STATUTORY INSTRUMENTS

2006 No. 1664

HEALTH CARE AND ASSOCIATED PROFESSIONS

DENTISTS

PROFESSIONS COMPLEMENTARY TO DENTISTRY

The General Dental Council (Appointments Committee and Appointment of Members of Committees) Rules Order of Council 2006

Made - - - -	*23rd June 2006*
Coming into force - -	*31st July 2006*

At the Council Chamber, Whitehall, the 23rd day of June 2006

By the Lords of Her Majesty's Most Honourable Privy Council

The General Dental Council have made the General Dental Council (Appointments Committee and Appointment of Members of Committees) Rules 2006 as set out in the Schedule to this Order.

In accordance with section 50C(2) and (3) of the Dentists Act 1984(**a**) such Rules, in so far as they are made in exercise of powers conferred under paragraph 8(1)(c) of Schedule 1 to that Act(**b**), shall not come into force until approved by order of the Privy Council.

Having considered the Rules, their Lordships approve them.

This Order may be cited as the General Dental Council (Appointments Committee and Appointment of Members of Committees) Rules Order of Council 2006 and shall come into force on 31st July 2006.

A K Galloway
Clerk of the Privy Council

(**a**) 1984 c.24; section 50C was inserted by S.I. 2005/2011.
(**b**) *See* section 50C(2) of the Dentists Act 1984.

SCHEDULE

The General Dental Council (Appointments Committee and Appointment of Members of Committees) Rules 2006

The General Dental Council make the following Rules in exercise of their powers conferred under section 50C(5) and (6) of, and paragraph 8(1)(b) and (c) of Schedule 1 to, the Dentists Act 1984(**a**).

PART 1

Citation, commencement and interpretation

Citation and commencement

1. These Rules may be cited as the General Dental Council (Appointments Committee and Appointment of Members of Committees) Rules 2006 and shall come into force on 31st July 2006.

Interpretation

2. In these Rules—

"appropriate person" means a natural person, of good character, who is a fit and proper person to act as a member of a committee of the Council;

"Committee" (except in the terms "Appointments Committee" and "Investigating Committee") means the Health Committee, the Interim Orders Committee, the Professional Conduct Committee, the Professional Performance Committee or the Registration Appeals Committee;

"the Committees Order" means the General Dental Council (Constitution of Committees) Order of Council 2006(**b**); and

"lay person" means a natural person who is neither a registered dentist nor a registered dental care professional.

PART 2

The Appointments Committee

Constitution of the Appointments Committee

3.—(1) There shall continue to be a committee of the Council known as the Appointments Committee.

(2) The Council shall appoint the members of the Appointments Committee, and shall appoint the Chairman of the Appointments Committee from among those members.

(3) The Appointments Committee shall consist of the Chairman and a maximum of seven other persons.

(4) The Chairman and members of the Appointments Committee shall be persons who are not members or employees of the Council.

(**a**) 1984 c.24; paragraph 8 of Schedule 1 was amended by S.I. 2001/3926 and 2005/2011.
(**b**) S.I. 2006/1665

(5) There shall be a Secretary to the Appointments Committee who shall not be a member of the Appointments Committee.

Meetings

4. Unless the Chairman of the Appointments Committee considers it necessary or desirable to make other arrangements, meetings of the Appointments Committee shall be convened by the Secretary to the Appointments Committee by notice in writing addressed to the members of the Appointments Committee at least seven days before the date of the meeting.

Quorum

5. The quorum for a meeting of the Appointments Committee shall be three including the Chairman of the Appointments Committee.

Procedure

6.—(1) Subject to any provision of these Rules, the Appointments Committee may regulate their own procedure.

(2) In the event of a tied vote at a meeting of the Appointments Committee, the Chairman of the Appointments Committee shall have an additional casting vote.

Tenure

7.—(1) The term of office of a member of the Appointments Committee shall be five years from the date of his appointment.

(2) A member of the Appointments Committee may resign at any time by giving written notice to the Secretary to the Appointments Committee.

PART 3

The Committees

Eligibility for appointment

8.—(1) The Appointments Committee shall, from among those persons applying for appointment as members of a Committee, select appropriate persons who are eligible for such appointment, and shall maintain and publish their names in a list.

(2) In the exercise of their functions under paragraph (1), in relation to a person who may wish to apply, or who has applied, for appointment as a member of a Committee, the Appointments Committee may place advertisements, receive applications and conduct interviews.

(3) The Appointments Committee shall not enter in the list maintained under paragraph (1) the name of a person who has been selected by the Council under rule 13 to be a member of the panel referred to in that rule.

(4) Subject to paragraph (5), the Appointments Committee shall remove from the list maintained under paragraph (1) the name of any person—

(a) who resigns from the list by giving notice in writing of his resignation to the Chairman of the Appointments Committee; or

(b) who in the opinion of the Appointments Committee has ceased to be an appropriate person.

(5) The Appointments Committee shall not remove the name of a person from the list on the grounds specified in paragraph (4)(b) unless that person has been given an opportunity of appearing before the Appointments Committee and of being heard on the question of whether or not that person has ceased to be an appropriate person.

Appointment of members

9.—(1) Subject to rule 12, the Secretary to the Appointments Committee shall, before each meeting of a Committee, nominate five persons whose names are entered in the list maintained under rule 8 to serve as members of a Committee at that meeting.

