

---

DRAFT STATUTORY INSTRUMENTS

---

**2015 No.**

**The Health Care and Associated Professions  
(Knowledge of English) Order 2015**

**PART 3**

**Dentists Act 1984**

**11.** The Dentists Act 1984(1) is amended in accordance with articles 12 to 31.

**Qualification for registration in the dentists register**

**12.**—(1) Section 15 (qualification for registration in the dentists register)(2) is amended as follows.

(2) In subsection (3), after paragraph (b) insert—

“(ba) that he has the necessary knowledge of English;”.

(3) In subsection (4), for paragraph (d) substitute—

“(d) that he has the necessary knowledge of English; and”.

(4) Omit subsection (5).

**Necessary knowledge of English: applicants for registration in dentists register**

**13.** After section 15 insert—

**“15A. Supplementary provisions as to the necessary knowledge of English**

(1) The Council must publish guidance about—

(a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under section 15(3)(ba) or (4)(d) that the applicant has the necessary knowledge of English; and

(b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in paragraph (a).

(2) The registrar must have regard to the guidance published under subsection (1) in determining whether the registrar is satisfied as mentioned in subsection (1)(a).

(3) Subsections (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant’s application, the registrar is not satisfied under section 15(3)(ba) or (4)(d) that the applicant has the necessary knowledge of English.

(4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.

---

(1) 1984 c. 24.

(2) Section 15 has been amended by S.I. 1996/1496, 1998/811 and 2007/3101.

(5) The registrar may not exercise any power under subsection (4) unless the registrar has complied with any duty under section 21A(2B).

(6) The registrar may require the applicant—

(a) to undergo an examination or other assessment; and

(b) to provide information in respect of that examination or assessment,

within such period as the registrar may specify.

(7) In the case of an applicant who is an exempt person, the registrar may not exercise the power under subsection (6) without having first—

(a) exercised the power under subsection (4); and

(b) considered any further evidence, information or documents provided by the applicant.

(8) Guidance published under subsection (1) may make different provision in relation to different cases or classes of case.

(9) The Council must keep guidance published under subsection (1) under review and may vary or withdraw it whenever they consider it appropriate to do so.

(10) If the Council vary any guidance published under subsection (1) they must publish the guidance as varied.

(11) Before publishing any guidance under subsection (1), or varying or withdrawing it, the Council must consult the persons and bodies mentioned in section 26B(5)(a) to (c).

(12) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance published under subsection (1) to any person.

(13) In this section—

(a) references to an applicant are references to a person applying for registration in the dentists register, and

(b) references to guidance published under subsection (1) include references to guidance published by virtue of subsection (10).”.

### **Temporary registration in dentists register**

**14.**—(1) Section 17 (temporary registration)(3) is amended as follows.

(2) In subsection (2), for paragraph (d) substitute—

“(d) that he has the necessary knowledge of English; and”.

(3) Omit subsection (3).

(4) After subsection (3A) insert—

“(3B) Section 15A (except subsection (5)) applies in relation to a person applying for registration under this section as if references to section 15(3)(ba) or (4)(d) were references to subsection (2)(d) of this section.”.

### **Power to charge fees in connection with applications for registration in dentists register**

**15.** In section 19(1) (regulations with respect to the register)(4)—

(a) in paragraph (a), after “in the register” insert “or otherwise in connection with an application for registration”; and

---

(3) Section 17 has been amended by [1998/811](#), [2003/3148](#) and [2007/3101](#).

(4) Section 19 has been previously amended by [S.I. 2001/3926](#), [2005/2011](#) and [2007/3101](#).

- (b) in paragraph (d), for “in or restore to the register any entry” substitute “any entry in the register or take any other action in connection with an application for registration or restore any entry to the register”.

#### **Notification of results of application for registration in dentists register**

**16.**—(1) Section 21A (notification of results of application)(5) is amended as follows.

(2) After subsection (2) insert—

“(2A) Subsection (2B) applies if the registrar—

- (a) is satisfied that A falls within section 15(1)(b) or (ba); but
- (b) decides to make a request under section 15A(4).

(2B) The registrar must notify A that the registrar recognises that A, by virtue of falling within section 15(1)(b) or (ba) as the case may be, is entitled to be registered in the register, subject to meeting any other requirements for registration.”.

(3) After subsection (3) insert—

“(3A) In calculating any period of time for the purposes of subsection (3), the following are to be disregarded—

- (a) any period which begins on the date on which the registrar makes a request under section 15A(4) and ends on the date on which A complies with the request; or
- (b) any period which begins on the date on which the registrar requires A to undergo an examination or other assessment under section 15A(6)(a) and ends on the date on which A complies with the requirement under section 15A(6)(b).”.

