STATUTORY INSTRUMENTS

1968 No. 357

DENTISTS

The Ancillary Dental Workers Regulations 1968

Laid before Parliament in draft
Made - - - - 8*th March* 1968
Coming into Operation 1*st September* 1969

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The General Dental Council in exercise of the powers conferred upon them by section forty-one of the Dentists Act, 1957(a), and of all other powers enabling them in that behalf hereby make the following regulations:

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1.—(1) These regulations may be cited as the Ancillary Dental Workers Regulations 1968, and shall come into force on the 1st day of September 1969.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(3) In these regulations, unless the context otherwise requires:

"the Act" means the Dentists Act, 1957;

"the Committee" means the Ancillary Dental Workers Committee set up by the Council in accordance with the provisions of section forty-five of the Act;

"the Council" means the General Dental Council.

(4) The Ancillary Dental Workers Regulations 1957(c), and the Dental Auxiliaries Regulations 1961(d), are hereby revoked.

(a) 5 & 6 Eliz. 2. c. 28.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1957/1423 (1957 I, p. 639).
(d) S.I. 1961/1365 (1961 II, p. 2578).

PART II

THE ROLLS AND ENROLMENT

2. The Registrar shall keep a separate roll for each class of ancillary dental workers established by the Council in accordance with sub-section (1) of section forty-one of the Act, and shall enter in such roll, in respect of every person entitled to have his name entered therein, the name, the address, the date on which the entry is made and particulars of the certificate by virtue of which the entry is made.

3.—(1) A person shall be entitled to have his name entered in the roll for a class of ancillary dental workers if he has paid the appropriate fee prescribed in regulation 6 of these regulations and has shown to the satisfaction of the Registrar that he is of good character, that he holds a certificate conferring a right to the inclusion of his name in that roll as defined in regulation 7 of these regulations and that he has complied with any other requirements specified in these or any other regulations made by the Council relating to that class.

(2) Where the Council are satisfied that a person who holds a certificate other than the certificate described in paragraph (3) of regulation 7 of these regulations has taken such courses of study and passed such examinations as furnish sufficient guarantee of that person's possessing the requisite knowledge and skill to practise dentistry to the extent permitted by the regulations for a class of ancillary dental workers, the Council may direct that he shall be entitled to have his name entered in the roll for that class as if his certificate were a certificate granted in accordance with regulation 7 of these regulations.

4.—(1) Except where a name has been erased in accordance with the provisions of these regulations the Registrar shall retain in the appropriate roll of ancillary dental workers the name of any enrolled person in respect of whom he has received before the thirty-first day of March in every year a signed application for retention of the name until the thirty-first day of March in the next following year, accompanied by the appropriate fee.

(2) Not later than the fourteenth day of March in every year, the Registrar shall send to every person whose name is entered in a roll of ancillary dental workers a form of application for retention of a name in that roll, together with a notice of the fee payable and a warning that non-payment entails erasure, but failure to receive a form or notice shall not of itself constitute a ground for retention or restoration of a name.

(3) Where the Registrar on the thirty-first day of March in any year shall not have received from any person whose name is entered in a roll of ancillary dental workers a fee for the retention of that person's name in that roll for the ensuing year, the Registrar shall erase that name from the roll.

(4) The provisions of the foregoing paragraph shall not apply, except by leave of the chairman of the Committee, to any person who is the subject of a submission by the Registrar to the chairman of the Committee in accordance with the provisions of paragraph (1) of regulation 9 of these regulations.

5. The Registrar may restore to a roll of ancillary dental workers a name erased from that roll other than a name erased in accordance with the provisions of Part IV of these regulations upon receipt of an application in

the form provided by the Council for the purpose, accompanied by (*a*) the fee for restoration, (*b*) the fee for retention in the roll and (*c*) where the name of the applicant has not been entered in the roll in any of the five years immediately preceding the date of the application, a certificate of identity and good character signed by a Justice of the Peace, or a minister of religion, or a registered medical practitioner or a registered dentist.

Fees Payable for Enrolments, etc.

6. The following are the fees prescribed by the Council under sub-section (7) of section forty-one of the Act:

	£	s.	d.
For first enrolment of a name	2	0	0
For the retention of a name under regulation 4 of these regulations	1	0	0
For restoration of a name under regulation 5 of these regulations	1	0	0

PART III

TRAINING AND EXAMINATIONS

7.—(1) Subject to the provisions of these regulations, the Council may approve courses of instruction held by any of the dental authorities or by such other bodies as the Council may think fit for the purpose of training persons to become members of a class of ancillary dental workers established by regulations made by the Council, and the arrangements for such training:

Provided that the Council shall not approve arrangements under this paragraph unless they are satisfied that the arrangements do not materially impair the facilities for the training of dental students.

