

SCHEDULE 6

Article 49

Minor and consequential amendments

PART 1

Primary Legislation

**The National Health Service Act 1977**

1.—(1) The National Health Service Act 1977(1) is amended as follows.

(2) In section 35(2) (arrangements for general dental services)—

(a) for subsection (3) substitute—

“(3) Subsection (3B) applies where the registration of a dental practitioner in the dentists register is suspended—

(a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or

(b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(3A) For the purposes of subsection (3), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

(a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);

(b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or

(c) both those grounds.

(3B) Where this subsection applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.”; and

(b) in subsection (4), for “is so suspended” substitute “is suspended as described in subsection (3)”.

(3) In section 41(3) (arrangements for pharmaceutical services), for paragraph (c) of subsection (3) substitute—

“(c) persons who are registered in the dental care professionals register established under section 36B of the Dentists Act 1984;”.

(4) In Schedule 5 (Health Authorities and Special Health Authorities), for sub-paragraph (2A) of paragraph 10(4) substitute—

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(1) 1977 c. 49.

(2) Section 35(3) and (4) were inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 15(a), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraph 8; and section 35 is prospectively repealed by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 172(2).

(3) Section 41 was substituted by the Health and Social Care Act 2001 (c. 15), section 42.

(4) Sub-paragraph (2A) of paragraph 10 was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 15(b), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraphs 8 and 10.

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“(2A) Sub-paragraph (2C) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(2B) For the purposes of sub-paragraph (2A), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(2C) Where this sub-paragraph applies, the suspension shall not terminate any contract of employment made between the dental practitioner and an authority, but a person whose registration is so suspended shall not perform any duties under a contract made between him and an authority which involves the practice of dentistry within the meaning of the Dentists Act 1984.”

(5) In Schedule 5A(5) (Primary Care Trusts), for paragraph 10A(6) substitute—

“**10A.**—(1) Sub-paragraph (3) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(2) For the purposes of sub-paragraph (1), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(3) Where this sub-paragraph applies, the suspension shall not terminate any contract of employment made between the dental practitioner and a Primary Care Trust, but a person whose registration is so suspended shall not perform any duties under a contract made between him and a Primary Care Trust which involves the practice of dentistry within the meaning of the Dentists Act 1984.”

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(5) Schedule 5A was inserted by the Health Act 1999 (c. 8), section 2(2) and Schedule 1.

(6) Paragraph 10A was inserted by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 2(5) and Schedule 2, Part I, paragraph 37.

## **The National Health Service (Scotland) Act 1978**

2.—(1) The National Health Service (Scotland) Act 1978(7) is amended as follows.

(2) In section 25(8) (arrangements for provision of general dental services)—

(a) for subsection (4) substitute—

“(4) Subsection (4B) applies where the registration of a dental practitioner in the dentists register is suspended—

(a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or

(b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(4A) For the purposes of subsection (4), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

(a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);

(b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or

(c) both those grounds.

(4B) Where this subsection applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.”; and

(b) in subsection (5), for “is so suspended” substitute “is suspended as described in subsection (4)”.

(3) In section 27(9) (arrangements for provision of pharmaceutical services), for paragraph (c) of subsection (1A) substitute—

“(c) persons who are registered in the dental care professionals register established under section 36B of the Dentists Act 1984;”.

(4) In Schedule 1 (Health Boards), for paragraph 6A(10) substitute—

“6A.—(1) Sub-paragraph (3) applies where the registration of a dental practitioner in the dentists register is suspended—

(a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or

(b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(2) For the purposes of sub-paragraph (1), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

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(7) 1978 c. 29.

(8) Section 25(4) and (5) were inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 16(a), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraph 12.

(9) Section 27 was amended by the Health and Social Care Act 2001 (c. 15), section 44.

(10) Paragraph 6A was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 16(b), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraphs 12 and 14.

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- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(3) Where this sub-paragraph applies, notwithstanding paragraph 7 of this Schedule, the suspension shall not terminate any contract of employment made between the dental practitioner and a Health Board, but a person whose registration is so suspended shall not perform any duties under a contract made between him and a Health Board which involves the practice of dentistry within the meaning of the Dentists Act 1984.”.

#### **The Value Added Tax Act 1994**

3. In Schedule 9 to the Value Added Tax Act 1994(11) (exemptions), in Group 7 (health and welfare) for item 2(b) substitute—

- “(b) a person registered in the dental care professionals register established under section 36B of the Dentists Act 1984; or”.

