2002 No. 3134

DENTISTS

The General Dental Council (Constitution) Amendment Order 2002

Made - - - - -	*17th December 2002*
Laid before Parliament	*6th January 2003*
Coming into force - -	*10th April 2003*

At the Court at Buckingham Palace, the 17th day of December 2002

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 1(2A) and (2B) of the Dentists Act 1984(**a**), and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

Citation and commencement

1. This Order may be cited as the General Dental Council (Constitution) Amendment Order 2002 and shall come into force on 10th April 2003.

Amendment of the General Dental Council (Constitution) Order 2002

2.—(1) The General Dental Council (Constitution) Order 2002(**b**) shall be amended as follows.

(2) In article 1(2) (interpretation), there shall be added, at the end, the following definitions—

""suspended" does not include suspended under section 30(3) or 32 of the Act; and

"the unexpired term" means the period beginning with the date on which the member ceased to be a member and ending with the date on which his full term of office would otherwise have expired.".

(3) After article 3 (appointment of lay members) there shall be inserted the following articles—

"Tenure of office of members of the Council

3A. Subject to articles 3B and 3C, each member's term of office shall be for a period of five years.

Termination of office

3B.—(1) A person shall cease to be a member of the Council if he falls—

(a) within article 2(a) and

(**a**) 1984 c. 24; subsections (2A) and (2B) of section 1 of the Act were inserted by S.I. 2001/3926.
(**b**) S.I. 2002/1625.

(i) his name is erased from the register, or

(ii) his registration in the register is suspended;

(b) within article 2(b) and his name is erased from a roll or record of dental auxiliaries;

(c) within article 2(c) and there is a change in his position or circumstances such that it appears to Her Majesty, on the advice of Her Privy Council, that he will no longer contribute to the Council's exercise of its functions in such a manner as justifies his continued membership.

(2) A member may resign at any time by giving notice in writing addressed to the Registrar.

(3) Where a lay member ceases to be a member, the Council shall inform the Privy Council.

(4) When a lay member's successor is appointed during the unexpired term, the successor's term of office shall be for the remainder of the unexpired term.

By-election

3C. In the event of a person who falls within article 2(a) or (b) ceasing to be a member of the Council by virtue of article 3B, a by-election shall be held to fill any such vacancy which occurs more than 12 months before the end of the period for which that member had been elected and the newly elected member's term of office shall be for the remainder of the unexpired term.".

(4) Article 4 shall be renumbered as paragraph (1) of article 4, and to that article there shall be added, at the end, the following paragraphs—

"(2) The term of office of any person elected or appointed as a member of the new Council, before 10th April 2003, under the provisions of this Order shall start on that day.

(3) Persons holding office as members of the old Council on 9th April 2003 shall cease to hold that office at the end of that day.".

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the General Dental Council (Constitution) Order 2002 ("the principal Order") so as to provide for the term of office of members of the General Dental Council, by inserting a new article 3A into the principal Order. It also adds new articles 3B and 3C so as to provide for the termination of membership of the Council and for the filling of any such vacancies.

It also provides that the term of office of members of the new Council shall begin on 10th April 2003 and the term of office of members of the old Council shall end on the previous day.

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