
STATUTORY INSTRUMENTS

1992 No. 655

The Dental Practice Board Regulations 1992

Citation and commencement

1. These Regulations may be cited as the Dental Practice Board Regulations 1992 and shall come into force on 1st April 1992.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the National Health Service Act 1977(1);

“associateship agreement” has the same meaning as in the National Health Service (General Dental Services) Regulations 1992(2);

“the Board” means the Dental Practice Board(3);

“conditions of service” does not include remuneration;

“dentist” means a registered dental practitioner;

“member” means a member of the Board including its chairman;

“negotiations”, in relation to a class of officer, means negotiations taking place within a body recognised by the Secretary of State as being proper for the purposes of negotiating remuneration and conditions of service for that class of officer;

“non-officer member” means a person who is a member by virtue of regulation 4(a) or (b)(i) or (ii); and

“officer” means an officer of the Board.

(2) In these Regulations, unless the context otherwise requires—

(a) any reference to a numbered regulation is to the regulation bearing that number in these Regulations; and

(b) any reference in a regulation to a numbered paragraph is to the paragraph bearing that number in that regulation.

(1) 1977 c. 49; in section 128(1) *see* the definitions of “prescribed” and “regulations”. Section 35(1) was substituted by S.I. 1985/39, article 7(9). Section 37 was amended by paragraph 50 of Schedule 1 to the Health Services Act 1980 (c. 53) (“the 1980 Act”), renumbered as section 37(1) by section 12(2) of the Health and Medicines Act 1988 (c. 49) and further amended by section 25 of, and Schedule 3 to, that Act. *See* also Part III of Schedule 5 to the National Health Service Act 1977, amended by the 1980 Act, Schedule 1, paragraph 80, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 3 and section 15(b), S.I. 1985/39, article 7(22) and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 1, Part III and Schedule 10. Section 126(4) was amended by section 65(2) of the 1990 Act.

(2) S.I. 1992/661.

(3) *See* section 12(1) of the Health and Medicines Act 1988 (c. 49).

Continuation of the Board

3.—(1) The Board shall continue to be constituted for the purpose of carrying out such duties as may be prescribed under section 37(1)(a) of the Act and such other functions as may be conferred on it under section 37(1A) and (1C) of the Act⁽⁴⁾.

(2) The Board shall continue to be a body corporate.

(3) The Board shall not acquire land except with the consent of the Secretary of State.

Constitution of the Board

4. The Board shall consist of—

(a) a chairman and a vice-chairman who shall be dentists; and

(b) six other members, of whom—

(i) three shall be dentists;

(ii) two shall be persons who are not and never have been dentists; and

(iii) one shall be the chief officer for the time being of the Board.

Appointment of members

5. Non-officer members shall be appointed by the Secretary of State after consultation with such organisations as he may recognise as representative of dentists.

Vice-chairman

6. Where the chairman of the Board—

(a) has died or ceased to hold office, or

(b) is unable to perform his duties by reason of illness, absence from England and Wales or any other cause,

the vice-chairman shall act as the chairman for so long as there is no chairman able to do so.

Tenure of office of members

7.—(1) Subject to regulations 8 and 9, a non-officer member's term of office shall be such period, not exceeding 3 years beginning on the date of his appointment, as the Secretary of State shall specify on appointing him.

(2) The person who is a member by virtue of regulation 4(b)(iii) shall, subject to paragraph (3), hold office for so long as he remains the chief officer of the Board.

(3) Where, for any period, the chief officer of the Board is suspended from his duties as its chief officer—

(a) he shall also be suspended for that period from performing his functions as a member; and

(b) any person appointed to act in his place as the chief officer of the Board shall also perform his functions as a member of the Board for that period.

Termination of tenure of office

8.—(1) A non-officer member may resign his office at any time after appointment by giving one month's notice in writing to that effect to the Secretary of State.

(4) Subsections (1A) and (1C) of the National Health Service Act 1977 (c. 49) were inserted by section 12(3) of the Health and Medicines Act 1988 (c. 49).