(2) The Council may approve examinations held by any of the dental authorities or by such other bodies as the Council may think fit for the purpose of testing the fitness of persons to become members of a class of ancillary dental workers as aforesaid, and the arrangements for such examinations.

(3) Subject to the provisions of the next following paragraph, a certificate granted by a dental authority or other body providing approved examinations for a particular class of ancillary dental workers, which purports to attest the fitness of the person to whom it is granted to practise dentistry to the extent permitted by the regulations for that class, shall be a certificate conferring the right to the inclusion of the name of the person to whom it is granted in the appropriate roll of the class of ancillary dental workers specified in the certificate.

(4) Where in accordance with the provisions of this regulation the Council have approved arrangements made by a dental authority or other body and it subsequently appears to the Council that the arrangements are materially impairing the facilities for the training of dental students or that courses of instruction or examinations held under the arrangements are defective, the Council may withdraw their approval from the arrangements or from the courses of instruction or from the examinations (as the case may be) and a certificate granted by the dental authority or other body concerned after the date on which approval was withdrawn shall not be a certificate for the purposes of the last foregoing paragraph.

8.—(1) The Council shall from time to time appoint a visitor or visitors to visit places where instruction is given and to visit examinations held in accordance with the provisions of the last foregoing regulation.

(2) A visitor appointed under this regulation shall, in relation to each of the places which he visits, report to the Council (*a*) on the sufficiency of the instruction given; (*b*) on the examinations held; (*c*) whether the arrangements materially impair the facilities for the training of dental students; and (*d*) on any other matters which may be specified by the Council either generally or in any particular case; but no visitor shall interfere with the giving of any instruction or with any examinations.

(3) A visitor under this regulation shall be entitled to be paid fees and expenses as if he were a visitor appointed in accordance with the provisions of section nine of the Act.

(4) The report of a visitor or visitors appointed under paragraph (1) of this regulation shall be considered by the Council before any decision is taken to withdraw the Council's approval under paragraph (4) of regulation 7 of these regulations.

PART IV

DISCIPLINARY ERASURE OF A NAME FROM A ROLL

9.—(1) Where it is brought to the notice of the Council that an enrolled ancillary dental worker (in this part of these regulations referred to as "the respondent") either before or after his name has been entered in a roll (*a*) has been convicted of an offence which if committed in England would be triable on indictment or (*b*) is alleged to have been guilty of any misconduct, the Registrar, after making such further inquiries as he considers necessary, shall submit the matter to the chairman of the Committee, who shall, if after consultation with the President of the General Dental Council he thinks fit, bring it before the Committee.

Provided that the chairman may after consultation with the President decline to proceed with the matter unless the evidence in support of the charge (except in the case of a conviction) is supported by statutory declaration.

(2) Where the chairman decides to bring a case before the Committee, the Registrar shall invite the respondent to furnish any written statement or explanation which he may desire to offer.

(3) Where a case has been brought before the Committee by the chairman the Committee shall, having regard to any declarations or statements or explanations received with reference thereto, decide whether or not the matter should proceed to a hearing.

(4) The Committee may at any time take the advice of a solicitor appointed by the Council and may instruct him to obtain proofs of evidence in support of the allegations against the respondent.

10. If the Committee decide that the matter should proceed to a hearing, the solicitor shall send to the respondent a "notice of inquiry" specifying the matter alleged against the respondent in the form of a charge or charges and stating the day, time and place appointed for the hearing, together with a copy of these regulations, in a registered letter or in a letter sent by the recorded delivery service addressed to the respondent at the address entered against his name in the roll or at his last known address.

11.—(1) At any hearing held in accordance with these regulations, the respondent shall be entitled to be represented by a friend or by counsel or a solicitor.

(2) If the respondent does not attend, either personally or by representative, the Committee may proceed to hear and determine the case in his absence, so long as they are satisfied that all practicable steps have been taken to bring the notice of inquiry to the attention of the respondent and that (whether he is shown to have received it or not) the substance of the matters alleged therein and the likelihood of an inquiry resulting therefrom have been made known to him.

