the inclusion of information in, or exclusion of information from, the register,

and is liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale.

Schedules 1 and 3 to 5

15. Schedules 1 (the Regulator) and 3 to 5 (evidence gathering etc. rule-making powers and consequential amendments) have effect.

SCHEDULE 1 THE REGULATOR

Article 15

Appointment of registrar etc.

1. The Regulator, for the purposes of this Order—
 - (a) may make such appointments as it may determine; and
 - (b) without prejudice to the generality of sub-paragraph (a), must appoint—
 - (i) a Registrar, and
 - (ii) members of a Panel.

Delegation

- 2.—(1) Subject to paragraph 8 of Schedule 3 to the Health Act 1999, the Regulator may delegate functions under this Order to—
 - (a) a member of the Regulator or staff member;
 - (b) any other person if—
 - (i) the Regulator considers that the delegation is likely to lead to an improvement in the exercise of its functions, and
 - (ii) the person has agreed to the terms of the delegation.
- (2) The functions that may be delegated under paragraph (1) do not include—
 - (a) the power conferred by that paragraph, or
 - (b) any function of making rules under Schedule 4.
- (3) A function may be delegated under sub-paragraph (1)—
 - (a) wholly or partly;
 - (b) generally or only in specific circumstances;
 - (c) unconditionally or subject to specific conditions.
- (4) A delegation does not—
 - (a) prevent the Regulator from exercising the function or making other arrangements for its exercise;
 - (b) affect any liability or responsibility of the Regulator for the exercise of its functions.

Objective, matters to which the Regulator must have regard and co-operation

- 3.—(1) The Regulator—
 - (a) has the objective of promoting and maintaining—
 - (i) public confidence in, and
 - (ii) proper professional standards and conduct for members of, the anaesthesia associate and physician associate professions;
 - (b) must have regard, in exercising its functions under this Order, to—

- (i) the interests of persons using or needing the services of associates in the United Kingdom,
 - (ii) any differing interests of different categories of anaesthesia associates and physician associates, and
 - (iii) the principle that regulatory activity should be targeted only at cases in which action is needed;
- (c) must discharge its functions under this Order in a way which is transparent, accountable, proportionate and consistent; and
- (d) must co-operate insofar as is appropriate and practicable, with persons concerned with the employment (whether or not under a contract of service), education or training of associates or the services they provide.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(d), the Regulator must have regard to any differing considerations relating to practising as an associate which apply in England, Scotland, Wales or Northern Ireland.

Default powers of the Privy Council

4.—(1) If it appears to the Privy Council that the Regulator has failed to perform any functions under this Order which, in the opinion of the Privy Council, should have been performed, the Privy Council may notify the Regulator of its opinion and require the Regulator to make representations to it.

(2) The Privy Council may, having considered such representations, give such directions, if any, to the Regulator as the Privy Council considers appropriate.

(3) If the Regulator does not comply with a direction given under sub-paragraph (2), the Privy Council may give effect to the direction.

(4) Subject to sub-paragraph (5), for the purpose of sub-paragraph (3), the Privy Council may—

- (a) exercise any power of the Regulator or do any act or other thing authorised to be done by the Regulator; and
- (b) do, of its own motion, any act or other thing which it is otherwise authorised to do under this Order at the instigation of the Regulator.

(5) The Privy Council may not under this paragraph make, amend or remove an entry in the register in respect of an individual, nor refuse to do so.

(6) The powers under sub-paragraphs (1) and (2) may be exercised by a person authorised or designated by the Privy Council for that purpose.

Incidental powers

5.—(1) The Regulator may do anything which appears to it to be incidental or conducive for the purpose of, or in connection with, the performance of its functions other than its functions under the Medical Act 1983(a) including—

- (a) paying members and staff of the Regulator and Panel members such remuneration, pensions, expenses, allowances or gratuities as it may determine; and
- (b) borrowing.

(2) The Regulator must arrange for the provision of such advice, assistance, accommodation, services and other facilities for a Panel as the Regulator thinks necessary or expedient for the proper performance of the Panel's functions.

(3) Arrangements under sub-paragraph (2) may include arrangements with the Medical Practitioners Tribunal Service established under section 1(3)(g) of the Medical Act 1983(b).

(a) See paragraph 9 of Schedule 1 to the Medical Act 1983.

(b) Section 1(3)(g) was inserted by article 2(1) of the General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794).

Grant making power

6.—(1) The Secretary of State, the Scottish Ministers, Welsh Ministers and the Department of Health in Northern Ireland may make a grant to the Regulator for the purposes of its functions under this Order.

(2) A grant under sub-paragraph (1) may be made subject to a condition.