- (2) The Secretary of State may terminate the tenure of office of a non-officer member—
- (a) if he is convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine;
 - (b) if—
 - (i) at the time of his appointment as a member he was employed by, or held a paid appointment or office with, a health authority or Family Health Services Authority, and
 - (ii) he is dismissed, otherwise than by reason of redundancy, from that employment or that paid appointment or office is terminated;
 - (c) if the Secretary of State is of the opinion that it is not in the interest of the health service that the member should continue to hold office; or
 - (d) if he has been adjudged bankrupt or has made a composition or arrangement with his creditors.
- (3) The Secretary of State shall terminate the tenure of office of a non-officer member—
- (a) if he has failed to attend a meeting of the Board in any period of twelve consecutive months, unless the Secretary of State is satisfied both that his absence was due to reasonable cause and that he will be able to attend meetings of the Board within a reasonable time; or
 - (b) in the case of a member who is a dentist—
 - (i) if his name has been erased from the register kept under section 14 of the Dentists Act 1984(5) or his registration in that register has been suspended;
 - (ii) if his name has been removed, by a direction under section 46 of the Act, from any list prepared under section 36(1) of the Act; or
 - (iii) if he becomes disqualified for inclusion in, or his name has been removed from, any list prepared under section 36(1) of the Act, by virtue of section 48(b) of the Act.

Re-appointment

9. A non-officer member shall, on the expiry of his term of office, be eligible for re-appointment.

Meetings and proceedings

10.—(1) The meetings and proceedings of the Board shall be conducted in accordance with the rules set out in the Schedule to these Regulations and with Standing Orders made under paragraph (2).

(2) Subject to the rules set out in the Schedule to these Regulations, the Board shall make, and may vary or revoke, Standing Orders for the regulation of its meetings, proceedings and business, which may include provision for suspension of the Standing Orders.

(3) The proceedings of the Board shall not be invalidated by any vacancy in its membership or defect in the appointment or qualification of any member.

Disability of members in proceedings on account of pecuniary interest

11.—(1) Subject to paragraph (2), if a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Board at which the matter is under consideration—

- (a) he shall as soon as practicable after the commencement of the meeting disclose his interest; and
 - (b) he shall not take part in the consideration or discussion of that matter, or vote on any question with respect to it.
- (2) Subject to paragraph (4), a member shall be treated for the purposes of this regulation as having an indirect pecuniary interest in a matter if he is connected with a person—
- (a) who has a direct pecuniary interest in that matter; or
 - (b) where the matter is a contract, with whom the contract is or is proposed to be made.
- (3) For the purposes of paragraph (2) a member is connected with another person if—
- (a) he is in the employment of, is a partner of, or is a party to an associateship agreement with, that person; and
 - (b) where that person is a company, the member or a nominee of his is a director of that company.
- (4) A member who is a dentist shall not be treated as having a pecuniary interest in any matter relating to the remuneration of persons providing general dental services by reason only of his interest as a person providing general dental services if his interest cannot reasonably be regarded as an interest more substantial than that of others providing such services.

Officers and their remuneration and conditions of service

- 12.**—(1) The Board shall employ a chief officer and may employ such other officers as it may determine.
- (2) Subject to paragraphs (3) and (4), the remuneration and conditions of service of the chief officer and other employees of the Board shall be such as the Board may determine.
- (3) The remuneration—
- (a) of an officer who belongs to a class of officer in respect of which remuneration has been agreed in negotiations and approved by the Secretary of State, shall be the remuneration so agreed and approved;
 - (b) of an officer for whom, or for whose class, the Secretary of State has determined remuneration not so agreed and approved, shall be the remuneration so determined.
- (4) The conditions of service—
- (a) of an officer who belongs to a class of officer in respect of which conditions of service have been agreed in negotiations and approved by the Secretary of State, shall include the conditions so agreed and approved;
 - (b) of an officer for whom, or for whose class, the Secretary of State has determined any other conditions of service, shall include the conditions of service so determined, whether or not they also include conditions agreed in negotiations and approved by the Secretary of State.
- (5) Where, for any period, the chief officer of the Board is suspended from his duties for any reason, the Board shall, for the duration of that period, appoint another officer to act, in his place, as its chief officer.

Reports

- 13.**—(1) The Board shall submit to the Secretary of State in each year a report relating to the exercise of its functions since the end of the period to which the report last submitted by the Board related.

(2) The Board shall furnish the Secretary of State with such information relating to the exercise of its functions as the Secretary of State may require.

Transitional provisions

14.—(1) Where, before the coming into force of these Regulations, a person was appointed a member by virtue of being the chief officer of the Board, he shall hold office by virtue of regulation 4(b)(iii).

(2) Where, before the coming into force of these Regulations, a person was appointed a member otherwise than by virtue of being the chief officer of the Board, then, subject to regulations 8 and 9, he shall continue to be a member until the expiry of the period for which he was appointed.

Arrangements for general dental services

15. The provisions of these Regulations shall be treated as included in the provisions as to the arrangements to be made under section 35 of the Act which are made by the National Health Service (General Dental Services) Regulations 1992(6).

10th March 1992

William Waldegrave
Secretary of State for Health