

2015 No. 1758

HEALTHCARE AND ASSOCIATED PROFESSIONS

**The General Dental Council (Indemnity Arrangements)
(Dentists and Dental Care Professionals) Rules Order of Council
2015**

<i>Made</i> - - - -	<i>8th October 2015</i>
<i>Laid before Parliament</i>	<i>12th October 2015</i>
<i>Laid before Scottish Parliament</i>	<i>12th October 2015</i>
<i>Coming into force</i> - -	<i>23rd November 2015</i>

At the Council Chamber, Whitehall, the 8th day of October 2015

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

The General Dental Council has made the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015 which are set out in the Schedule to this Order, in exercise of powers conferred by sections 26A(4), (5) and (6), and 36L(4), (5) and (6) of the Dentists Act 1984(a).

In accordance with sections 50C(2)(b) and (3) of the Dentists Act 1984, such Rules shall not come into force until approved by order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules Order of Council 2015 and comes into force on 23rd November 2015.

Privy Council approval

2. Their Lordships, having taken these Rules into consideration, are pleased to and do approve them.

Richard Tilbrook
Clerk of the Privy Council

(a) 1984 c. 24. Section 26A and section 36L were substituted by S.I. 2014/1887.
(b) Section 50C(2) was amended by S.I. 2009/1182 Schedule 1, paragraph 10.

General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015

These Rules are made by the General Dental Council, in exercise of their powers conferred under sections 26A(4), (5) and (6) and 36L(4), (5) and (6) of the Dentists Act 1984(a).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015, and shall come into force on 23rd November 2015.

(2) In these Rules—

“the Act” means the Dentists Act 1984 and any reference to a numbered section is to a section of that Act;

“dental care professional” means a registered dental care professional other than those who are registered by virtue of section 36Z3(b) of the Act;

“dentist” means a registered dentist other than those registered by virtue of section 36 and Schedule 4(c) of the Act;

“register”—

(a) in respect of a dentist, means the dentists register established under subsection (1) of section 14 in relation to entries to that register other than those made pursuant to subsection (1A)(c)(d) of that section;

(b) in respect of a dental care professional, means the dental care professionals register established under subsection (1) of section 36B(e) in relation to entries to that register other than those made pursuant to subsection (1A)(b)(f) of that section;

and in both cases “registered” shall be construed accordingly.

Additional information on indemnity arrangements required on registration

2.—(1) Where a person who intends to practise as a dentist or dental care professional makes an application for registration under section 18(g) (procedure for registration), or in accordance with rules made under section 36E(h) (rules relating to the dental care professionals register), the registrar may request further information from that person, where the registrar—

(a) is of the opinion that the evidence or documentation produced by that person in accordance with section 18(2)(ba)(i) is incomplete in any material respect;

(b) is of the opinion that the evidence or documentation produced by that person in accordance with rules made pursuant to section 36E is incomplete in any material respect;

(a) 1984 c. 24.

(b) Inserted by S.I. 2007/3101. Section 36Z3 covers a person lawfully established in a relevant European State other than the United Kingdom and who is a member of the dental care profession and who is a visiting dental care professional for the purposes of the Dentists Act 1984.

(c) Inserted by S.I. 2007/3101. Section 36 covers persons established in a relevant European State other than the United Kingdom who provide dental services during a visit to the United Kingdom and who are registered on that basis.

(d) Inserted by S.I. 2007/3101.

(e) Inserted by S.I. 2005/2011, arts 2(1) and 29.

(f) Inserted by S.I. 2007/3101.

(g) Amended by S.I. 1996/1496; S.I. 2005/2011 and S.I. 2007/3101.

(h) Inserted by S.I. 2005/2011. Rules made under this section are not subject to Privy Council approval: see section 50C(2) of the Act. A copy of the rules may be obtained by writing to: General Dental Council, 37 Wimpole Street, London, W1G 8DQ.

(i) Inserted by S.I. 2014/1887, art 3.