(4) At the end insert—

“(5) A document which is requested or required under section 15A(4) or (6)(b) is not to be treated as missing for the purposes of this section.”.

#### **Allegations against a registered dentist**

**17.** In section 27 (allegations)(6), after subsection (2)(b) insert—

“(ba) the person not having the necessary knowledge of English;”.

#### **The Investigating Committee: allegations against a registered dentist**

**18.**—(1) Section 27A (the Investigating Committee)(7) is amended as follows.

(2) In subsection (4)(a)(i), after “performance)” insert “or section 27(2)(ba) (not having the necessary knowledge of English)”.

(3) In subsection (5), after paragraph (a) insert—

“(aa) an allegation based on the ground mentioned in section 27(2)(ba) and an allegation or allegations based on any other grounds mentioned in section 27(2);”.

#### **Assessment of necessary knowledge of English**

**19.** After section 27B(8) insert—

---

(5) Section 21A was originally inserted by [S.I. 1998/811](#) and substituted by [S.I. 2007/3101](#).

(6) Section 27 was substituted by [S.I. 2005/2011](#) and has been previously amended by the Health and Social Care Act 2008 ([c. 14](#)), section 127 and Schedule 10, paragraph 7, the Policing and Crime Act 2009 ([c. 26](#)), section 81(5) and [S.I. 2009/1182](#).

(7) Section 27A was inserted [S.I. 2005/2011](#).

(8) Section 27B was inserted by [S.I. 2005/2011](#).

**“27BA. Assessment of necessary knowledge of English**

(1) Subsection (2) applies where the Investigating Committee or a Practice Committee are considering an allegation under section 27.

(2) The Investigating Committee or Practice Committee (as the case may be) may direct the person against whom the allegation was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(3) Subsection (4) applies where the Professional Conduct Committee are determining an application referred to them under section 24(5).

(4) The Professional Conduct Committee may direct the person who made the application to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(5) A person of a description specified by rules may, in the circumstances specified by the rules, direct a person against whom an allegation under section 27 was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(6) An examination or other assessment under subsection (2) or (4), or by virtue of rules under subsection (5), must be made in accordance with rules.

(7) The rules must, in particular, provide for—

- (a) the procedures to be followed when directing a person to undergo an examination or other assessment;
- (b) the person undergoing an examination or other assessment to provide information in respect of the examination or assessment to such persons as may be prescribed by the rules;
- (c) for the information provided by virtue of paragraph (b) to be disclosed to such persons as may be prescribed by the rules.

(8) A Practice Committee may draw such inferences as seem appropriate to them if a person fails—

- (a) to undergo an examination or other assessment as directed under subsection (2) or (4) or by virtue of rules under subsection (5); or
- (b) to provide the information required by virtue of rules made under subsection (7) (b).”.

**Qualifications for registration in the dental care professionals register**

**20.**—(1) Section 36C (qualifications for registration in the dental care professionals register)(9) is amended as follows.

(2) In subsection (4)—

- (a) insert “and” at the end of paragraph (a); and
- (b) omit paragraph (c) and the “and” immediately preceding it.

(3) After subsection (6)(a) insert—

“(aa) that he has the necessary knowledge of English;”.

(4) After subsection (6) insert—

“(6A) Subsection (6B) applies if the registrar—

- (a) is satisfied of matter B in relation to the applicant; but

---

(9) Section 36C was inserted by [S.I. 2005/2011](#) and has been previously amended by [S.I. 2006/1718](#) and [2007/3101](#).

(b) decides to make a request under section 36CA(4).

(6B) The registrar must notify the applicant that the registrar recognises that the applicant, by virtue of satisfying the registrar of matter B, is entitled to be registered under a particular title in the dental care professionals register, subject to meeting any other requirements for registration.”.

### **Necessary knowledge of English: applicants for registration in dental care professionals register**

21. After section 36C insert—

#### **“36CA. Supplementary provisions as to necessary knowledge of English**

(1) The Council must publish guidance about—

- (a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under section 36C(6)(aa) that the applicant has the necessary knowledge of English; and
- (b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in paragraph (a).

(2) The registrar must have regard to the guidance published under subsection (1) in determining whether the registrar is satisfied as mentioned in subsection (1)(a).

(3) Subsections (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant’s application, the registrar is not satisfied under section 36C(6)(aa) that the applicant has the necessary knowledge of English.

(4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.

(5) The registrar may not exercise any power under subsection (4) unless the registrar has complied with any duty under section 36C(6B).

(6) The registrar may require the applicant—

- (a) to undergo an examination or other assessment; and
- (b) to provide information in respect of that examination or assessment,

within such period as the registrar may specify.

(7) In the case of an applicant who is an exempt person, the registrar may not exercise the power under subsection (6) without having first—

- (a) exercised the power under subsection (4); and
- (b) considered any further evidence, information or documents provided by the applicant.