SCHEDULE 2 LISTED OFFENCES

Article 8(1)(c)

Listed offences

1. Murder

2.—(1) An offence under the following provisions of the Sexual Offences Act 2003(a)—

- (a) section 1 (rape)
- (b) section 2 (assault by penetration)
- (c) sections 5 to 8 (rape and other offences against children under 13)
- (d) sections 9 to 12 (child sex offences)
- (e) sections 30 to 33 (offences against persons with a mental disorder impeding choice)
- (f) sections 47 to 50 (sexual exploitation of children)

3. An offence under sections 9 to 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005(b) (sexual services of children and child pornography)

4. An offence under the following provisions of the Sexual Offences (Northern Ireland) Order 2008(c)—

- (a) article 5 (rape)
- (b) article 6 (assault by penetration)
- (c) article 12 (rape of a child under 13)
- (d) articles 13 to 15 (assault in relation to children under 13)
- (e) articles 16 to 19 (offences against children under 16)
- (f) articles 37 to 40 (abuse of children under 18 through prostitution and pornography)
- (g) articles 43 to 46 (offences against persons with a mental disorder impeding choice)

5. An offence under the following provisions of the Sexual Offences (Scotland) Act 2009(d)—

- (a) section 1 (rape)
- (b) section 2 (sexual assault by penetration)
- (c) sections 3 to 6 (sexual assault and other sexual offences) committed against a person who is, by virtue of section 17 of that Act (capacity to consent: mentally disordered persons), treated as incapable of consenting
- (d) sections 18 to 26 (young children)

(a) 2003 c.42. Sections 47 to 50 were repealed in relation to Northern Ireland by articles 78(c) and 83 of, and Schedule 3 to, the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769) (N.I.2). Section 47(7) was repealed by articles 3 and 8 of the Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779). Sections 48 to 50 were amended by section 68(1) and (3) to (5) of the Serious Crime Act 2015 (c.9).

(b) 2005 asp 9; sections 9 to 12 were amended by section 40(2) of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13.

(c) S.I. 2008/1769 (N.I. 2).

(d) 2009 asp 9; section 26 was amended by section 43(4) of the Criminal Justice and Licensing (Scotland) Act 2010.

- (e) sections 28 to 33 (older children)
- 6. An offence under the following provisions of the Modern Slavery Act 2015(a)—
 - (a) section 1 (slavery, servitude and forced or compulsory labour)
 - (b) section 2 (human trafficking)
- 7. An offence under either of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015(b)—
 - (a) section 1 (offence of human trafficking)
 - (b) section 4 (slavery, servitude and forced or compulsory labour)
- 8. An offence under the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(c)—
 - (a) section 1 (slavery, servitude and forced or compulsory labour)
 - (b) section 2 (human trafficking)
- 9. Extortion (in Scotland)
- 10. An offence under section 21 of the Theft Act 1968(d) (blackmail)
- 11. An offence under section 20 of the Theft Act (Northern Ireland) 1969(e) (blackmail)
- 12. An offence under section 3 of the Sexual Offences Act 2003 (sexual assault)
- 13. An offence under article 7 of the Sexual Offences (Northern Ireland) Order 2008 (sexual assault)
- 14. An offence under section 3 of the Sexual Offences (Scotland) Act 2009 (sexual assault)

SCHEDULE 3

Article 15

EVIDENCE GATHERING, NOTIFICATIONS, PUBLICATION AND DATA

Disclosure of information

1.—(1) Subject to sub-paragraph (2), the Regulator may disclose information about any matter, regardless of when or where it arose, relating to its functions under this Order.

(2) The Regulator must not disclose information—

- (a) which relates to a particular associate’s fitness to practise; or
- (b) related to fitness to practise in relation to every—
 - (i) associate, or
 - (ii) associate of a particular class,

unless it considers it to be in the public interest to do so.

(3) For the purposes of sub-paragraph (2)(b), the Regulator need not consider whether it is in the public interest to disclose the information in question in relation to each individual to whom it relates.

(a) 2015 c.30.
 (b) 2015 asp 12.
 (c) 2015 c.2 (N.I.).
 (d) 1968 c.60; section 21 was extended by section 1(1)(d) of the Nuclear Material (Offences) Act 1983 (c.18).
 (e) 1969 c.19 (N.I).

Notifications

2.—(1) The Regulator must notify—

- (a) a decision under—
 - (i) article 4(1)(a) or (b) to the person who applied for the approval under article 4(1);
 - (ii) article 6(1) (registration) to the person who applied for registration under that paragraph;
 - (iii) article 7(a) (conditions on registration) to the person subject to a condition under that paragraph;
 - (iv) article 8(2) (removal of an entry), other than paragraph (2)(b)(i) or (ii)(dd), to the person whose entry is removed under that paragraph;and, where applicable, that they may apply for revision under article 11 (revision of decisions) or appeal under article 12 (appeals);
- (b) a person (“P” in this paragraph and the next) in respect of whom a decision has been made as to their fitness to practise—
 - (i) of a decision under article 9 (case examiner and Panel functions where fitness to practise question arise) and the reasons for that decision, and
 - (ii) that they may—
 - (aa) apply for revision under article 11, and
 - (bb) appeal under article 12; and
- (c) a decision under article 9, other than a decision to refer a case to a Panel, to—
 - (i) any person by whom P is employed, or with whom P has an arrangement, to provide medical services (where known),
 - (ii) any regulatory body with which P is registered (where known), and
 - (iii) the complainant (if any);
- (d) a revision under article 11 to anyone who was notified of the decision that has been revised; and
- (e) a Panel’s determination of an appeal to the parties to that appeal (other than to any complainant who has renounced this duty).