#### **The National Health Service Reform and Health Care Professions Act 2002**

4. In section 29 of the National Health Service Reform and Health Care Professions Act 2002(12) (reference of disciplinary cases by Council to court), for paragraph (e) of subsection (1) substitute—

- “(e) a direction by the Professional Conduct Committee, the Professional Performance Committee or the Health Committee of the General Dental Council under any of sections 27B, 27C, 36P or 36Q of the Dentists Act 1984 following a determination that a person’s fitness to practise as a dentist or as a member of a profession complementary to dentistry, or class of members of such a profession, is impaired (other than a determination based solely on the ground mentioned in section 27(2)(c) or 36N(2)(c) of that Act (adverse physical or mental health)).”.

#### **The Income Tax (Earnings and Pensions) Act 2003**

5. In section 343(2) of the Income Tax (Earnings and Pensions) Act 2003(13) (deduction for professional membership fees), for paragraph 1(c) of the Table substitute—

- “(c) the dental care professionals register.”.

## **PART 2**

### **Secondary legislation**

#### **The Health and Personal Social Services (Northern Ireland) Order 1972**

6.—(1) The Health and Personal Social Services (Northern Ireland) Order 1972(14) is amended as follows.

- (2) In article 61 (arrangements for general dental services), for paragraph (2B)(15) substitute—

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(11) 1994 c. 23.

(12) 2002 c. 17. Section 29(1) was amended by S.I.2002/3135 and 2004/1771 and prospectively amended by S.I. 2005/848.

(13) 2003 c. 1; the Table was amended by S.I. 2003/1652, 2004/1360 and 2005/1091.

(14) S.I. 1972/1265 (N.I. 14).

(15) Paragraph (2B) was inserted by S.I. 1986/2229 (N.I.24).

“(2B) Paragraph (2BB) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(2BA) For the purposes of paragraph (2B), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(2BB) Where this paragraph applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.”.

(3) In Schedule 1 (Health and Social Services Boards), for sub-paragraph (2C) of paragraph 12(16) (officers) substitute—

“(2C) Sub-paragraph (2E) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(2D) For the purposes of sub-paragraph (2C), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(2E) Where this sub-paragraph applies, the suspension shall not terminate any contract of employment made between the dental practitioner and a Health and Social Services Board, but a person whose registration is so suspended shall not perform any duties under a contract made between him and a Health and Social Services Board which involves the practice of dentistry within the meaning of the Dentists Act 1984.”.

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(16) Sub-paragraph (2C) of paragraph 12 was inserted by S.I. 1986/2229 (N.I. 24).

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### **The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

7. In the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(17), in Part I of Schedule 1 (excepted professions), in paragraph 4, for “dental auxiliary” substitute “dental therapist”.

### **The National Health Service (General Dental Services) Regulations 1992**

8.—(1) The National Health Service (General Dental Services) Regulations 1992(18) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “continuing care arrangement” insert—

““dental care professional” means a person who is registered in the dental care professionals register established under section 36B of the Dentists Act 1984 (c. 24);”.

(3) In regulation 4 (dental list), in paragraph (2)(b)(iii), for “dental auxiliary whose work he directs” substitute “dental care professional who assists him in providing general dental services.”.

(4) In Part V (payments in consequence of suspension)—

(a) in regulation 23(a) (interpretation)—

(i) for the definition of “immediate suspension” substitute—

““immediate suspension” means suspension by virtue of an order under section 30(1) of the Dentists Act 1984 except suspension which is terminated by the court under section 30(7) of that Act;”, and

(ii) in the definition of “interim suspension order”, for “section 32” substitute “section 32(4)(a)”;

(b) for regulation 23(b) substitute—

“(b) a reference to a direction or order for health or performance related suspension means a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council for the suspension of a person’s registration under any of sections 27B, 27C or 30 of the Dentists Act 1984 following a relevant determination that that person’s fitness to practise is impaired; and for the purposes of this paragraph, a “relevant determination” that a person’s fitness to practise is impaired is a determination which is based solely on—

(i) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance),

(ii) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health), or

(iii) both those grounds.”;

(c) in regulation 24 (entitlement to payments), in paragraphs (1), (2)(a) and (3), for “of the Health Committee” substitute “for health or performance related suspension”; and

(d) in regulation 26 (amount and time of payments), in paragraphs (1)(a) and (4), for “of the Health Committee” substitute “for health or performance related suspension”.

(5) In Part IV of Schedule 1 (additional terms of service for all dentists)—

(a) for paragraph 29 substitute—

(17) S.I. 1975/1023.

(18) S.I. 1992/661; the relevant amending instruments are S.I. 1998/1648, 2001/289, 2133, 3963, 4000 and 2002/2469.

### **“Dental care professionals**

**29.** A dentist may in the provision of general dental services arrange for care and treatment to be given by dental care professionals, and shall ensure that such care and treatment is properly completed.”; and

- (b) in paragraph 31D (professional indemnity), in sub-paragraph (a), for “dental auxiliary whose work he directs” substitute “dental care professional who assists him in providing general dental services”.

