

Misuse of title

Anyone not on our Register who uses a designated title may be breaking the law and could be prosecuted

Each of the professions we regulate has one or more “designated titles”. These titles are protected by law. This means that anyone who uses a designated title must be on our Register.

Article 39(1) of the Health Professions Order 2001 makes it a criminal offence for a person, with intent to deceive (whether clearly or by implication) to:

- say that they are on the HCPC Register;
- use a designated title to which they are not entitled; or
- say falsely that they have qualifications in a profession we regulate.

The words “by implication” mean that an unregistered person may be committing an offence even if they do not use the designated title directly (for example, if they describe the service they provide as “chiropody” or “physiotherapy”).

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Assistants, students or trainees

Someone is unlikely to commit an offence if they use a designated title with a prefix clearly indicating they are not fully qualified – such as “trainee” or “student”. If the person uses a prefix like this it is clear they have no “intent to deceive”.

Similarly, someone is unlikely to commit an offence if they make clear they do not treat people – for example if they use a prefix such as “animal”, “equine” or “veterinary”.

Other uses of designated titles

It is not an offence for someone who is not on our Register to own or operate a business that provides services performed by registered professionals – such as a podiatry or physiotherapy clinic. But these services must be provided by professionals on our register.

An unregistered person will not have committed an offence if, without their knowledge or agreement, another person describes them using a designated title. For example, a newspaper article or website link may incorrectly identify someone as a registered professional without that person having any intention to deceive.

However someone who makes false claims about another person's title would be committing an offence if they knew the information was incorrect and they had made the false claim with an intention to deceive.

What we do

We aim to make sure people keep to the law and that members of the public are protected from being misled into thinking someone is a registered professional when they are not.

How we protect the public

When we receive information that someone may be misusing a designated title we contact the person and/or any relevant third party. We explain the law and tell them they should not misuse the title. If there is evidence they are committing an offence, we may also send a "cease and desist" notice, which sets out what action we may take if the person continues to commit the offence.

In most cases the person was not aware of the law or has simply made a mistake. We understand this and if they stop ("cease and desist") misusing the title we will take no further action.

However if a person does not respond or continues to commit an offence they could be prosecuted. This could lead to them receiving a substantial fine as well as a criminal record.

Professions and protected titles

The professions we regulate have one or more designated titles that are protected by law and professionals must be registered to use them

<https://www.hcpc-uk.org/about-us/who-we-regulate/the-professions/>

Protected function - hearing aid dispensers

We regulate hearing aid dispensers on the basis of their professional title and also their protected function.

<https://www.hcpc-uk.org/about-us/who-we-regulate/the-professions/protected-function/>

Legislation

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Company and business names

Applying for non-objection when using protected titles in company names

<https://www.hcpc-uk.org/resources/legislation/company-and-business-names/>

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