

2007 No. 3006

HEALTH CARE AND ASSOCIATED PROFESSIONS

DENTISTS

PROFESSIONS COMPLEMENTARY TO DENTISTRY

**The General Dental Council (Election of Members) (Amendment)
Rules Order of Council 2007**

Made - - - - - 22nd October 2007

Coming into force - - - - - 23rd October 2007

At the Council Chamber, Whitehall, the 22nd day of October 2007

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

The General Dental Council have made the General Dental Council (Election of Members) (Amendment) Rules 2007 as set out in the Schedule to this Order.

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

Having considered the Rules, their Lordships approve them.

This Order may be cited as the General Dental Council (Election of Members) (Amendment) Rules Order of Council 2007 and shall come into force on [xxx] 2007.

Judith Simpson
Clerk of the Privy Council

SCHEDULE

The General Dental Council (Election of Members) (Amendment) Rules 2007

The General Dental Council make the following Rules in exercise of their powers conferred under section 50C(5)(a) and (6) of, and paragraph 3(2) of Schedule 1 to, the Dentists Act 1984^(b).

(a) 1984 c.24; section 50C was inserted by S.I. 2005/2011.

(b) 1984 c.24; paragraph 3 of Schedule 1 was amended by S.I. 2005/2011.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Dental Council (Election of Members) (Amendment) Rules 2007 and shall come into force on [xxx] 2007.

(2) In these Rules, “the principal Rules” means the General Dental Council (Election of Members) Rules 2002(a).

Amendment of rule 2 of the principal Rules

2. In rule 2 of the principal Rules (interpretation)—

- (a) in the definition of “constituency”, in paragraph (e), for “enrolled dental auxiliaries whose addresses in a roll of dental auxiliaries” substitute “registered dental care professionals whose addresses in the dental care professionals register”;
- (b) after the definition of “Council” insert—
““dental care professional member” means a member of the Council who is a registered dental care professional;”; and
- (c) omit ““registered” means, in respect of dental auxiliaries, presence on a roll of dental auxiliaries kept by the Council under the Act, and “registered address” and “registration” shall be construed accordingly;”.

Amendment of rule 4 of the principal Rules

3. In rule 4 of the principal Rules (general election), for paragraph (e) substitute—

“(e) 4 members who are registered dental care professionals shall be elected by registered dental care professionals whose addresses in the dental care professionals register are in England, the Isle of Man, the Channel Islands, Wales, Scotland or Northern Ireland.”.

Insertion of rules 4A and 4B of the principal Rules

4. After rule 4 of the principal Rules insert—

“General election: categories of dental care professional members

4A. Of the four dental care professional members elected following a general election—

- (a) at least one must be in the category of persons registered in the dental care professionals register—
 - (i) under the title which applies to the profession pursued by dental hygienists, or
 - (ii) under the title which applies to the profession pursued by dental therapists;
- (b) at least one must be in the category of persons registered in the dental care professionals register—
 - (i) under the titles which apply to the profession pursued by dental nurses, or
 - (ii) under the titles which apply to the profession pursued by orthodontic therapists; and
- (c) at least one must be in the category of persons registered in the dental care professionals register—
 - (i) under the titles which apply to the profession pursued by dental technicians, or
 - (ii) under the titles which apply to the profession pursued by clinical dental technicians.

Holding of by-elections

4B. Where a casual vacancy arises among the elected members of the Council, the Council may arrange for a by-election to be held to fill that vacancy, but have discretion to leave the vacancy unfilled.”.

(a) Scheduled to S.I. 2002/2463.

Amendment of rule 5 of the principal Rules

5. In rule 5 of the principal Rules (by-election)—

- (a) in paragraph (2), for “Persons” substitute “Subject to paragraph (2B), persons”; and
- (b) after paragraph (2) insert—

“(2A) Paragraph (2B) applies in the case of a by-election to replace a dental care professional member (“the ex-member”), and for the purposes of that paragraph “the relevant category” means the category of member specified in rule 4A in respect of which the ex-member was elected.

(2B) If the ex-member was the only member elected in respect of the relevant category, only a registered dental care professional falling within the relevant category is eligible to be nominated for election in the by-election.”.

Amendment of rule 6 of the principal Rules

6. In rule 6 of the principal Rules (returning officer), omit paragraph (2).

Amendment of rule 8 of the principal Rules

7. In rule 8 of the principal Rules, in paragraph (1), for “dental auxiliaries” substitute “dental care professionals”.

Insertion of rule 9A of the principal Rules

8. After rule 9 of the principal Rules insert—

“Nomination of registered dental care professionals

9A. A candidate for election as a registered dental care professional must be nominated in respect of one (and only one) of the three categories of member specified in rule 4A.”.

Substitution of rule 12 of the principal Rules

9. For rule 12 of the principal Rules substitute—

“Withdrawal of nominations

12.—(1) If a candidate nominated for election as a registered dentist dies or ceases to be a registered dentist before the close of the nomination period, the nomination shall be treated as having been withdrawn.

(2) If a candidate nominated for election as a registered dental care professional dies, or ceases to be registered in the dental care professionals register under the title applying to a profession in the category in respect of which he was nominated, the nomination shall be treated as having been withdrawn.”.

Substitution of rule 13 of the principal Rules

10. For rule 13 of the principal Rules substitute—

“Election of candidates: by-election, and general election (dentists)

13.—(1) This rule applies—

- (a) in the case of a by-election in any constituency;
- (b) in the case of a general election in a constituency, in relation to the election of members of the Council who are registered dentists, and in this rule as it applies in such a case, “candidate” means a candidate who is a registered dentist eligible for election in that constituency.