(2) The Regulator must include in the notification under paragraph (1)(a) reasons for the decision except where the decision is to grant an application without a condition.

(3) The Regulator must notify a removal of an entry and the date of removal under article 8(1)(c) to—

- (a) the person (“R”) whose entry has been removed under that provision;
- (b) where known, any—
 - (i) person by whom R is employed, or with whom R has an arrangement, to provide services as an associate, or in relation to such services; and
 - (ii) any regulatory body with which R is registered.

(4) The Regulator must notify a person whose entry has been removed under article 8(1)(c) that they may appeal under article 12(2)(b)(i).

Power to publish

3.—(1) The Regulator may publish—

- (a) information related to fitness to practise in relation to every—
 - (i) associate; or
 - (ii) associate of a particular class,if it considers it to be in the public interest to do so;

- (b) the findings of any investigation under paragraph 7(1)(a) in relation to an approval under article 4 and any warning the Regulator may give in consequence of the findings; and
- (c) a removal under article 8(2);
- (d) a decision under article 9(1)(d)(i);
- (e) the reasons for the determination of an appeal under this Order if it considers it to be in the public interest to do so;
- (f) information relating to former registrants which was previously published under paragraph 4; and
- (g) guidance about the exercise of functions under this Order.

(2) For the purposes of sub-paragraph (1)(a), the Regulator need not consider whether it is in the public interest to publish the information in question in relation to each individual associate to whom it relates.

Duty to publish registration information and certain decisions

- 4.**—(1) The Registrar must publish, together, in respect of each registered person—
- (a) that person’s name, registration number and date of most recent registration;
 - (b) which part of the register the person is registered in; and
 - (c) information related to that person’s practice as an associate, publication of which the Regulator is satisfied serves the purpose of protection of the public.
- (2) The Regulator must, as soon as practicable, publish in addition—
- (a) a removal under article 8(1)(c);
 - (b) a warning under article 9(1)(b) or 9(1)(d)(i);
 - (c) an Interim Measure or a Final Measure; and
 - (d) a decision under article 12(3)(a),

until the Regulator is no longer satisfied such publication serves the purpose of protection of the public.

Duty to publish other matters

- 5.**—(1) The Regulator must publish—
- (a) any rules made under this Order;
 - (b) standards determined under article 3;
 - (c) subject to sub-paragraph (2)(a), a list of approvals given under article 4(1);
 - (d) any condition or withdrawal of approval under article 4; and
 - (e) guidance as to what amounts to impairment of fitness to practise.
- (2) The Regulator—
- (a) may not include in the list published under sub-paragraph (1)(c) an approval which relates to education or training provided only for a particular individual; and
 - (b) must keep guidance issued under sub-paragraph (1)(e) under review.

Information to be included in a report under section 52A of the Medical Act 1983

6. The Regulator must include in a report under section 52A of the Medical Act 1983(a) produced on or after the date on which this paragraph is commenced a description of—

(a) Section 52A was substituted by paragraph 18 of Schedule 1 to the Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774).

- (a) the arrangements which it has put in place to protect members of the public from registered associates whose fitness to practise is impaired, together with its observations on the report; and
- (b) the likely impact of any change made during the period covered by the report to fees set under paragraph 7 of Schedule 4, in particular in relation to—
 - (i) the workforce of the health service in the United Kingdom;
 - (ii) associates; and
 - (iii) the Regulator.

Evidence gathering

7.—(1) The Regulator must take such steps as it considers necessary for the purpose of evaluating whether—

- (a) standards determined under article 3(1) are met; or
 - (b) a person’s fitness to practise as an associate is impaired.
- (2) The steps taken under sub-paragraph (1)(a)—
- (a) must include requiring prescribed persons to supply prescribed information, at prescribed intervals in such manner as may be prescribed, to the Regulator; and
 - (b) may include setting exams.
- (3) In sub-paragraph (2)(a), “prescribed” means prescribed in rules under paragraph 13 of Schedule 4.

(4) Subject to sub-paragraph (5) and paragraph 8, the Regulator may require a person (including an associate in respect of whom the information or document is sought) to supply information or produce a document which the Regulator considers the person is able to supply and which appears to the Regulator to be relevant for the purposes of its functions under this Order.

(5) The Regulator may not require, for the purposes of fitness to practise proceedings, an associate to provide it with material produced by that associate—

- (a) for the purposes of professional development; or
- (b) in the course of reflecting on their professional practice in order to improve it.

(6) If a person fails to supply any information or produce any document within 14 days of being required to do so under paragraph (4), the Regulator may seek an order of the county court or, in Scotland, the sheriff in whose sheriffdom is situated the address which—

- (a) is shown in the register as the address of the person concerned; or
- (b) would have been so shown if the person concerned were registered,

requiring the information to be supplied or the document to be produced.

