

Health, Social Care and Sport Committee  
Tuesday 25 March 2025  
10th Meeting, 2025 (Session 6)

## Note by the Clerk on Health and Care Professions Council (Miscellaneous Amendments) Rules Order of Council 2025 (2025/240)

### Overview

1. At this meeting, the Committee will consider the following Statutory Instrument (SI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [Health and Care Professions Council \(Miscellaneous Amendments\) Rules Order of Council 2025 \(2025/240\)](#)

**Laid under:** in exercise of powers conferred by articles 7(1) and (2)(c), 26(3), 32(1), (2) and (4), 37(4) and (5) and 41(2) of the [Health Professions Order 2001](#).

**Laid on:** 3 March 2025

**Procedure:** Negative

**Deadline for committee consideration:** 21 April 2025 (Advisory deadline for any committee report to be published)

**Deadline for Chamber consideration:** 27 April 2025 (Statutory 40-day deadline for any decision whether to annul the instrument)

**Commencement:** 29 April 2025

### Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it needs to be debated at

a meeting of the Committee, and the Committee then needs to report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument 11 March 2025 and reported on it in its [18<sup>th</sup> Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

## Purpose of the instrument

8. The policy note states that the purpose of the instrument is to:
  - provide the Health and Care Professions Council (HCPC) with the power to increase fees charged for processing and scrutinising applications for admission to its register, for renewal of registration and for readmission or restoration to the register.
  - rectify errors made by the Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023 (S.I. 2023/995), which will give the HCPC Chairs, practice committees and appeal panels the power to arrange virtual preliminary meetings.
9. The UK Government Explanatory Memorandum and the Scottish Government Policy Note are included in **Annexe A**. The Policy Note includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

## Committee consideration

10. The Committee received [correspondence from the Health and Care Professions Council](#) in relation to the instrument on 12 March 2025.
11. So far, no motion recommending annulment has been lodged.
12. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
  - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
  - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

**HSCS/S6/25/10/4**

13. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
14. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee**  
**March 2025**

## **Annexe A: Accompanying material**

### **EXPLANATORY MEMORANDUM TO THE HEALTH AND CARE PROFESSIONS COUNCIL (MISCELLANEOUS AMENDMENTS) RULES ORDER OF COUNCIL 2025 2025 No. 240**

#### **1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

#### **2. Declaration**

- 2.1 Karin Smyth, Minister of State at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Phil Harper, Deputy Director for Professional Standards and International Workforce, at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.

#### **3. Contact**

- 3.1 Kathryn Flynn at the Department of Health and Social Care Telephone: 0113 2545967 or email: Kathryn.Flynn@dhsc.gov.uk can be contacted with any queries regarding the instrument.

## **Part One: Explanation, and context, of the Instrument**

### **4. Overview of the Instrument**

#### **What does the legislation do?**

- 4.1 The Health and Care Professions Council (Miscellaneous Amendments) Rules Order of Council 2025 will make changes to the registration fees charged by the Health and Care Professions Council (HCPC) for scrutinising and processing applications for admission to its register, for renewal of registration and readmission or restoration to its register. The proposed increase in fees will enable the HCPC to continue to discharge its statutory functions and effectively regulate 15 health and care professions across the UK.
- 4.2 It will also rectify defects identified by the Joint Committee on Statutory instruments (JCSI) in the Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023 (S.I 2023/995). This Order made changes to the HCPC's procedural rules to allow the HCPC's practice committees and its appeal panel to hold meetings or hearings using audio and/or video conferencing outside of emergency

periods. In addition, in person meetings and hearings continue to be available. The Order set out which decision makers have the power to decide whether a meeting or hearing should be held virtually. However, the JCSI reported that the Order did not provide powers to all of the decision makers set out in the accompanying explanatory memorandum. The Health and Care Professions Council (Miscellaneous Amendments) Rules Order 2025 will extend powers to the decision makers omitted from S.I 2023/995.

