
STATUTORY INSTRUMENTS

1984 No. 2010

DENTISTS

**The General Dental Council Health Committee (Procedure) Rules
Order of Council 1984**

Made - - - - - 21st December 1984
Coming into Operation 1st January 1985

At the Council Chamber, Whitehall, the 21st day of December 1984

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

Whereas in pursuance of paragraph 2 of Schedule 3 to the Dentists Act 1984 **(a)**, the General Dental Council have made the General Dental Council Health Committee (Procedure) Rules 1984:

And whereas by sub-paragraph (4) of the said paragraph such Rules shall not come into force until approved by order of the Privy Council:

Now, therefore, Their Lordships, having taken the said Rules into consideration, are pleased to approve the same as set out in the Schedule to this Order.

This Order may be cited as the General Dental Council Health Committee (Procedure) Rules Order of Council 1984, and shall come into operation on 1st January 1985.

G. I. de Deney,
Clerk of the Privy Council.

(a). 1984 c.24.

SCHEDULE

THE GENERAL DENTAL COUNCIL HEALTH COMMITTEE
(PROCEDURE) RULES 1984

PART I

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Times of meetings of the Committee
4. Appointment of medical assessors and medical examiners

PART II

ARRANGEMENTS FOR THE INITIAL CONSIDERATION OF CASES

5. Appointment of member to conduct initial consideration of cases
6. Information raising a question as to a dentist's fitness to practise
7. Medical examination
8. Action following reports of medical examination
9. Provisions applying when a case has been referred to the Committee by the Preliminary Proceedings Committee or by the Professional Conduct Committee

PART III

INITIAL HEARING BY THE HEALTH COMMITTEE

10. Notice of referral
11. Evidence to be given orally
12. Medical assessors
13. Preliminary circulation of evidence
14. Postponement of inquiry
15. Cancellation of inquiry
16. Opening of inquiry
17. Presentation of the case
18. Calling of witnesses where no previous notice has been given
19. Presentation of the dentist's case
20. Adjournment for further medical reports
21. Postponement of finding
22. Determination of the Committee
23. Direction for suspension of registration
24. Announcement of determination
25. Provision for resumed hearings
26. Cases referred by the Preliminary Proceedings Committee or the Professional Conduct Committee: dentist's fitness to practise found not to be seriously impaired

PART IV

RESUMED HEARINGS BY THE HEALTH COMMITTEE

27. Direction for resumed hearing
28. Notice of resumed hearing
29. Medical assessors at resumed hearing
30. Procedure at resumed hearing
31. Validity of proceedings

PART V

GENERAL

32. Adjournment of proceedings
33. Deliberation in camera
34. Evidence
35. Voting
36. Postal service of documents
37. Notes and transcript of proceedings

FIRST SCHEDULE

Provisions as to meetings of the Committee

SECOND SCHEDULE

Medical examiners and medical assessors

PART I

PRELIMINARY

Citation and commencement

1. These rules may be cited as the General Dental Council Health Committee (Procedure) Rules 1984, and shall come into operation on 1st January 1985.

Interpretation

2. In these rules, unless the context otherwise requires:

“the Act” means the Dentists Act 1984;

“the Committee” means the Health Committee constituted in accordance with the provisions of section 2 of the Act;

“complainant” means the body or person providing information to the Council which raises a question whether the fitness of a dentist to practise is seriously impaired by reason of his physical or mental condition;

“the Council” means the General Dental Council;

“defence society” means the Medical Defence Union, the Medical Protection Society, or the Medical and Dental Defence Union of Scotland;

“dentist” means a registered dental practitioner whose fitness to practise is the subject of inquiry under these rules;

“the Legal Assessor” means an assessor appointed by the Council under paragraph 5(1) of Schedule 3 to the Act;

“medical adviser” means, in relation to the dentist as defined in this rule, any registered medical practitioner (but not more than one) whom the dentist has consulted as a patient in regard to his own health and whom the dentist elects to treat as his medical adviser for the purpose of proceedings under these rules;

“medical assessor” means a person chosen by the President as provided in the Second Schedule to the rules to give advice under these rules;

“medical examiner” means a person chosen as provided in the Second Schedule to the rules either by the President to examine and report on a dentist under rules 6, 7 and 8, or by the Committee under rule 20 or 25;

“person acting in a public capacity” means an officer of a Health Authority, Health Board or Board of Governors of a Hospital, or of a Local Medical or Dental Committee or Hospital Medical Staff Committee, or of a Government Department or of a local or public authority, or of any of the dental authorities (i.e. university or other body granting dental diplomas) acting as such, or any person holding judicial office, or any officer attached to a Court, or the Solicitor;

“Preliminary Proceedings Committee” and “Professional Conduct Committee” respectively mean the Committees of those names constituted under Part II of Schedule 3 to the Act;

“the President” means the President of the Council and includes any other member appointed under rule 5(2);

“the Register” means the Dentists Register;

“the Registrar” means the Registrar of the Council;

“the Solicitor” means the person who for the time being holds the appropriate office on behalf of the Council.