- (c) considers that supplementary information is required in order for the registrar to determine an application for registration under section 18 or in accordance with rules made under section 36E.
- (2) For the purposes of paragraph (1), information may include (but is not limited to)—
- (a) a copy of the policy of insurance, indemnity arrangement or other means of identifying the terms of that policy or arrangement that will cover that person, together with any number that the policy or arrangement may have and, if applicable, its expiry date;
 - (b) written confirmation that there will be appropriate cover under an indemnity arrangement provided by an employer in force in relation to that person for the purpose of complying with section 26A or 36L; or
 - (c) written confirmation that there will be appropriate cover provided under an indemnity arrangement in relation to that person by the time they begin to practise for the purpose of complying with section 26A or 36L.
- (3) The person mentioned in paragraph (1) shall provide the requested information (including documents or other evidence) within the period of 28 days beginning with the date of the request.

Information on indemnity arrangements required on restoration

3.—(1) Where a person applies for restoration of their name to the register under section 28(a), 36R(b), 34A(3)(c) or 36Z1(3)(d), for the purpose of determining whether that person’s name is to be restored to the register, that person must provide the registrar with the information referred to in paragraph (2).

(2) The information referred to in paragraph (1) is—

- (a) a copy of the policy of insurance, indemnity arrangement or other means of identifying the terms of that policy or arrangement that will cover that person, together with any number that the policy or arrangement may have and, if applicable, its expiry date;
- (b) written confirmation that the person has an indemnity arrangement in force that will provide appropriate cover in relation to the person or that there will be appropriate cover provided under an indemnity arrangement in relation to that person by the time that person begins to practise for the purpose of complying with section 26A or 36L; or
- (c) written confirmation that there will be appropriate cover under an indemnity arrangement provided by an employer in force in relation to that person for the purpose of complying with section 26A or 36L.

(3) The information referred to in paragraph (2) must be submitted at the time the application for restoration is made or as soon as is reasonably practicable after the application is made.

4.—(1) For the purpose of determining if there is, or will be as necessary, appropriate cover under an indemnity arrangement for the purpose of complying with section 26A or 36L, the registrar may by notice in writing request further evidence, documents or information from a person referred to in rule 3, where the registrar—

- (a) is of the opinion that the information given by that person under rule 3 is incomplete in any material respect; or
- (b) considers that supplementary information is required for that purpose.

(2) The person shall provide the evidence, documents or information requested pursuant to paragraph (1) within the period of 28 days beginning with the date of the request.

(a) Amended by S.I. 2005/2011.
 (b) Amended by S.I. 2005/2011.
 (c) Amended by S.I. 2005/2011.
 (d) Amended by S.I. 2005/2011.

Information on indemnity arrangements required on retention of registration

5. Where a dentist or dental care professional applies for retention of their name in the register, that dentist or dental care professional must before the commencement of the period for which retention of their name in the register is sought, provide the registrar with documents conferring, or evidencing that there is, or will be appropriate cover in force in relation to that dentist or dental care professional under an indemnity arrangement for the purpose of complying with section 26A or 36L.

Cessation of cover under an indemnity arrangement

6. A dentist or dental care professional must notify the registrar in writing as soon as is reasonably practicable where appropriate cover under an indemnity arrangement for the purpose of complying with section 26A or 36L ceases or is to cease to be in force in relation to that dentist or dental care professional.

Given under the Official Seal of the General Dental Council 3rd September 2015

Alan MacDonald
Chair

Evlynne Gilvarry
Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Dentists Act 1984, approves Rules made by the General Dental Council regarding the information to be provided to the registrar to confirm that the indemnity arrangement requirements for registered dentists and dental care professionals who are practising are met.

Rule 1 sets out citation, commencement and interpretation. It provides for the Rules to come into force on 23rd November 2015.

Rule 2 sets out the circumstances in which additional information on indemnity arrangements may be required from a person intending to practise as a dentist or dental care professional on registration. Provision is made for the types of information that the registrar may require to determine whether there is appropriate cover under an indemnity arrangement in force in relation to a person seeking to practise as such.

Rule 3 sets out the information that must be provided by a person in an application for restoration to the register as a dentist or dental care professional.

Rule 4 sets out the circumstances in which additional information on indemnity arrangements may be required from a person seeking on restoration to the register in order to resume practice.

Rule 5 sets out the information on indemnity arrangements required by the registrar for a registrant to retain their name on the register.

Rule 6 provides for the registrant to notify the registrar where appropriate cover under an arrangement ceases or is to cease to be in force.

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