

SCHEDULE 7

Article 50(1)

Transitional provisions

1. In this Schedule—

- (a) “the Regulations” means the Dental Auxiliaries Regulations 1986⁽¹⁾; and
- (b) a reference to—
 - (i) an old Part or old section is to that Part or section as it had effect immediately before its amendment or substitution by this Order; and
 - (ii) a new Part or new section is to that Part or section as amended or substituted or re-enacted (with or without modification) by this Order.

Fitness to practise proceedings before the Preliminary Proceedings Committee, the Professional Conduct Committee and the Health Committee

2. The Preliminary Proceedings Committee established under the old section 2 shall continue in being after the date on which article 4(2) of this Order comes into force for the purpose of exercising their functions under this Schedule.

3. The old sections 27 to 34 and the old Schedule 3, and any rules made under the old Schedule 3, shall continue to apply for the purpose of the exercise of functions under this Schedule by the Preliminary Proceedings Committee, the Professional Conduct Committee and the Health Committee.

4. Any case which is pending before the Preliminary Proceedings Committee under the old section 27 before the date on which article 18 of this Order comes into force shall continue to be dealt with by the Preliminary Proceedings Committee under the old section 27.

5. Any case which has been referred to the Professional Conduct Committee under the old section 27, whether before or after the date on which article 18 of this Order comes into force, shall continue to be dealt with by the Professional Conduct Committee under the old section 27.

6. Any case which is pending before the Health Committee under the old section 28 before the date on which article 18 of this Order comes into force shall continue to be dealt with by the Health Committee under the old section 28.

7. Except in a case to which paragraph 4, 5 or 6 applies, where an allegation concerning the fitness to practise of a registered dentist has been made before the date on which article 18 of this Order comes into force, the registrar shall refer that allegation to the Investigating Committee under the new section 27.

8. Where an allegation concerning the fitness to practise of a registered dentist is made on or after the date on which article 18 of this Order comes into force, but the allegation relates to events which occurred before that date, the registrar shall refer that allegation to the Investigating Committee under the new section 27.

9. Any case where a person has applied before the date on which article 18 comes into force for the restoration of his name to the dentists register under the old section 34 shall continue to be dealt with under the old section 34.

10. Any case which has been referred to the Professional Conduct Committee under the old section 34, whether before or after the date on which article 18 comes into force, shall continue to be dealt with by the Professional Conduct Committee under the old section 34.

(1) S.I.1986/887, as amended by S.I. 1991/1706, 1996/2988, 1999/3460, 2002/1671 and 3135 and 2003/3105.

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

11. An appeal which relates to a determination under the old section 27 or a direction under the old section 28 shall be dealt with under the old section 29.

12. Paragraph 13 applies to a case where—

- (a) the Professional Conduct Committee gave a determination under the old section 27 or the Health Committee gave a direction under the old section 28;
- (b) an appeal against that determination or direction was made to the court under the old section 29; and
- (c) the court remits the case to the Committee which made the determination or direction to dispose of in accordance with the court's directions.

13. Where this paragraph applies, the Committee to which the case is remitted shall deal with the case (even where the new section 27B is in force)—

- (a) under the old section 27 in the case of the Professional Conduct Committee; or
- (b) under the old section 28 in the case of the Health Committee.

Proceedings before the Continuing Professional Development Committee

14. The Continuing Professional Development Committee established under the old section 2 shall continue in being after the date on which article 4(2) of this Order comes into force for the purpose of exercising their functions under this Schedule.

15. The old sections 34A and 34B and the old Schedule 3A, and any rules made under those provisions, shall continue to apply for the purpose of the exercise of functions under this Schedule by the Continuing Professional Development Committee.

16. An appeal which relates to a decision by the registrar—

- (a) to erase a dentist's name from the register under the old section 34A(2), or
- (b) not to restore a person's name to the register under the old section 34B(3),

shall be dealt with by the Continuing Professional Development Committee under the old section 34A or 34B (as the case may be) and the old Schedule 3A, and any rules made under those provisions.

17. An appeal which relates to a determination by the Continuing Professional Development Committee under paragraph 3 of the old Schedule 3A shall be dealt with under the old section 29.

18. Paragraph 19 applies to a case where—

- (a) the Continuing Professional Development Committee made a determination under paragraph 3 of the old Schedule 3A;
- (b) an appeal against that determination was made to the court under the old section 29; and
- (c) the court remits the case to the Continuing Professional Development Committee to dispose of in accordance with the court's directions.