(6) In Part V of Schedule 1 (additional terms of service for dentists other than salaried dentists), for paragraph 38 substitute—

### **“Dentists suspended under section 27B, 27C, 30 or 32 of the Dentists Act 1984**

**38.**—(1) Sub-paragraph (3) applies to a dentist whose registration in the register kept under section 14 of the Dentists Act 1984 is suspended—

- (a) by an interim suspension order under section 32 of that Act; or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that dentist’s fitness to practise is impaired.

(2) For the purposes of sub-paragraph (1), a “relevant determination” that a dentist’s fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(3) A dentist to whom this sub-paragraph applies shall secure that any dentist appointed by him to provide general dental services on his behalf during the period of the suspension of his registration shall be a dentist whose name is included in the dental list.”.

(7) In Part I of Schedule 2 (information and undertaking to be included in an application for inclusion in the dental list), in paragraph 15, for “dental auxiliary whose work the dentist intends to direct” substitute “dental care professional who the dentist intends will assist him in providing general dental services”.

### **The National Health Service Pension Scheme Regulations 1995**

**9.** In the National Health Service Pension Scheme Regulations 1995(**19**), in regulation A2 (interpretation)—

- (a) in the definition of “dental hygienist”, for “included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986” substitute “registered in the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental hygienist”; and
- (b) in the definition of “dental therapist”, for “included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986” substitute “registered in

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(19) S.I. 1995/300; the relevant amending instrument is S.I. 1998/2216.



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the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental therapist”.

### **The National Health Service Superannuation Scheme (Scotland) Regulations 1995**

**10.** In the National Health Service Superannuation Scheme (Scotland) Regulations 1995(20), in regulation A2 (interpretation), in paragraph (4)—

- (a) in the entry in the column containing the definition of “dental hygienist”, for “included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986” substitute “registered in the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental hygienist”; and
- (b) in the entry in the column containing the definition of “dental therapist”, for “included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986” substitute “registered in the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental therapist”.

### **The National Health Service (Injury Benefits) Regulations 1995**

**11.** In the National Health Service (Injury Benefits) Regulations 1995(21), in regulation 2(1) (interpretation)—

- (a) in the definition of “dental hygienist”, for “included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986” substitute “registered in the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental hygienist”; and
- (b) in the definition of “dental therapist”, for “included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986” substitute “registered in the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental therapist”.

### **The National Health Service (General Dental Services) (Scotland) Regulations 1996**

**12.—**(1) The National Health Service (General Dental Services) (Scotland) Regulations 1996(22) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “continuing care arrangement” insert—

““dental care professional” means a person who is registered in the dental care professionals register established under section 36B of the Dentists Act 1984 (c. 24);”.

(3) In regulation 4 (dental list), in paragraph (2)(b)(iii), for “dental auxiliary whose work he directs.” substitute “dental care professional who assists him in providing general dental services.”.

(4) In Part V (payment in consequence of suspension)—

(a) in regulation 26(a) (interpretation)—

- (i) omit the definition of “Health Committee”,
- (ii) for the definition of “immediate suspension” substitute—

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(20) S.I. 1995/365.

(21) S.I. 1995/866; the relevant amending instrument is S.I. 1998/2217.

(22) S.I. 1996/177; the relevant amending instruments are S.I. 1998/1663, S.S.I. 1999/51, S.I. 1999/724, S.S.I. 2000/188 and S.S.I. 2004/37.



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““immediate suspension” means suspension by virtue of an order under section 30(1) of the Dentists Act 1984 except such a suspension which is terminated by the court under section 30(7) of that Act;”, and

- (iii) in the definition of “interim suspension order”, for “section 32” substitute “section 32(4)(a)”;
- (b) for regulation 26(b) substitute—
  - “(b) a reference to a direction or order for health or performance related suspension means a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council for the suspension of a person’s registration under any of sections 27B, 27C or 30 of the Dentists Act 1984 following a relevant determination that that person’s fitness to practise is impaired; and for the purposes of this paragraph, a “relevant determination” that a person’s fitness to practise is impaired is a determination which is based solely on—
    - (i) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance),
    - (ii) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health), or
    - (iii) both those grounds.”;
  - (c) in regulation 27 (entitlement to payment), in paragraphs (1), (2)(a) and (3), for “of the Health Committee” substitute “for health or performance related suspension”; and
  - (d) in regulation 29 (amounts and times of payment), in paragraphs (1)(a) and (4), for “of the Health Committee” substitute “for health or performance related suspension”.
- (5) In Part IV of Schedule 1 (additional terms of service for all dentists)—
  - (a) for paragraph 29 substitute—

