

Scheme of Delegation – Council’s Functions

Background

Schedule 1, paragraph 8(1) of the Dentists Act 1984 states that the Council may make rules for delegating its functions to committees including the Practice Committee, IOC, IC and the Registration Appeals Committee, or any officer of the GDC. However, paragraph 8(4) provides that the Council cannot delegate their power to make rules or regulations.

Notes

1. Where the Council is listed as the decision maker followed by details of GDC committees in brackets, this means the Council is the ultimate decision maker with support and information being provided by the relevant committee(s).
2. Where reference is made to matters having been delegated to the “Registrar, or their nominated deputy”, this reflects Schedule 3 of the General Dental Council (Delegation of Functions) Rules 2020.
3. Following the end of the Brexit transition period on 31 December 2020 at 11pm, the Council is now no longer required to carry out certain functions in relation to EU and EEA nationals. However, the Council is still required to carry out some of those functions in relation to a “Swiss dentist” and a “Swiss dental care professional” within the meanings as given by the European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020, for up to four years after the end of the transition period. Those functions have been retained in this document and are highlighted in the colour peach.

PRIMARY LEGISLATION

THE DENTISTS ACT 1984

Function	Statutory reference	Decision maker	GDC department with operational responsibility
<u>Protecting the public</u>			
To protect, promote and maintain health, safety and wellbeing of the public, public confidence, professional standards and conduct	1(1ZB)	Council	–

<u>Co-operating</u>			
To co-operate with public authorities, other bodies and persons	2A(1)	GDC staff	All
<u>Reporting</u>			
Publish annually a report on exercise of Council functions, a statistical report on arrangements for protection of the public and a strategic business plan	2B(1)	Council (Audit and Risk Committee and Finance and Performance Committee)	–
Submit copies of the reports and plan to the Privy Council	2B(2)	GDC staff	Governance (Legal and Governance)
Create system for declaration and registration of member's private interests	2E(1)	GDC staff	Governance
Publish entries from the register of member's private interests	2E(2)	GDC staff	Governance
<u>Accounting/Finance</u>			
Keep and prepare annual statement of accounts	2C(1)	Council (Audit and Risk Committee, Finance and Performance Committee, Registrar and Remuneration and Nomination Committee)	–
Appoint an auditor	2C(2)	Council (Audit and Risk Committee)	–

Publish and send a copy of statement of accounts	2C(4)	GDC staff	Governance (Legal and Governance)
<u>Complaints</u>			
Incur expenditure investigating and resolving complaints	2D(1)	Chief Executive	–
Incur expenditure resolving complaints	2D(3)	Chief Executive	–
<u>Education</u>			
Appoint a board of examiners for any examination leading to a degree or license in dentistry	4(1)	GDC staff	Education (Strategy) Not currently undertaken by GDC, the university appoints a board of examiners
Request course and examination information and conditions for obtaining a qualification from a dental authority	8	GDC staff	Education (Strategy)
Appoint inspectors to visit educational establishments (Dentist)	9(1)	Registrar or their nominated deputy	–
Make rules appointing inspectors to visit educational establishments (DCP)	36D(6)	Council	–
Specify matters relating to the instructions given at dental schools that visitors must report to the Council on	9(2)	Registrar or their nominated deputy	–
Send copy of inspection report to dental schools or post-graduate institutions for comment	9(3)	Registrar or their nominated deputy	–
Send copy of inspection report and any comments to the Privy Council	9(4)	Registrar or their nominated deputy	–

Pay inspectors for inspecting establishments	9(5)	Council (Remuneration and Nomination Committee)	–
Council member can attend examinations, or appoint inspectors to attend (Dentist)	10(1)	Registrar or their nominated deputy	–
Make rules appointing inspectors for examinations (DCP)	36D(7)	Council	–
Pay inspectors to attend examinations	10(2)	Council (Remuneration and Nomination Committee)	–
Make a representation to the Privy Council if a course of study or examinations in dentistry does not provide the requisite knowledge and skills	11(1)	Registrar or their nominated deputy	–
Make a representation to the Privy Council if a dental authority has tried to impose conditions on a candidate	12(1)	Registrar or their nominated deputy	–
Set standards of proficiency, education and training for professions complementary to dentistry	36D(1)	Council	–
Approve qualifications for professions complementary to dentistry	36D(2)	Council	–
Publish the standards of proficiency, education and training for professions complementary to dentistry and the approved qualifications	36D(3)	GDC staff	Education (Strategy)
Ensure education or training establishments are aware of the standards of proficiency, education and training and the approved qualifications for professions complementary to dentistry	36D(4)	GDC staff	Education (Strategy)
<u>The Registrar</u>			