12. At the hearing of the case, the solicitor or other person appointed by the Committee for the purpose shall first state to the Committee the facts of the case and the charge alleged against the respondent, and shall then adduce evidence in support of the charge, and the respondent or his representative shall be entitled to cross-examine any witness appearing against him on matters relevant to the charge.

13. When the statement of the charge and the evidence in support thereof are concluded, the respondent, or his representative, shall be invited by the chairman to address the Committee and to adduce evidence in answer to the charge, and the solicitor or other person appointed by the Committee for the purpose shall be entitled to cross-examine any witness tendered in answer to the charge.

14. If the Committee find the charges against the respondent proved either in whole or in part, the chairman—

(*a*) may invite the solicitor or other person appointed by the Committee for the purpose to address the Committee and to adduce evidence as to the character and previous history of the respondent, and

(*b*) shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

15.—(1) Upon the conclusion of the case the Committee shall, after consideration of the relevant evidence, pronounce their decision either forthwith or at a later date in writing or at a subsequent meeting.

(2) If the Committee determine not to postpone their decision they shall decide whether the Registrar shall be directed to erase the name of the respondent from any roll in which it is entered.

(3) If the Committee postpone their decision to a later date they may invite the respondent to furnish the Registrar shortly before that date with the names and addresses of persons to whom reference may be made confidentially as to his character and conduct and any information received from any such person in consequence of such reference may be considered by the Committee.

(4) As soon as the Committee pronounce their decision, the Registrar shall communicate that decision to the respondent by registered letter or by a letter sent by the recorded delivery service.

16. The Committee may, if they think fit, appoint a barrister, advocate or solicitor to advise them on questions of law arising in any proceedings under this Part of these regulations.

17. Where in the exercise of their powers under sub-paragraph (8) of paragraph 14 of Part II of the First Schedule to the Act the Committee have appointed a sub-committee to deal with disciplinary questions connected with members of a class of ancillary dental workers, the provisions of this Part and of the next following Part of these regulations shall apply as if references to the Committee were references to the sub-committee so appointed.

PART V

RESTORATION AFTER DISCIPLINARY ERASURE

18.—(1) Where the name of an enrolled ancillary dental worker has been removed from a roll under Part IV of these regulations any application for its restoration to the roll shall be made in writing addressed to the Registrar and signed by the applicant, stating the gounds on which the application is made.

(2) The application shall contain the names and addresses of two or more persons, of whom two shall be Justices of the Peace, or ministers of religion, or registered medical practitioners, or registered dentists, or ancillary dental workers whose names have been enrolled for five years or more, or other persons of standing, able and willing to identify the applicant and give evidence as to his character and the nature of his employment both before and since the date of the removal of his name. The Registrar may invite any of the persons aforesaid to furnish information, to be received in confidence, as to the character and conduct of the applicant both before and since the date of the removal of his name.

(3) The Registrar shall thereafter refer the application to the chairman of the Committee, who may require the applicant to support by a statutory declaration any statement made in his application or any further statement which he may think necessary. Subject to the next following paragraph he shall then refer the application to the Committee and shall advise the applicant of his right to attend in person at a meeting of the Committee (the date of which will be notified to him) at which the application will be considered.

(4) The chairman shall not refer to the Committee and the Committee shall not consider any application made within five months from the date of erasure or from the date of any previous application.

19. If, upon consideration of the application and of the evidence furnished in support of it, the Committee are satisfied that the name of the applicant should be restored to the roll, they may direct the Registrar accordingly, and, upon payment where applicable of the fee prescribed in regulation 6 of these regulations for retention of a name in a roll, his name shall be restored to the roll. When considering the application the Committee may take into account any information received under paragraph (2) of the foregoing regulation.

20. The provisions of regulation 16 of these regulations shall apply also to proceedings under this Part of these regulations.

PART VI

DENTAL HYGIENISTS

21. There shall continue to be a class of ancillary dental workers who shall be called dental hygienists. The roll for this class kept by the Registrar in accordance with the provisions of regulation 2 of these regulations shall be called the roll of dental hygienists.

22. In accordance with the provisions of sub-section (4) of section forty one of the Act, a person enrolled in the roll of dental hygienists (hereafter called a dental hygienist) shall be authorised to use the title "dental hygienist".