Further provision as to disclosure

8.—(1) Nothing in article 13 (opportunity to make representations) or this Schedule requires or permits the making of a disclosure which contravenes the data protection legislation.

(2) Paragraph 7(4) does not apply in relation to the supply of information or the production of a document which a person could not be compelled to supply or produce in court.

(3) Where, for the purposes of paragraph 7(4), information is held in a form which is not disclosable by reason of the data protection legislation because the information is capable of identifying an individual, the Regulator may require that information be put into a form which is not capable of identifying that individual.

(4) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018(a) (see section 3(9) of that Act).

SCHEDULE 4

RULE-MAKING POWERS

Article 15

Rules as to the register

1.—(1) The Regulator may make rules as to the form and keeping of the register.

(2) Subject to paragraph 3 and sub-paragraph (3), the Regulator may make rules as to the entering, amendment and removal of information in the register.

(3) The Regulator must prescribe in rules which contact details, including addresses, of associates must be recorded in the register under article 5(3)(b).

Rules prescribing persons etc. for the purposes of articles 6 and 7

2.—(1) The Regulator must prescribe in rules a person for the purposes of article 6(1)(b).

(2) The Regulator may prescribe in rules—

- (a) a period, for the purposes of article 6(1)(a) or (b), that must have elapsed before an applicant may apply to be registered;
- (b) a limitation on the number of applications an applicant may make under article 6(1)(a) or (b);
- (c) a case for the purposes of article 6(1)(b); and
- (d) a description of associate for the purpose of article 7(a).

Procedural rules other than for appeals

3.—(1) The Regulator must prescribe in rules the procedure for the purposes of—

- (a) articles 4, 6(1), 9, 10 and 1; and
- (b) removing an entry under article 8(1)(c) including, in particular, the time within which any step must be taken.

(2) The Regulator may prescribe in rules the procedure for—

- (a) the removal of entries in the register in the circumstances referred to in article 8(1)(a) and (2); and
- (b) an evaluation under paragraph 7 of Schedule 3 and, in particular, for an assessment of a person’s physical or mental health.

Procedural rules for appeals

4.—(1) The Regulator must prescribe in rules the procedure for appeals under article 12(1) (appeals), which must in particular—

- (a) specify—
 - (i) the timescales within which any steps in an appeal are to be taken,
 - (ii) the content of a notice of appeal,
 - (iii) the information to be provided with such a notice of appeal, and
 - (iv) how and when service of a notice is deemed to have been made;

(a) 2018 c.12; section 3(9) was amended by paragraph 4(3) of Schedule 2 to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419).

- (b) provide for a Panel to dispose of the appeal with or without a hearing, but with the proviso that a Panel must hold a hearing if the appellant so requests; and
- (c) permit, in relation to any hearing, the appellant to—
 - (i) attend, and be represented,
 - (ii) make oral representations, and
 - (iii) call witnesses.

Rules as to Panels

5. The Regulator, in rules—

- (a) must provide for the constitution of a Panel; and
- (b) may provide that a Panel may consider more than one referral in relation to an individual at the same time.

Rules as to non-compliance

6.—(1) The Regulator must prescribe in rules the consequences for non-compliance with—

- (a) an Interim Measure; and
- (b) a Final Measure which is a condition or suspension.

(2) Subject to sub-paragraph (3), rules under sub-paragraph (1)(b) may include provision giving power to substitute a different Final Measure.

(3) Rules under sub-paragraph (1)(b) may not permit substitution of a Final Measure without—

- (a) giving the associate an opportunity to make representations as to whether the variation or substitution should be made, and
- (b) taking into account any representations made.

(4) The Regulator may prescribe in rules—

- (a) the consequences of non-compliance with—
 - (i) rules under paragraph 3(2)(b), or
 - (ii) a direction under rules under paragraph 10(4); and
- (b) for a Panel to draw adverse inferences in circumstances prescribed in the rules.

(5) Rules under sub-paragraph (4)(a)(ii) may—

- (a) prescribe—
 - (i) the circumstances in which costs may be awarded by a Panel, and
 - (ii) what factors need to be taken into account in awarding costs; and
- (b) provide for—
 - (i) the assessment or taxation of costs or in Scotland, taxation of expenses, and
 - (ii) the enforcement of an award of costs or expenses by a Panel.

Rules as to fees

7.—(1) The Regulator may make rules as to the setting, charging, collection and recovery of fees in connection with the discharge of any functions under this Order, including in particular in connection with—

- (a) any appeal under article 12(1); and
- (b) the discharge of functions outside the United Kingdom.

(2) The rules must require the level of any fees to be set with a view to ensuring that, so far as practicable, the Regulator's fee income does not exceed its expenses (taking one year with another).

