

ORDINANCE OF THE CHIEF PLEAS OF SARK

Ordinance No. IV of 2018

The Regulation of Health Professions (Non-medical)
(Sark) Ordinance, 2018

ARRANGEMENT OF SECTIONS

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SCHEDULE: Regulated health professionals, titles and conditions for registration.

The Regulation of Health Professions (Non-medical) (Sark) Ordinance, 2018

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 11th April, 2018, and in exercise of the powers conferred on them by sections 1, 2 and 3 of the Regulation of Health Professions (Enabling Provisions) (Sark) Law, 2012^a and all other powers in that behalf, hereby order:-

Restrictions on practice etc. as regulated health professional.

1. (1) A person must not–
 - (a) practise, or hold himself out as practising or as being prepared to practise, as a professional of a kind or description specified in column 1 of the Schedule ("**regulated health professional**"), or
 - (b) use any title specified in column 2 of the Schedule ("**regulated title**").
- (2) Subsection (1) does not apply to a person who –
 - (a) is registered in the Sark register as a regulated health professional,
 - (b) practises, or holds himself out as practising or being

^a Order in Council No. XIV of 2013; as amended by Sark Ordinance No. I of 2017.

prepared to practise, only the profession in respect of which the person is registered in the Sark register ("**regulated health profession**"), and

- (c) uses only the regulated title to which the person's registration in the Sark register relates.

Restrictions on medical services, techniques etc.

2. (1) A registered person must not provide medical services, use medical techniques or follow medical procedures, except those services, techniques and procedures –

- (a) which are provided, used or followed as a matter of normal practice by members of the regulated health profession in respect of which the person is registered, and
- (b) which are within the person's particular area or sphere of professional competence.

(2) In subsection (1), "**registered person**" means any person registered in the Sark register as a regulated health professional.

The Sark register.

3. (1) The Guernsey committee must establish and maintain a register ("**the Sark register**") for the purposes of this Ordinance.

(2) The Guernsey committee must enter in that register the name, regulated health profession and regulated title of each person who –

- (a) gives the Sark committee notice of the person's intention to practise in accordance with section 4,
- (b) makes an application to the Guernsey committee –
 - (i) in a manner and form specified by that committee,
 - (ii) including any information required by that committee, and
 - (iii) including any application fee prescribed by regulations made by that committee, and
- (c) satisfies the Guernsey committee that the person meets the conditions for registration ("**registration conditions**") specified in column 3 of the Schedule in relation to the regulated health profession concerned.

(3) A person registered under this section in respect of any regulated health profession must give written notice to the Guernsey committee as soon as practicable of –

- (a) any change in the details relating to the person, as they appear on any register ("**the principal register**") in which the person is required to be entered under the registration conditions for the regulated health profession concerned, and

(b) any deletion or cancellation of the entry relating to that person in the principal register.

(4) The Guernsey committee may, by giving written notice to the person concerned, require an applicant for registration under this section, or a person registered in the register maintained under this section, to provide any other information for the purposes of this section (in addition to the information required under subsection (2) or (3)) verified in any manner that the Guernsey committee thinks fit.

(5) The Guernsey committee must delete the entry registering a person (under subsection (2)) from the register maintained under this section –

(a) where requested by the person concerned, or

(b) where the Guernsey committee is satisfied that the person –

(i) ceases to satisfy the registration conditions for the regulated health profession concerned, or

(ii) fails to comply with the standards of recognised best practice of the regulated health profession concerned.

Notice of intention to practise.

4. (1) A person ("**notifier**") required to give notice or giving notice to the Sark committee in accordance with this section must –

- (a) complete and sign a form provided by the Sark committee to signify the notifier's intention to practise the regulated health profession concerned in Sark, and
- (b) subject to subsection (2), in person at the Sark committee office –
 - (i) hand in that form to an employee of Chief Pleas or any other person authorised by the Sark committee, and
 - (ii) provide the employee or other person with adequate photographic proof of the notifier's identity, for example, by showing the employee or other person the original of the notifier's passport or photographic driving licence.

(2) The Sark committee may in exceptional circumstances waive all or any of the requirements of subsection (1)(b) by giving written notice to the notifier.

(3) The Sark committee must notify the Guernsey committee each time a person gives notice to the Sark committee in accordance with this section.

Register information to be notified and made available.

5. (1) The Guernsey committee must give the Sark committee written notice of –

- (a) the name, regulated health profession and regulated

title of every person entered in the register under section 3(2), and

(b) the deletion of any such entry under section 3(5).

(2) The Guernsey committee may publish the information specified in subsection (1)(a) and (b) in any manner that that committee considers appropriate.