Appoint Registrar	14(2)	Council (Remuneration and Nomination Committee)	–
Decide on Registrar's salary	14(3)	Remuneration and Nomination Committee	–
Direct Registrar as to his duties in relation to the register	14(4)	Council (Remuneration and Nomination Committee)	–
<u>Registration</u>			
Publish guidance on the requisite knowledge of English	15A(1) 36CA(1)	GDC staff	Registration
Keep the guidance on requisite knowledge of English under review and publish varied guidance	15A(9)/36CA(10)/15A(10) /35CA(11)	GDC staff	Registration
Undertaking consultation before publishing, withdrawing or varying any guidance on the requisite knowledge of English	15A(11)/36CA(12)	Council	–
Charge a reasonable fee for provision of copy of guidance as to requisite knowledge of English	15A(12)/36CA(13)	GDC staff	Registration
Take into account specific matters when considering whether an applicant has knowledge and skill	15(4)/16(2A)/ 36C(5)	GDC staff	Registration
Require individual who has passed a recognised overseas examination to be treated as holding a recognised overseas diploma	15(6)/16(6)/17(5)	GDC staff	Registration
Require an overseas diploma applicant to sit an examination, to confirm they have the requisite knowledge and skill	16(1)	GDC staff	Registration

Make regulations as to the examinations for overseas diploma applicants - Fees for the examinations - Appoint inspectors to attend the examinations	16(4)	Council	–
Appoint persons to visit an overseas institution to check that the diploma meets the requisite knowledge and skills	16(2)/16(3)	GDC staff	Registration Not currently appointing visitors to visit overseas institutions
Remunerate persons acting as visitors on behalf of the Council (under 16(3) visiting an institution or 16(4)(b) attending examinations for overseas applicants	16(5)	GDC staff	Registration Not currently visiting overseas institutions
Allow temporary registration of an applicant with an overseas diploma subject to provisions	17(1)/17(3A)	GDC staff	Registration
<u>The Register</u>			
Make fees regulations	19(1)/19(1A)/36F(1)/36F(1A)	Council (Finance and Performance Committee)	–
Make regulations enabling the registrar to erase a person from dental care professionals register for failure to pay fee	36F(2)	Council	–
Direct Registrar as to the details/form of the published register	22(1)/36G(1)	Council	–
Refer restoration applicant (fraudulent entry removal) to the Professional Conduct Committee	24(4)/24(5)/36I(4)/36I(5)	GDC staff	Registration
<u>Titles</u>			
Make specialist list regulations setting out conditions	26(3)	Council	–

Specialist lists – prescribe appropriate titles for distinctive branches of dentistry			
Keep a list of prescribed dentistry titles	26(4)	GDC staff	Registration
Make regulations setting out fee for entry and retention of name on list	26(4A)	Council	–
Make specialist list regulations enabling the registrar to refuse to make or restore an entry until the fee has been paid as well as erase for non-payment of fee	26(4B)	Council	–
Publish kept list of prescribed titles	26(7)	GDC staff	Registration
Make regulations specifying DCP titles	36A(2)/36A(3)/36A(4)	Council	–
Consult on proposed DCP titles to be set out in regulations	36A(5)	Council	–
<u>Fitness to practise</u>			
Prepare and issue guidance as to expected standards of conduct, performance and practice	26B(1)/36M(1)	GDC staff	Policy (Strategy)
Keep guidance on standards under review and vary as appropriate	26B(3)/36M(3)	GDC staff	Policy (Strategy)
Before making any changes to standards guidance, undertake a consultation	26B(5)/36M(5)	Council	–
Publish guidance (the Standards)	26B(4)/36M(4)	GDC staff	Policy (Strategy)
Charge a fee for providing a copy of the standards guidance	26B(10)/36M(10)	GDC staff	Strategy
Make application to the Investigating Committee to review or revise a determination to refer to a Practice Committee	27A(8)/36O(8)	GDC staff	- Fitness to Practise - In-house Legal Presentation Service