Times of meetings of the Committee

3. The provisions of the First Schedule to these rules shall have effect as to the times of meetings of the Committee, and the mode of summoning members.

Appointment of medical assessors and medical examiners

4. The provisions of the Second Schedule to these rules shall have effect as to the nomination of medical assessors and medical examiners and the selection of a particular person to act as a medical assessor or medical examiner in any case, and the duties of medical assessors.

PART II

ARRANGEMENTS FOR THE INITIAL CONSIDERATION OF CASES

Appointment of member to conduct initial consideration of cases

5.—(1) No case shall be considered by the Committee unless it has been referred either:

- (a) by the President; or
- (b) by the Preliminary Proceedings Committee in accordance with paragraph 3(2) of Schedule 3 to the Act; or
- (c) by the Professional Conduct Committee in accordance with paragraph 3(2) of Schedule 3 to the Act.

(2) The Council shall appoint the President or, if he does not wish to be so appointed, some other member nominated by him, to undertake the initial consideration of cases under rules 6 to 8. Where a member of the Council has been appointed in place of the President for the purpose of this rule, references in these rules to the President shall be construed as references to such member.

(3) Without prejudice to the generality of the foregoing paragraph, if at any time the President is absent or unable to act, anything authorised or required by these rules to be done by the President may be done by any other member of the Council authorised in that behalf by the President or (if the President be unable to give authority) authorised by the Council.

Information raising a question as to a dentist's fitness to practise

6.—(1) Where information in writing is received by the Registrar about any dentist which raises a question whether the fitness to practise of the dentist is seriously impaired by reason of his physical or mental condition the Registrar shall submit the information to the President.

(2) If the information has not been received from a person acting in a public capacity the President may require the informant to supply one or more statutory declarations or other affidavits in support thereof; and may require such declaration or affidavit to state the address and description of the deponent and the grounds for his belief in the truth of any fact therein which is not within his personal knowledge.

(3) On receipt of the information the President may cause such inquiries to be made in relation to the matter as he may think fit. The President may, if he considers it necessary to assist him in arriving at a decision, obtain an opinion from a medical assessor selected by him on the information and evidence which he has received.

(4) Unless it appears to the President that the matter need not proceed further he shall, subject to the provisions of paragraphs (5) to (7) of this rule, direct the Registrar to send a notice by recorded delivery to the dentist:

- (a) informing him that information has been received which appears to raise a question as to whether his fitness to practise is seriously impaired by reason of his physical or mental condition and indicating the nature of the alleged condition;
- (b) inviting him to agree within 14 days to submit to examination by at least two medical examiners to be chosen by the President and to agree that such examiners should furnish to the President reports on his fitness to practise;
- (c) informing him that it is also open to him to nominate other medical practitioners to examine him and report to the President on his fitness to practise;
- (d) inviting him to submit any observations or other evidence which he may wish to offer as to his fitness to practise; and
- (e) informing him that if he does not reply within 28 days or fails without proper cause to submit to medical examination, the matter may be referred to the Committee forthwith.

(5) If in any case the information received by the Council includes reports on the dentist by two or more medical practitioners who have recently examined him, and it appears to the President that such reports afford sufficient medical evidence that the dentist's fitness to practise may be seriously impaired by reason of a physical or mental condition, paragraph 4(b) of this rule shall not apply and the President shall instead cause the Registrar to include with the notice sent to the dentist under paragraph (4) copies of these reports.

(6) Subject to the provisions of paragraph (7) of this rule the President may direct the Registrar to enclose with any notice sent under paragraph (4) of this rule a summary of the information received by the Council and copies of any reports on the dentist by medical practitioners who have recently examined him.

