

EU Exit – amendments to GDC legislation

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Type of business	For discussion
For Council only:	Open session
Issue	To present updates to GDC legislation that may be required to give effect to the European Union (Withdrawal Agreement) Bill, if enacted.
Recommendation	The Council is asked to consider the draft General Dental Council (EU Exit) (Amendment) Regulations 2020 and the General Dental Council (Dental Care Professionals Register) (EU Exit) (Amendment) Rules 2020.

1. Updates to GDC legislation – EU Exit

- 1.1 The paper seeks Council’s consideration of the draft General Dental Council (EU Exit) (Amendment) Regulations 2020 and General Dental Council (Dental Care Professionals Register) (EU Exit) (Amendment) Rules 2020.
- 1.2 The Dentists Act 1984 requires that these Rules and Regulations are made by Council. There is no requirement for approval by the Privy Council.

2. Background

- 2.1 Parliament approved legislation in early 2019 that will become law on the day that the UK leaves the EU, irrespective of whether we leave with or without a deal. This included changes to the Dentists Act 1984 and associated secondary legislation. The Council made and sealed regulations on 28 March 2019 to ensure that all of its Rules and Regulations would also be updated as necessary on exit day. Those changes will come into force on exit day.

3. European Union (Withdrawal Agreement) Bill

- 3.1 The previous changes were drafted in anticipation of a “no deal Brexit”. At the time of writing, the version of the European Union (Withdrawal Agreement) Bill currently before Parliament provides for the UK to leave the EU, and for an implementation period to develop the terms of the departure to the end of 2020. The Bill does not undo the changes referred to in paragraph 2.1 above, but it does provide that they will not take effect until the end of the implementation period.

- 3.2 If the relevant parts of the Bill are adopted as drafted, consequential changes to the GDC rules and regulations will be required to ensure that they come into effect at the same time as any changes to the Dentists Act 1984, namely at the end of the implementation period.
- 3.3 The Rules and Regulations at Appendix 1 and 2 amend those made last year by adding a clause to make clear that the changes will not take effect until the end of the implementation period.
- 3.4 The need for the amendments will not crystallise until the Withdrawal Agreement is approved by Parliament. Council is asked to consider and discuss the documents at this stage, in order that they can be formally approved by correspondence as required.
- 3.5 The Rules also make some minor changes to cross-references in the previous versions, which are necessary following the changes to the Fees Regulations in December 2019.

4. Next steps and communications

- 4.1 The Regulations and Rules will be published on the GDC website. On exit day, we will also publish revised versions of the original Rules and Regulations that have been amended, to show the effect of the changes.

Appendices

- a. Appendix 1 – draft General Dental Council (EU Exit) (Amendment) Regulations 2020
- b. Appendix 2 – draft General Dental Council (Dental Care Professionals Register) (EU Exit) (Amendment) Rules 2020.

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