
STATUTORY INSTRUMENTS

1992 No. 655

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

The Dental Practice Board Regulations 1992

Made - - - - *10th March 1992*
Laid before Parliament *11th March 1992*
Coming into force - - *1st April 1992*

The Secretary of State for Health, in exercise of powers conferred by sections 35, 37(1)(a) and (b) and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Dental Practice Board Regulations 1992 and shall come into force on 1st April 1992.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—
“the Act” means the National Health Service Act 1977(1);

(1) 1977 c. 49; in section 128(1) *see* the definitions of “prescribed” and “regulations”. Section 35(1) was substituted by S.I. 1985/39, article 7(9). Section 37 was amended by paragraph 50 of Schedule 1 to the Health Services Act 1980 (c. 53) (“the 1980 Act”), renumbered as section 37(1) by section 12(2) of the Health and Medicines Act 1988 (c. 49) and further amended by section 25 of, and Schedule 3 to, that Act. *See* also Part III of Schedule 5 to the National Health Service Act 1977, amended by the 1980 Act, Schedule 1, paragraph 80, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 3 and section 15(b), S.I. 1985/39, article 7(22) and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 1, Part III and Schedule 10. Section 126(4) was amended by section 65(2) of the 1990 Act.

(1) 1977 c. 49; in section 128(1) *see* the definitions of “prescribed” and “regulations”. Section 35(1) was substituted by S.I. 1985/39, article 7(9). Section 37 was amended by paragraph 50 of Schedule 1 to the Health Services Act 1980 (c. 53) (“the 1980 Act”), renumbered as section 37(1) by section 12(2) of the Health and Medicines Act 1988 (c. 49) and further amended by section 25 of, and Schedule 3 to, that Act. *See* also Part III of Schedule 5 to the National Health Service Act 1977, amended by the 1980 Act, Schedule 1, paragraph 80, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 3 and section 15(b), S.I. 1985/39, article 7(22) and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 1, Part III and Schedule 10. Section 126(4) was amended by section 65(2) of the 1990 Act.

“associateship agreement” has the same meaning as in the National Health Service (General Dental Services) Regulations 1992(2);

“the Board” means the Dental Practice Board(3);

“conditions of service” does not include remuneration;

“dentist” means a registered dental practitioner;

“member” means a member of the Board including its chairman;

“negotiations”, in relation to a class of officer, means negotiations taking place within a body recognised by the Secretary of State as being proper for the purposes of negotiating remuneration and conditions of service for that class of officer;

“non-officer member” means a person who is a member by virtue of regulation 4(a) or (b)(i) or (ii); and

“officer” means an officer of the Board.

(2) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation is to the regulation bearing that number in these Regulations; and
- (b) any reference in a regulation to a numbered paragraph is to the paragraph bearing that number in that regulation.

Continuation of the Board

3.—(1) The Board shall continue to be constituted for the purpose of carrying out such duties as may be prescribed under section 37(1)(a) of the Act and such other functions as may be conferred on it under section 37(1A) and (1C) of the Act(4).

(2) The Board shall continue to be a body corporate.

(3) The Board shall not acquire land except with the consent of the Secretary of State.

Constitution of the Board

4. The Board shall consist of—

- (a) a chairman and a vice-chairman who shall be dentists; and
- (b) six other members, of whom—
 - (i) three shall be dentists;
 - (ii) two shall be persons who are not and never have been dentists; and
 - (iii) one shall be the chief officer for the time being of the Board.

Appointment of members

5. Non-officer members shall be appointed by the Secretary of State after consultation with such organisations as he may recognise as representative of dentists.

Vice-chairman

6. Where the chairman of the Board—

(2) S.I. 1992/661.

(3) See section 12(1) of the Health and Medicines Act 1988 (c. 49).

(4) Subsections (1A) and (1C) of the National Health Service Act 1977 (c. 49) were inserted by section 12(3) of the Health and Medicines Act 1988 (c. 49).

- (a) has died or ceased to hold office, or
- (b) is unable to perform his duties by reason of illness, absence from England and Wales or any other cause,

the vice-chairman shall act as the chairman for so long as there is no chairman able to do so.

Tenure of office of members

7.—(1) Subject to regulations 8 and 9, a non-officer member's term of office shall be such period, not exceeding 3 years beginning on the date of his appointment, as the Secretary of State shall specify on appointing him.