(7) If in the opinion of the President such reports contain any material which is not relevant to the present fitness to practise of the dentist, or which it would not be in the best interests of the dentist to see, the President may direct the Registrar to exclude such material from the documents sent to the dentist under this rule. Any material so excluded shall not subsequently be presented to the Committee.

(8) If the dentist:

- (a) does not within 28 days (or such further period as the President may allow) reply to any notice sent to him under paragraph (4) above, or
- (b) has refused or failed without proper cause to submit to a medical examination in accordance with paragraph (4)(b) of this rule,

the President may, subject to the provisions of paragraph (7) of this rule, refer the case to the Committee.

Medical examination

7.—(1) If the dentist agrees to submit to medical examination in response to an invitation sent under rule 6(4)(b) and (c) the Registrar shall make arrangements for such examination. The medical examiners shall be chosen by the President.

(2) The Registrar shall send to the chosen medical examiners and to any other medical practitioners nominated under rule 6(4)(c) the information received by the Council and shall ask them to report on the fitness of the dentist to engage in practice, either generally or on a limited basis, and on the management of his case which they recommend.

Action following reports of medical examination

8.—(1) Subject to the provisions of paragraph (2) of this rule the President shall cause the Registrar to send copies of the reports received from the medical examiners, including any reports by medical practitioners nominated by the dentist under rule 6(4)(c), to the dentist.

(2) If in the opinion of the President the reports, other than any made by a medical practitioner nominated by the dentist under rule 6(4)(c), contain any material which is not relevant to the present fitness to practise of the dentist or which it would not be in the best interests of the dentist to see, the President may direct the Registrar to delete such material from the reports. No material so excluded shall subsequently be presented to the Committee.

(3) Where in any case it appears to the President that there is insufficient evidence that the dentist is not fit to practise, or is not fit to practise except on a limited basis, or under medical supervision the dentist and the complainant shall be so informed.

(4)(a) If the medical practitioners who have examined the dentist report unanimously that he:—

- (i) is not fit to practise, or
- (ii) is not fit to practise except on a limited basis or under medical supervision or both, or
- (iii) suffers from a recurring or episodic physical or mental condition which, although at the time of the examination is in remission, is liable in future to render him unfit to practise or unfit to practise except on a limited basis or under medical supervision or both,

the President shall refer the matter to the Committee and shall direct the Registrar to inform the dentist by letter of the opinion reached as to his physical or mental condition, and to invite him to attend a meeting of the Committee.

(b) The foregoing sub-paragraph shall also have effect notwithstanding any difference of opinion among the medical practitioners who have reported if it appears to the President, after considering their reports, that the dentist may not be fit to practise or may not be fit to practise except on a limited basis or under medical supervision or both, or suffers from a recurring or episodic physical or mental condition which can be expected in future to render him unfit to practise.

(c) A letter under paragraph (4)(a) shall be sent by registered post or by personal service to the dentist at his address on the Register or to his last known or any other address if it appears to the Registrar that a letter so addressed is more likely to reach him.

(5) Before referring a case to the Committee under this rule the President may, if he considers it necessary to assist him in arriving at a decision, obtain an opinion from a medical assessor selected by him on the information and evidence which he has received: provided that if the President considers that in the public interest it is urgent that any such case should be referred to the Committee, he may refer the case before consulting a medical assessor.

Provisions applying when a case has been referred to the Committee by the Preliminary Proceedings Committee or by the Professional Conduct Committee

9.—(1) Where a case has been referred to the Committee by the Preliminary Proceedings Committee or by the Professional Conduct Committee the President may, if he thinks fit, direct the Registrar to invite the dentist to submit to examination, before his case is considered by the Committee, by at least two medical examiners to be chosen by the President and to agree that such examiners should furnish to the Committee reports on his fitness to practise, and to inform him that it is also open to him to nominate another medical practitioner to examine him and to report to the Committee on him.

(2) If the dentist agrees to submit to examination as aforesaid the Registrar shall make arrangements for such examination and any reports received shall be referred to the Committee, together with the information on which the Preliminary Proceedings Committee or the Professional Conduct Committee, as the case may be, decided to refer the case.

PART III

INITIAL HEARING BY THE HEALTH COMMITTEE

Notice of referral

10.—(1) Subject to the foregoing rule, as soon as may be after a case has been referred to the Committee, the Registrar shall send to the dentist a “notice of referral” which shall:

- (a) indicate the physical or mental condition by reason of which it is alleged that his fitness to practise is seriously impaired;
- (b) state the day, time and place at which the Committee will meet to consider the matter;
- (c) indicate that it is open to him to be represented as provided in rule 16(2) and also to be accompanied by his medical adviser;
- (d) invite the dentist to state whether he proposes to attend the inquiry; and
- (e) inform him that he may call witnesses in his defence with or without notice.