23.—(1) Subject to the provisions of this regulation, a dental hygienist shall be permitted to carry out dental work (amounting to the practice of dentistry) of the following kinds:

(*a*) cleaning and polishing teeth;

(*b*) scaling teeth (that is to say, the removal of tartar, deposits, accretions and stains from those parts of the teeth which are exposed or which are directly beneath the free margins of the gums, including the application of medicaments appropriate thereto);

(*c*) the application to the teeth of solutions of sodium or stannous fluoride or such other similar prophylactic solutions as the Council may from time to time determine;

(*d*) giving advice within the meaning of subsection (1) of section thirty-three of the Act on matters relating to oral hygiene;

but shall not be permitted to carry out dental work amounting to the practice of dentistry of any other kind.

(2) A dental hygienist shall not be permitted to carry out such dental work authorised as aforesaid except under the direction of a registered dentist and after the registered dentist has examined the patient and has indicated to the dental hygienist the course of treatment to be provided for the patient.

(3) Except in the course of providing national or local authority health services, a dental hygienist shall carry out such dental work authorised as aforesaid only under the direct personal supervision of a registered dentist who is on the premises at which the hygienist is carrying out such work at the time at which it is being carried out.

24. Courses of instruction for the dental hygienist class shall not be approved by the Council for the purposes of paragraph (1) of regulation 7 of these regulations unless such courses extend over a period of at least nine months.

25. The possessor of the Minister of Health's Certificate of Proficiency in Oral Hygiene shall be entitled to have his name entered in the roll of dental hygienists as if that certificate were a certificate granted in accordance with regulation 7 of these regulations.

PART VII

DENTAL AUXILIARIES

26. There shall be established a class of ancillary dental workers who shall be called dental auxiliaries. The roll for this class kept by the Registrar in accordance with the provisions of regulation 2 of these regulations shall be called the roll of dental auxiliaries.

27. In accordance with the provisions of sub-section (4) of section forty-one of the Act, a person enrolled in the roll of dental auxiliaries (hereafter called a dental auxiliary) shall be authorised to use the title "dental auxiliary".

28.—(1) Subject to the provisions of this regulation, a dental auxiliary shall be permitted to carry out dental work (amounting to the practice of dentistry) of the following kinds:

(*a*) extracting deciduous teeth under local infiltration anaesthesia ;

(*b*) undertaking simple dental fillings ;

(*c*) cleaning and polishing teeth ;

(*d*) scaling teeth (that is to say, the removal of tartar, deposits, accretions and stains from those parts of the surfaces of the teeth which are exposed or which are directly beneath the free margins of the gums, including the application of medicaments appropriate thereto) ;

(*e*) the application to the teeth of solutions of sodium or stannous fluoride or such other similar prophylactic solutions as the Council may from time to time determine ;

(*f*) giving advice within the meaning of sub-section (1) of section thirty-three of the Act, such as may be necessary to the proper performance of the dental work referred to in this regulation, and on matters relating to oral hygiene ;

but shall not be permitted to carry out dental work amounting to the practice of dentistry of any other kind.

(2) A dental auxiliary shall not be permitted to carry out such dental work authorised as aforesaid except (*a*) in the course of providing national or local authority health services (*b*) under the direction of a registered dentist and (*c*) after the registered dentist has examined the patient and has indicated in writing to the dental auxiliary the specific treatment to be provided for the patient by the said auxiliary.

29. Courses of instruction for the dental auxiliary class shall not be approved by the Council for the purposes of paragraph (1) of regulation 7 of these regulations unless such courses extend over a period of at least two academic years.

30. The possessor of the Council's Certificate of Proficiency as a Dental Auxiliary shall be entitled to have his name entered in the roll of dental auxiliaries as if that certificate were a certificate granted in accordance with regulation 7 of these regulations.

The Common Seal of the General Dental Council was hereto affixed in the presence of:—

ROBERT BRADLAW, *President,*

DAVID HINDLEY-SMITH, *Registrar,*

L.S.

this 8th day of March, 1968.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations contain in Parts II to V general provisions governing the enrolment of classes of ancillary dental workers, including provisions as to the training and examinations leading to enrolment and the machinery for removing a name from the roll and for restoring it.

Parts VI and VII provide for the establishment of specific classes of ancillary dental workers to be known as "dental hygienists" and "dental auxiliaries" and regulations 23 and 28 specify the kinds of dental work dental hygienists and dental auxiliaries may undertake and the conditions under which they may undertake such work.

The regulations were approved in draft:—

(*a*) by the Privy Council on the 12th day of January, 1968.

(*b*) by a resolution of the House of Lords on the 27th day of February, 1968.

(*c*) by a resolution of the House of Commons on the 15th day of February, 1968.