Draft Order laid before Parliament and the Scottish Parliament under section 62(10) of the Health Act 1999 (c. 8) for approval by resolution of each House of Parliament and by resolution of the Scottish Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

PROFESSIONAL QUALIFICATIONS

The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2022

Made - - - -	***
Coming into force	***

At the Court at Buckingham Palace, the *** day of 2022

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1)(a) and 62(4) and (4A) of, and Schedule 3 to, the Health Act 1999(**a**).

The Secretary of State and the Scottish Ministers published a draft Order and invited representations as required by paragraph 9(1) and (3) of Schedule 3 to that Act.

The period of three months mentioned in paragraph 9(4) of that Schedule expired before a draft of this Order, together with a report about consultation, was laid before Parliament and the Scottish Parliament.

(**a**) 1999 c. 8. Section 60(1)(a) refers to the regulation of any profession to which subsection (2) applies. Subsection (2) has been substituted by the Health and Care Act 2022 c. 31 s. 168(2)(c). Section 62 was amended by paragraph 1 of Schedule 4 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); and paragraph 2 of Schedule 8 to the Health and Social Care Act 2008 (c. 14) ("the HSCA 2008"). Subsections (4) and (4A) were substituted in section 62 by paragraph 11 of Schedule 10 to the HSCA 2008. Schedule 3 was amended by section 26(10) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17); paragraph 8(b) of Schedule 4 to the Health and Social Work Professions Order 2002 (S.I. 2002/254); paragraph 67 of Schedule 11, and paragraph 1 of Schedule 14, to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); sections 33 and 80 of, and Schedule 9 to, the Health Act 2006 (c. 28); paragraphs 4 to 10 of Schedule 8, and paragraph 1 of Schedule 15, to the HSCA 2008; section 211 of, and paragraphs 61 and 72 of Schedule 15 to, the Health and Social Care Act 2012 (c. 7); section 61(4) of the Children and Social Work Act 2017 (c. 16); and section 168(4) of the Health and Care Act 2022 (c. 31).

A draft of this Order has been laid before, and approved by resolution of, each House of Parliament and resolution of the Scottish Parliament in accordance with section 62(10) of that Act(**a**).

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to make the following Order in Council.

Citation and commencement

1.—(1) This Order may be cited as the Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2022.

(2) Subject to paragraph (3) this Order comes into force 21 days after it is being made ("the coming into force date").

(3) Paragraph 2 of Schedule 3 comes into force immediately before the coming into force date.

Amendments to the Dentists Act 1984

2. Schedule 1 (amendments to the Dentists Act 1984(**b**)) has effect.

Amendments to the Nursing and Midwifery Order 2001

3. Schedule 2 (amendments to the Nursing and Midwifery Order 2001(**c**)) has effect.

Amendments to subordinate legislation

4. Schedule 3 (amendments to subordinate legislation) has effect.

Consequential amendments

5. Schedule 4 (consequential amendments) has effect.

Saving provisions

6. Schedule 5 (saving provisions) has effect.

Revocation

7. The General Dental Council (Overseas Registration Examination Regulations) Order of Council 2015(**d**) is revoked.

Name
Clerk of the Privy Council

SCHEDULE 1

Article 2

Amendments to the Dentists Act 1984

1. The Dentists Act 1984 is amended as follows.

(**a**) Section 62(10) was amended by paragraph 2 of Schedule 8 to the HSCA 2008.
(**b**) 1984 c. 24.
(**c**) S.I. 2002/253.
(**d**) S.I. 2015/735.

Qualification for registration in the dentists register

2. In section 15(**a**) (qualification for registration in the dentists register)—

(a) in subsection (1), for paragraph (c), substitute—

"(c) any person who—

(i) holds an overseas diploma in dentistry, and

(ii) has satisfied the Council that the person has the requisite knowledge and skill (see sections 16A (requisite knowledge and skill: holders of overseas diplomas) and 16B (requisite knowledge and skill: recognition of overseas diplomas)).";

(b) after subsection (1) insert—

"(1A) Subsection (1)(c)(ii) does not apply to a person whose application under this section is made in reliance on a relevant European diploma.";

(c) for subsection (2), substitute—

"(2) In this Act "overseas diploma" means—

(a) a relevant European diploma, or

(b) any other diploma granted in a country overseas.";

(d) in subsection (3), omit the words from "under paragraph" to "above";

(e) omit subsections (4), (4ZA) and (6).

Further provision about overseas diplomas

3.—(1) Omit section 16 (supplementary provisions as to registration of holders of overseas diplomas).