(2) Subject to the provisions of paragraph (3) the Registrar shall send with any notice of referral a copy of these rules and copies of any reports and other information which it is proposed to present to the Committee, other than reports of which copies have already been sent to the dentist under rules 6(6) and 8(1).

(3) The provisions of rule 8(2) shall apply to any reports or information sent under the foregoing paragraph.

(4) Except with the agreement of the dentist no case shall be referred for consideration at any date earlier than 28 days after the date of posting the notice of referral.

(5) A notice of referral shall be sent by registered post or by personal service to the dentist at his address on the Register or to his last known or any other address if it appears to the Registrar that a notice so addressed is more likely to reach him.

(6) The Registrar shall notify the complainant of the day, time and place of the hearing, and inform him of his rights to be heard, and represented.

Evidence to be given orally

11. Subject to rule 10(4) above, not less than 28 days before the date on which the case is to be considered the Registrar shall inform the dentist in writing:

- (a) what part or parts of the information or of the findings or opinions contained in the medical reports the Solicitor will require to be given orally in evidence before the Committee (either on behalf of the Council or on behalf of the dentist); and
- (b) that he will be required to state not less than 14 days before the date when the case is to be considered by the Committee what part or parts of the information or of the findings and opinions contained in the medical reports he will require to be given orally in evidence before the Committee, regardless of whether the Solicitor has indicated under paragraph 11(a) above that he wishes to call evidence orally.

Medical assessors

12. The President shall arrange for one or more medical assessors to attend the meeting of the Committee called to consider a case.

Preliminary circulation of evidence

13. Before the meeting of the Committee the Registrar shall send to each member of the Committee, and to the medical assessors chosen to advise the Committee on the case, copies of the notice of referral, of the information and report sent to the dentist under rule 10(2), of any medical reports received in accordance with rules 8 and 9, and of any observations or other evidence submitted by or on behalf of the dentist.

Postponement of inquiry

14.—(1) The President may if he thinks fit postpone the holding of the first hearing of a case to such later date or such later meeting of the Committee as he may determine.

(2) The Registrar shall, as soon as may be, send notification to the dentist and complainant of any decision to postpone a hearing, and shall inform him at that time or subsequently of the date of the postponed hearing.

Cancellation of inquiry

15.—(1) If it appears to the President, after a case has been referred to the Committee, that the inquiry should not be held, he may make a direction to this effect provided that in any case referred to the Committee by the Preliminary Proceedings Committee or the Professional Conduct Committee the President shall so direct only after consultation with the present members of the committee which referred the case and in accordance with the opinion of those members, or the majority of their opinions (including his own opinion).

(2) Where the opinions of the members of the Preliminary Proceedings Committee or the Professional Conduct Committee (including the opinion of the President) are equally divided the question shall be deemed to have been resolved in favour of the dentist, and the President shall direct that the inquiry shall not be held.

(3) Where the President directs that the inquiry should not be held and at the time of the direction no notice of referral or resumed hearing has been sent, rules 10 and 28 shall not have effect.

(4) As soon as may be after the giving of any such direction the Registrar shall send notification thereof to the dentist and to the complainant. Such notification may, at the discretion of the President, include reasons for the cancellation of the inquiry.

Opening of Inquiry

16.—(1) The Committee shall sit in private.

(2) The dentist shall be entitled to be present while his case is considered, and may also be represented or accompanied by an officer of his defence society or of any other organisation of which he is a member, or by counsel or solicitor, or by any member of his family, and may be accompanied by his medical adviser. Provided that this paragraph shall not entitle the dentist to

be represented or accompanied by any person from whom oral evidence is to be required under rules 17 to 19.

(3) The Registrar shall inform the Committee:

- (a) if the dentist has failed to reply within 28 days to a notice sent to him under rule 6(4) or to a letter sent to him for the purpose of rule 9(1); or
- (b) if the dentist has failed to submit to examination under rule 6(4) or under rule 9(1).

