

SCHEDULE 1

Amendments relating to indemnity arrangements

PART 2

Amendments to the Dentists Act 1984

2. The Dentists Act 1984 ^{M1} is amended in accordance with this Part.

Marginal Citations

M1 1984 c. 24.

Amendment of section 18

3. In subsection (2) of section 18 ^{M2} (procedure for registration), after paragraph (b), insert—
- “(ba) the documents conferring, or evidencing that there is in force in relation to him or there will be as necessary for the purpose of complying with section 26A, appropriate cover under an indemnity arrangement.”.

Marginal Citations

M2 Amended by S.I. 1996/1496; S.I. 2005/2011 and S.I. 2007/3101.

Amendment of section 26A

4. For section 26A ^{M3}(insurance for dental practitioners), substitute—

“26A Indemnity arrangements

(1) A registered dentist who is practising as a dental practitioner must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.

(2) For the purposes of this section, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(3) For the purposes of this section, “appropriate cover”, in relation to practice as a dental practitioner, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) Rules may make provision in connection with the information to be provided to the registrar—

- (a) by or in respect of a person seeking registration in the register for the purpose of determining whether, if his name is entered in the register, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;

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- (b) by or in respect of a person seeking restoration of his name in the register for the purpose of determining whether, if his name is restored in the register, there will be in force in relation to him by the time he resumes practice an indemnity arrangement which provides appropriate cover; and
 - (c) by or in respect of a registered dentist seeking retention of his name in the register for the purpose of determining whether, if his name is retained in the register, there will continue to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (5) Rules may make provision requiring a registered dentist to inform the registrar if there ceases to be in force in relation to that dentist an indemnity arrangement which provides appropriate cover.
- (6) Rules may make provision requiring a registered dentist to inform the registrar if there is in force in relation to that registered dentist appropriate cover provided under an indemnity arrangement by an employer.
- (7) Rules made under subsection (4) may require the information mentioned there to be provided—
- (a) at the request of the registrar; or
 - (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to individual dental practitioners or dental practitioners of a particular description.
- (8) Where a person fails to comply with rules made under subsection (4), or there is a failure to comply with rules made under subsection (4) in relation to him, the registrar may—
- (a) refuse to register his name in the register;
 - (b) refuse to restore his name to the register; or
 - (c) erase his name from the register.
- (9) Where a registered dentist is in breach of subsection (1) or fails to comply with rules made under this section—
- (a) the registrar may erase that person's name from the register; or
 - (b) the breach or failure may be treated as misconduct for the purposes of section 27(2)(a) ^{M4}, and the registrar may accordingly refer the matter to the Investigating Committee under section 27(5)(a) ^{M5}.
- (10) Where a person's name has been erased from the register under subsection (8)(c) or (9)(a), that name shall be restored to the register on that person's application, if he satisfies the registrar that he meets the requirements of—
- (a) section 15(3)(a) to (c);
 - (b) this section; and
 - (c) any rules made under section 34B ^{M6} which apply to that person's case.
- (11) This section does not apply to a person who is registered by virtue of section 36 ^{M7} and Schedule 4 ^{M8} (visiting dentists from relevant European States).”

Marginal Citations

M3 Inserted by [S.I. 2005/2011](#).

M4 Substituted by [S.I. 2005/2011](#).

M5 Substituted by [S.I. 2005/2011](#).

M6 Substituted by [S.I. 2007/3101](#).

M7 Substituted by [S.I. 2007/3101](#).

M8 Substituted by [S.I. 2007/3101](#).

Amendment of section 36L

5. For section 36L^{M9} (insurance for members of professions complementary to dentistry), substitute—

“36L Indemnity arrangements

(1) A registered dental care professional who practises as a member of a profession complementary to dentistry must have in force, in relation to each title under which he is registered in the dental care professionals register, an indemnity arrangement which provides appropriate cover for practising as such.

(2) For the purposes of this section, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(3) For the purposes of this section, “appropriate cover”, in relation to practice as a member of a profession complementary to dentistry, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) Rules may make provision in connection with the information to be provided to the registrar—

- (a) by or in respect of a person seeking registration in the dental care professionals register under a particular title (whether or not that person is already registered in that register under any other title or titles) for the purpose of determining whether, if his name is entered in the register under that title, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;
- (b) by or in respect of a person seeking restoration of his name in the dental care professionals register under a particular title (whether or not that person is already registered in that register under any other title or titles) for the purpose of determining whether, if his name is restored in the register under a particular title, there will be in force in relation to him by the time he resumes practice an indemnity arrangement which provides appropriate cover; and
- (c) by or in respect of a registered dental care professional seeking retention of his name in the dental care professionals register under a particular title for the purpose of determining whether, if his name is retained in the register, there will continue to be in force in relation to him an indemnity arrangement which provides appropriate cover.

(5) Rules may make provision requiring a registered dental care professional to inform the registrar if there ceases to be in force in relation to him an indemnity arrangement which provides appropriate cover.

(6) Rules may make provision requiring a registered dental care professional to inform the registrar if there is in force in relation to him appropriate cover under an indemnity arrangement provided by an employer.

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(7) Rules made under subsection (4) above may require the information mentioned there to be provided—

- (a) at the request of the registrar; or
- (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to individual dental care professionals or dental care professionals of a particular description.

(8) Where in relation to any title in the dental care professionals register, a person fails to comply with rules made under subsection (4), or there is a failure to comply with rules made under subsection (4) in relation to him, the registrar may—

- (a) refuse to register his name in that register under that title;
- (b) refuse to restore his name to that register under that title; or
- (c) erase his name from that register under that title.

(9) Where a registered dental care professional is in breach of subsection (1) or fails to comply with rules made under this section—

- (a) the registrar may erase that person's name from the register: or
- (b) the breach or failure may be treated as misconduct for the purposes of section 36N(2)(a)^{M10}, and the registrar may accordingly refer the matter to the Investigating Committee under section 36N(5)(a)^{M11}.

(10) Where, under subsection (8)(c) or (9)(a), a person's name has been erased from the register under a particular title, that name shall be restored to the dental care professionals register under that title on that person's application, if he satisfies the registrar—

- (a) of Matter D within the meaning of section 36C^{M12}; and
- (b) that he meets the requirements of—
 - (i) this section, and
 - (ii) any rules made under section 36Z2^{M13} which apply to that person's case.

(11) This section does not apply to a person who is registered by virtue of section 36Z3^{M14} (visiting dental care professionals from relevant European States) .”.

Marginal Citations

- M9** Inserted by [S.I. 2005/2011](#).
- M10** Inserted by [S.I. 2005/2011](#).
- M11** Inserted by [S.I. 2005/2011](#).
- M12** Inserted by [S.I. 2005/2011](#).
- M13** Inserted by [S.I. 2005/2011](#).
- M14** Inserted by [S.I. 2007/3101](#).

Amendment of Schedule 4A

6. In Schedule 4A^{M15} (registration appeals: dental care professionals register) in paragraph 2(1) (e), for “section 36L(9)(a), (b) or (c)” substitute “ section 36L(8) or (9)(a). ”.

Marginal Citations

- M15** Inserted by [S.I. 2005/2011](#).

Changes to legislation:

There are currently no known outstanding effects for the The Health Care and Associated Professions (Indemnity Arrangements) Order 2014, PART 2.