- (3) The rules may—
- (a) authorise fees to be set at a level that exceeds the cost of the matters in respect of which they are charged;
 - (b) provide that a request or application in respect of which a fee is payable is not valid unless the fee is paid.
- (4) Any fees recoverable pursuant to this paragraph may be recovered by—
- (a) the Regulator; or
 - (b) a person or body prescribed in the rules,
- in such cases or circumstances, and to such extent, as may be prescribed in the rules.
- (5) In England and Wales or Northern Ireland, any such sum is recoverable summarily as a civil debt.

Rules as to notifications

8.—(1) The Regulator must make rules as to the notification of the opportunity to make representations under article 13 and as to notification under paragraph 2 of Schedule 3, which include provision as to—

- (a) the content of the notifications;
- (b) any information to be provided with them;
- (c) the period within which they must be given;
- (d) their service; and
- (e) the date on which they are to be deemed to have been received.

(2) Rules under sub-paragraph (1) must require that any notification informs the recipient of, as appropriate—

- (a) the nature of the proceedings to which it refers;
- (b) the timescale within which any response to it is required and the method for making such a response;
- (c) any consequences of failing to respond to it or to comply with the fitness to practise procedure, and in particular any decisions that may be taken in the absence of the person and any action that may be taken for failure to comply with the fitness to practise procedure; and
- (d) any right to be represented and to make representations.

Rules as to Panel appointments

9.—(1) The Regulator must make rules for appointment under paragraph 1(b)(ii) (member of a Panel) of Schedule 1.

(2) Such rules may provide for, in particular—

- (a) the process for appointment, suspension and removal;
- (b) the term of appointment; and
- (c) remuneration.

Rules as to Fitness to Practise

10.—(1) The Regulator must prescribe in rules—

- (a) subject to sub-paragraph (2), a period for the purpose of article 9(2)(b) which may not be less than 28 days beginning with the date on which the associate received the notification of proposed Final Measure referred to in that provision; and
- (b) the quorum of a Panel and that a Panel in fitness to practise proceedings must consist of at least—

- (i) one person who—
 - (aa) has been registered,
 - (bb) has an approved qualification, or
 - (cc) is a registrant member (within the meaning of paragraph 1A(1)(a) of Schedule 1 to the Medical Act 1983); and

(ii) one person who does not satisfy sub-paragraph (i);

(c) the circumstances in which proceedings before a Panel are to be held in private.

(2) For the purpose of sub-paragraph (1)(a), a notification sent electronically must be deemed to be received on the day on which it was sent.

(3) The Regulator may make rules on any matter relating to the functions of case examiners and Panels, including as to—

- (a) case management of cases;
- (b) admissibility of evidence;
- (c) administration of oaths; and
- (d) requiring persons to attend and give evidence or to produce documents.

(4) The Regulator may prescribe in rules the procedural directions that may be given in fitness to practise proceedings.

Rules as to revision and appeal

11. The Regulator—

- (a) may prescribe in rules cases or circumstances in which a revision may not be made under article 11; and
- (b) may prescribe in rules persons, other than itself, for the purposes of article 12.

Rules as to when decisions take effect

12. The Regulator may make rules setting out the date from which—

- (a) a removal under article 8(1)(c);
- (b) a revision under article 11;
- (c) an Interim Measure; or
- (d) a Final Measure,

takes effect.

Rules for the purpose of paragraph 7 of Schedule 3

13. The Regulator must prescribe in rules persons, information, an interval and a manner for the purpose of paragraph 7 (evidence gathering) of Schedule 3.

General provision about rules

14.—(1) Rules under this Schedule may make—

- (a) different provision for different cases or different classes of case; and
- (b) may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Regulator to be necessary or expedient.

(a) Paragraph 1A was substituted by paragraph 21(1), (2) of Schedule 1 to the Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774) and amended by paragraph 6(a) of Schedule 20 to the Health and Social Care Act 2012.

(2) Before making rules under this Schedule the Regulator must consult, to the extent it considers proportionate, representatives of any group of persons which appear to the Regulator likely to be affected by the rules, including representatives of—

- (a) associates;
- (b) employers of associates;
- (c) users of the services of associates; and
- (d) persons providing, assessing or funding education or training for associates of prospective associates.

SCHEDULE 5

Article 15

CONSEQUENTIAL AMENDMENTS

Medical Act 1983

1.—(1) Schedule 1 to the Medical Act 1983 (the General Medical Council and its Committees, and the Branch Councils) is amended as follows.

(2) In paragraph 1A(1) (membership of the General Medical Council: general)—

(a) for paragraph (a) substitute—

“(a) registrant members, that is members who are—

- (i) fully registered under this Act and hold licences to practise,
- (ii) provisionally registered under this Act and hold licences to practise, or
- (iii) registered under the Anaesthesia Associates and Physician Associates Order 2022; and”;

(b) in paragraph (b)—

- (i) in sub-paragraph (i), at the end insert “under this Act”;
- (ii) omit “and” at the end of sub-paragraph (ii); and
- (iii) after sub-paragraph (iii) insert—
 - “(iv) are not and never have been registered under the Anaesthesia Associates and Physician Associates Order 2022, and
 - (v) do not hold a qualification approved under article 4(1)(a)(iii) of that Order.”.

