

Draft Order laid before Parliament under section 62(9) of the Health Act 1999 (c. 8) for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

DENTISTS

**The Dentists Act 1984 (Provisional Registration of Dentists)
(Amendment) Order 2024**

Made - - - - 2024

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the [xxxx] day of [xxxx]

Present,

The King's Most Excellent Majesty in Council

In accordance with paragraph 9(1) of Schedule 3 to the Health Act 1999(a), the Secretary of State published a draft of this Order and invited representations.

In accordance with paragraph 9(2) of Schedule 3 to that Act, a period of three months expired before a draft of this Order, together with a report about the consultation, was laid before Parliament.

In accordance with section 62(9) of that Act, a draft of this Order has been laid before, and approved by resolution of, each House of Parliament.

In exercise of the powers conferred by sections 60(1)(a) and 62(4) and (4A) of, and Schedule 3 to, that Act, His Majesty is pleased, by and with the advice of His Privy Council, to order as follows.

(a) 1999 c. 8. Subsections 62(4) and (4A) were substituted by paragraph 11 of Schedule 10 to the Health and Social Care Act 2008 (c. 14). Schedule 3 was amended by section 26(10) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17); paragraph 8(b) of Schedule 4 to the Health Professions Order 2001 (S.I. 2002/254); paragraph 67 of Schedule 11, and Part 4 of Schedule 14, to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); section 33 of, and Schedule 9 to, the Health Act 2006 (c. 28); paragraphs 4 to 10 of Schedule 8, paragraph 12 of Schedule 10 and Part 2 of Schedule 15, to the Health and Social Care Act 2008 (c. 14); section 211 of, and paragraphs 61 and 72 of Schedule 15 to, the Health and Social Care Act 2012 (c. 7); and section 168(4) of the Health and Care Act 2022 (c. 31).

PART 1

General

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Dentists Act 1984 (Provisional Registration of Dentists) (Amendment) Order 2024 and comes into force on the day after the day on which it is made.

(2) In this Order, “the Act” means the Dentists Act 1984(a).

PART 2

Provisional registration of dentists

The dentists register

2. In section 14 of the Act (the dentists register and the registrar)(b), in subsection (1A)—

(a) for “two” substitute “three”;

(b) at the end of paragraph (a) omit “and”;

(c) after paragraph (b), insert “; and

(ba) the list of provisional registrants, which shall contain particulars of persons who by virtue of section 17A are entitled to be registered in the register.”

Provisional registration of dentists

3. After section 17 of the Act (temporary registration) but before the italic heading following that section, insert—

“17A. Provisional registration

(1) Rules may make provision entitling a person to be registered in the dentists register in accordance with this Act if the person—

(a) holds an overseas diploma in dentistry, but

(b) is not yet entitled to be registered under section 15 because they have not yet satisfied the Council that they have the requisite knowledge and skill mentioned in section 15(1)(c)(ii).

(2) Registration by virtue of subsection (1) is referred to in this section as “provisional registration” and a person so registered as a “provisional registrant”.

(3) Rules under this section must—

(a) provide for a provisional registration to have effect for a fixed period specified in the rules;

(b) provide for a provisional registration to be subject to a restriction to the effect that the provisional registrant may not practise dentistry except under the supervision of a person who is—

(i) registered on the principal list kept under section 14(1A)(a), and

(ii) approved, by reference to criteria specified in the rules, for the purpose of supervising provisional registrants;

(c) make provision about the nature and degree of supervision required for the purposes of the restriction mentioned in paragraph (c);

(a) 1984 c. 24.

(b) Section 14(1A) was inserted by S.I. 2007/3101 and amended by S.I. 2019/593.

- (d) require a person’s approval in accordance with paragraph (c)(ii) to be marked in the register against the person’s name;
 - (e) provide that a person whose provisional registration has ceased to have effect may not be provisionally registered again (subject to any provision made by virtue of subsection (4)(e)).
- (4) Rules under this section may—
- (a) specify other conditions which a person must meet in order to be entitled to be registered, or remain registered, under the rules;
 - (b) specify other restrictions to which a provisional registration is subject;
 - (c) allow for the Council to make a particular provisional registration subject to whatever additional restrictions they think appropriate;
 - (d) specify circumstances in which a provisional registration ceases to have effect before the end of the period mentioned in subsection (3)(a);
 - (e) allow for a person whose provisional registration has ceased to have effect to be provisionally registered for a second time in such exceptional circumstances as the rules may specify;
 - (f) make provision about applications for provisional registration, including in particular about—
 - (i) the manner in which, and time within which, applications are to be made;
 - (ii) the documents which must accompany an application.
- (5) A restriction to which a provisional registration is subject must be marked in the register against the name of the provisional registrant.
- (6) A provisional registrant is not to be treated as a registered dentist for the purposes of—
- (a) Schedule 1 (the Council and Committees of the Council);
 - (b) section 38(1) (prohibition on practice of dentistry by laymen) so far as they are acting in breach of a restriction to which their provisional registration is subject.
- (7) Guidance issued under section 26B(1) (standards of conduct, performance and practice) must in particular include guidance about the steps that a provisional registrant is expected to take to inform a patient of—
- (a) the nature of their registration, and
 - (b) the role in relation to the patient’s treatment of the person supervising them.”

Consequential amendments

- 4.—**(1) The Act is further amended as follows.
- (2) In section 50C (rules)(a), in subsection (2), at the appropriate place insert—
- “section 17A (provisional registration);”.
- (3) In section 50D (rules: consultation requirements)(b), in subsection (1), after “16B(3),” insert “17A,”.
- (4) In section 53 (interpretation), in subsection (1), in the definition of “registered dentist”, for “section 17(4)” substitute “sections 17(4) and 17A(6)”.
- (5) In paragraph 2 of Schedule 2A (registration appeals: dentists register)(c), after sub-paragraph (1)(b) insert—
- “(bc) a decision not to register a person’s name in the register in accordance with rules made under section 17A (provisional registration);”.

(a) Section 50C was inserted by S.I. 2005/2011 and amended by S.I. 2009/1182 and S.I. 2023/162.
 (b) Section 50D was inserted by S.I. 2005/2011 and amended by S.I. 2013/160, S.I. 2022/1174 and S.I. 2023/162.
 (c) Schedule 2A was inserted by S.I. 2005/2011. Paragraph 2 is amended by S.I. 2007/3101, S.I. 2015/806, S.I. 2019/593 and S.I. 2023/1286.

[Date]

[Name]
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Dentists Act 1984 (c. 24) (“the Act”) to make provision for the provisional registration of dentists.

Article 2 amends section 14 of the Act to create a new list within the register in respect of provisionally registered dentists.

Article 3 inserts a new section 17A into Part 3 of the Act, which provides the General Dental Council with a power to make rules about the provisional registration of certain persons who hold an overseas diploma in dentistry, in particular in respect of:

- the duration of provisional registration;
- the supervision of provisionally registered dentists;
- conditions or restrictions to which provisional registration may be subject.

Article 4 makes consequential provision.