

Status: Point in time view as at 31/10/2012.

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SCHEDULES

SCHEDULE 1

THE COUNCIL AND COMMITTEES OF THE COUNCIL: SUPPLEMENTARY PROVISIONS

PART I

THE COUNCIL

[^{F1}Constitution

Textual Amendments

- F1** Sch. 1 Pt. I paras. 1-4 and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for Sch. 1 Pt. I paras. 1-5 and cross-headings by [S.I. 2001/3926, art. 4](#)

^{F2}₁

Textual Amendments

- F2** Sch. 1 paras. 1A, 1B substituted for Sch. 1 para. 1 (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\), art. 1\(3\)\(9\), Sch. 1 para. 13](#) (with arts. 9, 10); [S.I. 2009/1357, art. 2\(2\)\(a\)\(i\)](#)

- [
^{F2}_{1A.} (1) The Council shall consist of—
 (a) registrant members, that is members who are registered dentists or registered dental care professionals; and
 (b) lay members, that is members who—
 (i) are not and never have been registered dentists or registered dental care professionals, and
 (ii) do not hold qualifications which would entitle them to apply for registration as a registered dentist or registered dental care professional.

(2) The members of the Council shall be appointed by the Privy Council.

(3) The Privy Council shall ensure that, at any time, at least one member of the Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

^{F3}(4)

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Textual Amendments

- F2** Sch. 1 paras. 1A, 1B substituted for Sch. 1 para. 1 (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009](#) (S.I. 2009/1182), art. 1(3)(9), **Sch. 1 para. 13** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)
- F3** Sch. 1 para. 1A(4) omitted (31.10.2012) by virtue of [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 20 para. 6(b)**; S.I. 2012/1831, art. 2(3)

[F2]Matters for the order of the Privy Council under section 1(2A)

- 1B. (1) An order under section 1(2A) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the Council;
 - (b) the terms of office for which members of the Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
 - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the Council;
 - (d) the appointment of a chair of the Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
 - (e) deputising arrangements in respect of the chair;
 - (f) the quorum of the Council; and
 - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(2A) must not include any provision which would have the effect that a majority of the members of the Council would be lay members.
- (3) An order under section 1(2A) may include provision with regard to—
- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;
 - (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
 - (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of its members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the Council at meetings of the Council; and
 - (e) the effect (if any) of any vacancy in the membership of the Council or any defect in the appointment of a member.
- (4) An order under section 1(2A) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.]

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Lay members

F4₂

Textual Amendments

F4 Sch. 1 para. 2 omitted (1.10.2009 in so far as not already in force, 13.5.2009 for specified purposes) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), **Sch. 1 para. 13(3)** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)

F5_{2A}

Textual Amendments

F5 Sch. 1 para. 2A repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), Sch. 8 para. 27(3), **Sch. 9**; S.I. 2006/2603, art. 4(5)(c)(i)(e), Sch.

[^{F6}Members who are registered dentists or registered dental care professionals]

Textual Amendments

F6 Sch. 1 para. 3 heading substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 47(4)** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)

F7₃

Textual Amendments

F7 Sch. 1 para. 3 omitted (1.10.2009 in so far as not already in force, 13.5.2009 for specified purposes) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), **Sch. 1 para. 13(3)** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)

Council President

F8₄]

Textual Amendments

F8 Sch. 1 para. 4 omitted (1.10.2009 in so far as not already in force, 13.5.2009 for specified purposes) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), **Sch. 1 para. 13(3)** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)

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- 5 A person shall not be disqualified for being elected or nominated as a member of the Council or for being elected as President of the Council by reason of having already served as a member or, as the case may be, as President.

General powers of Council

- 6 (1) Subject to the following provisions of this Part of this Schedule, the Council shall have power to do any thing which in their opinion is calculated to facilitate the proper discharge of their functions.
- (2) The Council shall, in particular, have power to pay to their members ^{F10}... such fees and such travelling, subsistence or other allowances as they may determine.
- [^{F11}(2A) The Council shall also have power to pay the members of any of their committees such allowances and expenses as the Council may determine.]
- (3) The powers ^{F12}... of any of the Council’s committees may be exercised notwithstanding any vacancy.
- (4) No proceedings ^{F13}... of any of the Council’s committees shall be invalidated by any defect in the appointment of a member ^{F14}....

