

2003 No. 1081

DENTISTS

**The General Dental Council (Constitution of Committees)
Order of Council 2003**

Made - - - - - *19th March 2003*

Coming into force - - - *10th April 2003*

At the Council Chamber, Whitehall, the 19th day of March 2003

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships, in exercise of the powers conferred upon Them by section 2(6) and (7) of the Dentists Act 1984(a), and of all other powers enabling Them in that behalf, are pleased to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the General Dental Council (Constitution of Committees) Order of Council 2003 and shall come into force on 10th April 2003.

(2) In this Order—

“the Act” means the Dentists Act 1984;

“appropriate person” means a natural person, of good character, who is a fit and proper person to act as a member of a committee of the Council;

“dental auxiliary” means a person who is a member of a class of dental auxiliaries;

“fitness to practise function” means any function of the Professional Conduct Committee or the Health Committee or the functions of the Dental Auxiliaries Committee(b) under regulations made by virtue of section 48(2) of the Act (functions of Dental Auxiliaries Committee); and

“lay person” means a natural person, who is neither a registered dentist nor a dental auxiliary.

Re-constitution of the General Dental Council's Committees

2.—(1) Subject to paragraph (2), the following Committees of the Council shall be constituted in accordance with the following provisions of this Order, namely the—

- (a) Preliminary Proceedings Committee;
- (b) the Dental Auxiliaries Committee;
- (c) the Professional Conduct Committee; and
- (d) the Health Committee.”.

(a) 1984 c. 24; section 2(6) and (7) were added by S.I. 2001/3926.

(b) The Professional Conduct Committee, the Dental Auxiliaries Committee and the Health Committee are Committees of the Council required by section 2 of the Act.

(2) When any such Committee is exercising a fitness to practise function, no person may be appointed as a member of that Committee who, prior to his membership of that Committee, had any dealings in relation to the matter in respect of which the Committee is exercising its fitness to practise function.

Constitution of the Preliminary Proceedings Committee

3. The Preliminary Proceedings Committee shall consist of five members, of whom at least two shall be registered dentists and at least two shall be lay persons, who are—

- (a) members of the Council; or
- (b) if the Council so determines, appropriate persons.

Constitution of the Dental Auxiliaries Committee

4.—(1) When exercising its fitness to practise functions, the membership of the Dental Auxiliaries Committee shall consist of five appropriate persons, of whom at least one shall be a registered dentist, at least one shall be a lay person and at least one shall be a dental auxiliary.

(2) Except when exercising its fitness to practise functions and subject to paragraph (4), the membership of the Dental Auxiliaries Committee shall, from 10th April 2003 until the expiry of 9th April 2006, consist of—

- (a) those persons who were members of the Committee immediately before 10th April 2003; and
- (b) two other persons, chosen by the Council, neither of whom shall be a registered dentist or a dental auxiliary, but both shall have knowledge and experience of activities carried on in connection with assisting in the practise of dentistry.

(3) Except when exercising its fitness to practise functions and subject to paragraph (4), on and after 10th April 2006 the membership of the Dental Auxiliaries Committee shall consist of—

- (a) the president of the Council;
- (b) eight members of the Council chosen by the Council from amongst its members;
- (c) seven other persons, chosen by the Council, not falling within sub-paragraph (a) or (b), at least two of whom shall be dental auxiliaries; and
- (d) two other persons, chosen by the Council, neither of whom shall be a registered dentist or a dental auxiliary, but both shall have knowledge and experience of activities carried on in connection with assisting in the practise of dentistry.

(4) In the event of a vacancy occurring the Council shall either appoint a replacement or determine that the Dental Auxiliaries Committee shall do so.

Constitution of the Professional Conduct Committee

5. The membership of the Professional Conduct Committee shall consist of five appropriate persons, of whom at least two shall be registered dentists and at least two shall be lay persons.

Constitution of the Health Committee

6. The membership of the Health Committee shall consist of five appropriate persons, of whom at least two shall be registered dentists and at least two shall be lay persons.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the constitution of four of the statutory Committees of the General Dental Council. Each of the current Committees is reconstituted with new membership, except in the case of the Dental Auxiliaries Committee, when it is not exercising a fitness to practise function (articles 3 to 6). In the case of the other functions of the Dental Auxiliaries Committee, the present membership is to continue for 3 years, but if, for any reason, there is a vacancy, the Council can appoint a replacement—or determine that the Committee itself should appoint the replacement (article 4(4)).

Article 2 also provides that, when any of the Committees is exercising a fitness to practise function, persons who would otherwise be members of that Committee must not be serve on it if they have had any prior dealings in respect of the matter in hand.

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