(2) After section 16 insert—

"**Requisite knowledge and skill: holders of overseas diplomas**

16A.—(1) Rules may make provision for the purpose of determining whether a person who holds an overseas diploma in dentistry has the requisite knowledge and skill mentioned in section 15(1)(c)(ii).

(2) Rules made by virtue of subsection (1) may (in particular) make provision—

(a) requiring the person to undertake an assessment;

(b) imposing such other requirements on the person as the Council considers appropriate;

(c) enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining whether the person has the requisite knowledge and skill.

Requisite knowledge and skill: recognition of overseas diplomas

16B.—(1) The Council may recognise an overseas diploma of a particular kind as furnishing such guarantees as to the knowledge and skill of the person who holds the diploma that no further enquiry into the knowledge and skill of that person is necessary.

(2) A person who holds an overseas diploma recognised by the Council for the time being in accordance with subsection (1) is to be taken to have satisfied the Council that the person has the requisite knowledge and skill mentioned in section 15(1)(c)(ii).

(**a**) Section 15 was amended by S.I. 2019/593.

(3) Rules may make provision about the recognition of overseas diplomas under subsection (1).

(4) Rules made by virtue of subsection (3) may (in particular) make provision enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining applications for the recognition of overseas diplomas.".

(3) In section 17 (temporary registration)—

(a) in subsection (1), for "a recognised" substitute "an";

(b) omit subsection (5).

Professions complementary to dentistry: qualifications for registration

4.—(1) In section 36C(**a**) (qualifications for registration)—

(a) in subsection (4)(a), after "qualifications" (in the first place it appears) insert ", other than a diploma in dentistry,";

(b) in subsection (4)(b), at the end insert "(see sections 36CB (requisite knowledge and skill: holders of relevant qualifications) and 36CC (requisite knowledge and skill: recognition of relevant qualifications))".

(c) omit subsection (5).

(2) After section 36CA insert—

"**Requisite knowledge and skill: holders of relevant qualifications**

36CB.—(1) Rules may make provision for the purpose of determining whether a person who holds a relevant qualification has the requisite knowledge and skill mentioned in section 36C(4)(b).

(2) Rules made by virtue of subsection (1) may (in particular) make provision—

(a) requiring the person to undertake an assessment;

(b) imposing such other requirements on the person as the Council considers appropriate;

(c) enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining whether the person has the requisite knowledge and skill.

(3) In this section "relevant qualification" has the same meaning as in section 36C (see section 36C(4)(a)).

Requisite knowledge and skill: recognition of relevant qualifications

36CC.—(1) The Council may recognise a relevant qualification of a particular kind as furnishing such guarantees as to the knowledge and skill of the person who holds the relevant qualification that no further enquiry into the knowledge and skill of that person is necessary.

(2) A person who holds a relevant qualification recognised by the Council for the time being in accordance with subsection (1) is to be taken to have satisfied the Council that the person holds the requisite knowledge and skill mentioned in section 36C(4)(b).

(**a**) Section 36C was inserted by article 29 of the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011) ("the 2005 Amendment Order"). Subsection (4) was amended by article 20(2)(a) and article 20(2)(b) of the Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806). Subsections (5)(a) and (b) were substituted by paragraph 19(d) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), as amended by the European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394).

(3) Rules may make provision about the recognition of a relevant qualification under subsection (1).

(4) Rules made by virtue of subsection (3) may (in particular) make provision enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining applications for the recognition of relevant qualifications.

(5) In this section "relevant qualification" has the same meaning as in section 36C (see section 36C(4)(a)).".

Consequential amendments

5.—(1) In section 50C(2)(**a**) (rules), at the appropriate places in the list, insert each of the following—

"section 16A(1) (requisite knowledge and skill: holders of overseas diplomas);";

"section 16B(3) (requisite knowledge and skill: recognition of overseas diplomas);";

"section 36CB(1) (requisite knowledge and skill: holders of relevant qualifications);";

"section 36CC(3) (requisite knowledge and skill: recognition of relevant qualifications);".

(2) In section 50D(1)(**b**) (rules: consultation requirements), after "under" insert "section 16A(1), 16B(3), 36CB(1) or 36CC(3) or".

(3) In section 53(1)(**c**) (interpretation)—

(a) at the appropriate place insert—

""overseas diploma" has the meaning given by section 15(2) above;";

(b) omit the definition of "recognised overseas diploma".