(3) For paragraph 19G(14)(a) (Medical Practitioners Tribunals and Interim Orders Tribunals) substitute—

“(14) In this paragraph—

“lay member” has the same meaning as in paragraph 1A;

“registrant member” means a member who—

- (a) is fully registered or provisionally registered under this Act, and
- (b) holds a licence to practise.”.

Video Recordings Act 1984

2. In the Video Recordings Act 1984(a), in section 3(11) (exempted supplies of video recordings), after “the Nursing and Midwifery Order 2001,” insert “the Anaesthesia Associates and Physician Associates Order 2022.”.

(a) Paragraph 19G was inserted by article 3(3) of the General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794).

Police Act 1997

3.—(1) In the Police Act 1997(b), in Schedule 8A (offences which must be disclosed unless a sheriff orders otherwise), after paragraph 34F insert—

“**34G.**—(1) An offence under article 14 of the Anaesthesia Associates and Physician Associates Order 2022 (offence relating to registration etc.).”.

(2) The reference in sub-paragraph (1) to Schedule 8A is to the Schedule inserted by article 3 of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No 2) Order 2015.

National Health Service Reform and Health Care Professions Act 2002

4.—(1) The National Health Service Reform and Health Care Professions Act 2002(c) is amended as follows.

(2) In section 26 (powers and duties of the Professional Standards Authority: general), in subsection (4) (powers to take action in relation to the case of an individual)—

(a) omit “or” at the end of paragraph (b); and

(b) after paragraph (c) insert—

“or

(d) requesting that the General Medical Council exercises the power conferred by article 11(1) of the Anaesthesia Associates and Physician Associates Order 2022 so as to revise a decision of a case examiner to impose a measure under article 9(1)(c) of that Order.”.

(3) In section 29 (reference of disciplinary cases by the Professional Standards Authority to court)—

(a) in subsection (1), after paragraph (h) insert—

“(ha) any step taken by a panel under article 9(1)(a) or (d) of the Anaesthesia Associates and Physician Associates Order 2022 (case examiner and Panel functions where fitness to practise question arises),”;

(b) in subsection (2)(a)—

(i) after “committee” insert “or panel”; and

(ii) for “to (h)” substitute “to (ha)”; and

(c) after subsection (7A) insert—

“(7B) In a case where the relevant decision is taken by a panel constituted under the Anaesthesia Associates and Physician Associates Order 2022, the reference in subsection (7)(b) to the body which made the decision is to be read as a reference to the General Medical Council.”.

(a) 1984 c.39; section 3(11) was amended by section 39 of the Chiropractors Act 1994 (c.17), paragraph 47(b) of Schedule 5 to the Children and Social Work Act 2017 (c.16), paragraph 4 of Schedule 4 to the Health Professions Order 2001 and paragraph 9 of Schedule 5 to the Nursing and Midwifery Order 2001 (S.I. 2002/253).

(b) 1997 c.50; Schedule 8A was inserted by article 3(8) of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 (S.S.I. 2015/423). Paragraph 34F was inserted, in relation to Scotland, by SSI 2022/379, regulation 2(20) of the Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379).

(c) 2002 c.17; section 26(4) was substituted by section 115 of the Health and Social Care Act 2008 and amended by paragraph 62(b) of Schedule 15 to the Health and Social Care Act 2012. Section 29(1) was amended by section 118 and Part 2 of Schedule 15 to the Health and Social Care Act 2008, paragraph 73(1) of Schedule 15 to the Health and Social Care Act 2012, paragraph 13 of Schedule 1 to the Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), paragraph 1 of the Schedule to the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771), paragraph 13 of Schedule 1 to the Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848), paragraph 4 of Schedule 6 to the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), paragraph 10(4) of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231), article 18 of the General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794).

Income Tax (Earnings and Pensions) Act 2003

5. In the Income Tax (Earnings and Pensions) Act 2003(a), in section 343(2) (deduction of professional membership fees), in paragraph 1 of the Table (health professionals), at the end insert—

- “(t) the register kept under the Anaesthesia Associates and Physician Associates Order 2022.”.

Safeguarding Vulnerable Groups Act 2006

6. In the Safeguarding Vulnerable Groups Act 2006(b), in the table in section 41(7), at the end insert—

“12. The register kept under article 5 of the Anaesthesia Associates and Physician Associates Order 2022	The Registrar appointed under paragraph 1 of Schedule 1 to that Order”
--	--

Data Protection Act 2018

7. In the Data Protection Act 2018(c), in section 204(1) (meaning of “health professional”), at the end insert—

- “(l) a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001

8. In the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001(d), in regulation 4(5) (disqualification for appointment)—

- (a) omit “or” at the end of sub-paragraph (g); and
(b) at the end, insert—

“or

- (i) a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001

9. In the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(e), in regulation 4(7) (disqualification for appointment)—