(3) The Sark committee must make the information specified in subsection (1)(a) and (b) available for inspection free of charge at the Sark Committee office during normal public opening times.

Guernsey-registered health professionals deemed registered in Sark register.

6. (1) This section applies to any person registered in respect of any regulated health profession in any register kept under the Registered Health Professionals Ordinance, 2006 or the Doctors, Dentists and Pharmacists Ordinance, 1987.

(2) For the purposes of this Ordinance, if the person gives the Sark committee notice of that person's intention to practise the regulated health profession concerned in accordance with section 4, that person is deemed –

(a) to be registered in the Sark register in respect of the regulated health profession,

(b) to be registered in the Sark register as a regulated health professional practising the profession concerned, and

- (c) to be entitled to use the regulated title to which the person's registration relates.

Offences and penalties.

7. (1) A person who contravenes or fails to comply with section 1(1) or 2(1) is guilty of an offence and liable –

- (a) on summary conviction to imprisonment for a term not exceeding one month, to a fine not exceeding level 4 on the Sark uniform scale, or to both, and
- (b) on conviction on indictment to imprisonment for a term not exceeding six months, to a fine not exceeding level 4 on the Sark uniform scale, or to both.

(2) A person is guilty of an offence who, without reasonable excuse, fails to comply with a requirement made by the Guernsey committee under section 3(4).

(3) A person is guilty of an offence who knowingly or recklessly makes any false or misleading statement or provides any false or misleading information –

- (a) in connection with or for the purposes of an application made under section 3,
- (b) in connection with or for the purposes of a notice given under section 4, or

- (c) in response to a requirement made by the Guernsey committee under section 3(4).

(4) A person guilty of an offence under subsection (2) or (3) is liable on summary conviction or conviction on indictment to a fine not exceeding level 2 on the Sark uniform scale.

General provisions as to Regulations.

8. (1) Regulations under this Ordinance –

- (a) may be amended or repealed by subsequent Regulations made under this section,

- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Guernsey committee to be necessary or expedient, and

- (c) must be laid before a meeting of the Chief Pleas of Sark as soon as possible and, if at that or the next meeting the Chief Pleas resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new Regulations.

(2) Any power conferred by this Ordinance to make Regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in

relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes, or

(iii) any such provision either unconditionally or subject to any conditions specified in the Regulations.

Interpretation.

9. (1) In this Ordinance, unless the context requires otherwise –

"**enactment**" includes any Law and any Ordinance of Sark, Guernsey or Alderney, any Act of the UK Parliament, the Northern Ireland Assembly or the Scottish Parliament (whether or not it extends to Sark) and any subordinate instrument of a legislative character made under any such Law, Ordinance or Act, whether or not the Law, Ordinance, Act or instrument is in force on the commencement of this Ordinance,

"**Guernsey committee**" in relation to any regulated health profession,
means –

- (a) the States of Guernsey Committee for Health & Social Care, or
- (b) any other body to which the States of Deliberation from time to time assigns the function of registering persons practising the regulated health profession concerned under the Registered Health Professionals Ordinance, 2006^b or the Doctors, Dentists and Pharmacists Ordinance, 1987^c,

and includes any person authorised by the committee or body mentioned in paragraph (a) or (b) to carry out the functions of the Guernsey committee under this Ordinance,

"**notifier**" has the meaning given by section 4(1),

"**person**" includes –

- (a) an individual,

^b Ordinance No. III of 2006; as amended by No. IX of 2016 and G.S.I. No. 94 of 2015. See also G.S.I. No. 95 of 2015.

^c Recueil d'Ordonnances Tome XXIV, p. 79; as amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 238; Ordinance No. IX of 2016.

- (b) a body corporate,
- (c) any other legal person, and
- (d) an unincorporated body of persons,

"the principal register" has the meaning given by section 3(3)(a),

"registration conditions" has the meaning given by section 3(2)(c),

"regulated health profession" has the meaning given by section 1(2)(b),

"regulated health professional" has the meaning given by section 1(1)(a),

"regulated title" has the meaning given by section 1(1)(b),

"Sark committee" means the Medical & Emergency Services Committee of the Chief Pleas,

"the Sark register", subject to section 6, means the register established and maintained under section 3, and

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Transitional provisions.

10. (1) Nothing in section 1(1) applies in respect of a person who was practising as a regulated health professional in Sark for a period of at least six consecutive months immediately before the commencement of this Ordinance.

(2) The exemption in subsection (1) expires –

(a) on the first anniversary of the commencement of this Ordinance, or

(b) if the person concerned is registered in the Sark register before that first anniversary, on the date of such registration.

Citation.

11. This Ordinance may be cited as the Regulation of Health Professions (Non-medical) (Sark) Ordinance, 2018.

^d Ordres en Conseil Vol. XIII, p. 355.