SCHEDULE 2

Article 3

Amendments to the Nursing and Midwifery Order 2001

Approved qualifications

1. Article 13(**d**) (approved qualifications) of the Nursing and Midwifery Order 2001 is amended as follows.

2. In paragraph 1(d)(**e**)—

(a) for subparagraphs (i) and (ii) substitute—

"(i) his qualification has been approved by the Council in accordance with article 15(7) as demonstrating the requisite standard of proficiency for admission to the part of the register for which he is applying,

(ii) his qualification has been recognised by the Council as being of a comparable standard to a qualification mentioned in paragraph (1)(a), or

(iii) the Council is satisfied that, following any test of competence that it may require the applicant to take, he has the requisite standard of proficiency for admission to the part of the register in respect of which he is applying;".

(**a**) Section 50C was inserted by article 43 of the 2005 Amendment Order.
(**b**) Section 50D was inserted by article 43 of the 2005 Amendment Order, and prospectively amended by S.I. 2005/806.
(**c**) Section 53(1) has been amended by S.I. 2005/806. There are other amendments but none are relevant.
(**d**) Article 13 is subject to savings provisions contained in S.I. 2019/593.
(**e**) Article 13(1)(d) was inserted by S.I. 2007/3101 and amended by S.I. 2015/806, 2018/838 and 2019/593.

3. In paragraph (2), in the words before paragraph (a), for "shall" substitute "may".

4. In paragraph (3), for "(1)(d)(i)" substitute "(1)(d)(ii)".

SCHEDULE 3

Article 4

Amendments to other subordinate legislation

Amendments to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004

1.—(1) The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004(**a**) are amended as follows.

(2) In rule 6(1)(e)(**b**) (requirements for declarations of good health and good character)—

(a) in the words before paragraph (i), omit "a declaration signed";

(b) for paragraphs (i) to (iii) substitute—

"(i) (aa) where the applicant is registered to practise in a country, a declaration of good character signed on behalf of the licensing body in that country, or

(bb) where the applicant is not so registered, written evidence of good character signed by the person providing that evidence, that satisfies the Registrar of the applicant's good character; and

(ii) a declaration of good health signed by—

(aa) a member of the occupational health department of a body that has employed or engaged the applicant who, on the basis of a health assessment of the applicant undertaken by that department within the previous 12 months, is able to attest to the matters set out in the declaration, or

(bb) a registered medical practitioner who has undertaken a health assessment of the applicant within the last 12 months;".

(3) After rule 6(1ZA) insert—

"(1ZB) For the purpose of paragraph (1)(e)(i)(bb) written evidence may, in particular, include a reference from an employer, an educational institution, or a person registered with the Council who is personally known to the applicant.".

Amendments to the General Dental Council (Overseas Registration Examination) Regulations 2015

2.—(1) Regulation 5 of the General Dental Council (Overseas Registration Examination) Regulations 2015(**c**) is amended as follows.

(2) In paragraph (2) at the end insert "(but see paragraphs (2A) and (2B))".

(3) After paragraph (2) insert—

"(2A) In calculating the five year period referred to in paragraph (2), no account is to be taken of the period beginning on 2nd April 2020 and ending on the day after this paragraph comes into force.

(2B) Where on 2nd April 2020 a candidate had already secured a place to sit Part 2 and on that date the candidate had less than 3 months of the five year period remaining, no

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(**a**) The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 are scheduled to S.I. 2004/1767.

(**b**) Rule 6(1)(e) has been amended by S.I. 2007/3101 and 2018/838.

(**c**) The General Dental Council (Overseas Registration Examination) Regulations are scheduled to S.I. 2015/735.

account is to be taken of the period beginning on 2nd April 2020 and ending on the day 12 months after the day on which this paragraph comes into force.".

SCHEDULE 4

Article 5

Consequential amendments

Amendment to the Health Care and Associated Professions (Knowledge of English) Order 2015

1. For article 27 (rules: consultation requirements) of the Health Care and Associated Professions (Knowledge of English) Order 2015(**a**) substitute—

"**27.** In section 50D(1) (rules: consultation requirements) for "27BA or 36PA or" substitute "16A(1), 16B(3), 27BA, 36CB(1), 36CC(3), 36PA".".

SCHEDULE 5

Article 6

Saving provisions

General Dental Council (Overseas Registration Examination Regulations) Order of Council 2015

1.—(1) The Schedule to the 2015 Order continues to apply for the purpose of any knowledge and skills assessment that takes place before the relevant date as if the provisions of the Schedule had been made by rules under section 16A(1) of the Dentists Act 1984.

(2) Where on or before the relevant date a person receives notice from the Council in writing of a date on which they are to sit Part 2 of the ORE whether in whole or in part ("the sitting") the Schedule to the 2015 Order continues to apply for the purpose of the sitting mentioned in the notice as if the provisions of the Schedule had been made by rules under section 16A(1) of the Dentists Act 1984.

