

**EXPLANATORY MEMORANDUM TO**  
**THE GENERAL DENTAL COUNCIL (CONSTITUTION) (AMENDMENT)**  
**ORDER OF COUNCIL 2007**

**2007 No. 3172**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 The main purpose of the Statutory Instrument is to extend the term of office of the members of the General Dental Council (“GDC”) whose terms of office would expire at the end of 9 April 2008 until the end of 9 April 2009. Related amendments give discretion to the GDC whether to call a by-election in relation to any vacancy which occurs more than 12 months before 9 April 2009. An amendment also clarifies the circumstances in which dental care professional members of the GDC may be removed from office.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 The General Dental Council (Constitution) Order of Council 2006 (SI 2006/1666) (“the 2006 Order”) makes provision for the constitution of the GDC, including the number of dentists, dental care professionals and lay members and their respective terms of office. This Order makes amendments to the 2006 Order.
  - 4.2 The reason for making this Order is that it is intended in the near future to reconstitute the GDC without an elected membership. This is explained fully in paragraph 7 below.
  - 4.3 The General Dental Council (Appointments Committee and Appointment of Members of Committees) (Amendment) Rules Order of Council, which is made at the same time as this Order, extends the term of office of members of the GDC’s Appointments Committee.
5. **Extent**
  - 5.1 This instrument applies to all of the United Kingdom.
6. **European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7 **Policy Background**

- 7.1 The Department of Health review of the Regulation of the non-medical health care professions published in July 2006 made a number of recommendations concerning the structure and governance of the regulatory bodies. The Government has given careful consideration to these recommendations and has published its response (*Trust, Assurance and Safety, The regulation of health care professionals in the 21<sup>st</sup> Century*) detailing a number of proposed changes to the membership and constitution of the regulatory bodies, including the GDC.
- 7.2 The Government will be taking the necessary legal steps to reconstitute the GDC without an elected membership in the near future. However, there are implications for the GDC between now and the implementation of any changes to its membership. Its members are coming to the end of their existing terms of office and (in respect of the professional members) new elections need to be held shortly. In discussions with the GDC, it was concluded that:
- It would be unreasonable to expect dentists and dental care professionals to stand for election at a time when it was clear that the Government was moving towards reconstituting the GDC without an elected membership;
  - The costs of running elections to a new Council may well be wasted in the light of the proposed reforms.
- 7.3 The Government has therefore agreed with the GDC that in these circumstances it is important that existing Council members are able to remain in place until a new Council is constituted. That is the rationale for the extension of the term of office of GDC members which is achieved by this Order.

## 8. **Impact**

- 8.1 An Impact Assessment has not been prepared for this instrument as it has no detrimental impact on, and a potential benefit for, the GDC. There are no cost implications for the public sector.

## 9 **Contact**

- 9.1 Stuart Griffiths at the Department of Health, tel 0113 254 5249 or e-mail [Stuart.Griffiths@dh.gsi.gov.uk](mailto:Stuart.Griffiths@dh.gsi.gov.uk).