

## SCHEDULE 1

Article 2

### Amendments to the Dentists Act 1984

1. The Dentists Act 1984 is amended as follows.

#### **Qualification for registration in the dentists register**

2. In section 15(1) (qualification for registration in the dentists register)—
  - (a) in subsection (1), for paragraph (c), substitute—
    - “(c) any person who—
      - (i) holds an overseas diploma in dentistry, and
      - (ii) has satisfied the Council that the person has the requisite knowledge and skill (see sections 16A (requisite knowledge and skill: holders of overseas diplomas) and 16B (requisite knowledge and skill: recognition of overseas diplomas)).”;
  - (b) after subsection (1) insert—

“(1A) Subsection (1)(c)(ii) does not apply to a person whose application under this section is made in reliance on a relevant European diploma.”;
  - (c) for subsection (2), substitute—

“(2) In this Act “overseas diploma” means—
    - (a) a relevant European diploma, or
    - (b) any other diploma granted in a country overseas.”;
  - (d) in subsection (3), omit the words from “under paragraph” to “above”;
  - (e) omit subsections (4), (4ZA) and (6).

#### **Further provision about overseas diplomas**

- 3.—(1) Omit section 16 (supplementary provisions as to registration of holders of overseas diplomas).
- (2) After section 16 insert—

#### **“Requisite knowledge and skill: holders of overseas diplomas**

- 16A.**—(1) Rules may make provision for the purpose of determining whether a person who holds an overseas diploma in dentistry has the requisite knowledge and skill mentioned in section 15(1)(c)(ii).
- (2) Rules made by virtue of subsection (1) may (in particular) make provision—
    - (a) requiring the person to undertake an assessment;
    - (b) imposing such other requirements on the person as the Council considers appropriate;
    - (c) enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining whether the person has the requisite knowledge and skill.

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(1) Section 15 was amended by [S.I. 2019/593](#).

**Requisite knowledge and skill: recognition of overseas diplomas**

**16B.**—(1) The Council may recognise an overseas diploma of a particular kind as furnishing such guarantees as to the knowledge and skill of the person who holds the diploma that no further enquiry into the knowledge and skill of that person is necessary.

(2) A person who holds an overseas diploma recognised by the Council for the time being in accordance with subsection (1) is to be taken to have satisfied the Council that the person has the requisite knowledge and skill mentioned in section 15(1)(c)(ii).

(3) Rules may make provision about the recognition of overseas diplomas under subsection (1).

(4) Rules made by virtue of subsection (3) may (in particular) make provision enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining applications for the recognition of overseas diplomas.”.

(3) In section 17 (temporary registration)—

- (a) in subsection (1), for “a recognised” substitute “an”;
- (b) omit subsection (5).

**Professions complementary to dentistry: qualifications for registration**

**4.**—(1) In section 36C(2) (qualifications for registration)—

- (a) in subsection (4)(a), after “qualifications” (in the first place it appears) insert “, other than a diploma in dentistry,”;
- (b) in subsection (4)(b), at the end insert “(see sections 36CB (requisite knowledge and skill: holders of relevant qualifications) and 36CC (requisite knowledge and skill: recognition of relevant qualifications))”;
- (c) omit subsection (5).

(2) After section 36CA insert—

**“Requisite knowledge and skill: holders of relevant qualifications**

**36CB.**—(1) Rules may make provision for the purpose of determining whether a person who holds a relevant qualification has the requisite knowledge and skill mentioned in section 36C(4)(b).

(2) Rules made by virtue of subsection (1) may (in particular) make provision—

- (a) requiring the person to undertake an assessment;
- (b) imposing such other requirements on the person as the Council considers appropriate;
- (c) enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining whether the person has the requisite knowledge and skill.

(3) In this section “relevant qualification” has the same meaning as in section 36C (see section 36C(4)(a)).

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(2) Section 36C was inserted by article 29 of the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011) (“the 2005 Amendment Order”). Subsection (4) was amended by article 20(2)(a) and article 20(2)(b) of the Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806). Subsections (5)(a) and (b) were substituted by paragraph 19(d) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), as amended by the European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394).