			Case and Contract Managers (who manage External Legal Providers)
Act as respondent to a section 29 appeal	29(4)/36S(7)	Council	–
Apply to the court for an extension of an Interim Orders Committee order	32(8)/36V(8)	GDC staff	- In-house Legal Presentation Service - Case and Contract Managers (who manage External Legal Providers)
Request employment or provision of dental services arrangement details from a person whose fitness to practice is being questioned	33B(1)/36Y(1)	GDC staff	Fitness to Practise
Request information and/or documents from any person (not the subject) which would assist the Council or committees in their function	33B(2)/36Y(2)	GDC staff	Fitness to Practise
Seek a court order for production of information if a person fails to comply with information request	33B(7)/36Y(7)	GDC staff	- Fitness to Practise - In-house Legal Presentation Service - Case and Contract Managers (who manage External Legal Providers)
Notify certain persons once a dentist's fitness to practise allegations have been referred to the Investigating Committee	33C(1)/33C(2)/36Z(1)/36Z(2)	GDC staff	Fitness to Practise
Disclose information relating to a dentist's fitness to practise where it is in the public interest	33C(3)/36Z(3)	GDC staff	- Fitness to Practise - In-house Legal Presentation Service - Case and Contract Managers (who manage External Legal Providers)

<u>EEA State and Switzerland requirements</u>			
<i>Act as UK competent authority</i>	36ZA(1)	Council	–
<i>Carry out functions listed in Schedule 4ZA as far as relating to non-specialist matters</i>	36ZA(3)	GDC staff	Registration
<i>Charge fee for provision of certificates referred to in Schedule 4ZA</i>	36ZB	GDC staff	Registration Not currently charging fee for certificates
<i>Consider applications for partial access to the dental professions</i>	Schedule 4ZA (Article 4f Directive 2005/36)	GDC staff	Registration Not currently considering applications for partial access
<i>Issue certificates:</i> • attestations for persons established as dentists • to dentists confirming effective and lawful practice • confirmation of successful completion of basic dental training • certificates of current professional status • certificates confirming evidence of UK dental qualification is that covered by the Directive.	Schedule 4ZA (Article 7(2)(b) Directive 2005/36) Schedule 4ZA (Article 23(1) Directive 2005/36) Schedule 4ZA (Article 23(6) Directive 2005/36) Schedule 4ZA (Article 50(1) and para 1(d) of Annex VII Directive 2005/36) Schedule 4ZA (Article 50(1) and para 2 of Annex VII Directive 2005/36)	GDC staff	• Registration • Registration Operations
<i>Provision and receipt of information relating to a person's standing and training</i>	Schedule 4ZA (Article 50(2) Directive 2005/36)	GDC staff	Registration

	Schedule 4ZA (Article 50(3) Directive 2005/36) Schedule 4ZA (Article 50(3a) Directive 2005/36) Schedule 4ZA (Article 50(3b) Directive 2005/36) Schedule 4ZA (Article 56(1) Directive 2005/36) Schedule 4ZA (Article 56(2) Directive 2005/36) Schedule 4ZA (Article 56(2a))		
<i>Ensure any language controls on registrants comply with article 53 of the Directive</i>	Schedule 4ZA (Article 53 Directive 2005/36)	GDC staff	Registration
<i>Informing competent authorities of change in registration status of individuals</i>	Schedule 4ZA (Article 56a (1) and (2) Directive 2005/36) Schedule 4ZA (Article 56a(3) Directive 2005/36) Schedule 4ZA (Article 56a(4) Directive 2005/36) Schedule 4ZA (Article 56a(5) Directive 2005/36) Schedule 4ZA (Article 56a(6) Directive 2005/36)	GDC staff	Registration Operations

