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STATUTORY INSTRUMENTS

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**2001 No. 3926**

**The Dentists Act 1984 (Amendment) Order 2001**

**PART II**

**CONSTITUTION OF THE COUNCIL**

**Amendment of section 1**

**3.** In section 1 (constitution and general duties of the Council)—

(a) after subsection (2) insert—

“(2A) The Council shall be constituted as Her Majesty may provide by Order in Council.

(2B) An Order in Council made under subsection (2A) above may contain such incidental, consequential, saving, transitional or supplementary provisions as appear to Her Majesty to be necessary or expedient.

(2C) An Order in Council made under subsection (2A) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”;

(b) at the end of subsection (3) add “and, in particular, subsection (2A) above is subject to the provisions of that Part”.

**Amendment of Schedule 1**

**4.—(1)** Part I of Schedule 1 (the Council and Committees of the Council: supplementary provisions) shall be amended in accordance with the following paragraphs of this article.

(2) For paragraphs 1 to 5 substitute—

*“Constitution*

**1.—(1)** The Council shall consist of—

(a) members who are registered dentists;

(b) members of classes of dental auxiliaries established by regulations under this Act;  
and

(c) lay members.

(2) An Order in Council made under section 1(2A) of this Act shall provide for the numbers of each of the three categories of member mentioned in sub-paragraph (1) above.

(3) The number of members falling within sub-paragraph (1)(a) shall exceed the combined number of members falling within sub-paragraphs (1)(b) and (1)(c).

(4) A person shall not be disqualified from being appointed or elected as a member of the Council merely because he has already been a member.

(5) In this paragraph and paragraph 2, “lay member” means a member who is neither a registered dentist nor a dental auxiliary.

*Lay members*

2.—(1) An Order in Council made under section 1(2A) of this Act shall make provision for—

- (a) the appointment of lay members to the Council,
- (b) the tenure and termination of office of the lay members, and
- (c) any other matter which appears to Her Majesty to be necessary or expedient in relation to the lay membership of the Council.

(2) The lay members shall be appointed by Her Majesty on the advice of Her Privy Council.

(3) The Privy Council’s advice as to the appointment of lay members shall be such that, if accepted, the Council’s lay members would include at least one person from each of England, Scotland, Wales and Northern Ireland (meaning that he lives or works there, or mainly there).

*Registered dentist and dental auxiliary members*

3.—(1) An Order in Council made under section 1(2A) of this Act shall, in relation to the members mentioned in paragraphs 1(1)(a) and (b) above, make provision for—

- (a) their tenure and termination of office,
- (b) by-elections, and
- (c) any other matter which appears to Her Majesty to be necessary or expedient in relation to the registered dentist and dental auxiliary membership of the Council.

(2) Council shall make rules to provide for an election scheme for the election of the members mentioned in paragraph 1(1)(a) and 1(1)(b) above.

(3) Such rules may provide for a scheme which—

- (a) makes different provision in relation to the two categories of member mentioned in those paragraphs, and
- (b) makes different provision for different cases or classes of case,

and may contain such incidental, consequential, saving, transitional or supplementary provisions as appear to the Council to be necessary or expedient.

(4) The election scheme must secure that the Council’s membership includes at least one registered dentist from each of England, Scotland, Wales and Northern Ireland.

(5) A registered dentist is “from” England (etc.) if his address in the register is there at the time of his nomination.

(6) Rules under this paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument.

*Council President*

4.—(1) The members of the Council shall elect one of their number to be President of the Council.

(2) The Council shall make rules providing for the method by which the President is to be elected and for any matters concerning the holding of the office of President that they deem necessary.

(3) Such rules may provide that the only persons eligible to be candidates shall be persons of a description specified in the rules.

(4) No person may be elected as President more than once.

(5) Rules under sub-paragraph (2) shall not come into force until approved by order of the Privy Council.”.

(3) In paragraph 6 (General powers of Council)—

(a) in sub-paragraph (2), omit the words “(including those nominated by the General Medical Council)”;

(b) in sub-paragraph (4), omit the words from “, and no proceedings” to the end of the sub-paragraph.