(2) If the number of candidates nominated for a constituency is equal to the number of persons to be elected in that constituency, the Returning Officer shall declare the candidate or candidates elected.

(3) If the number of candidates nominated for a constituency exceeds the number of persons to be elected in that constituency, the Returning Officer shall conduct an election according to the principle of proportional representation by the method of the single transferable vote and in accordance with the Single Transferable Vote procedure.

(4) If the number of candidates nominated for a constituency is lower than the number of persons to be elected in that constituency, the Returning Officer shall declare the candidate or candidates elected, and a by-election shall then be held in the constituency to secure the remaining Council members.”.

Substitution of rule 14 of the principal Rules

11. For rule 14 of the principal Rules substitute—

“Election of candidates: general election (dental care professionals)

14.—(1) This rule applies in relation to the election of dental care professional members in a general election, and in this rule “candidate” means a candidate who is a registered dental care professional.

(2) If only one candidate has been nominated in respect of any one category, the Returning Officer shall declare that candidate elected.

(3) If—

- (a) two candidates have been nominated in respect of one category, and
- (b) in respect of each of the other two categories, either no candidate, or only one candidate, has been nominated,

the Returning Officer shall declare those two candidates elected.

(4) If—

- (a) two or more candidates have been nominated in respect of each of two categories (“categories one and two”), and
- (b) no candidate, or only one candidate, has been nominated in respect of the third category,

the Returning Officer shall conduct an election to secure the election of three dental care professional members from categories one and two.

(5) If two or more candidates have been nominated in respect of each of the three categories, the Returning Officer shall conduct an election to secure the election of four dental care professional members.

(6) If—

- (a) more than two candidates have been nominated in respect of one category (“category one”), and
- (b) in respect of each of the other two categories, either no candidate, or only one candidate, has been nominated,

the Returning Officer shall conduct an election to secure the election of two dental care professional members from category one.

(7) If—

- (a) no candidate is nominated in respect of any one or more categories, or
- (b) only one candidate is nominated in respect of each of the three categories,

a by-election shall be held to secure the remaining dental care professional member or members.

(8) In this rule—

- (a) “category” means one of the three categories of dental care professional members specified in rule 4A; and

- (b) a reference to conducting an election means conducting an election according to the principle of proportional representation by the method of the single transferable vote and in accordance with the Single Transferable Vote procedure.”.

Revocation of rule 15 of the principal Rules

- 12. Rule 15 of the principal Rules is revoked.

Amendment of rule 17 of the principal Rules

- 13. In rule 17 of the principal Rules—
 - (a) for “the Professional Conduct Committee, or Dental Auxiliaries Committee,” substitute “a Practice Committee”; and
 - (b) for “Rolls of Dental Auxiliaries” substitute “dental care professionals register”.

Amendment of rule 18 of the principal Rules

- 14. In rule 18 of the principal Rules (general procedure)—
 - (a) the existing provision shall be numbered as paragraph (1); and
 - (b) after that paragraph insert—

“(2) In a general election, the Single Transferable Vote procedure shall be modified where necessary so as to secure that, in relation to the dental care professional members, the requirements of rule 4A are satisfied.”.

Substitution of Schedule II to the principal Rules

- 15. For Schedule II to the principal Rules substitute—

“SCHEDULE II

**Form of nomination paper required under rule 8(1)
ELECTION OF DENTAL CARE PROFESSIONALS**

NOTES FOR USING THIS NOMINATION FORM

This form must be signed by no fewer than 10 nominators. Please use block capitals throughout except where a signature is required. You may use additional forms if space is insufficient. The forms must be fastened together securely and the registration number of the candidate written in the top right hand corner of each form. The candidate must fill in and sign the declaration.

Constituency: registered dental care professionals whose addresses in the dental care professionals register are in England, the Isle of Man, the Channel Islands, Wales, Scotland or Northern Ireland.

FOR NOMINATORS

We, the undersigned, being registered dental care professionals in the above constituency, hereby nominate*....., with the title^....., a registered dental care professional, as a proper person to be elected to the General Dental Council by the above constituency.

* Please ensure that you enter the **registered** name of the candidate.

^ This should be the title in the dental care professionals register under which the candidate is standing for nomination, for example dental nurse.

Registration number of nominator:	Registered name of nominator:	Address of nominator in the dental care professionals register:	Signature of nominator:
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FOR THE CANDIDATE

I hereby declare that:

1. I consent to be nominated and will accept office if I am elected.

2. I consent to the publication by the Returning Officer of the information to be recorded on the voting paper under rule 17 and to its publication in other documentation to be sent out by the Returning Officer relating to the election.

Registration number of candidate:	Registered name of candidate:	Address of candidate in dental care professionals register:	Signature of nominated candidate:
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Given under the official seal of the General Dental Council on 18th September 2007.



Hew Byrne Mathewson
President

Duncan Hugh Rudkin
Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Dentists Act 1984 (“the Act”), approves Rules made by the General Dental Council which amend the General Dental Council (Election of Members) Rules 2002 (“the principal Rules”). The principal Rules describe an election scheme for the election of members to the General Dental Council. Amendments are made in relation to the elected non-dentist members of that Council, following amendments to the Act made by the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), which provided for the establishment of a dental care professionals register in place of the previous rolls of dental auxiliaries. In particular, rule 4A of the principal Rules provides that at least one dental care professional member of the General Dental Council must be elected from each of the three categories of dental care professional specified in that rule. Amendments are also made in relation to by-elections.

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