<i>Notifying the practitioner of an IMI alert being sent</i>	Schedule 4ZA (Article 56a(6) Directive 200/36)	GDC staff	Registration Operations
<i>Keeping IMI alerts up to date</i>	Schedule 4ZA (Article 56a(7) Directive 200/36)	GDC staff	Registration Operations
<i>Ensuring ease of access for dentist and dental care professionals.</i>	Schedule 4ZA (Article 57a(1) Directive 2005/36)	GDC staff	Registration
<u>Dental bodies corporate</u>			
Maintain a list of bodies corporate carrying on the business of dentistry	43A(1)	Section has not been commenced	–
Make regulations requiring a fee to be paid by bodies corporate when providing stipulated information	43A(7)	Section has not been commenced	–
Increase the value of the financial penalty imposed on body corporates	43B(7)/44(6)	Section has not been commenced	–
Publish order increasing penalty	43B(8)/44(7)	Section has not been commenced	–
Recovery of financial penalty	43B(11)/44(10)	Section has not been commenced	–
Pay financial penalties or recovered sums into the Consolidated fund	43B(13)/44(12)	Section has not been commenced	–
<u>Publication of Information</u>			
Determine form in which information or guidance to be published	50B(1)	Executive Directors – All Directorates	–
<u>Governance</u>			

Power to make rules such as:	50C(1)/50C(5)/50C(6)	Council	–
• Indemnity rules (26A) • Constitution rules for IC, IOC, PC and RAC (2(6A)) • Review determination (27(6A) and 27AB) • Rules regarding undertakings (27A(13)) • Rules delegating IC functions (27AA) • CPD rules (34A and 34B) • DCP register rules (36B) • Qualification withdrawal rules (36D(5))			
To consult before making rules under Schedule 3 or 4B	50D(1)	Council	–
To consult before making rules relating to bodies corporate	50D(6)	Not applicable as section 43A not commenced	–
Make rules delegating to committees or any officer	Schedule 1, para 8(1)	Council (Audit and Risk Committee)	–
Create standing orders in order to regulate its procedures and the procedures of committees and sub-committees	Schedule 1, para 8A(1)	Council	–
Create standing orders in order to provisionally suspend Council Member	Schedule 1, para 8A(2)	Council	–
<u>General powers</u>			
Pay Council and Committee members fees and allowances	Schedule 1, para 6(2)/ Schedule 1, para 6(2A)	Council	–
Pay expenses	Schedule 1, para 7(1)/ Schedule 1, para 7(2)	Council (Remuneration and Nomination Committee)	–

Use Council income for education or research	Schedule 1, para 7(1)	GDC staff	• Education • Research and Intelligence
<u>Appointments</u>			
Appoint legal advisers	Schedule 4C, para 1(1)	Statutory Panellists Assurance Committee	–
Pay fees, allowances or expenses to legal advisers	Schedule 4C, para 1(6)	GDC staff	People Services (on Council approved policy)
Appoint medical advisers	Schedule 4C, para 2(1)	Statutory Panellists Assurance Committee	–
Pay fees, allowances or expenses to medical advisers	Schedule 4C, para 2(5)	GDC staff	People Services (on Council approved policy)
Appoint professional advisers	Schedule 4C, para 3(1)	Statutory Panellists Assurance Committee	–
Pay fees, allowances or expenses to professional advisers	Schedule 4C, para 3(5)	GDC staff	People Services (on Council approved policy)

SECONDARY LEGISLATION

EDUCATION

THE GENERAL DENTAL COUNCIL (PROFESSIONS COMPLEMENTARY TO DENTISTRY) (QUALIFICATIONS AND SUPERVISION OF DENTAL WORK) RULES ORDER OF COUNCIL 2006

Function	Statutory reference	Decision maker	GDC department with operational responsibility
Withdrawal of approval of qualifications for DCPs	2	Registrar	–
Procedure in relation to a decision to withdraw approval – taking into account observations	3(1)	GDC staff	Education (Strategy)
Procedure in relation to a decision to withdraw approval – notifying the establishment	3(2)	GDC staff	Education (Strategy)
Effect of withdrawal of approval – give opportunity to study elsewhere	4(1)	GDC staff	Education (Strategy)

THE GENERAL DENTAL COUNCIL (PROFESSIONS COMPLEMENTARY TO DENTISTRY) (VISITORS) RULES 2006			
Function	Statutory reference	Decision maker	GDC department with operational responsibility
Appointment of visitors to visit establishment and attend examinations/ assessments	2(1)	GDC staff	Education (Strategy)
Send visitor reports to the establishment and invite comments	3(1)	GDC staff	Education (Strategy)