(3) In this paragraph—

"the 2015 Order" means the General Dental Council (Overseas Registration Examination Regulations) Order of Council 2015;

"knowledge and skills assessment" means an assessment imposed by the Council by virtue of rules under section 16A(1) of the Dentists Act 1984 of the kind mentioned in section 16A(2)(a) of that Act;

"ORE" has the meaning given by paragraph 2 of the Schedule to the 2015 Order;

"Part 2 of the ORE" has the meaning given by paragraph (3)(b) of the Schedule to the 2015 Order;

"relevant date" means the day one year after the day on which this Order comes into force.

The Dental Care Professionals register

2.—(1) Where—

(a) an application for registration in, or restoration to, the dental care professionals register is received before the coming into force of this Order, and

(b) the qualification with which the application is concerned is a diploma in dentistry,

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(**a**) S.I. 2015/806.

section 36C (qualifications for registration) of the Dentists Act 1984 continues to apply in relation to the determination of that application and any appeal arising from it as if that section was not amended by this Order.

(2) Where an application for restoration to the dental care professionals register is received after the coming into force of this Order, by a person—

(a) who was registered in the dental care professionals register before the coming into force of this Order, and

(b) whose qualification is a diploma in dentistry,

section 36C of the Dentists Act 1984 continues to apply to the determination of that application and any appeal arising from it as if that section were not amended by this Order.

(3) In this paragraph "the dental care professionals register" means the register kept under section 36C of the Dentists Act 1984.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Dentists Act 1984 (c.24) and to the Nursing and Midwifery Order 2001 (S.I. 2002/253) in relation to the registration of people with qualifications issued outside the United Kingdom as dentists, dental care professionals, nurses, nursing associates and midwives.

Article 2 and Schedule 1 make amendments to section 15 of the Dentists Act 1984 to provide a route for registration for persons who hold an overseas diploma in dentistry and satisfy the General Dental Council that they have the requisite knowledge and skill to join the dentist's register. New section 16A is inserted into the Dentists Act 1984 and provides rule making powers for the Council in respect of determining whether holders of overseas diplomas have the requisite knowledge and skills for registration including provision requiring the payment of fees to meet expenses incurred by the Council in determining whether the person has the requisite knowledge and skill. New section 16B makes provision for the Council to assess and recognise particular overseas diplomas as guaranteeing that persons holding them possess the requisite knowledge and skill to join the register. Section 16B further permits the Council to make rules concerning the recognition of overseas diplomas including provision requiring the payment of fees to meet expenses incurred in determining applications for the recognition of overseas diplomas. Section 16 of the Dentists Act 1984 is repealed.

In addition, Article 2 and Schedule 1 amend section 36C of the Dentists Act 1984 to provide that registration in the dental care professionals register cannot happen if the person applying for registration has a diploma in dentistry. New section 36CB is inserted into the Dentists Act 1984 and provides rule making powers for the Council in respect of determining whether holders of relevant qualifications have the requisite knowledge and skill for registration including provision requiring the payment of fees to meet expenses incurred by the Council in determining whether the person has the requisite knowledge and skill. New section 36CC makes provision for the Council to assess and recognise particular relevant qualifications as guaranteeing that persons holding them possess the requisite knowledge and skill to join the register. New section 36CC further permits the Council to make rules concerning the recognition of relevant qualifications including provision requiring the payment of fees to meet expenses incurred in determining applications for the recognition of relevant qualifications.

Article 3 and Schedule 2 make amendments to the Nursing and Midwifery Order 2001 enabling the Nursing and Midwifery Council to admit candidates to registration either by assessing their qualifications as meeting the necessary standards or by requiring the candidates to pass a test of competence.

Article 4 and Schedule 3 make amendments to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 and the General Dental Council (Overseas Registration Examination) Regulations 2015. The amendments to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 make provision about

declarations of good health and good character for nurses and midwives. The amendments to the General Dental Council (Overseas Registration Examination) Regulations 2015 make provision to exclude, for the purpose of calculating the five year period in which Part 2 of the Overseas Registration Examination for dentists must be undertaken, the period of time beginning on 2nd April 2020 until the day after this Order comes into force to make an allowance for the time when it was not possible to undertake that examination. That five year period is extended by a further year for candidates who had secured a place to sit the examination on 2nd April 2020, and who had less than three months of that period remaining on that date.

Article 5 and Schedule 4 make consequential amendments to the Health Care and Associated Professions (Knowledge of English) Order 2015.

Article 6 and Schedule 5 make saving provisions in respect of candidates who sit the Overseas Registration Examination within a year of this Order coming into force, and in respect of people who have made an application to go on to the dental care professionals register before this Order comes into force.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

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