(8) When determining, for the purposes of article 51(2) of the Directive, any time limit for deciding whether a person is entitled to be registered under a title in the principal list of the dental care professionals register, the following are to be disregarded—

- (a) any period which begins on the date on which the registrar makes a request under subsection (4) and ends on the date on which the applicant complies with the request; or
- (b) any period which begins on the date on which the registrar requires an applicant to undergo an examination or other assessment under subsection (6)(a) and

ends on the date on which the applicant complies with the requirement under subsection (6)(b).

(9) Guidance published under subsection (1) may make different provision in relation to different cases or classes of case, and in particular in relation to different descriptions of registered dental care professionals.

(10) The Council must keep guidance published under subsection (1) under review and may vary or withdraw it whenever they consider it appropriate to do so.

(11) If the Council vary any guidance published under subsection (1) they must publish the guidance as varied.

(12) Before publishing any guidance under subsection (1), or varying or withdrawing it, the Council must consult the persons and bodies mentioned in section 36M(5)(a) to (c).

(13) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance to any person.

(14) In this section—

- (a) references to an applicant are references to a person applying for registration under a title in the principal list of the dental care professionals register, and
- (b) references to guidance published under subsection (1) include references to guidance published by virtue of subsection (11)."

### **Rules relating to the dental care professional register**

**22.** In section 36E (rules relating to the dental care professionals register)(**10**), at the end of paragraph (c) insert “(other than evidence and information falling within section 36CA(1))”.

### **Power to charge fees in connection with applications for registration in dental care professionals register**

**23.**—(1) Section 36F(1) (regulations about fees payable by dental care professionals)(**11**) is amended as follows.

(2) In paragraph (a)—

- (a) in the opening words omit “to be charged on”;
- (b) in sub-paragraph (i)—
  - (i) at the beginning insert “to be charged on”; and
  - (ii) at the end insert “or to be charged otherwise in connection with an application for registration”; and
- (c) in sub-paragraphs (ii) and (iii), at the beginning insert “to be charged on”.

(3) In paragraph (d), for “in, or restore to, the dental care professionals register any entry” substitute “any entry in the dental care professionals register or take any other action in connection with an application for registration in that register or restore any entry to that register”.

### **Allegations in respect of dental care professionals**

**24.** In section 36N (allegations)(**12**), after subsection (2)(b) insert—

- “(ba) the person not having the necessary knowledge of English;”.

---

(10) Section 36E was inserted by [S.I. 2005/2011](#) and has been previously amended by [S.I. 2007/3101](#).

(11) Section 36F was inserted by [S.I. 2005/2011](#) and has been previously amended by [S.I. 2007/3101](#).

(12) Section 36N was inserted by [S.I. 2005/2011](#) and has been previously amended by the Health and Social Care Act 2008 (c.14), section 127 and Schedule 10, paragraph 9, the Police and Crime Act 2009 (c.26), section 81(5) and [S.I. 2009/1182](#).

### **The Investigating Committee: allegations against a registered dental care professional**

**25.**—(1) Section 36O (the Investigating Committee)(**13**) is amended as follows.

(2) In subsection (4)(a)(i), after “performance)” insert “or section 36N(2)(ba) (not having the necessary knowledge of English)”.

(3) In subsection (5), after paragraph (a) insert—

“(aa) an allegation based on the ground mentioned in section 36N(2)(ba) and an allegation or allegations based on any other grounds mentioned in section 36N(2);”.

### **Assessment of necessary knowledge of English**

**26.** After section 36P(**14**) insert—

#### **“36PA. Assessment of necessary knowledge of English**

(1) Subsection (2) applies where the Investigating Committee or a Practice Committee are considering an allegation under section 36N.

(2) The Investigating Committee or Practice Committee (as the case may be) may direct the person against whom the allegation was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(3) Subsection (4) applies where the Professional Conduct Committee are determining an application referred to them under section 36I(5).

(4) The Professional Conduct Committee may direct the person who made the application to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(5) A person of a description specified by rules may, in the circumstances specified by the rules, direct a person against whom an allegation under section 36N was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(6) An examination or other assessment under subsection (2) or (4), or by virtue of rules under subsection (5), must be made in accordance with rules.

(7) The rules must, in particular, provide for—

- (a) the procedures to be followed when directing a person to undergo an examination or other assessment;
- (b) the person undergoing an examination or other assessment to provide information in respect of the examination or assessment to such persons as may be prescribed by the rules;
- (c) for the information provided by virtue of paragraph (b) to be disclosed to such persons as may be prescribed by the rules.

(8) A Practice Committee may draw such inferences as seem appropriate to them if a person fails—

- (a) to undergo an examination or other assessment as directed under subsection (2) or (4) or by virtue of rules under subsection (5); or
- (b) to provide the information required by virtue of rules made under subsection (7) (b).”.

