
STATUTORY INSTRUMENTS

2016 No. 1030

The European Qualifications (Health and Social Care Professions) Regulations 2016

PART 4

DENTISTS AND PROFESSIONS COMPLEMENTARY TO DENTISTRY

CHAPTER 2

AMENDMENT OF THE EUROPEAN PRIMARY AND SPECIALIST DENTAL QUALIFICATIONS REGULATIONS 1998

Introductory

55. The European Primary and Specialist Dental Qualifications Regulations 1998^{M1} are amended in accordance with this Chapter.

Marginal Citations

M1 [S.I. 1998/811](#).

Amendment of regulation 2

56.—(1) Regulation 2(1) (interpretation)^{M2} is amended as follows.

(2) For the definition of “General Systems Regulations”, substitute—

““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015;”.

(3) In the appropriate places, insert—

““Directive [95/46/EC](#)” means Directive [95/46/EC](#) of the European Parliament and of the Council of 24th October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;

““Directive [2002/58/EC](#)” means Directive [2002/58/EC](#) of the European Parliament and of the Council of 12th July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”.

Marginal Citations

M2 [Regulation 2\(1\)](#) was amended by [S.I. 2004/1947](#), 2007/3101 and 2011/1043.

Status: Point in time view as at 18/11/2016.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2016, CHAPTER 2. (See end of Document for details)

Amendment of regulation 7

57.—(1) Regulation 7 (minimum requirements of specialist dental training)^{M3} is amended as follows.

(2) After paragraph (4), insert—

“(5) For the purposes of meeting the conditions specified in article 35 of the Directive under this regulation, the reference in article 35 of the Directive to article 34 of the Directive is, in relation to training begun on or before 18th January 2016, to article 34 disregarding the amendments made by Directive 2013/55/EU of the European Parliament and of the Council of 20th November 2013.”.

Marginal Citations

M3 Regulation 7 was amended by [S.I. 2007/3101](#), which substituted paragraphs (1) and (2) for paragraphs (1) to (3) as originally enacted.

Amendment of regulation 8

58.—(1) Regulation 8 (distinctive titles and specialist lists) is amended as follows.

(2) In paragraph (2)(c)—

- (a) for “3(9)(a) or (e)” substitute “ 3(8)(a) or (e) ”;
- (b) for “20 to 26” substitute “ 19 to 23 ”;
- (c) for “3(4)” substitute “ 3(5) ”.

Insertion of regulation 15A

59. In Part 2, after regulation 15 (revocation and saving)^{M4}, insert—

“Review

15A. By 1st November 2021, and subsequently at intervals not exceeding 5 years from that date, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015, the Secretary of State must—

- (a) carry out a review of the amendments made to these Regulations by the European Qualifications (Health and Social Care Professions) Regulations 2016;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.”.

Marginal Citations

M4 Regulation 16 was originally in Part 3 and was revoked by [S.I. 2007/3101](#).

Amendment of Schedule A1

60.—(1) Schedule A1 (Directive 2005/36: functions of the GDC under regulation 4(2))^{M5} is amended as follows.

(2) Before the entry relating to article 7(2)(b), insert—

“Article 4f	Considering applications for partial access to the dental profession in the field of orthodontics or oral surgery under regulations 10 and 11 of the General Systems Regulations.”
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(3) In the entry relating to article 8(1)—

(a) for “Receiving” substitute “ In the event of justified doubts, receiving ”;

(b) after paragraph (c), insert—

“Receiving information from, or providing information to, other competent authorities in relation to a person's training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.

(4) After the entry relating to article 50(3), insert—

“Article 50(3a)	In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the practice of orthodontics or oral surgery as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities.
Article 50(3b)	Ensuring that the exchange of information under article 50 of the Directive with other competent authorities takes place through the IMI.”

(5) In the entry relating to article 56(2), after paragraph (c) insert—

“Ensuring that the processing of personal data for the purposes of the exchange of information in accordance with article 56(2) of the Directive is carried out in accordance with Directive [95/46/EC](#) and Directive [2002/58/EC](#) and through the IMI.”.

(6) After the entry relating to article 56(2) insert—

“Article 56(2a)	Ensuring that the exchange of information carried out in accordance with article 56(2) of the Directive takes place through the IMI.
Article 56a(1) and (2)	Informing all other competent authorities, by way of an alert through the IMI, about an orthodontist or oral surgeon whose professional activities have been prohibited or restricted, even temporarily, within three days from the date of the adoption of the decision; ensuring that the information provided is limited to the information referred to in article 56a(2) of the Directive.
Article 56a(3)	Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have applied for registration and who have been subsequently found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
Article 56a(4)	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC .
Article 56a(5)	Informing all other competent authorities through the IMI without delay when— (a) a prohibition or a restriction referred to in article 56a(1) of the Directive has expired; (b) there is a change to the prohibition or restriction period notified under article 56a(2) of the Directive.

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- Article 56a(6) Notifying the orthodontist or oral surgeon, in respect of whom an alert is sent under article 56a(1) or (3) of the Directive, in writing at the same time as the alert is sent, that the orthodontist or oral surgeon—
- (a) is the subject of an alert sent under article 56a(1) or (3) of the Directive;
 - (b) has the right to appeal against the decision or to apply for rectification of the decision;
 - (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.
- Informing competent authorities, where applicable, that an alert is the subject of appeal proceedings by the orthodontist or oral surgeon.
- Article 56a(7) Ensuring that an alert made under article 56a(1) of the Directive is deleted from the IMI within three days of—
- (a) the date of adoption of the revoking decision; or
 - (b) the expiry of the prohibition or restriction referred to in that article.
- Article 57a(1) Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications as an orthodontist or oral surgeon may be easily completed by the applicant remotely and by electronic means.”

Marginal Citations

M5 Schedule A1 was inserted by [S.I. 2007/3101](#).

Status:

Point in time view as at 18/11/2016.

Changes to legislation:

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