

SCHEDULE 1

Article 3(1)

Amendments to the Dentists Act 1984

Amendment of section 1

1. In section 1(1) (constitution and general duties of the Council)—
 - (a) after subsection (1) insert the following subsection—

“(1A) When exercising their functions under this Act, the Council shall have proper regard for—

 - (a) the interests of persons using or needing the services of registered dentists or registered dental care professionals in the United Kingdom; and
 - (b) any differing interests of different categories of registered dentists or registered dental care professionals.”; and
 - (b) omit subsection (2B).

Amendment of section 2

2. In section 2(2) (committees of the Council)—
 - (a) in subsection (6), for “order of the Privy Council” substitute “rules”;
 - (b) after subsection (6) insert the following subsection—

“(6A) Rules made under subsection (6) may provide for the functions of a committee of the Council mentioned in this section to be exercised by one or more panels comprised of members of the committee and may make provision with regard to the constitution of the panels.”; and
 - (c) omit subsections (7) and (8).

Amendment of section 2A

3. In section 2A(3) (the Council’s duty to co-operate), in subsection (2)—
 - (a) in paragraph (d), for “the services provided by the professions regulated under this Act” substitute “the provision, supervision or management of national health services”; and
 - (b) in paragraph (e), omit sub-paragraph (ii) and the “or” at the end of sub-paragraph (i).

Substitution of section 2B

4. For section 2B(4) (annual and other reports) substitute the following section—

“Annual reports, statistical reports and strategic plans

2B.—(1) The Council shall publish, by such date in each year as the Privy Council shall specify—

- (a) a report on the exercise of their functions which includes a description of the arrangements that the Council have put in place to ensure that they adhere to good

(1) Section 1 has been amended by [S.I. 2001/3926](#).
(2) Section 2 has been amended by [S.I. 2001/3926](#) and [2005/2011](#).
(3) Section 2A was inserted by [S.I. 2005/2011](#).
(4) Section 2B was inserted by [S.I. 2005/2011](#).

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practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006⁽⁵⁾);

- (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the Council have put in place to protect members of the public from persons who are registered dentists or registered dental care professionals and whose fitness to practise is impaired, together with the Council’s observations on the report; and
- (c) a strategic plan for the Council in respect of such number of years as the Council shall determine.

(2) The Council shall submit copies of the reports and the plan published under subsection (1) to the Privy Council and the Privy Council shall lay copies of the reports and the plan before each House of Parliament and before the Scottish Parliament.”

Amendment of section 2C

5. In section 2C⁽⁶⁾ (accounts), in subsection (4)(b), for “Privy Council and the Comptroller and Auditor General” substitute “Privy Council, the Comptroller and Auditor General and the Auditor General for Scotland”.

New section 2E

6. After section 2D⁽⁷⁾, insert the following section—

“Registration of members’ private interests

2E.—(1) The Council must establish and maintain a system for the declaration and registration of private interests of their members.

(2) The Council must publish entries recorded in the register of members’ private interests.”

Amendment of section 27

7. In section 27⁽⁸⁾ (which relates to allegations against registered dentists), in subsection (2), omit “or” at the end of paragraph (f) and after paragraph (g) insert—

“(h) the Independent Barring Board including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006⁽⁹⁾ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁽¹⁰⁾); or

(i) the Scottish Ministers including the person in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007⁽¹¹⁾).”

(5) 2006 c.3.

(6) Section 2C was inserted by S.I. 2005/2011.

(7) Section 2D was inserted by S.I. 2005/2011.

(8) Section 27 was substituted by S.I. 2005/2011.

(9) 2006 c.47.

(10) S.I. 2007/1351 (N. I. 11).

(11) 2007 asp 14.

Amendment of section 36N

8. In section 36N(12) (which relates to allegations against registered dental care professionals), in subsection (2), omit “or” at the end of paragraph (f) and after paragraph (g) insert—

- “(h) the Independent Barring Board including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or
- (i) the Scottish Ministers including the person in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007).”

Amendment of section 41

9. In section 41 (restriction on individuals), in subsection (2A)(13), for “paragraph (a), (d), (e), (f) or (g)” substitute “paragraphs (a) and (d) to (i)”.

Amendment of section 50C

10. In section 50C(14) (rules), in the final entry in the list in subsection (2), for “paragraphs 4(2) and 8(1)(a) and (b)” substitute “paragraph 8(1)(b)”.

Amendment of section 51

11. In section 51(15) (exercise of powers conferred on Privy Council)—

(a) in subsection (3), for paragraph (c) substitute the following paragraph—

- “(c) approving rules under Schedule 3(16) (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists), including rules made under Schedule 3 as applied (with modifications) by—
 - (i) section 44A(17) (supplementary provisions relating to financial penalties in relation to bodies corporate), or
 - (ii) paragraph 4(7) of Schedule 2A(18) (registration appeals: dentists register),”; and

(b) for subsections (4) and (5) substitute the following subsections—

- “(4) A statutory instrument which contains an order made by the Privy Council approving—
 - (a) regulations under section 36A(2) (professions complementary to dentistry);
 - (b) rules under section 36L (insurance); or
 - (c) rules under Schedule 4B(19) (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals), including rules made under Schedule 4B as applied (with modifications) by paragraph 4(7) of Schedule 4A(20) (registration appeals: dental care professionals register),

(12) Section 36N was inserted by [S.I. 2005/2011](#).

