

2006 No. 1718

HEALTH CARE AND ASSOCIATED PROFESSIONS

PROFESSIONS COMPLEMENTARY TO DENTISTRY

**The European Qualifications (Professions Complementary to
Dentistry) Regulations 2006**

<i>Made</i> - - - -	<i>28th June 2006</i>
<i>Laid before Parliament</i>	<i>5th July 2006</i>
<i>Coming into force</i> - -	<i>28th July 2006</i>

The Secretary of State for Health, who is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations(b), makes the following Regulations in exercise of her powers conferred under section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the European Qualifications (Professions Complementary to Dentistry) Regulations 2006 and shall come into force on 28th July 2006.

Amendment of the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002

2. In the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(c), in Part 1 of Schedule 2 (regulated professions – professions regulated by law or public authority)—

- (a) in the column headed “Profession”—
 - (i) after “Childminder (England)” insert “Clinical Dental Technican (also known as Clinical Dental Technologist and Denturist)”,
 - (ii) after “Dental Hygienist” insert “Dental Nurse (also known as Dental Surgery Assistant)”,
 - (iii) after “Dental Nurse (also known as Dental Surgery Assistant)” insert “Dental Technician (also known as Dental Technologist)”, and
 - (iv) after “Operating Department Practitioner” insert “Orthodontic Therapist (also known as Orthodontic Auxiliary)”; and

(a) 1972 c.68.

(b) S.I. 2002/248.

(c) S.I. 2002/2934; relevant amending instruments are S.I. 2004/2033 and 2005/882.

- (b) in the column headed “Designated Authority”, opposite each of the four new entries in the column headed “Profession” inserted by paragraph (a), insert “General Dental Council”.

Amendment of section 36C of the Dentists Act 1984

3. In section 36C of the Dentists Act 1984(**a**) (professions complementary to dentistry – qualifications for registration) (as inserted by article 29 of the Dentists Act 1984 (Amendment) Order 2005)(**b**)—

- (a) in subsection (1)(a), for “in a case where the title concerned is that of dental hygienist or dental therapist” substitute “in a case where the title concerned applies to the profession pursued by clinical dental technicians, dental hygienists, dental nurses, dental technicians, dental therapists or orthodontic therapists”;
- (b) in subsection (3)(b), for “as a dental hygienist or dental therapist” substitute “as a member of the profession pursued by clinical dental technicians, dental hygienists, dental nurses, dental technicians, dental therapists or orthodontic therapists”; and
- (c) in subsection (4)(c), at the beginning insert “(except where he is a national of an EEA State or a person within subsection (3)(a)(ii))”.

Signed by authority of the Secretary of State

28th June 2006

Andrew Burnham
Minister of State,
Department of Health

(a) 1984 c.24.
(b) S.I. 2005/2011.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations applies the requirements of Council Directive 92/51/EEC on a second general system for the regulation of professional education and training(a), as amended(b), to the professions of clinical dental technician, dental nurse, dental technician and orthodontic therapist. The General Dental Council is designated as the authority responsible for processing applications for inclusion in the dental care professionals register from migrants with similar qualifications recognised in the European Economic Area or Switzerland, and for authorising those migrants to practise in the United Kingdom in accordance with that Directive.

Regulation 3 of these Regulations makes amendments to section 36C of the Dentists Act 1984 (qualifications for registration in the dental care professionals register) to add references to the professions of clinical dental technician, dental nurse, dental technician and orthodontic therapist. It also makes an amendment which has the effect that a person with free movement rights in the European Economic Area or Switzerland may not be required to demonstrate proficiency in the English language as a condition of registration in the professional register.

(a) OJ No. L 209, 24.7.1992, p.25.

(b) Council Directive 92/51/EEC has been amended by: Commission Directive 94/38/EC (OJ No. L 217, 23.8.1994, p.8); the Act of Accession of Austria, Sweden and Finland (OJ No. L 1, 1.1.1995, p.1); Commission Directive 95/43/EC (OJ No. L 184, 3.8.1995); Commission Directive 97/38/EC (OJ No. L 184, 12.7.1997, p.31); Commission Directive 2000/5/EC (OJ No. L 54, 26.2.2000, p.42); Directive 2001/19/EC (OJ No. L 206, 31.7.2001, p.1); the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L 236, 23.9.2003, p.33); Regulation (EC) No. 1882/2003 (OJ No. L 284, 31.10.2003, p.1); and Commission Decision 2004/108/EC (OJ No. L 32, 5.2.2004, p.15).

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