

**EXPLANATORY MEMORANDUM TO
THE GENERAL DENTAL COUNCIL (CONSTITUTION) (AMENDMENT)
ORDER OF COUNCIL 2008**

2008 No. 3238

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This Order of the Privy Council makes an amendment to the General Dental Council (Constitution) Order of Council 2006 (the 2006 Order) which extends terms of office of the current members of the General Dental Council (GDC) from 9 April 2009 to 9 October 2009.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The White Paper Trust, Assurance and Safety put forward programme of reform to the system of regulation for the health care professions. The main emphasis of the reforms was to increase accountability of the Health Professions' Regulators whilst at the same time increasing their independence from Government.
 - 4.2 As part of the reforms, it is intended that the draft the Health Care and Associated Professions (Miscellaneous Amendments) Order 2009 (the 2009 HCAP Order) will be laid before Parliament in the New Year. This will insert new powers into the Dentists Act 1984 that will revise the constitutional arrangements for the GDC.
 - 4.3 The progress of the 2009 HCAP Order has been delayed. This has had the knock-on effect of delaying the proposed new constitutional arrangements for the GDC. Therefore it is proposed to extend the terms of office of the existing members of the GDC, pending the introduction of those proposed new constitutional arrangements. The 2008 Amendment Order will extend their terms of office from 9 April 2009 to 9 October 2009. This is a backstop date on or before which it is proposed to bring the proposed new constitutional arrangements for the GDC into force. The GDC have been fully consulted on this extension, and the reasons for it, and have given their approval to an extension of the terms of office of their Council until 9 October 2009.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The purpose of this change is to maintain continuity for the GDC during a period of transition and obviate the need for elections and appointments to a Council that should only be in existence for a matter of months. Bringing in a new membership for such a short period could be difficult to justify in public protection terms and could make it more difficult for the GDC to manage the transition to the proposed new constitutional arrangements.

- *Consolidation*

7.2 There are no plans to consolidate the 2006 Order. It will be replaced once the proposed new constitutional arrangements for the GDC are in place, the target date for which is summer 2009.

8. Consultation outcome

8.1 The changes have not been consulted upon because, aside from the extension of terms of office, no substantive legislative change is proposed. The indicated on 3 December 2008 their agreement to the extension.

9. Guidance

9.1 The Department of Health has not issued any guidance in relation to this Order.

10. Impact

10.1 There is minimal impact [ADD on] business, charities or voluntary bodies. There is no negative impact on equality issues.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The effect of this legislation will expire on 9 October 2009 and it will be subject to internal review before that date.

13. Contact

Niall McDermott at the Department of Health Tel: 0113 254 6873 or email: Niall.McDermott@dh.gsi.gov.uk can answer any queries regarding the instrument.