STATUTORY INSTRUMENTS

1961 No. 1365

DENTISTS

The Dental Auxiliaries Regulations, 1961

Made - - - - 13*th July*, 1961
Coming into Operation 13*th July*, 1961

ARRANGEMENT OF REGULATIONS

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The General Dental Council in exercise of the powers conferred upon them by section forty-three 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 Dental Auxiliaries Regulations, 1961, and shall come into force on the 13th day of July, 1961.

(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 arrangements" means the arrangements made by the Council in compliance with the provisions of section forty-three of the Act, for an experimental scheme for the training of ancillary dental workers permitted to undertake the filling of teeth and the extraction of deciduous teeth, and for their employment in the course of the provision of national and local authority health services;

"the Committee" has the meaning assigned by regulation 5 of these regulations;

"the Council" means the General Dental Council;

"dental auxiliary" means a person whose name is in the list kept pursuant to regulation 2 of these regulations.

PART II

EMPLOYMENT OF DENTAL AUXILIARIES

2. The Registrar shall keep a list, which shall be called the list of dental auxiliaries, and shall enter therein the names of the persons who have, in the opinion of the Council, attained the necessary standards of proficiency under the arrangements.

(a) 5 & 6 Eliz. 2. c. 28. (b) 52 & 53 Vict. c. 63.

3. Subject to the provisions of these regulations, 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 subsection (1) of section thirty-three of the Dentists Act, 1957, 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.

4. A dental auxiliary shall not be permitted to carry out dental work amounting to the practice of dentistry 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 to the dental auxiliary the specific treatment to be provided for the patient by the said auxiliary.

PART III

DISCIPLINARY ERASURE OF A NAME FROM THE LIST

5.—(1) Where it is brought to the notice of the Council that a dental auxiliary (in this Part of these regulations referred to as "the respondent"), either before or after his name has been entered in the list, (*a*) has been convicted of an offence which if committed in England would be a felony or misdemeanour 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 Ancillary Dental Workers Committee set up by the Council in accordance with section forty-five of the Act (hereinafter referred to as "the Committee") and the chairman shall, if he thinks fit, bring it before the Committee.

(2) The Committee may at any stage of the case 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, and may, in such cases as they think fit, decline to proceed with the matter unless the evidence in support of the charge (other than evidence of a conviction) is verified by statutory declaration.

(3) In any case in which the Committee decide to proceed, they shall invite the respondent to furnish any written statement or explanation which he may desire to offer, and shall consider such statement or explanation.

Where in such a case the Committee decide that a prima facie case is made out for the removal of the respondent's name from the list, they may direct the Registrar to arrange a hearing of the case and may direct the solicitor to take all necessary steps for verifying the evidence to be submitted to the Committee and for obtaining the necessary documents and the attendance of witnesses.

6. When 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 list or at his last known address.

7. 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:

Provided that if the respondent elects to be represented by counsel or a solicitor, notice of that fact shall be given in writing to the Registrar not less than seven days before the day appointed for the hearing.

8. 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 submit to the Committee the 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.

9. 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 tender 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, and to reply upon the whole case after the respondent or his representative has replied.

10. If the respondent does not attend, either personally or by representative, the Committee may proceed to hear and determine the case in his absence.

11.—(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 find the charges against the respondent to be proved either in whole or in part, they may direct that his name be erased from the list.

(3) 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.

12. 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.

13. 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 dental auxiliaries, the provisions of this Part of these regulations shall apply as if references to the Committee were references to the sub-committee so appointed.

14. If any question shall arise as to the meaning or effect of this Part of these regulations, or if any question or matter shall arise which is not provided for by this Part of these regulations, such question or matter shall be referred to the Council for advice and the Committee or sub-committee, as the case may be, shall act in accordance with any advice given by the Council concerning such question or matter.

PART IV

RESTORATION AFTER DISCIPLINARY ERASURE

15.—(1) Where the name of a dental auxiliary has been removed from the list under Part III of these regulations, any application for its restoration to the list shall be made in writing addressed to the Registrar and signed by the applicant, stating the grounds 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, ministers of religion, registered medical practitioners or registered dentists, 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.

(3) When the Registrar is satisfied that the application has been duly made he shall submit it to the Committee, who may require the applicant to verify by a statutory declaration any statement made in his application, or any further statement which they may think necessary, and may, if they think fit, require the applicant to attend in person at a meeting of the Committee at which the matter is to be considered.

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

16. 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 list, they may direct the Registrar accordingly.

17. If any question shall arise as to the meaning or effect of this Part of these regulations, or if any question or matter shall arise which is not provided for by this Part of these regulations, such question or matter shall be referred to the Council for advice and the Committee or sub-committee, as the case may be, shall act in accordance with any advice given by the Council concerning such question or matter.

PART V

TERMINATION OF THE ARRANGEMENTS

18. After the termination of the arrangements, these regulations shall not apply to any dental auxiliary who, by virtue of regulations made under section forty-one of the Act, becomes qualified to be a member of any such class as is referred to in subsection (1) of section forty-three of the Act.

19. After the termination of the arrangements, these regulations shall (except as provided by regulation 18 hereof) continue to apply to every person who, in the opinion of the Council, attained the necessary standards of proficiency while the arrangements were in force.

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

E. WILFRED FISH, President.

DAVID HINDLEY-SMITH, Registrar.

L.S.

This 13th day of July, 1961.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations govern the employment of ancillary dental workers known as "dental auxiliaries" who have been trained at the School for Dental Auxiliaries established by the General Dental Council. They include provisions for the entry of the names of trained dental auxiliaries in a list, and for machinery for disciplinary removal from and restoration to the list.

Part II specifies the kinds of dental work which auxiliaries may undertake and the conditions under which they may carry out such work.