**Where does the legislation extend to, and apply?**

- 4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.
- 4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

**5. Policy Context**

**What is being done and why?**

- 5.1 The HCPC's registration renewal, readmission and restoration fees will be increased as will the scrutiny and processing fees connected with registration. The HCPC's registrants' fees renew over a rolling 2-year cycle.
- 5.2 The HCPC has consulted on its registration fee increase. A public consultation took place between 10 April to 14 June 2024. The HCPC undertook extensive engagement with the Chief Allied Health Professions Officers in the four UK countries, professional bodies, trade unions and registrants.
- 5.3 The HCPC is extending its registration fee from £116.36 to £123.34, an increase of £6.98 per year, to be phased in over two years from 2025. Due to the nature of the HCPC's registrant renewal cycles, the majority of HCPC registrants will not start paying the increased fee until 2026 or 2027.
- 5.4 The HCPC's registration renewal fee will be raised to £246.68 from £232.72, its restoration to the register and re-admittance to the register fee will be raised to £185.01 from £174.54 and its scrutiny fee will be raised to £86.34 from £81.45. The HCPC is proposing to maintain the 50% discount that graduate applicants receive for the first two professional years of registration.
- 5.5 The HCPC's new registration renewal fee, from April 2025, has been calculated on the basis of actual and projected CPI inflation between May 2023 and December 2024 plus £2.55 for critical further modernisation and liabilities.
- 5.6 The HCPC would like to bring in the fee increase so that it can continue to discharge its statutory functions effectively and bring forward regulatory

improvements, including enhancing its registration and education services and supporting the continuous professional development of its registrants.

5.7 The Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2025 will also rectify defects identified by the JCSI in S.I 2023/995. This Order made changes to the HCPC's procedural rules to allow the HCPC's practice committees and its appeal panel to hold meetings or hearings using audio and/or video conferencing outside of emergency periods. In addition, in person meetings and hearings continue to be available. The Order set out which decision makers have the power to decide whether a meeting or hearing should be held virtually. However, the JCSI reported that the Order did not provide powers to all of the decision makers set out in the accompanying explanatory memorandum. This instrument will amend the following procedural rules to extend the decision makers:

- The Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003 will be amended to provide a power to the committee as well as the chair to arrange a virtual preliminary meeting.
- The Health Professions Council (Registration Appeals) Rules 2003 will be amended to provide a power to the Appeal Panel as well as the Chair to arrange a virtual preliminary meeting.
- The Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 will be amended to provide the Chair with a power as well as the committee to arrange a virtual preliminary meeting.
- The Health and Care Professions Council (Health Committee) (Procedure) Rules 2003 will be amended to provide the chair with a power as well as the committee to arrange a virtual preliminary meeting.

#### **What was the previous policy, how is this different?**

5.8 The HCPC's registration fee is currently £116.36. This instrument will raise the registration fee to £123.34 an increase of £6.98 per year, to be phased in over two years from 2025. The HCPC's renewal fee is currently £232.72 and this instrument will raise the renewal fee to £246.68. The HCPC's restoration to the register and re- admittance to the register fee is currently £174.54 and this instrument will raise the fee to £185.01. The HCPC's scrutiny fee for applicants who have successfully completed an approved UK programme of education and training is currently £81.45 and this instrument will raise the fee to £86.34. The scrutiny fee for international applicants is £639.98 and this instrument will raise the fee to £678.38.

5.9 S.I 2023/995 amended the HCPC's procedural rules to allow the HCPC's practice committees and its appeal panel to hold meetings or hearings using audio and/or video conferencing outside of emergency periods. In addition, in person meetings and hearings continue to be available. The Order set out which decision makers have the power to decide whether a meeting or hearing should be held virtually. However, the JCSI noted that the Order did not provide powers to all of the decision makers set out in the accompanying explanatory memorandum. This instrument will amend the

HCPC's procedural rules to include the decision makers omitted from S.I 2023/995.

