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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Dentists Act 1984 (“the Act”).

The Order is made under sections 60 and 62(4) of, and Schedule 3 to, the Health Act 1999. Under paragraph 9(1) and (3) of that Schedule, the Secretary of State and the Scottish Ministers published a draft of the Order and invited representations to be made on it. The report about the consultation is posted on the Department of Health’s website ([www.dh.gov.uk/Consultations/ResponsesToConsultations/fs/en](http://www.dh.gov.uk/Consultations/ResponsesToConsultations/fs/en)).

Article 3 provides for the main objective of the General Dental Council (“the Council”) in exercising its functions under the Act to be the promotion of high standards of education and professional conduct and practice.

Article 4 establishes four new Committees of the Council: the Investigating Committee, the Professional Performance Committee, the Interim Orders Committee and the Registration Appeals Committee. The Preliminary Proceedings Committee, the Continuing Professional Development Committee and the Dental Auxiliaries Committee are all abolished.

Article 5 makes provision regarding the Council’s duty to co-operate with other bodies, the preparation of annual reports and accounts, and the establishment of a consumer complaints procedure.

Articles 6 to 13 make various changes to Part III of the Act concerning the dentists register, including provisions concerning publication of the register (article 10) and erasure from the register on grounds of fraud or error (article 12).

Article 14 introduces Schedule 1 to the Order, which inserts Schedule 2A into the Act, providing for appeals against registration decisions in relation to the dentists register.

Article 16 requires registered dentists and those seeking registration in the dentists register to have a valid policy of insurance which covers them against liabilities which may arise in connection with their work, and article 17 provides for the preparation and publication of guidance for dentists.

Article 18 introduces new sections into the Act relating to—

- (a) allegations made against a registered dentist that his fitness to practise is impaired;
- (b) the duties and powers of the Investigating Committee in connection with an allegation referred for their consideration;
- (c) the duties and powers of the Professional Conduct Committee, the Professional Performance Committee and the Health Committee in connection with an allegation, including their powers to erase a person’s name from the dentists register, to suspend his registration or to direct that his registration should be subject to conditions; and
- (d) the restoration to the dentists register of a person whose name has been erased by the Professional Conduct Committee.

Article 19 relates to appeals against decisions concerning a person’s fitness to practise as a dentist.

Article 21 provides for orders for immediate suspension and immediate conditional registration, and article 23 provides for interim orders for suspension or conditional registration.

Article 24 introduces Schedule 2 to the Order, which substitutes Schedule 3 to the Act, providing for the Council to make rules relating to the procedure to be followed and evidence to be observed before the Council’s Committees in connection with fitness to practise proceedings. Article 25 inserts

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

supplementary provisions including provisions relating to the disclosure of documents relevant to fitness to practise investigations, and notifications by the Council of such investigations.

Article 27 contains provisions relating to the training and development requirements of persons registered in the dentists register, the removal from the register of any person who fails to comply with those requirements and the training and development requirements which need to be met by a person who seeks the restoration of his name to the dentists register.

Article 29 inserts a new Part 3A into the Act relating to professions complementary to dentistry. Part 3A includes provisions relating to—

- (a) the definition of a profession complementary to dentistry;
- (b) the establishment of a dental care professionals register;
- (c) qualifications for registration under a particular title in the dental care professionals register;
- (d) education and training for members of professions complementary to dentistry;
- (e) applications for registration in that register, and fees payable by applicants;
- (f) publication of that register;
- (g) appeals relating to registration decisions;
- (h) the requirement for dental care professionals to be covered by adequate and appropriate insurance;
- (i) the preparation and publication of guidance relating to persons registered in the new register;
- (j) the fitness to practise of persons registered in the dental care professionals register, and proceedings before the Investigating Committee, the Professional Conduct Committee, the Professional Performance Committee, the Health Committee and the Interim Orders Committee relating to such matters, including the making by the Council of rules relating to the procedure to be followed and evidence to be observed by those Committees; and
- (k) professional training and development requirements relating to members of professions complementary to dentistry.

Articles 34 to 36 contain provisions relating to the meaning of the term “practice of dentistry” and to the prohibition on laymen practising dentistry and using terms reserved for practitioners.

Articles 37 to 39 concern individuals and bodies corporate which carry on the business of dentistry. In particular, those articles make provision relating to—

- (a) the directors of bodies corporate which carry on the business of dentistry;
- (b) the maintenance by the Council of a list of such bodies corporate;
- (c) financial penalties which may be imposed in relation to such a body corporate; and
- (d) supplementary provisions and appeals relating to such financial penalties.

Article 40 repeals Part 5 of the Act relating to dental auxiliaries.

Article 43 makes provision regarding the service of notifications and the publication of information, and procedural requirements relating to rules which may be made by the Council under the Act.

Article 44 makes provision concerning orders made by the Privy Council under the Act, and article 45 relates to regulations made by the Council under the Act.

Article 47 makes minor amendments to Schedule 1 of the Act concerning the constitution of the Council.

Schedules 6 and 7 contain consequential amendments and transitional provisions.