---

(13) Section 36O was inserted by [S.I. 2005/2011](#).

(14) Section 36P was inserted by [S.I. 2005/2011](#).

**Rules: consultation requirements**

27. In section 50D(1) (rules: consultation requirements)(15), after “rules under” insert “section 27BA or 36PA or”.

**Interpretation: “the necessary knowledge of English”**

28. In section 53(1) (interpretation)(16), insert in the appropriate place—

““the necessary knowledge of English”—

- (a) in relation to a person registered, or applying to be registered, in the dentists register, means a knowledge of English which, in the interests of the person and the person’s patients, is necessary for the practice of dentistry in the United Kingdom;
- (b) in relation to a person registered, or applying to be registered, in the dental care professionals register, means a knowledge of English which, in the interests of the person and the person’s patients, is necessary for the practice of a profession complementary to dentistry in the United Kingdom;”.

**Registration appeals: dentists register**

29.—(1) Schedule 2A (registration appeals: dentists register)(17) is amended as follows.

(2) In paragraph 1—

- (a) in the definition of “appealable registration decision”, after “3(2)” insert “and (4)”;
- (b) in the definition of “person concerned”, after “3(2)” insert “or (4)”;
- (c) in the definition of “the requisite period”—
  - (i) after “paragraph 2(1)(a), (b),” insert “(ba),”; and
  - (ii) after “paragraph 2(1)(aa)” insert “or (bb)”.

(3) In paragraph 2(1)—

- (a) after paragraph (ab) insert—
  - “(ac) a decision to require a person to undergo an examination or other assessment under section 15A(6)(a),” and
- (b) after paragraph (b) insert—
  - “(ba) a decision for the purposes of section 21A(2A)(a) that the registrar is not satisfied that a person falls within section 15(1)(b);
  - (bb) a decision for the purposes of section 21A(2A)(a) that the registrar is not satisfied that a person falls within section 15(1)(ba),”.

(4) In paragraph 3, after sub-paragraph (2) insert—

“(3) Sub-paragraph (4) applies where, within the requisite period, an applicant has not been served with—

- (a) notification of a decision mentioned in paragraph 2(1)(ba) or (bb), or
- (b) notification under section 21A(2B).

(4) The omission shall be treated as a decision mentioned in paragraph 2(1)(ba) or (bb), as the case may be, which is an appealable decision for the purposes of this Schedule.”.

---

(15) Section 50D was inserted by [S.I. 2005/2011](#) and has been previously amended by the Health and Social Care Act [2012 \(c.7\)](#), section 55(2) and Schedule 5, paragraphs 33 and 37.

(16) There are amendments to section 53 not relevant to this Order.

(17) Schedule 2A was inserted by [S.I. 2005/2011](#) and has been previously amended by [S.I. 2007/3101](#).



(5) In paragraph 4(1)(b), after “3(2)” insert “or (4)”.

### **Directive 2005/36: functions of the Council under section 36ZA(3)**

**30.** In Schedule 4ZA (Directive 2005/36: functions of the Council under section 36ZA(3))(18), in the table insert in the appropriate place—

---

“Article 53	Ensuring that any language controls imposed on dentists or dental care professionals are compliant with article 53 of the Directive.”
-------------	---

---

### **Registration appeals: dental care professionals register**

**31.**—(1) Schedule 4A(19) (registration appeals: dental care professionals register) is amended as follows.

(2) In paragraph 1—

- (a) in the definition of “appealable registration decision”, after “3(2)” insert “and (4)”;
- (b) in the definition of “person concerned”, after “3(2)” insert “or (4)”;
- (c) in the definition of “the requisite period”, after “paragraph 2(1)(a),” insert “(ab),”.

(3) In paragraph 2(1), after paragraph (aa) insert—

- “(ab) a decision for the purposes of section 36C(6A)(a) that the registrar is not satisfied of matter B in relation to the applicant;
- (ac) a decision to require a person to undergo an examination or other assessment under section 36CA(6)(a);”.

(4) In paragraph 3, after sub-paragraph (2) insert—

“(3) Sub-paragraph (4) applies where, within the requisite period, an applicant has not been served with—

- (a) notification of a decision mentioned in paragraph 2(1)(ab), or
- (b) notification under section 36C(6B).

(4) The omission shall be treated as a decision mentioned in paragraph 2(1)(ab), which is an appealable decision for the purposes of this Schedule.”.

(5) In paragraph 4(1)(b), after “3(2)” insert “or (4)”.

---

(18) Schedule 4ZA was inserted by [S.I. 2007/3101](#).

(19) Schedule 4A was inserted by [S.I. 2005/2011](#) and has been previously amended by [S.I. 2007/1301](#).