



THE NATIONAL HEALTH SERVICE ACT 2001

THE HEALTH PROFESSIONS ORDER 2002

Draft approved by Tynwald 18th June 2002

Coming into Operation 1st August 2002

Whereas a draft of this Order has been approved by Tynwald:

In exercise of the powers conferred on the Department of Health and Social Security by section 40 of the National Health Service Act 2001¹, and all other enabling powers, the following Order is hereby made :-

1. Citation commencement and interpretation

(1) This Order may be cited as the Health Professions Order 2002 and shall come into operation on the 1st July 2002.

(2) In this Order -

“the Council” means the Health Professions Council constituted by article 3 of the UK Order;

“the register” means the register of relevant professionals established and maintained by the Council under article 5 of the UK Order;

“registered” has the meaning given by article 2(1);

“the Registrar” means the person appointed under article 4 of the UK Order;

“the relevant professions” means the professions specified in the Schedule;

“the UK Order” means the Health Professions Order 2002² made under section 60 of the Health Act 1999 (an Act of Parliament)³.

2. The register

(1) In any statutory provision (whenever made) “registered”, in relation to any of the relevant professions, means registered in the register by virtue of qualifications in that profession.

¹2001 c.14 ²SI 2002/254 ³1999 c.8

(2) A copy of, or extract from, the register published under article 8(2) of the UK Order shall be evidence of the matters contained in it.

- (3) A certificate purporting to be signed by the Registrar, certifying that a person -
- (a) is registered in a specified category;
 - (b) is not registered;
 - (c) was registered in a specified category at a specified date or during a specified period;
 - (d) was not registered in a specified category, or in any category, at a specified date or during a specified period;
 - (e) has never been registered,

shall be evidence of the matters stated in it.

3. Offences relating to the register

- (1) If a person, with intent to deceive, expressly or by implication -
- (a) falsely represents himself to be registered in the register or a particular part of it, or to be the subject of any entry in the register,
 - (b) uses a title referred to in article 6(2) of the UK Order to which he is not entitled; or,
 - (c) falsely represents himself to possess qualifications in a relevant profession,

he is guilty of an offence.

(2) If a person, with intent that any person shall be deceived, expressly or by implication causes or permits another person to make any representation about himself which, if made by himself with intent to deceive, would be an offence under paragraph (1), he is guilty of an offence.

(3) If a person, with intent to deceive, makes with regard to another person any representation which -

- (a) is false to his own knowledge, and
- (b) if made by the other person with that intent would be an offence by him under paragraph (1),

he is guilty of an offence.

(4) A person guilty of an offence under this article is liable on summary conviction to a fine not exceeding £5,000.

SCHEDULE

THE RELEVANT PROFESSIONS

Arts therapists
Chiropodists
Clinical scientists
Dieticians
Medical laboratory technicians
Occupational therapists
Orthoptists
Paramedics
Physiotherapists
Prosthetists and Orthotists
Radiographers
Speech and language therapists

MADE this 10th day of July 2002



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the regulation in the Isle of Man of health care professions regulated in the United Kingdom under the Health Professions Order 2002 (SI 2002/254) made under the Health Act 1999 of Parliament, which replaces the system of regulation under the Professions Supplementary to Medicines Act 1960 of Parliament. The professions concerned are listed in the Schedule.

Article 2 provides for the interpretation of "registered", in relation to those professions, and provides for evidence of the register maintained under the UK Order. Article 3 creates offences of false claims as to registration.