(4) Where the dentist is neither present nor represented the Registrar shall give the Committee such information he may have as to whether or not the notice of referral has been effectively served on the dentist. If the Committee are satisfied that the notice has been served the inquiry may proceed if the Committee think fit. If the Committee are not satisfied that the notice has been served they may

- (a) if in their opinion all reasonable efforts have been made to serve the notice, proceed with the inquiry; or
- (b) if they are of the opinion that further efforts should be made to serve the notice, adjourn the meeting to a later date for this purpose; or
- (c) in any other case, adjourn the meeting indefinitely, or refer the case back to the President, or decide to cancel the inquiry.

(5) The Solicitor may be represented by counsel.

(6) The complainant shall be entitled to be present while the case is considered and may be represented by a solicitor or by counsel.

Presentation of the case

17.—(1) If the Committee have determined to proceed with the inquiry the Chairman shall invite the Solicitor to open the case and to present the evidence by reason of which it is alleged that the dentist's fitness to practise is seriously impaired.

(2) If in any case before the opening of the inquiry the Solicitor has under rule 11(a) required, or the dentist has within the period indicated in rule 11(b) required, that all or part of the information or reports be supported by oral evidence, then the persons on whose testimony or opinion such information or reports depend shall be called as witnesses. Such witnesses shall be examined by the Solicitor, may be examined by the complainant or his representative, may be cross-examined by the dentist or his representative, may be questioned by the Committee and, with the leave of the Chairman, by any medical assessor.

Calling of witnesses where no previous notice has been given

18. If in any case where no prior notice has been given by or on behalf of the dentist that he will require all or part of the evidence forming part of the case against him to be given orally, the dentist or his representative nevertheless indicates at the hearing that he requires witnesses to appear to give such evidence, the Committee shall consult the Legal Assessor whether in the interests of justice they should adjourn the hearing in order to secure the attendance of such persons as witnesses or whether they may properly proceed with the hearing without taking such oral evidence.

Presentation of the dentist's case

19.—(1) At the conclusion of any oral evidence given as aforesaid the Chairman shall invite the dentist or his representative to address the Committee and to adduce evidence as to the dentist's fitness to practise. Any witnesses called on behalf of the dentist shall be examined by the dentist, may be cross-examined by the complainant or the Solicitor, may be questioned by the Committee and, with the leave of the Chairman, by any medical assessor.

(2) Where any evidence has been called on behalf of the dentist (including any evidence given by the dentist himself) the Chairman shall invite the complainant or the Solicitor to address the Committee.

(3) The dentist or his representative may then address the Committee for a second time.

Adjournment for further medical reports

20. At the conclusion of proceedings under the foregoing rules the Committee may adjourn the case in order to obtain further medical reports or other evidence as to the physical or mental condition of the dentist or for any other reason.

Postponement of finding

21. If the Committee do not think fit to adjourn the case under the foregoing rule they shall consider whether to postpone their finding as to the dentist's fitness to practise.

Determination of the Committee

22.—(1) If the Committee do not think fit to adjourn the case or postpone their finding under rules 20 and 21 they shall consider and determine whether they judge the fitness to practise of the dentist to be seriously impaired by reason of his physical or mental condition.

(2) In reaching their judgement the Committee shall be entitled to take account of the dentist's current physical and mental condition, or a continuing and episodic condition, or a condition which, although currently in remission, may be expected to cause recurrence of serious impairment.

(3) Where the practitioner has refused or, in the opinion of the Committee has failed without reasonable cause to submit to medical examination in accordance with rule 6(4)(b) or rule 9 the Committee shall be entitled, if they think fit, to find that the dentist's fitness to practise is seriously impaired on the basis of the information before them and the dentist's refusal or failure to submit to medical examination.

(4) If the Committee judge the dentist's fitness to practise to be seriously impaired, they shall next consider and determine whether it shall be sufficient to direct that the registration of the dentist shall be conditional on his compliance, during such period not exceeding three years as the Committee may specify, with such requirements as the Committee may think fit to impose for the protection of members of the public or in his interests.

(5) If the Committee so determine they shall then consider and decide what conditions (of whatever nature) shall be imposed in accordance with section 28(1)(b) of the Act and the Committee may impose more than one condition under this paragraph.

Direction for suspension of registration

23.—(1) If the Committee decide that it is not sufficient to impose conditions on the dentist's registration they shall direct that the registration of the dentist shall be suspended in accordance with section 28(1)(a) of the Act for such period not exceeding 12 months as the Committee may determine.