## **6. Legislative and Legal Context**

### **How has the law changed?**

- 6.1 The HCPC's legislative framework is set out in the Health Professions Order 2001. The powers conferred by articles 7(1) and (3) and 41(2) of the Health Professions Order 2001 allow the HCPC to make rules on registration and fees. This instrument will amend the Health and Care Professions Council (Registration and Fees) Rules 2003 which set out the HCPC's registration fees.
- 6.2 Powers conferred by articles 26(3), 32(1), (2) and (4) of the Health Professions Order 2001 permit the HCPC to make rules as to the procedure to be followed by its practice committees (Investigating Committee, Health Committee and Conduct and Competence Committee) when considering an allegation against a registrant and before making a determination on a registrant's fitness to practise. Powers conferred by articles 37(4) and (5)(i) of the Health Professions Order 2001 permit rules to be made setting out the procedure to be followed by the HCPC's appeal panel when hearing registration appeals against decisions of the Education and Training Committee.
- 6.3 S.I 2023/995 amended the HCPC's procedural rules to allow the HCPC's practice committees and its appeal panel to hold meetings or hearings using audio and/or video conferencing outside of emergency periods. In addition, in person meetings and hearings continue to be available. The instrument provided powers to specific decision makers on who can decide when a meeting or hearing is to be held virtually. However, the JCSI reported that the instrument did not provide powers to all of the decision makers set out in the accompanying explanatory memorandum. This instrument will amend the HCPC's procedural rules to include the decision makers omitted from S.I 2023/995.

### **Why was this approach taken to change the law?**

- 6.4 This is the only possible approach to make the necessary changes.

## **7. Consultation**

### **Summary of consultation outcome and methodology**

- 7.1 The HCPC consulted on its registration fee rise between 10 April to 14 June 2024. The HCPC undertook extensive engagement with the Chief Allied Health Professions Officers in the four UK countries, professional bodies, trade unions and registrants. The HCPC received a total of 1,040 responses to its consultation, of which 98% came from individuals and 2% from organisations. 98% of individuals who responded to the consultation were HCPC registrants. The majority of respondents to the consultation did not

support the registration fee increase. A copy of the HCPC's fees consultation analysis and outcome is available at <https://www.hcpc-uk.org/globalassets/resources/external-consultations/2024/fees-consultation-analysis-and-outcomes-paper-october-2024.pdf?v=638635760970000000>.

- 7.2 On 26 September 2024, the HCPC's Council met and discussed the consultation responses. The Council acknowledged that the majority of respondents to the consultation were not in favour of the proposed registration fee rise and recognised the challenging situation that many of the HCPC's registrants are facing in terms of financial pressures. However, it decided to proceed with the registration fee increase so that the HCPC can continue to discharge its statutory functions effectively and bring forward improvements.

## 8. **Applicable Guidance**

- 8.1 Not applicable.

## **Part Two: Impact and the Better Regulation Framework**

### 9. **Impact Assessment**

- 9.1 An equalities impact assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the HCPC's website. Please see <https://www.hcpc-uk.org/globalassets/resources/external-consultations/2024/fees-consultation-analysis-and-outcomes-paper-october-2024.pdf?v=638635760970000000>.

#### **Impact on businesses, charities and voluntary bodies**

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument introduces amendments to the HCPC's rules which affect its registrants only.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 There is no, or no significant, impact on the public sector because this instrument introduces amendments to the HCPC's rules which affect its registrants only.

### 10. **Monitoring and review**

#### **What is the approach to monitoring and reviewing this legislation?**

- 10.1 The approach to monitoring this legislation is that the HCPC will keep its rules under review. The HCPC regularly reviews the fees that it charges to ensure that they are in line with the global costs of regulating individuals on its register.
- 10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act

2015, Karin Smyth, has made the following statement, “the duty under section 28 of the Small Business, Enterprise and Employment Act 2015, for a Minister of the Crown to make provision for review in secondary legislation, does not apply. This is because this is an Order of His Majesty’s Privy Council approving rules made by the HCPC.”