DENTAL REGISTERS

THE GENERAL DENTAL COUNCIL (DENTISTS REGISTER) REGULATIONS 2014			
Function	Statutory reference	Decision maker	GDC department with operational responsibility
Determine information to be provided in support of registration application	10	GDC staff	Registration

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THE GENERAL DENTAL COUNCIL (DENTAL CARE PROFESSIONALS REGISTER) RULES 2014			
Function	Statutory reference	Decision maker	GDC department with operational responsibility
Determine and publish application form	10(a)	GDC staff	Registration
Request information about registration application	14	GDC staff	Registration
Determine self-declaration form	Schedule, para 2(c)	GDC staff	Registration

THE GENERAL DENTAL COUNCIL (PROFESSIONS COMPLEMENTARY TO DENTISTRY) REGULATIONS ORDER OF COUNCIL 2006			
Function	Statutory reference	Decision maker	GDC department with operational responsibility
Specify and publish details of area of practice needed in order to demonstrate knowledge and skill, details of access to registration assessment and information on access to registration training	4(1)	GDC staff	Registration
Establish and publish criteria they have had regard to	4(3)	GDC staff	Registration

SPECIALIST LISTS

THE GENERAL DENTAL COUNCIL (SPECIALIST LIST) REGULATIONS 2008			
Function	Statutory reference	Decision maker	GDC department with operational responsibility
Award of a CCST	3(1)	GDC staff	Registration

Withdraw approval of specialist training	4(2)(b)	GDC staff	Education (Strategy)
<i>Take into account dental qualifications, knowledge or experience, wherever acquired of an exempt person</i>	6(2)	GDC staff	Registration
Determine date ARF to be paid	(9)(2)	Council	–
Provide restoration application form and set restoration fee	(9)(3)	GDC staff	Registration (for providing application form only)
Specify length of time previous name to be entered alongside new name	(9)(5)	GDC staff	Registration

FEES

THE GENERAL DENTAL COUNCIL (DENTISTS) (FEES) REGULATIONS 2021

Function	Statutory reference	Decision maker
Set fees	2(1)	Council

THE GENERAL DENTAL COUNCIL (SPECIALIST) (FEES) REGULATIONS 2017

Function	Statutory reference	Decision maker
Set fees	3	Council

THE GENERAL DENTAL COUNCIL (PROFESSIONS COMPLEMENTARY TO DENTISTRY) (FEES) REGULATIONS 2021

Function	Statutory reference	Decision maker
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Set fees	2(1)	Council
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APPEALS

THE GENERAL DENTAL COUNCIL (SPECIALIST LIST) APPEALS REGULATIONS 2009			
Function	Statutory reference	Decision maker	GDC department with operational responsibility
Approve procedures for appointing appeal panel members and conduct of appeals	2(2)	GDC staff	- Hearings - People Services
Appoint Director of Appeals and set terms of appointment	Schedule, para 1(1)	GDC staff	People Services
Appoint Deputy Director of Appeals	Schedule, para 1(5)	GDC staff	People Services
Determine remuneration, pension, allowances and expenses	Schedule, para 2	Council	–
Submit documents to the Director of Appeals	Schedule, para 5(7)	GDC staff	Hearings
Elect an oral hearing	Schedule, para 6(2)	GDC staff	- Hearings - Registration
Set appeal fees	Schedule, para 7(2)	GDC staff	Hearings
Have a legal representative represent the Council at a hearing	Schedule, para 12(8)	GDC staff	In-house Legal Advisory Service
Comply with appeal determination within 15 working days	Schedule, para 17(4)	GDC staff	Registration

FITNESS TO PRACTISE

GENERAL DENTAL COUNCIL (FITNESS TO PRACTISE) RULES ORDER OF COUNCIL 2006

Function	Statutory reference	Decision maker	GDC department with operational responsibility
Submit a rule 6E application	6E(1)(b)	GDC staff	- In-house Legal Presentation Service - Case and Contract Managers (who manage External Legal Providers)
Proving facts alleged in the notification of hearing	57(4)	GDC staff	- In-house Legal Presentation Service - Case and Contract Managers (who manage External Legal Providers)
Authenticate statement of the findings of fact made by the Board concerning a person included on the barred list	57(6A)	GDC staff	Fitness to Practise
Authenticate statement of findings of fact made by Scottish Ministers concerning a person who has been included in the children's list or the adult's list	57(6B)	GDC staff	Fitness to Practise
Electronically record hearings and meetings	61(1)	GDC staff	- Hearings - IT