Commencement.

12. This Ordinance shall come into force on the 1st May, 2018.

SCHEDULE

REGULATED HEALTH PROFESSIONALS, TITLES AND REGISTRATION
CONDITIONS

Sections 1(1) and 3(2)(c)

	Column 1	Column 2	Column 3
	Regulated health professional	Regulated title	Registration conditions
1.	Dentist	Dentist	Registered in any register kept under any enactment as qualified to practise as a dentist in the United Kingdom
2.	Pharmacist	Pharmacist	Registered in any register kept under any enactment as qualified to practise as a pharmacist in the United Kingdom
3.	Arts therapist	Art psychotherapist; Art therapist; Drama therapist; Music therapist	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001 ^e
4.	Biomedical scientist	Biomedical scientist; Medical laboratory technician	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001
5.	Chiropodist or podiatrist	Chiropodist; Podiatrist	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001
6.	Chiropractor	Chiropractor	Registered as such a professional in the register kept under the Chiropractors Act 1994 ^f

^e UK S.I. 2002 No. 254.

^f An Act of Parliament (1994 c. 17).

	Column 1	Column 2	Column 3
	Regulated health professional	Regulated title	Registration conditions
7.	Clinical dental technician	Clinical dental technician	Registered as such a professional in the register kept under the Dentists Act 1984 ^g
8.	Clinical scientist	Clinical scientist	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001
9.	Dental nurse	Dental nurse	Registered as such a professional in the register kept under the Dentists Act 1984
10.	Dental technician	Dental technician	Registered as such a professional in the register kept under the Dentists Act 1984
11.	Dental therapist	Dental therapist	Registered as such a professional in the register kept under the Dentists Act 1984
12.	Dietitian	Dietitian; Dietician	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001
13.	Hearing aid dispenser	Hearing aid dispenser	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001
14.	Nurse or Midwife	Health visitor; Midwife; Nurse	Registered as such a professional in the register kept under the Nursing and Midwifery Order 2001 ^h
15.	Occupational therapist	Occupational therapist	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001

^g An Act of Parliament (1984 c. 24).

^h UK S.I. 2002 No. 253.

	Column 1	Column 2	Column 3
	Regulated health professional	Regulated title	Registration conditions
16.	Operating department practitioner	Operating department practitioner	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001
17.	Orthodontic therapist	Orthodontic therapist	Registered as such a professional in the register kept under the Dentists Act 1984
18.	Orthoptist	Orthoptist	Registered as such a professional in the register kept under the Health and Social Work Professions Order 2001
19.	Osteopath	Osteopath	Registered as such a professional in the register kept under the Osteopaths Act 1993 ⁱ
20.	Paramedic	Paramedic	Registered as such a professional in the register established and maintained under the Health and Social Work Professions Order 2001
21.	Physiotherapist	Physiotherapist; Physical therapist	Registered as such a professional in the register established and maintained under the Health and Social Work Professions Order 2001

ⁱ An Act of Parliament (1993 c. 21).

	Column 1	Column 2	Column 3
	Regulated health professional	Regulated title	Registration conditions
22.	Practitioner psychologist	Practitioner psychologist; Registered psychologist; Clinical psychologist; Counselling psychologist; Educational psychologist; Forensic psychologist; Health psychologist; Occupational psychologist; Sport and exercise psychologist	Registered as such a professional in the register established and maintained under the Health and Social Work Professions Order 2001
23.	Prosthetist or orthotist	Prosthetist; Orthotist	Registered as such a professional in the register established and maintained under the Health and Social Work Professions Order 2001
24.	Radiographer	Radiographer; Diagnostic radiographer; Therapeutic radiographer	Registered as such a professional in the register established and maintained under the Health and Social Work Professions Order 2001

	Column 1	Column 2	Column 3
	Regulated health professional	Regulated title	Registration conditions
25.	Social worker	Social worker; Social care professional	Registered as – (a) a social worker in England in the register established and maintained under the Health and Social Work Professions Order 2001, (b) a social worker in the register kept under the Care Standards Act 2000 ^j , (c) a social worker in the register kept under the Health and Personal Social Services Act (Northern Ireland) 2001 ^k , or (d) a social worker in the register kept under the Regulation of Care (Scotland) Act 2001 ^l
26.	Speech and language therapist	Speech and language therapist; Speech therapist	Registered as such a professional in the register established and maintained under the Health and Social Work Professions Order 2001

^j An Act of Parliament (2000 c. 14).

^k An Act of the Northern Ireland Assembly (2001 c. 3).

^l An Act of the Scottish Parliament, asp 8 of 2001.