

**EXPLANATORY MEMORANDUM TO
THE EUROPEAN QUALIFICATIONS (PROFESSIONS
COMPLEMENTARY TO DENTISTRY) REGULATIONS 2006**

2006 No. 1718

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 These Regulations relate to the recognition of educational qualifications of members of professions complementary to dentistry. The Regulations deal with three matters:
 - They amend the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002 to add the four new professions complementary to dentistry (clinical dental technician, dental nurse, dental technician and orthodontic therapist) to the list of professions covered by the regulations. This allows the General Dental Council to register professionals with similar qualifications recognised in the European Economic Area or Switzerland and allow them to practise in the UK.
 - They also amend section 36C of the Dentists Act 1984, which deals with the qualifications for registration in the dental care professionals register, to add references to the four new professions complementary to dentistry.
 - Finally they amend section 36C to remove the requirement for persons with free movement rights in the European Economic Area or Switzerland to demonstrate proficiency in English as a condition of registration in the Dental Care Professionals Register.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 These Regulations are made by the Secretary of State for Health under powers conferred to her under section 2(2) of the European Communities Act 1972..
 - 4.2 The changes made by these Regulations are required as a result of the specification of four new professions complementary to dentistry under the new section 36A of the Dentists Act 1984 (which was inserted by the Dentists Act 1984 (Amendment) Order 2005 (SI 2005/2011)). The changes are necessary in order that section 36C of the Dentists Act 1984 is compatible

with Community law, specifically the requirements of Council Directive 92/51/EEC on a second general system for the regulation of professional education and training.

- 4.3 These Regulations form part of a package of instruments relating to the regulation of professions complementary to dentistry.

5. Extent

- 5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

- 6.1 The Secretary of State for Health has made the following statement regarding Human Rights:

In my view the provisions of the European Qualifications (Professions Complementary to Dentistry) Regulations 2006 are compatible with the Convention rights

7. Policy background

- 7.1 One of the key policy objectives of the Dentists Act 1984 (Amendment) Order 2005 was to allow the General Dental Council to regulate certain professions complementary to dentistry for the first time. This will bring professions complementary to dentistry under the same regulatory regime as dentists, for example they will be subject to a fitness to practise regime, will be required to satisfy specific educational requirements and undertake continuing professional development.
- 7.2 The changes made by the Regulations implement Community law in relation to the registration of members of the new professions complementary to dentistry in the dental care professionals register.
- 7.3 There was no separate consultation on these regulations as they merely extend the existing policy to the new groups.

8. Impact

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

9. Contact

- 9.1 Stephen Arthur at the Department of Health (Tel: 0113 254 5789 or e-mail: Stephen.Arthur@dh.gsi.gov.uk) can answer any queries regarding the instrument