

**EXPLANATORY MEMORANDUM TO
THE HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND
STANDARDS) ACT 2003 (CONSEQUENTIAL PROVISIONS –
APPOINTMENTS) ORDER 2004**

2004 No.2627

1. This explanatory memorandum has been prepared by The Department of Health and is laid before Parliament.

2. Description

The Secretary of State for Health makes the Order in exercise of the powers conferred upon him by section 201(1) of the Health and Social Care (Community Health and Standards) Act 2003.

3. Matters of special interest to the Joint Committee on Statutory Instrument or the Select Committee on Statutory Instruments.

None

4. Legislative Background

This Order amends the General Dental Council (Constitution) Order 2002. At present that Order makes references to appointments being made to the General Dental Council by Her Majesty on the advice of Her Privy Council. These references need to be amended as a consequence of the commencement of section 187 of, and Schedule 12 to, the Health and Social (Community Health Standards) Act 2003 (see the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 4) Order 2004 which commences these provisions).

Paragraph 3 of Schedule 12 amends the Dentists Act 1984 to provide for appointments to the General Dental Council to be made by the Privy Council rather than Her Majesty on the advice of Her Privy Council: the General Dental Council (Constitution) Order 2002, which is made pursuant to the Dentists Act 1984, therefore needs updating to reflect the amendments to the primary legislation under which it is made.

5. Extent

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Not applicable.

7. Policy Background

Section 187 (8) of, and paragraph 3 of Schedule 12 to, the Health and Social Care (Community and Health and Standards) Act 2003 provide that lay members of the General Dental Council (GDC) will be appointed by the Privy Council rather than (as now) by Her Majesty on the advice of Her Privy Council. The effect of this change is technical. The substantive effect of section 187(8) together with Schedule 12 is to allow the Privy Council to delegate its functions relating to appointments to the GDC (and other health professions regulatory bodies) to a Special Health Authority (the NHS Appointments Commission).

8. Impact

A regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

The impact on the public sector is limited as there are no identified costs to the Public or the Exchequer arising from this instrument.

9. Contact

Paul Atkinson at the Department of Health Tel: 0113 25 45311 or Paul.Atkinson@dh.gsi.gov.uk can answer any queries regarding the instrument.