GOVERNANCE**THE GENERAL DENTAL COUNCIL (CONSTITUTION OF COMMITTEES) RULES ORDER OF COUNCIL 2009**

Function	Statutory reference	Decision maker
Appoint the members and chair of the Appointments Committee	3(2)	Council (Statutory Panellists Assurance Committee)
Set minimum attendance levels for members	7(1)(h)	Council
Set minimum education and training requirements for members	7(1)(j)	Council

STANDING ORDERS FOR THE CONDUCT OF BUSINESS OF THE COUNCIL AND COMMITTEES 2022

Function	Statutory reference	Decision maker
Suspend Standing Orders	1.5	Council
Continue to establish Non-Statutory Committees	2.1	Council
Continue to establish the Appointments Committee	2.2	Council
Approve terms of reference and changes to terms of reference	2.3	Council
Establish Working Groups	2.4	Council
Appoint Chair of the Appointments Committee	3.3	Council
Appoint members of the Appointments Committee	3.3	Council (Statutory Panellists Assurance Committee)
Make proposals for the appointment of Council Members as Non-Statutory Committee Chairs	3.4	Council

Hold meetings	4.1	Council
Convene a special meeting	4.5(a)	Council, Chair of Council or four Council Members
Convene an emergency meeting	4.5(c)	Council, Chair of Council, Chair of the Audit and Risk Committee or four Council Members
Make a ruling concerning the Chair	8.5	Council
Note or receive papers in between meetings	9.11	Council
Nominate a Deputy Chair to serve as Chair if the Council Chair is absent or unavailable	12.5	Council
Appoint the Senior Independent Council Member	12.8	Council
Determine Registrar's length of office	12.13	Council
Invite any person to speak, give advice or answer questions	12.20	Council
Direct Secretary to arrange training for Members	13.4/13.6	Council
Establish system of performance appraisals of Members	13.5	Council (Remuneration and Nomination Committee)
Approve policies and procedures governing code of conduct for Members	14.1	Council
Rule on question of conduct when it concerns the Chair	14.2	Council
Provisionally suspend a Member	15.2	Council
Terminate provisional suspension of Member if Privy Council decides not to suspend/remove	15.4	Council
Recommend to Privy Council the lifting of a Member's suspension	15.6	Council

THE GENERAL DENTAL COUNCIL (CONSTITUTION) ORDER 2009		
Function	Statutory reference	Decision maker
Set the education and training requirements for Council Members	4/6(1)(h)	Council
Set minimum attendance levels for Council Members	6(1)(g)(i)	Council
Consider whether to provisionally suspend a Council Member (via standing order)	7(4)/10(3)(d)	Council
Notify Privy Council of provisional suspension	7(5)	Council
Terminate provisional suspension of Council Member if Privy Council decides not to terminate	7(6)	Council
Nominate a deputy chair to serve in chair's absence	10(2)	Council
Terminate deputy appointment	10(3)(e)	Council

NO DUTIES OR POWERS LISTED

- The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council 2017
- The General Dental Council (Professions Complementary to Dentistry) (Business of Dentistry) Rules Order of Council 2006
- The General Dental Council (Professions Complementary to Dentistry) (Dental Hygienists and Dental Therapists) Regulations Order of Council 2006
- The General Dental Council (Delegations of Functions) Rules 2020 – sections 9(1) – 9(4) and 10(1) of the Dentists Act 1984 sets out functions with respect to education that the Council must/may carry out. However, these rules delegated these functions to the Registrar
- The General Dental Council (Overseas Registration Examination Regulations) Order of Council 2015
- The General Dental Council (Registration Appeals) Rules Order of Council 2006
- The General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules Order of Council 2015
- The General Dental Council (Appointments Committee and Appointment of Members of Committees) Rules Order of Council 2006

Dated: 9 August 2022