(2) If in any case the Committee determine to suspend the registration of a dentist, the Committee shall also consider and determine whether in accordance with section 30(3) of the Act, it is necessary for the protection of members of the public or would be in the best interests of the dentist to order that his registration shall be suspended forthwith.

Announcement of determination

24. The Chairman shall announce the determination or determinations of the Committee under rules 22 and 23 in such terms as the Committee may approve.

Provision for resumed hearings

25.—(1) In any case in which the Committee have adjourned the case or postponed their finding or imposed conditions on, or suspended, the registration of the practitioner for a period they shall, when announcing such decision, intimate that they will, at a meeting to be held before the end of such period, resume consideration of the case.

(2) The Committee may also indicate the medical evidence of the dentist's fitness to practise, or other evidence, which they will require at the resumed hearing. Such evidence may include one or more reports from medical or dental practitioners who have treated and/or supervised the dentist since the time of the original hearing.

(3) The Committee may also require the dentist to submit to examination by one or more medical examiners chosen by or on behalf of the Committee.

Cases referred by the Preliminary Proceedings Committee or the Professional Conduct Committee: dentist's fitness to practise found not to be seriously impaired

26. If in any case referred by the Preliminary Proceedings Committee or the Professional Conduct Committee, the Committee judge that the fitness to practise of the dentist is not seriously impaired by reason of his physical or mental condition they shall certify such opinion to the Committee that made the reference, and notify the dentist.

PART IV

RESUMED HEARINGS BY THE HEALTH COMMITTEE

Direction for resumed hearing

27.—(1) If, in any case where the Committee have suspended the registration of the dentist, or imposed conditions upon his registration or have adjourned the case or postponed their finding, it appears to the President that the Committee should resume consideration of the case at an earlier meeting or date than that specified by the Committee, the President may direct the Registrar to notify the dentist that the Committee will resume consideration of the case at such earlier meeting or date as the President shall determine.

(2) Without prejudice to the generality of the foregoing paragraph, where in any case the Committee have imposed conditions upon a dentist's registration, and it appears to the President from information subsequently received that the dentist is in a material respect not complying with such conditions, the President may exercise his powers under the foregoing paragraph.

(3) Before exercising his powers under paragraph (1) above, the President may invite the dentist to submit to further medical examination as provided in rule 25(2).

(4) In any case in which the President has given a direction under paragraph (1) of this rule, the Committee shall then resume consideration of the case at the meeting determined by the President notwithstanding their earlier decision.

Notice of resumed hearing

28.—(1) Where under any of the foregoing rules the Committee have adjourned the case (except in the case of adjournment for less than 28 days), or have postponed their finding or have imposed conditions upon the registration of the dentist or have directed that his registration shall be suspended, or where the President has given a direction under rule 27, the Registrar shall send to the dentist a notice which shall:

- (a) specify the date, time and place at which the proceedings are to be resumed and invite him to appear thereat;
- (b) in any case where the President has exercised his powers under rule 27 state the nature of the information in consequence of which he has exercised his powers;
- (c) if the Committee or the President have so directed, invite the dentist to submit to examination by the medical examiners chosen by the Committee or by the President;
- (d) if the Committee have so directed, invite the dentist to furnish the names and addresses of medical practitioners or other persons to whom the Committee will be able to apply for confidential information as to their knowledge of his fitness to practise since the time of the original inquiry.

(2) Except with the agreement of the dentist, the proceedings shall not be resumed at any date earlier than 28 days after the date of posting the notice of resumed proceedings.

(3) Paragraphs (1)(c) to (e), (2), (5) and (6) of rule 10 shall apply to the sending of notices under this rule.

(4) A request under rule 11 shall only apply to evidence which has not previously been considered by the Committee.

Medical assessors at resumed hearing

29. In choosing medical assessors to assist the Committee at any resumed hearing the President shall have regard to any opinion expressed by the Committee at the previous hearing as to the nature of the matters on which medical advice would be useful.

Procedure at resumed hearing

30. At any resumed hearing the procedure shall be that provided by rules 12 to 24 for the original hearing and the Committee may exercise any power which under those rules they could have exercised at the original hearing save that:

- (a) the Committee shall not extend any period of conditional registration for more than 12 months on any resumed hearing; and
- (b) the Committee may revoke any previous direction for conditional registration or revoke or vary the conditions previously imposed on the dentist's registration.

Validity of proceedings

31. Subject to the provisions of the Act, the validity of any resumed proceedings of the Committee shall not be called into question by reason only that members of the Committee who were present at any former meeting were not present at the resumed meeting, or that members present at the resumed meeting were not present at any former meeting.