### **Requisite knowledge and skill: recognition of relevant qualifications**

**36CC.**—(1) The Council may recognise a relevant qualification of a particular kind as furnishing such guarantees as to the knowledge and skill of the person who holds the relevant qualification that no further enquiry into the knowledge and skill of that person is necessary.

(2) A person who holds a relevant qualification recognised by the Council for the time being in accordance with subsection (1) is to be taken to have satisfied the Council that the person holds the requisite knowledge and skill mentioned in section 36C(4)(b).

(3) Rules may make provision about the recognition of a relevant qualification under subsection (1).

(4) Rules made by virtue of subsection (3) may (in particular) make provision enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining applications for the recognition of relevant qualifications.

(5) In this section “relevant qualification” has the same meaning as in section 36C (see section 36C(4)(a)).”

### **Consequential amendments**

**5.**—(1) In section 50C(2)(3) (rules), at the appropriate places in the list, insert each of the following—

“section 16A(1) (requisite knowledge and skill: holders of overseas diplomas);”;

“section 16B(3) (requisite knowledge and skill: recognition of overseas diplomas);”;

“section 36CB(1) (requisite knowledge and skill: holders of relevant qualifications);”;

“section 36CC(3) (requisite knowledge and skill: recognition of relevant qualifications);”.

(2) In section 50D(1)(4) (rules: consultation requirements), after “under” insert “section 16A(1), 16B(3), 36CB(1) or 36CC(3) or”.

(3) In section 53(1)(5) (interpretation)—

(a) at the appropriate place insert—

““overseas diploma” has the meaning given by section 15(2) above;”;

(b) omit the definition of “recognised overseas diploma”.

## SCHEDULE 2

Article 3

### Amendments to the Nursing and Midwifery Order 2001

#### **Approved qualifications**

**1.** Article 13(6) (approved qualifications) of the Nursing and Midwifery Order 2001 is amended as follows.

**2.** In paragraph 1(d)(7)—

(3) Section 50C was inserted by article 43 of the 2005 Amendment Order.

(4) Section 50D was inserted by article 43 of the 2005 Amendment Order, and prospectively amended by [S.I. 2005/806](#).

(5) Section 53(1) has been amended by [S.I. 2005/806](#). There are other amendments but none are relevant.

(6) Article 13 is subject to savings provisions contained in [S.I. 2019/593](#).

(7) Article 13(1)(d) was inserted by [S.I. 2007/3101](#) and amended by [S.I. 2015/806](#), [2018//838](#) and [2019/593](#).

- (a) for subparagraphs (i) and (ii) substitute—
- “(i) his qualification has been approved by the Council in accordance with article 15(7) as demonstrating the requisite standard of proficiency for admission to the part of the register for which he is applying,
  - (ii) his qualification has been recognised by the Council as being of a comparable standard to a qualification mentioned in paragraph (1)(a), or
  - (iii) the Council is satisfied that, following any test of competence that it may require the applicant to take, he has the requisite standard of proficiency for admission to the part of the register in respect of which he is applying;”.
3. In paragraph (2), in the words before paragraph (a), for “shall” substitute “may”.
4. In paragraph (3), for “(1)(d)(i)” substitute “(1)(d)(ii)”.

## SCHEDULE 3

Article 4

## Amendments to other subordinate legislation

**Amendments to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004**

1.—(1) The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004<sup>(8)</sup> are amended as follows.

- (2) In rule 6(1)(e)<sup>(9)</sup> (requirements for declarations of good health and good character)—
- (a) in the words before paragraph (i), omit “a declaration signed”;
  - (b) for paragraphs (i) to (iii) substitute—
    - “(i) (aa) where the applicant is registered to practise in a country, a declaration of good character signed on behalf of the licensing body in that country, or
    - (bb) where the applicant is not so registered, written evidence of good character signed by the person providing that evidence, that satisfies the Registrar of the applicant’s good character; and
    - (ii) a declaration of good health signed by—
      - (aa) a member of the occupational health department of a body that has employed or engaged the applicant who, on the basis of a health assessment of the applicant undertaken by that department within the previous 12 months, is able to attest to the matters set out in the declaration, or
      - (bb) a registered medical practitioner who has undertaken a health assessment of the applicant within the last 12 months;”.
- (3) After rule 6(1ZA) insert—
- “(1ZB) For the purpose of paragraph (1)(e)(i)(bb) written evidence may, in particular, include a reference from an employer, an educational institution, or a person registered with the Council who is personally known to the applicant.”.