(2) In making nominations under paragraph (1) the Secretary to the Appointments Committee shall—

(a) ensure that the membership of a Committee complies with article 2 of the Committees Order; and

(b) have regard to—

(i) the rules of natural justice,

(ii) the efficient administration of justice and of the business of a Committee, and

(iii) the availability and reasonable convenience of those persons whose names are entered in the list maintained under rule 8.

Appointment of Chairman

10. Subject to rule 12, the Secretary to the Appointments Committee shall, before each meeting of a Committee, nominate one of the persons who are to form the membership of a Committee at that meeting to be Chairman at that meeting.

Quorum

11. Subject to rule 12, the quorum for a meeting of a Committee shall be three, of whom—

(a) at least one shall be a lay person;

(b) at least one shall be a registered dentist; and

(c) at a meeting concerning a person's registration in the dental care professionals register, at least one shall be a registered dental care professional.

Preliminary meetings

12.—(1) At a preliminary meeting of a Committee held in accordance with rule 51 of the General Dental Council (Fitness to Practise) Rules 2006(**a**) or rule 9 of the General Dental Council (Registration Appeals) Rules 2006(**b**)—

(a) the members of a Committee shall be those persons who have been nominated under rule 9(1) to be the members of the Committee at the hearing or meeting which is to determine the case to which the preliminary meeting relates; and

(b) the Chairman of a Committee shall be the person who has been nominated under rule 10 to be the Chairman of the Committee at the hearing or meeting which is to determine the case to which the preliminary meeting relates.

(2) Rules 9, 10 and 11 shall not apply to a preliminary meeting of a Committee held in accordance with the rules specified in paragraph (1).

(**a**) Scheduled to S.I. 2006/1663
(**b**) Scheduled to S.I. 2006/1668

PART 4

The Investigating Committee

Eligibility for appointment

13.—(1) The Council shall select appropriate persons to be members of a panel of persons who are eligible for appointment as members of the Investigating Committee.

(2) The Council shall not select as a member of the panel any person whose name is entered in the list maintained under rule 8.

Appointment of members

14.—(1) The registrar shall, before each meeting of the Investigating Committee, nominate five persons from the panel referred to in rule 13 to serve as members of the Investigating Committee at that meeting.

(2) In making nominations under paragraph (1) the registrar shall—

(a) ensure that the membership of the Investigating Committee complies with article 2 of the Committees Order; and

(b) have regard to—

(i) the rules of natural justice,

(ii) the efficient administration of justice and of the business of the Investigating Committee, and

(iii) the availability and reasonable convenience of the members of the panel referred to in rule 13.

Appointment of Chairman

15. The registrar shall, before each meeting of the Investigating Committee, nominate one of the persons who are to form the membership of the Investigating Committee at that meeting to be Chairman at that meeting.

Quorum

16. The quorum for a meeting of the Investigating Committee shall be three, of whom—

(a) at least one shall be a lay person;

(b) at least one shall be a registered dentist; and

(c) at a meeting concerning a person's fitness to practise as a member of a profession complementary to dentistry, at least one shall be a registered dental care professional.

PART 5

Revocations and savings

Revocations

17. Subject to rule 18, the following are revoked—

(a) the General Dental Council (Appointment of Members of Committees) Rules 2003(**a**); and

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(**a**) The General Dental Council (Appointment of Members of Committees) Rules 2003 were approved by order of the Privy Council with effect from 10th April 2003, and amended by order of the Privy Council with effect from 1st January 2004. They are available from the General Dental Council, 37 Wimpole Street, London W1G 8DQ.

(b) the General Dental Council (Appointments Committee) Rules 2003(**a**).

Savings

18.—(1) The General Dental Council (Appointment of Members of Committees) Rules 2003 shall continue in force for the purposes of the exercise of functions by the committees to which those Rules apply in accordance with Schedule 7 to the Dentists Act 1984 (Amendment) Order 2005(**b**) or the Dentists Act 1984 (Amendment) Order 2005 Transitional Provisions Order of Council 2006(**c**).

(2) The General Dental Council (Appointments Committee) Rules 2003 shall continue in force for the purposes of the exercise of functions by the Appointments Committee in relation to the committees which continue in being and exercise functions in accordance with Schedule 7 to the Dentists Act 1984 (Amendment) Order 2005 or the Dentists Act 1984 (Amendment) Order 2005 Transitional Provisions Order of Council 2006.

Given under the official seal of the General Dental Council on 15th June 2006.

L.S.

Hew Byrne Mathewson
President

Duncan Rudkin
Registrar

(**a**) Made on 19th March 2003, and available from the General Dental Council at the above address.
(**b**) S.I. 2005/2011.
(**c**) S.I. 2006/1671

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Dentists Act 1984, approves Rules made by the General Dental Council.

Part 2 of the Rules provides for the constitution of the Appointments Committee of the General Dental Council.

Part 3 of the Rules provides for the system of appointment of members to the following committees of the General Dental Council: the Health Committee, the Interim Orders Committee, the Professional Conduct Committee, the Professional Performance Committee and the Registration Appeals Committee. It also deals with the the appointment of a Chairman to those committees and the quorum. Similar provision is made in Part 4 of the Rules in relation to the Investigating Committee of the General Dental Council.

Part 5 of the Rules revokes the General Dental Council (Appointment of Members of Committees) Rules 2003 and the General Dental Council (Appointments Committee) Rules 2003, with savings for cases in which those Rules continue in force.

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