19. Where this paragraph applies, the Continuing Professional Development Committee shall deal with the case (even where the new sections 34A and 34B are in force) under the old section 34A or 34B (as the case may be) and the old Schedule 3A, and any rules made under those provisions.

Proceedings before the Dental Auxiliaries Committee

20. The Dental Auxiliaries Committee established under the old section 2 shall continue in being after the date on which article 4(2) of this Order comes into force for the purpose of exercising their functions under this Schedule.

21. The old Part 5 and the Regulations shall continue to apply for the purpose of the exercise of functions under this Schedule by the Dental Auxiliaries Committee.

22. Any case which is pending before the Dental Auxiliaries Committee under Part IV (erasure for misconduct of a name from a roll) or Part V (restoration after erasure for misconduct) of the Regulations before the date on which article 31 of this Order comes into force shall continue to be dealt with by the Dental Auxiliaries Committee under the Regulations.

23. Except in a case to which paragraph 22 applies, where an allegation concerning the fitness to practise of a person enrolled in the roll of dental hygienists or the roll of dental therapists is made before the date on which article 31 of this Order comes into force, the registrar shall refer that allegation to the Investigating Committee under the new section 36N.

24. Where an allegation concerning the fitness to practise of a registered dental care professional is made on or after the date on which article 31 of this Order comes into force but the allegation relates to events which occurred before that date, the registrar shall refer that allegation to the Investigating Committee under the new section 36N.

25. An appeal which relates to a decision made by the Dental Auxiliaries Committee under regulation 15 of the Regulations shall be dealt with under the old section 29 as applied by the old section 48(3).

26. Paragraph 27 applies to a case where—

- (a) the Dental Auxiliaries Committee gave a decision under regulation 15 of the Regulations;
- (b) an appeal against that decision was made to the court; and
- (c) the court remits the case to the Committee to dispose of in accordance with the court's directions.

27. Where this paragraph applies, the Dental Auxiliaries Committee shall deal with the case under the Regulations, even where article 31 of this Order is in force.

Dental auxiliaries: registration

28. The first regulations made by the Council under section 36A(2) shall specify dental hygienists and dental therapists and shall specify, in relation to those professions complementary to dentistry or classes of members of such professions, the titles of “dental hygienist” and “dental therapist” respectively.

29.—(1) Subject to sub-paragraph (3), if on the day before this paragraph comes into force—

- (a) a person's name is enrolled in the roll of dental hygienists referred to in regulation 21 of the Regulations and kept in accordance with regulation 2 of the Regulations, he shall be registered in the dental care professionals register under the title of dental hygienist, or
- (b) a person's name is enrolled in the roll of dental therapists referred to in regulation 25 of the Regulations and kept in accordance with regulation 2 of the Regulations, he shall be registered in the dental care professionals register under the title of dental therapist,

with effect from the day this paragraph comes into force.

(2) If on the day this paragraph comes into force there is an outstanding application for a person's name to be enrolled in the roll of dental hygienists or dental therapists (including an application for restoration to that roll), the Council—

- (a) may determine that his name is to be entered in the dental care professionals register under the title of dental hygienist or dental therapist (as the case may be); and
- (b) shall dispose of the matter in such manner as they consider just.

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

(3) If on the day before this paragraph comes into force a person's name is enrolled in the roll of dental hygienists or dental therapists but he is the subject of proceedings which, but for the closure of the roll of dental hygienists or dental therapists, could have led to his removal from that roll, the Council—

- (a) may determine that his name is not to be entered in the dental care professionals register; and
- (b) shall dispose of the matter in such manner as they consider just.

Dental auxiliary members of the Council

30.—(1) This paragraph applies to dental auxiliaries elected to serve as members of the Council whose term of office has not expired on the date on which article 47 of this Order comes into force.

(2) Persons to whom this paragraph applies may continue to serve on the Council for the term of office for which they were elected, notwithstanding the coming into force of article 47 of this Order.

Orders in Council under section 1 of the Act

31. After the date on which article 3 of this Order comes into force, any Order in Council made under powers contained in the old section 1(2A) shall continue in force as if made under powers contained in the new section 1(2A), until such time as the first order of the Privy Council made under the new section 1(2A) comes into force.