<sup>(8)</sup> The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 are scheduled to [S.I. 2004/1767](#).

<sup>(9)</sup> Rule 6(1)(e) has been amended by [S.I. 2007/3101](#) and [2018/838](#).

## **Amendments to the General Dental Council (Overseas Registration Examination) Regulations 2015**

2.—(1) Regulation 5 of the General Dental Council (Overseas Registration Examination) Regulations 2015(10) is amended as follows.

(2) In paragraph (2) at the end insert “(but see paragraphs (2A) and (2B))”.

(3) After paragraph (2) insert—

“(2A) In calculating the five year period referred to in paragraph (2), no account is to be taken of the period beginning on 2nd April 2020 and ending on the day after this paragraph comes into force.

(2B) Where before 2nd April 2020 a candidate had secured a place to sit Part 2 and on 2nd April 2020 the candidate had less than 3 months of the five year period remaining, no account is to be taken of the period beginning on 2nd April 2020 and ending on the day 12 months after the day on which this paragraph comes into force.”.

### SCHEDULE 4

Article 5

#### Consequential amendments

## **Amendment to the Health Care and Associated Professions (Knowledge of English) Order 2015**

1. For article 27 (rules: consultation requirements) of the Health Care and Associated Professions (Knowledge of English) Order 2015(11) substitute—

“27. In section 50D(1) (rules: consultation requirements) for “27BA or 36PA” substitute “16A(1), 16B(3), 27BA, 36CB(1), 36CC(3), 36PA”.”.

### SCHEDULE 5

Article 6

#### Saving provisions

## **General Dental Council (Overseas Registration Examination Regulations) Order of Council 2015**

1.—(1) The Schedule to the 2015 Order continues to apply for the purpose of any knowledge and skills assessment that takes place before the relevant date as if the provisions of the Schedule had been made by rules under section 16A(1) of the Dentists Act 1984.

(2) Where on or before the relevant date a person receives notice from the Council in writing of a date on which they are to sit Part 2 of the ORE whether in whole or in part (“the sitting”) the Schedule to the 2015 Order continues to apply for the purpose of the sitting mentioned in the notice as if the provisions of the Schedule had been made by rules under section 16A(1) of the Dentists Act 1984.

(3) In this paragraph—

“the 2015 Order” means the General Dental Council (Overseas Registration Examination Regulations) Order of Council 2015;

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(10) The General Dental Council (Overseas Registration Examination) Regulations are scheduled to [S.I. 2015/735](#).

(11) [S.I. 2015/806](#).

“knowledge and skills assessment” means an assessment imposed by the Council by virtue of rules under section 16A(1) of the Dentists Act 1984 of the kind mentioned in section 16A(2) (a) of that Act;

“ORE” has the meaning given by paragraph 2 of the Schedule to the 2015 Order;

“Part 2 of the ORE” has the meaning given by paragraph (3)(b) of the Schedule to the 2015 Order;

“relevant date” means the day one year after the day on which this Order comes into force.

### **The Dental Care Professionals register**

2.—(1) Where—

(a) an application for registration in, or restoration to, the dental care professionals register is received before the coming into force of this Order, and

(b) the qualification with which the application is concerned is a diploma in dentistry,

section 36C (qualifications for registration) of the Dentists Act 1984 continues to apply in relation to the determination of that application and any appeal arising from it as if that section was not amended by this Order.

(2) Where an application for restoration to the dental care professionals register is received after the coming into force of this Order, by a person—

(a) who was registered in the dental care professionals register before the coming into force of this Order, and

(b) whose qualification is a diploma in dentistry,

section 36C of the Dentists Act 1984 continues to apply to the determination of that application and any appeal arising from it as if that section were not amended by this Order.

(3) In this paragraph “the dental care professionals register” means the register kept under section 36C of the Dentists Act 1984.