(2) The person who is a member by virtue of regulation 4(b)(iii) shall, subject to paragraph (3), hold office for so long as he remains the chief officer of the Board.

(3) Where, for any period, the chief officer of the Board is suspended from his duties as its chief officer—

- (a) he shall also be suspended for that period from performing his functions as a member; and
- (b) any person appointed to act in his place as the chief officer of the Board shall also perform his functions as a member of the Board for that period.

Termination of tenure of office

8.—(1) A non-officer member may resign his office at any time after appointment by giving one month's notice in writing to that effect to the Secretary of State.

(2) The Secretary of State may terminate the tenure of office of a non-officer member—

- (a) if he is convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine;
- (b) if—
 - (i) at the time of his appointment as a member he was employed by, or held a paid appointment or office with, a health authority or Family Health Services Authority, and
 - (ii) he is dismissed, otherwise than by reason of redundancy, from that employment or that paid appointment or office is terminated;
- (c) if the Secretary of State is of the opinion that it is not in the interest of the health service that the member should continue to hold office; or
- (d) if he has been adjudged bankrupt or has made a composition or arrangement with his creditors.

(3) The Secretary of State shall terminate the tenure of office of a non-officer member—

- (a) if he has failed to attend a meeting of the Board in any period of twelve consecutive months, unless the Secretary of State is satisfied both that his absence was due to reasonable cause and that he will be able to attend meetings of the Board within a reasonable time; or
- (b) in the case of a member who is a dentist—
 - (i) if his name has been erased from the register kept under section 14 of the Dentists Act 1984(5) or his registration in that register has been suspended;
 - (ii) if his name has been removed, by a direction under section 46 of the Act, from any list prepared under section 36(1) of the Act; or

- (iii) if he becomes disqualified for inclusion in, or his name has been removed from, any list prepared under section 36(1) of the Act, by virtue of section 48(b) of the Act.

Re-appointment

- 9. A non-officer member shall, on the expiry of his term of office, be eligible for re-appointment.

Meetings and proceedings

10.—(1) The meetings and proceedings of the Board shall be conducted in accordance with the rules set out in the Schedule to these Regulations and with Standing Orders made under paragraph (2).

(2) Subject to the rules set out in the Schedule to these Regulations, the Board shall make, and may vary or revoke, Standing Orders for the regulation of its meetings, proceedings and business, which may include provision for suspension of the Standing Orders.

(3) The proceedings of the Board shall not be invalidated by any vacancy in its membership or defect in the appointment or qualification of any member.

Disability of members in proceedings on account of pecuniary interest

11.—(1) Subject to paragraph (2), if a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Board at which the matter is under consideration—

- (a) he shall as soon as practicable after the commencement of the meeting disclose his interest; and
- (b) he shall not take part in the consideration or discussion of that matter, or vote on any question with respect to it.

(2) Subject to paragraph (4), a member shall be treated for the purposes of this regulation as having an indirect pecuniary interest in a matter if he is connected with a person—

- (a) who has a direct pecuniary interest in that matter; or
- (b) where the matter is a contract, with whom the contract is or is proposed to be made.

(3) For the purposes of paragraph (2) a member is connected with another person if—

- (a) he is in the employment of, is a partner of, or is a party to an associateship agreement with, that person; and
- (b) where that person is a company, the member or a nominee of his is a director of that company.

(4) A member who is a dentist shall not be treated as having a pecuniary interest in any matter relating to the remuneration of persons providing general dental services by reason only of his interest as a person providing general dental services if his interest cannot reasonably be regarded as an interest more substantial than that of others providing such services.

Officers and their remuneration and conditions of service

12.—(1) The Board shall employ a chief officer and may employ such other officers as it may determine.

(2) Subject to paragraphs (3) and (4), the remuneration and conditions of service of the chief officer and other employees of the Board shall be such as the Board may determine.

(3) The remuneration—

- (a) of an officer who belongs to a class of officer in respect of which remuneration has been agreed in negotiations and approved by the Secretary of State, shall be the remuneration so agreed and approved;
 - (b) of an officer for whom, or for whose class, the Secretary of State has determined remuneration not so agreed and approved, shall be the remuneration so determined.
- (4) The conditions of service—
- (a) of an officer who belongs to a class of officer in respect of which conditions of service have been agreed in negotiations and approved by the Secretary of State, shall include the conditions so agreed and approved;
 - (b) of an officer for whom, or for whose class, the Secretary of State has determined any other conditions of service, shall include the conditions of service so determined, whether or not they also include conditions agreed in negotiations and approved by the Secretary of State.
- (5) Where, for any period, the chief officer of the Board is suspended from his duties for any reason, the Board shall, for the duration of that period, appoint another officer to act, in his place, as its chief officer.