#### **“Dental care professionals**

- 29.** A dentist may in the provision of general dental services arrange for care and treatment to be given by dental care professionals, and shall ensure that such care and treatment is properly completed.”; and
- (b) in paragraph 31D (professional indemnity), in sub-paragraph (a), for “dental auxiliary whose work he directs” substitute “dental care professional who assists him in providing general dental services”.
- (6) In Part V of Schedule 1 (additional terms of service for dentists other than salaried dentists), for paragraph 38 substitute—

#### **“Dentists suspended under section 27B, 27C, 30 or 32 of the Dentists Act 1984**

- 38.**—(1) Sub-paragraph (3) applies to a dentist whose registration in the register kept under section 14 of the Dentists Act 1984 is suspended—
  - (a) by an interim suspension order under section 32 of that Act; or
  - (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that dentist’s fitness to practise is impaired.
- (2) For the purposes of sub-paragraph (1), a “relevant determination” that a dentist’s fitness to practise is impaired is a determination which is based solely on—

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- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(3) A dentist to whom this sub-paragraph applies shall secure that any dentist appointed by him to provide general dental services on his behalf during the period of the suspension of his registration shall be a dentist whose name is included in Part A of the dental list.”

(7) In Part I of Schedule 2 (information and undertaking to be included in an application for inclusion in Part A of the dental list), in paragraph 16, for “dental auxiliary whose work the dentist intends to direct” substitute “dental care professional who the dentist intends will assist him in providing general dental services”.

### **The National Health Service (Scotland) (Injury Benefits) Regulations 1998**

**13.** In the National Health Service (Scotland) (Injury Benefits) Regulations 1998<sup>(23)</sup>, in regulation 2(1) (interpretation)—

- (a) in the definition of “dental hygienist”, for “included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986” substitute “registered in the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental hygienist”; and
- (b) in the definition of “dental therapist”, for “included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986” substitute “registered in the dental care professionals register established under section 36B of the Dentists Act 1984 under the title of dental therapist”.

### **The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003**

**14.** In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003<sup>(24)</sup>, in Part 1 of Schedule 4 (excepted professions), in paragraph 4, for “dental auxiliary” substitute “dental therapist”.

### **The National Health Service (General Dental Services Supplementary List) and (General Dental Services) Amendment Regulations 2003**

**15.—(1)** The National Health Service (General Dental Services Supplementary List) and (General Dental Services) Amendment Regulations 2003<sup>(25)</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) in the definition of “Health Committee”, for “section 2(4)” substitute “section 2(1)”;
  - (b) after the definition of “Health Committee” insert—
 

““Interim Orders Committee” means the Interim Orders Committee of the General Dental Council constituted under section 2(2) of the Dentists Act;”;
  - (c) omit the definition of “Preliminary Proceedings Committee”;
  - (d) in the definition of “Professional Conduct Committee”, for “section 2(2)” substitute “section 2(1)”;

<sup>(23)</sup> S.I. 1998/1594.

<sup>(24)</sup> S.S.I. 2003/231.

<sup>(25)</sup> S.I. 2003/250.

- (e) after the definition of “Professional Conduct Committee” insert—
  - ““Professional Performance Committee” means the Professional Performance Committee of the General Dental Council constituted under section 2(2) of the Dentists Act;”.
- (3) In regulation 10 (removal from supplementary list)—
  - (a) for paragraph (1)(f) substitute—
    - “(f) is the subject of—
      - (i) a direction for erasure from the Dentists Register given by the Professional Conduct Committee, the Professional Performance Committee or the Health Committee under section 27B(6)(a) of the Dentists Act;
      - (ii) a direction or order for suspension of his registration from the Dentists Register given by any of those Committees under any of sections 27B, 27C or 30 of that Act; or
      - (iii) an order made by the Professional Conduct Committee, the Professional Performance Committee, the Health Committee or the Interim Orders Committee under section 32(4)(a) of that Act (interim suspension order); or”; and
  - (b) for paragraph (8) substitute—
    - “(8) In calculating the period of twelve months referred to in paragraph (7), the Primary Care Trust shall disregard any period during which—
      - (a) the person’s registration as a dental practitioner was suspended by an interim suspension order under section 32 of the Dentists Act;
      - (b) his registration as a dental practitioner was suspended by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee under any of sections 27B, 27C or 30 of that Act following a relevant determination that that person’s fitness to practise was impaired; or
      - (c) he was suspended under these Regulations.
    - (8A) For the purposes of paragraph (8), a “relevant determination” that a person’s fitness to practise was impaired is a determination which was based solely on—
      - (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act (deficient professional performance);
      - (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
      - (c) both those grounds.”.