
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Dentists Act 1984, approves Rules made by the General Dental Council (“the Council”) which set out the procedures to be followed by the Investigating Committee, Health Committee, Professional Conduct Committee, Professional Performance Committee and Interim Orders Committee of the Council in carrying out their functions. The Rules relate to proceedings against both dentists and members of professions complementary to dentistry (“practitioners”), and cover proceedings relating to a practitioner’s fitness to practise and also those relating to whether an entry in the dentists register or the dental care professionals register has been fraudulently procured.

Part 1 provides for the Rules to come into force on 31st July 2006 and sets out the definitions of terms used in the Rules.

Part 2 relates to the investigation of allegations by the Investigating Committee, and sets out the procedure to be adopted by that Committee at their meetings to consider allegations.

Part 3 provides that allegations should be considered at hearings of the Health Committee, Professional Conduct Committee or Professional Performance Committee (a “Practice Committee”), and makes provision in connection with such hearings. Rule 13 provides for a notification of hearing to be sent to the practitioner, and rules 17 to 21 set out the procedure to be followed by a Practice Committee at the hearing. Rules 15 and 16 make provision regarding interim orders hearings before a Practice Committee. Provision is also made for notification and publication of decisions (rules 23 and 24), and for other procedural matters.

Parts 4, 5 and 6 set out the procedures applicable to certain types of fitness to practise proceedings, and include provision for notification of hearings and order of proceedings. Part 4 concerns resumed hearings to be held by a Practice Committee, to review a direction previously given against a practitioner; Part 5 relates to interim orders hearings to be held by the Interim Orders Committee; and Part 6 relates to hearings at which the Professional Conduct Committee are to consider applications for restoration to the dentists register or the dental care professionals register.

Part 7 sets out the procedure for Professional Conduct Committee hearings when the registrar has referred to them the question of whether a register entry has been procured fraudulently. Rule 48 provides for certain provisions in Part 3 of the Rules to apply to fraudulent register entry hearings, subject to the specified modifications.

Part 8 contains general provisions applying to all the categories of proceedings covered by the Rules, except proceedings before the Investigating Committee. Part 8 includes provision for preliminary meetings to be held by a Practice Committee or their Chairman (rule 51); representation of the parties in proceedings (rule 52); a requirement for hearings to be in public except in specified circumstances (rule 53); rules regarding the admissibility of evidence (rule 57); and provision concerning legal, medical and professional advisers present at the proceedings (rules 62 to 64).