Reports

13.—(1) The Board shall submit to the Secretary of State in each year a report relating to the exercise of its functions since the end of the period to which the report last submitted by the Board related.

(2) The Board shall furnish the Secretary of State with such information relating to the exercise of its functions as the Secretary of State may require.

Transitional provisions

14.—(1) Where, before the coming into force of these Regulations, a person was appointed a member by virtue of being the chief officer of the Board, he shall hold office by virtue of regulation 4(b)(iii).

(2) Where, before the coming into force of these Regulations, a person was appointed a member otherwise than by virtue of being the chief officer of the Board, then, subject to regulations 8 and 9, he shall continue to be a member until the expiry of the period for which he was appointed.

Arrangements for general dental services

15. The provisions of these Regulations shall be treated as included in the provisions as to the arrangements to be made under section 35 of the Act which are made by the National Health Service (General Dental Services) Regulations 1992(6).

10th March 1992

William Waldegrave
Secretary of State for Health

SCHEDULE

Regulation 10(1)

RULES AS TO MEETINGS AND PROCEEDINGS OF THE BOARD

1.—(1) The chairman or, in his absence, the vice-chairman may call a meeting of the Board at any time.

(2) If a requisition for a meeting, signed by at least five members, is presented to the chairman and the chairman either—

(a) refuses to call a meeting; or

(b) without so refusing, does not within seven days after the requisition has been presented to him call a meeting,

those members may forthwith call a meeting.

(3) Before each meeting of the Board, a notice of the meeting which—

(a) specifies the business proposed to be transacted at it, and

(b) is signed by the chairman or by an officer (other than the chief officer of the Board) authorised by the chairman to sign on his behalf,

shall be delivered to each member, or sent by post to his last-known address, at least seven clear days before the day of the meeting.

(4) Lack of service of the notice on any member shall not affect the validity of a meeting.

(5) In the case of a meeting called by the members in default of the chairman, the notice shall be signed by the members and no business shall be transacted at the meeting other than that specified in the notice.

2.—(1) At any meeting of the Board the chairman or, in his absence, the vice-chairman (if there is one and he is present) shall preside.

(2) If the chairman and the vice-chairman are absent, such other member present (other than the chief officer of the Board) as the other members present shall choose for the purpose shall preside.

3. Every question at a meeting shall be determined by a majority of the votes of the members present and competent to vote on the question and, in the case of an equality of votes, the chairman or, in his absence, the person presiding at the meeting shall have a second or casting vote.

4. The names of the members present at a meeting shall be recorded.

5. No business shall be transacted at the meeting unless at least four members are present.

6. The minutes of the proceedings of a meeting shall be drawn up and shall be signed at the next ensuing meeting by the person presiding at that next meeting.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede Part III of the National Health Service (General Dental Services) Regulations 1973 (the remainder of which have been superseded by the National Health Service (General Dental Services) Regulations 1992 (S.I. 1992/661).

These Regulations make provision for the continued existence of the Dental Practice Board (“the Board”) (regulation 3), which is differently constituted so as to comprise eight members: namely the chairman, vice-chairman and three other members (all five of whom must be dentists), together with two members who are not dentists, and the person who is the chief officer of the Board (regulation 4).

In addition the Regulations provide for the appointment of non-officer members (defined in regulation 2(1)) of the Board (regulation 5); for the vice-chairman to act as chairman where there is no chairman (regulation 6); for the tenure of office of members (regulation 7); for the termination of the tenure of office of non-officer members (regulation 8); for the re-appointment of non-officer members (regulation 9); for the rules as to the meetings and proceedings of the Board (regulation 10 and the Schedule); for the disability of members in such proceedings on account of their pecuniary interest (regulation 11); for the remuneration and conditions of service of officers of the Board (regulation 12); and for the Board to provide an annual report, and information relating to the exercise of its functions, to the Secretary of State (regulation 13).

Before making the provision contained in regulation 12 the Secretary of State consulted bodies recognised by him as representing officers of the Board.