## **Part Three: Statements and Matters of Particular Interest to Parliament**

### **11. Matters of special interest to Parliament**

11.1 In November 2023, the JCSI reported S.I. 2023/995. The JCSI asked for clarity as to why in relation to paragraph 3(d) and 6(c) (new rule 8B in S.I 2003/1574 and 14A in S.I 2003/1579) the power to arrange a virtual preliminary meeting has only been given to the Chair, rather than the committee or appeal panel as well and in relation to paragraph 4(d) and 5(d) (new rule 10B in S.I 2003/1575 and S.I 2003/1576), the power to arrange a virtual preliminary meeting has been given only to the committee and not the chair as well.

11.2 This instrument amends:

- S.I 2003/1574 to provide a power to the committee as well as the chair to arrange a virtual preliminary meeting.
- S.I 2003/1579 to provide a power to the appeal panel as well as the chair to arrange a virtual preliminary meeting.
- S.I 2003/1575 to provide the chair with a power as well as the committee to arrange a virtual preliminary meeting.
- S.I 2003/1576 to provide the chair with a power as well as the committee to arrange a virtual preliminary meeting.

### **12. European Convention on Human Rights**

12.1 The Minister for State at the Department of Health has made the following statement regarding Human Rights:

“In my view the provisions of the Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2025 are compatible with the Convention rights.”

### **13. The Relevant European Union Acts**

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).

## 14. Scottish Government Policy Note

### POLICY NOTE

#### **THE HEALTH AND CARE PROFESSIONS COUNCIL (MISCELLANEOUS AMENDMENTS) RULES ORDER OF COUNCIL 2025 SI 2025/240**

The above instrument was made in exercise of the powers conferred by articles 7(1) and (2)(c), 26(3), 32(1), (2) and (4), 37(4) and (5) and 41(2) of the Health Professions Order 2001 (S.I.2002/254). This instrument is subject to negative procedure.

#### **Summary Box**

To provide the Health and Care Professions Council (HCPC) with the power to increase fees charged for processing and scrutinising applications for admission to its register, for renewal of registration and for readmission or restoration to the register.

To rectify errors made by the Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023 (S.I. 2023/995), which will give the HCPC Chairs, practice committees and appeal panels the power to arrange virtual preliminary meetings.

#### **Policy Objectives**

This instrument amends the Health and Care Professions Council (Registration and Fees) Rules 2003, changing the fees the HCPC charges for scrutinising and processing applications for admission to its register, for renewal of registration and for readmission or restoration to its register. HCPC registrant fees renew over a two-year rolling cycle and were previously updated in November 2023.

The HCPC would like to increase its fees so that it can continue to discharge its statutory functions effectively, and bring forward regulatory improvements, including enhancing its registration and education services and supporting the continuous professional development of its registrants.

The HCPC's registration fee is currently £116.36. This instrument will raise the registration fee to £123.34, an increase of £6.98 per year, to be phased in over two years from 2025. Due to the nature of the HCPC's registrant renewal cycles, the majority of HCPC registrants will not start paying the increased fee until 2026 or 2027. The increase is equivalent to just over 13p per week.

The HCPC's renewal fee is currently £232.72, and this instrument will raise the renewal fee to £246.68. The HCPC's restoration to the register and re-admittance to the register fee is currently £174.54 and this instrument will raise the fee to £185.01. The HCPC's scrutiny fee for applicants who have successfully completed an approved UK programme of education and training is currently £81.45 and this instrument will raise the fee to £86.34. The HCPC is proposing to

maintain the 50% discount that graduate applicants receive for the first two professional years of registration. The scrutiny fee for international applicants is currently £639.98 and this instrument will raise the fee to £678.38.

