EXPLANATORY MEMORANDUM TO

THE DENTISTS ACT 1984 (AMENDMENT) ORDER 2005 TRANSITIONAL PROVISIONS ORDER OF COUNCIL 2006

2006 No. 1671

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This Order contains transitional provisions relating to the new arrangements for the regulation of dentists and dental care professionals included in the Dentists Act 1984 (Amendment) Order 2005 and supplement the transitional provisions set out in Schedule 7 to that Order. These provisions:

- Set out the arrangements for dealing with fraud and error cases relating to registration in the dentists register which are ongoing when the new arrangements come into force.

- Ensure that determinations, directions and orders relating to suspension (including temporary suspension) or erasure from, or conditional registration in, the dentists register under the old arrangements continue to have effect.

- Set out measures for concluding the work of the Continuing Professional Development Committee, which is being abolished.

- Deal with outstanding erasure or suspension cases relating to disqualification in another Member State of the European Economic Area or Switzerland.

- Ensure that the restrictions on individuals carrying on the business of dentistry will continue to apply to individuals who are or were suspended or erased from the dentists register under the old arrangements.

- Set out arrangements relating to the registration of dental care professionals, including arrangements enabling sub-committees of the Dental Auxiliaries Committee (which is being abolished) to conclude cases and provisions ensuring that visitors appointed under the old arrangements remain in post under the new arrangements.

- ensure that the Council for the Regulation of Health Care Professions will continue to be able to review the outstanding misconduct or crime cases before the Professional Conduct Committee.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This Order is made by the Privy Council in exercise of the powers conferred by article 50(2) of the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011).

4.2 Schedule 7 to that Order contains some transitional provisions, and the transitional provisions contained in this Order supplement those in Schedule 7 to that Order. The transitional provisions are required as a result of the changes made by the Dentists Act 1984 (Amendment) Order 2005, in particular:

- the abolition of the Preliminary Proceedings Committee, the Continuing Professional Development Committee and the Dental Auxiliaries Committee of the General Dental Council;

- the establishment of new committees of the General Dental Council (the Investigating Committee, the Professional Performance Committee, the Interim Orders Committee and the Registration Appeals Committee); and

- the overhaul of fitness to practise procedures applying to registered dentists.

4.3 This Order forms part of a package of instruments required as a result of the implementation of the Dentists Act 1984 (Amendment) Order 2005.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Two key policy objectives of the Dentists Act 1984 (Amendment) Order 2005 were:

- to allow the General Dental Council to regulate certain professions complementary to dentistry for the first time bringing professions complementary to dentistry under the same regulatory regime as dentists.

- to reform Fitness to Practise procedures and modernise its handling of misconduct and ill health related problems amongst dental professionals, and introduce new procedures to tackle problems of poor performance.

7.2 The General Dental Council also carried out a further public consultation on its Fitness to Practise rules. The Council consulted a wide range of patient, consumer, health service, public and professional organisations. The consultation was also advertised on the GDC's website. A total of 55 responses were received. The responses were supportive of the changes suggested and did not raise any major policy issues which the Fitness to Practise Policy Committee and Council had not previously considered

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Stephen Arthur at the Department of Health (Tel: 0113 254 5789 or e-mail: Stephen.Arthur@dh.gsi.gov.uk) can answer any queries regarding the instrument.