-
- (a) 2003 c.1. The part of the Table relating to health professionals in section 343(2) was amended by Part 2 of Schedule 15 to the Health and Social Care Act 2008, paragraphs 51 and 56(d) of Schedule 15 to the Health and Social Care Act 2012, paragraph 29 of Schedule 5 to the Children and Social Work Act 2017, paragraph 5 of Schedule 6 to the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), paragraph 9 of Schedule 1 to the Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), article 2(2) of the Income Tax (Professional Fees) Order 2008 (S.I. 2008/836), paragraph 6 of Schedule 5 to the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), paragraph 11 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231),
- (b) 2006 c.47; section 41(7) was amended by paragraph 27(2) of Schedule 2 to the Education Act 2011 (c.21), section 213(7)(m) and paragraph 52 of Schedule 15 to the Health and Social Care Act 2012, paragraph 64 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9), paragraph 54 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 anaw. 2, paragraphs 34 and 47 of Schedule 5 to the Children and Social Work Act 2017 and paragraph 15 of Schedule 4 to the Pharmacy Order (S.I. 2010/231).
- (c) There are amendments to section 204(1) which are not relevant to this Order.
- (d) S.S.I. 2001/303, there is an amendment to regulation 4(5) not relevant to this Order.
- (e) S.R. 2001 No. 313; regulation 4(7) was amended by regulation 3(c) of the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations 2002 (S.R. 2002/349).

- (a) omit “or” at the end of sub-paragraph (g); and
- (b) at the end, insert—
 - “or
 - (h) a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002

10. In the Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002(a), in regulation 4(8) (disqualification for appointment), at the end, insert—

- “(h) a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

Medicines for Human Use (Clinical Trials) Regulations 2004

11. In the Medicines for Human Use (Clinical Trials) Regulations 2004(b), in regulation 2(1) (interpretation), in the definition of “health care professional”—

- (a) omit “or” at the end of paragraph (g); and
- (b) at the end, insert—
 - “or
 - (i) a person registered under the Anaesthesia Associates and Physician Associates Order 2022;”.

Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004

12. In the Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004(c), in regulation 5(10) (disqualification for appointment), at the end, insert—

- “(h) a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004

13. In the Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(d), in regulation 4(8) (disqualification for appointment), at the end, insert—

- (a) omit “or” at the end of sub-paragraph (g); and
- (b) at the end, insert—
 - “or
 - (h) a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

(a) S.R. 2002 No. 386.
 (b) S.I. 2004/1031, there are amendments to regulation 2(1) not relevant to this Order.
 (c) S.R. 2004 No. 62. Article 5(10) was amended by paragraph 7 of Schedule 3 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I.2019/1094).
 (d) S.R. 2004 No. 37.

National Assembly for Wales (Representation of the People) Order 2007

14. In the National Assembly for Wales (Representation of the People) Order 2007(a), in paragraph 4(2) (professionals who may attest to disability for the purposes of proxy voting in elections for the National Assembly for Wales) of Schedule 1—

- (a) omit “or” at the end of paragraph (n); and
- (b) at the end, insert—
 - “or
 - (p) a person registered as a physician associate under the Anaesthesia Associates and Physician Associates Order 2022.”.

Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008

15. In the Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008(b), in regulation 2(2)(j) (condition of appointment for chair and non-executive members of the Council)—

- (a) omit “and” at the end of paragraph (ix); and
- (b) at the end, insert—
 - “and
 - (xi) the Anaesthesia Associates and Physician Associates Order 2022.”.

Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

16. In the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011(c), in regulation 1(2) (interpretation), in the definition of “health care professional”—

- (a) omit “or” at the end of sub-paragraph (g); and
- (b) at the end, insert—
 - “or
 - (i) a person registered under the Anaesthesia Associates and Physician Associates Order 2022;”.

Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011

17. In the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011(d), in regulation 4(4) (welfare of users)—

- (a) omit “or” at the end of sub-paragraph (g); and
- (b) at the end, insert—
 - “(i) a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

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- (a) S.I. 2007/236; paragraph 4(2) of Schedule 1 was amended by paragraph 13 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2017 (S.I. 2017/52) and paragraph 16 of Schedule 3 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094). There are other amendments to paragraph 4 not relevant to this Order.
 - (b) S.I. 2008/2927; regulation 2(2)(j) was amended by paragraph 67 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231), paragraph 56 of the Schedule to the Health and Social Care Act 2012 (Consequential Provision—Social Workers) Order 2012 (S.I. 2012/1479) and paragraph 19 of Schedule 3 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094).
 - (c) S.S.I. 2011/182, there are amendments to regulation 1(2) not relevant to this Order.
 - (d) S.S.I. 2011/210, there is an amendment to regulation 4(4) not relevant to this Order.

Human Medicines Regulations 2012

18. In the Human Medicines Regulations 2012(a), in regulation 8(1) (general interpretation), in the definition of “health care professional”—

- (a) omit “or” at the end of paragraph (j); and
- (b) at the end insert—
 - “or
 - (l) a person registered under the Anaesthesia Associates and Physician Associates Order 2022;”.