(13) Subsection (2A) was inserted by [S.I. 2005/2011](#).

(14) Section 50C was inserted by [S.I. 2005/2011](#).

(15) Section 51 has been amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 9, Part 2, and by [S.I. 2005/2011](#).

(16) Schedule 3 was substituted by [S.I. 2005/2011](#).

(17) Section 44A was inserted by [S.I. 2005/2011](#).

(18) Schedule 2A was inserted by [S.I. 2005/2011](#).

(19) Schedule 4B was inserted by [S.I. 2005/2011](#).

(20) Schedule 4A was inserted by [S.I. 2005/2011](#).

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shall be subject to annulment in pursuance of a resolution of either House of Parliament or, where subsection (5) applies, a resolution of either House of Parliament or a resolution of the Scottish Parliament.

(5) This subsection applies where an order of the Privy Council mentioned in subsection (4)—

- (a) approves regulations under section 36A(2) that specify a profession complementary to dentistry, or a class of members of a profession complementary to dentistry, which immediately before the revocation of the Dental Auxiliaries Regulations 1986 did not constitute a class of dental auxiliaries regulated by those Regulations; or
- (b) approves rules that apply to such a profession or such a class of members of such a profession.”

Amendment of section 53

12. In section 53 (interpretation), in subsection (3)(**21**), after “the provision” (at both places) insert “, supervision or management”.

Amendment of Schedule 1

13.—(1) Schedule 1(**22**)(the Council and Committees of the Council: supplementary provisions) is amended in accordance with this paragraph.

(2) For paragraph 1 (constitution) substitute the following paragraphs—

“Constitution

1A.—(1) The Council shall consist of—

- (a) registrant members, that is members who are registered dentists or registered dental care professionals; and
- (b) lay members, that is members who—
 - (i) are not and never have been registered dentists or registered dental care professionals, and
 - (ii) do not hold qualifications which would entitle them to apply for registration as a registered dentist or registered dental care professional.

(2) The members of the Council shall be appointed by the Privy Council.

(3) The Privy Council shall ensure that, at any time, at least one member of the Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

(4) Before the Privy Council directs the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the Council, the Privy Council shall consult the Council.

Matters for the order of the Privy Council under section 1(2A)

1B.—(1) An order under section 1(2A) shall include provision with regard to—

- (a) the numbers of registrant members and lay members of the Council;

(21) Subsection (3) has been amended by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 62, and the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 80 and 82.

(22) Schedule 1 has been amended by: the Health and Social Care (Community Health and Standards Act 2003 (c.43), Schedule 12, paragraph 3; the Health Act 2006 (c.28), Schedule 8, paragraph 27; and by S.I. 20013926 and 2005/2011.

- (b) the terms of office for which members of the Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
 - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the Council;
 - (d) the appointment of a chair of the Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
 - (e) deputising arrangements in respect of the chair;
 - (f) the quorum of the Council; and
 - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(2A) must not include any provision which would have the effect that a majority of the members of the Council would be lay members.
- (3) An order under section 1(2A) may include provision with regard to—
- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;
 - (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
 - (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of its members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the Council at meetings of the Council; and
 - (e) the effect (if any) of any vacancy in the membership of the Council or any defect in the appointment of a member.
- (4) An order under section 1(2A) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.”
- (3) Omit paragraphs 2 (lay members), 3 (members who are registered dentists or registered dental care professionals) and 4 (Council President).
- (4) In paragraph 6(23) (which relates to general powers of the Council)—
- (a) in sub-paragraph (3), omit “of the Council and”; and
 - (b) in sub-paragraph (4), omit “of the Council or”.
- (5) In paragraph 8 (which relates to the general powers of the Council to make rules)—
- (a) in sub-paragraph (1), omit paragraph (a); and
 - (b) after sub-paragraph (1A)(24) insert the following sub-paragraphs—
 - “(1B) Rules made under sub-paragraph (1)(c) may make provision for a body (including a committee of the Council which is not one of the committees referred to in section 2) to assist the Council in connection with the exercise of any function relating to the appointment of members or particular members of the Council's committees.

(23) Amended by S.I. 2001/3926.

(24) Inserted by S.I. 2005/2011.

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(1C) Rules made under sub-paragraph (1)(c) by virtue of sub-paragraph (1B) may authorise a body—

- (a) to appoint committee members on behalf of the Council; or
- (b) to perform any function relating to tenure of office or suspension or removal from office.”

(6) After paragraph 8 insert the following paragraph—

“**8A.**—(1) Subject to any provision made by this Act or by rules under this Act, the Council may regulate its procedures and the procedures of its committees and sub-committees, other than the committees referred to in section 2, by standing orders.

(2) Standing orders of the Council may make provision with regard to the provisional suspension of a member of the Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(2A).

(3) Subject to any provision made by this Act, by rules under this Act or by standing orders made by virtue of sub-paragraph (1), each committee and sub-committee of the Council may regulate its own procedures.”