Textual Amendments

- F10** Words in Sch. 1 para. 6(2) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, art. 6(3)(a)
- F11** Sch. 1 para. 6(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, art. 7(2)
- F12** Words in Sch. 1 para. 6(3) omitted (13.5.2009 for specified purposes) by virtue of *The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009* (S.I. 2009/1182), art. 1(3)(9), **Sch. 1 para. 13(4)(a)** (with arts. 9, 10)
- F13** Words in Sch. 1 para. 6(4) omitted (13.5.2009 for specified purposes) by virtue of *The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009* (S.I. 2009/1182), art. 1(3)(9), **Sch. 1 para. 13(4)(b)** (with arts. 9, 10)
- F14** Words in Sch. 1 para. 6(4) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, art. 6(3)(b)

- [^{F157} (1) Subject to section 43B(13) and section 44(12), the Council may, after paying their expenses, allocate any of their income to—
- (a) purposes connected with education or research in relation to—
- (i) the dental profession, or
- (ii) professions complementary to dentistry; or
- (b) any other public purpose connected with either or both of those professions.
- (2) In sub-paragraph (1), “expenses” includes the payments authorised under this Schedule to be made to members of the Council and their committees and the salaries and remuneration of the Council’s officers.]

Textual Amendments

- F15** Sch. 1 para. 7 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006,

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21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(7\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

8 (1) The Council may make rules—

^{F16}(a)

(b) for delegating, subject to the provisions of this Act, to committees, including the committees referred to in [^{F17}section 2 of this Act], [^{F18}or to any officer of the Council,] functions of the Council, and

(c) [^{F19}subject to the provisions of this Act and in particular sub-paragraph (1A),] for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in [^{F17}section 2 of this Act] and any sub-committees.

[^{F20}(1A) The power conferred by sub-paragraph (1)(c) does not include power to make any rules regulating the proceedings of the committees referred to in section 2 of this Act, in so far as the power to make such rules is specifically conferred by Schedule 3 or 4B to this Act.]

[^{F21}(1B) Rules made under sub-paragraph (1)(c) may make provision for a body (including a committee of the Council which is not one of the committees referred to in section 2) to assist the Council in connection with the exercise of any function relating to the appointment of members or particular members of the Council's committees.

(1C) Rules made under sub-paragraph (1)(c) by virtue of sub-paragraph (1B) may authorise a body—

(a) to appoint committee members on behalf of the Council; or

(b) to perform any function relating to tenure of office or suspension or removal from office.]

^{F22}(2)

[^{F23}(2A) Some or all of the members of committees of the Council may be persons who are not members of the Council.]

^{F22}(3)

(4) Nothing in this paragraph shall authorise the Council to delegate any power of making rules or regulations under any other provision of this Act.

Textual Amendments

F16 Sch. 1 para. 8(1)(a) omitted (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), [Sch. 1 para. 13\(5\)\(a\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)

F17 Words in Sch. 1 para. 8(1)(b)(c) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(a\)](#)

F18 Words in Sch. 1 para. 8(1)(b) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

F19 Words in Sch. 1 para. 8(1)(c) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively

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- 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F20** Sch. 1 para. 8(1A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F21** Sch. 1 para. 8(1B)(1C) inserted (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), [Sch. 1 para. 13\(5\)\(b\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)
- F22** Sch. 1 para. 8(2)(3) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F23** Sch. 1 para. 8(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(c\)](#)

- [^{F24}8A.(1) Subject to any provision made by this Act or by rules under this Act, the Council may regulate its procedures and the procedures of its committees and sub-committees, other than the committees referred to in section 2, by standing orders.
- (2) Standing orders of the Council may make provision with regard to the provisional suspension of a member of the Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(2A).
- (3) Subject to any provision made by this Act, by rules under this Act or by standing orders made by virtue of sub-paragraph (1), each committee and sub-committee of the Council may regulate its own procedures.]

Textual Amendments

- F24** Sch. 1 para. 8A inserted (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), [Sch. 1 para. 13\(6\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)

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