Social Security (Personal Independence Payment) Regulations 2013

19. In the Social Security (Personal Independence Payment) Regulations 2013(b), in paragraph 1 of Schedule 1 (personal independence payment assessment)—

- (a) in the definition of “monitor a health condition”—
 - (i) omit “or” at the end of paragraph (b)(ii); and
 - (ii) after paragraph (b)(iii) at the end, insert—
 - “or
 - (iv) a physician associate registered under the Anaesthesia Associates and Physician Associates Order 2022;”;
- (b) in the definition of “therapy”—
 - (i) omit “or” at the end of paragraph (a)(ii); and
 - (ii) at the end of paragraph (a), insert—
 - “or
 - (iv) a physician associate; or”.

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

20. In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(c), in—

- (a) article 2(1)(d) (interpretation)—
 - (i) after ““associate”,”, insert “except in the expression “registered associate”,”; and
 - (ii) before the definition of “registered chiropractor”, insert—
 - ““registered associate” means a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”;
- (b) Schedule A1(e), after entry 35, insert—
 - “**35A.** An offence under article 14 of the Anaesthesia Associates and Physician Associates Order 2022 (offence relating to registration etc.)”; and
- (c) Part 1 of Schedule 4 (excepted professions, offices, employments and occupations), at the end, insert—

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- (a) S.I. 2012/1916; the definition of “health care professional” was amended by paragraph 42(a) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593) and paragraph 30(b) of Schedule 2 to the Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094).
 - (b) S.I. 2013/377; the definition of “monitor a health condition” was amended by regulation 2(2)(d) of the Social Security (Personal Independence Payment)(Amendment) Regulations 2017 (S.I. 2017/194).
 - (c) S.S.I. 2013/50.
 - (d) There are amendments to article 2(1) not relevant to this Order.
 - (e) Schedule A1 was inserted by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order (S.S.I. 2015/329). There are amendments to Schedule A1 not relevant to this Order.

“18. Registered associate.”.

Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014

21. In the Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014(a), in regulation 2 (prescribed descriptions of health professionals)—

- (a) omit “or” at the end of paragraph (h); and
- (b) at the end, insert—
 - “; or
 - (j) persons included in the register kept under article 5(1)(a) of the Anaesthesia Associates and Physician Associates Order 2022.”.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

22. In the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014(b), in paragraph 4(4) of Schedule 1 (regulated activities)—

- (a) in paragraph (a)—
 - (i) omit “or” at the end of sub-paragraph (xiii); and
 - (ii) at the end, insert—
 - “or
 - (xv) an associate;”; and
- (b) at the end, insert—
 - “(g) “associate” means a person registered under the Anaesthesia Associates and Physician Associates Order 2022.”.

European Union (Recognition of Professional Qualifications) Regulations 2015

23. In the European Union (Recognition of Professional Qualifications) Regulations 2015(c), in regulation 3(a) (application), at the end, insert—

- “(xiv) the Anaesthesia Associates and Physician Associates Order 2022;”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the regulation of anaesthesia associates and physician associates (“associates”) by the General Medical Council (“the Regulator”).

Article 3 requires the Regulator to set standards in particular in relation to education, training and registration of associates. It enables the Regulator to set other standards. It also provides for consultation and review in that respect. Article 4 enables the Regulator to give approvals in relation to education and training of associates; to attach conditions to such approvals and to withdraw them.

Articles 5 and 6 provide for the Regulator’s Registrar to register associates and to maintain the register. Article 7 allows for conditions to be imposed on associates’ registration; and article 8 provides for the removal of entries in the register.

(a) S.S.I. 2014/307.

(b) S.I. 2014/2936, to which there are amendments not relevant to this Order.

(c) S.I. 2015/2059; regulation 3 was substituted by paragraph 7 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/312).

Article 9 provides for fitness to practise proceedings. It enables Interim Measures and Final Measures to be imposed by case examiners and Panels. “Interim Measure” and “Final Measure” are defined in article 2: they allow for conditions, suspension or, in the case of a final Measure, striking off. Panels may also give a warning to an associate. Article 10 provides for the review of Interim Measures and for Interim Measures to be imposed by a court.

Article 11 enables the Regulator to revise decisions under the order where there has been a material change of circumstances since it was made or on ground of error of fact or law. It may revise a decision of a panel or the court where there has been a material change of circumstances. Article 12 enables decisions of the regulator under the Order to be appealed to a panel; and also for panel decisions to be appealed to court.

Article 13 provides for the making of representations by associates before Interim Measures and Final Measures are imposed.

Article 14 creates an an offence.

Schedule 1 makes provision as to the Regulator, in particular as to appointments, committees, delegation, how it is to exercise its functions, default powers of the Privy Council, incidental powers and as to the making of grants to the Regulator.

Schedule 2 contains the list of offences for the purposes of automatic removal pursuant to article 8(1)(c).

Schedule 3 provides for evidence gathering, notifications, publication and data processing under this Order.

Schedule 4 provides rule making powers.

Schedule 5 makes amendments consequential on the provisions in this Order.