PART V

GENERAL

Adjournment of proceedings

32. The Committee may adjourn any of their proceedings or meetings from time to time as they think fit.

Deliberation in camera

33. Subject to the provisions of these rules the Committee may deliberate in camera at any time and for any purpose during any proceedings and for such purpose may exclude the dentist, his representatives and his medical adviser and the complainant and his representatives.

Evidence

34.—(1) Subject to the provisions of rules 11, 17(2) and 18 the written evidence sent to the dentist in accordance with rule 10(2) shall be admissible in documentary form without the necessity of calling witnesses to give that evidence orally.

(2) Subject to paragraph (1) above the Committee may at their discretion at any hearing receive oral, documentary or other evidence of any fact or matter which appears to them relevant to the inquiry into the case before them and the time limits imposed by rule 11 shall not apply to such evidence:

Provided that, where any fact or matter is tendered as evidence which would not be admissible as such if the proceedings were criminal proceedings in England, the Committee shall not receive it unless, after consultation with the Legal Assessor, they are satisfied that its reception is desirable to enable them to perform their duty.

Voting

35. The following provisions shall have effect as to the taking of the votes of the Committee on any question to be determined by them:

(1) The Chairman of the Committee shall call upon the members present to signify their votes by raising their hands, signify his own vote, and declare the way in which the question appears to him to have been determined.

(2) If the result so declared by the Chairman is challenged by any member, the Chairman shall:

- (a) call upon each member individually to declare his vote,
- (b) announce his own vote, and
- (c) announce the number of members of the Committee who have voted each way and the result of the vote.

(3) If the votes are equal, the question shall be deemed to have been resolved in favour of the dentist.

Postal service of documents

36. Without prejudice to any requirement of these rules as to the service of documents by registered post, any notice authorised or required by these rules may be sent by post.

Notes and transcript of proceedings

37.—(1) A shorthand writer shall be appointed by the Registrar to take shorthand notes of the proceedings of the Committee.

(2) The dentist shall, on application to the Registrar and on payment of the proper charges, be furnished with a transcript of the shorthand notes of any part of the proceedings at which the dentist was entitled to be present, whether he was present or not.

FIRST SCHEDULE

Provisions as to meetings of the Committee

1. The Committee shall meet on such days as the Chairman, Committee or Council may determine and at such time as the Chairman may determine.

2. Members of the Committee shall be summoned to meetings of the Committee by the Registrar, by notice addressed to each member. Except in the case of a meeting held to resume the hearing of a case which has been adjourned or postponed for less than 28 days such notice shall be sent out not less than 7 days before the meeting to which it relates.

SECOND SCHEDULE

Medical examiners and medical assessors

1. Subject to paragraph 3 of this Schedule medical examiners and medical assessors shall be chosen by the President or by the Committee from persons nominated by the following Bodies as appropriate:

The Royal Colleges and their Faculties

The Central Committee for Hospital Medical Services of the British Medical Association

The General Medical Services Committee of the British Medical Association

2. The Council may from time to time determine the minimum number of persons to be nominated in respect of each branch of medicine, the periods for which nominations shall be made, and the intervals at which the lists of those nominated shall be revised, and may give directions as to the nomination of persons on a geographical basis. The Council may also determine from time to time the scale of remuneration of medical examiners and medical assessors.

3. In choosing medical examiners and medical assessors to act in relation to particular cases, the President or Committee shall have regard to the nature of the physical or mental condition which is alleged to impair the dentist's fitness to practise.

4. (a) It shall be the duty of the medical assessors to be present at the proceedings before the Committee for which they have been chosen to act and to advise the Committee on the medical significance of the evidence before the Committee.

(b) Medical assessors shall give such advice on questions referred to them by the Committee, and shall also advise the Committee of their own motion if it appears to them that, but for such advice, there is a possibility of a mistake being made in judging the medical significance of such evidence (including the absence of evidence) on any particular matter relevant to the fitness to practise of the dentist.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Rules approved by this Order provide for the reference of cases to the Health Committee established under section 2(4) of the Dentists Act 1984 and for the procedure to be followed and the rules of evidence to be observed in proceedings before the Committee. They also provide for the times and places of meetings of the Committee, the mode of summoning the members, for the selection of medical examiners and assessors to advise the Committee, and to assist the President in the initial consideration of cases.

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