In addition, this instrument will rectify errors identified by the UK Parliament Joint Committee on Statutory Instruments (JCSI) in S.I 2023/995. This instrument made changes to the HCPC's procedural rules to allow the HCPC's practice committees and its appeal panel to hold meetings or hearings using audio and/or video conferencing outside of emergency periods. In addition, in person meetings and hearings continue to be available. The instrument set out which decision makers have the power to decide whether a meeting or hearing should be held virtually. However, the JCSI reported that the instrument did not provide powers to all of the decision makers set out in the accompanying explanatory memorandum. This instrument will amend the following procedural rules to extend the decision makers:

- The Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003 will be amended to provide a power to the Committee as well as the Chair to arrange a virtual preliminary meeting.
- The Health Professions Council (Registration Appeals) Rules 2003 will be amended to provide a power to the Appeal Panel as well as the Chair to arrange a virtual preliminary meeting.
- The Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 will be amended to provide the Chair with a power as well as the Committee to arrange a virtual preliminary meeting.
- The Health and Care Professions Council (Health Committee) (Procedure) Rules 2003 will be amended to provide the Chair with a power as well as the Committee to arrange a virtual preliminary meeting.

While the provisions in the Health Professions Order 2001 relating to the regulation of arts therapists, biomedical scientists, chiropodists / podiatrists, clinical scientists, dieticians, hearing aid dispensers, occupational therapists, orthoptists, paramedics, physiotherapists, prosthetists/orthotists, radiographers and speech and language therapists by the HCPC are reserved to the UK Parliament, those relating to the regulation in Scotland of operating department practitioners and practitioner psychologists are considered to fall within the legislative competence of the Scottish Parliament. This is because operating department practitioners and practitioner psychologists have been regulated since the coming into force of the Scotland Act 1998. Whilst these two professions fall under devolved competence, a uniform approach across all professions regulated by the HCPC will ensure consistency throughout the U.K.

## **EU Alignment Consideration**

There are no alignment issues with the part of the SI which relates to the introduction of hearings and meetings using audio and/or video conferencing facilities.

With regard to the part of the SI which relates to the increase in registration fees, the underlying EU Directive is the Mutual Recognition of Professional Qualifications Directive 2005/36/EC. On EU Exit, the new regime for recognition of professional qualifications was set out by the European Qualifications (Health and Social Care professions) (Amendment etc.) (EU Exit) Regulations 2019. The fee rises in this instrument include increases in annual registration fees, the rate of which are the same for all registrants no matter their country of qualification. In relation to scrutiny fees (i.e., the fee charged for assessing an initial application for registration), there are separate fees for UK and non-UK applications which have both risen. This is not a change in policy from prior to EU exit where EU and non-EU applicants both paid a higher scrutiny fee than UK applicants.

## **Consultation**

### **Fee Rise:**

The HCPC consulted on its registration fee rise between 10 April to 14 June 2024. The HCPC undertook extensive engagement with the Chief Allied Health Professions Officers in the four UK countries, professional bodies, trade unions and registrants. The HCPC received a total of 1,040 responses to its consultation, of which 98% came from individuals and 2% from organisations. 98% of individuals who responded to the consultation were HCPC registrants. The majority of respondents to the consultation did not support the registration fee increase.

On 26 September 2024, the HCPC's Council met and discussed the consultation responses. The Council acknowledged that the majority of respondents to the consultation were not in favour of the proposed registration fee rise and recognised the challenging situation that many of the HCPC's registrants are facing in terms of financial pressures. However, it decided to proceed with the registration fee increase so that the HCPC can continue to discharge its statutory functions effectively and bring forward improvements.

The HCPC consultation analysis paper is available [here](#)<sup>1</sup>.

## **Impact Assessments**

HCPC published an equalities impact assessment as part of the consultation analysis paper, which can be viewed [here](#)<sup>2</sup>.

In the preparation of the instrument, the Cabinet Secretary for Health and Social Care has given due regard to the environmental principles under section 14 of the

UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021. Given the nature of the instrument, it is considered that the principles do not apply.

**Financial Effects**

The Cabinet Secretary for Health and Social Care confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government

Chief Nursing Officers Directorate

20 February 2025

---

<sup>1</sup> <https://www.hcpc-uk.org/globalassets/resources/external-consultations/2024/fees-consultation-analysis-and-outcomes-paper-october-2024.pdf?v=638635760970000000>.

<sup>2</sup> <https://www.hcpc-uk.org/globalassets/resources/external-consultations/2024/fees-consultation-analysis-and-outcomes-paper-october-2024.pdf?v=638635760970000000>.