
STATUTORY INSTRUMENTS

2007 No. 3101

**The European Qualifications (Health and
Social Care Professions) Regulations 2007**

PART 8

**DENTISTS: THE EUROPEAN PRIMARY AND SPECIALIST
DENTAL QUALIFICATIONS REGULATIONS 1998**

Amendment of the European Primary and Specialist Dental Qualifications Regulations 1998

135. The European Primary and Specialist Dental Qualifications Regulations 1998(1) are amended in accordance with this Part.

Amendment of regulation 2

136.—(1) Regulation 2(2) (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “CCST” insert—

““competent authority” means any authority or body of a relevant European State designated by that State for the purposes of the Directive as competent to—

(a) receive or issue evidence of qualifications or other information or documents,
or

(b) receive applications and take the decisions referred to in the Directive,
in connection with practice as a specialist dentist in orthodontics or oral surgery;”;

(b) for the definition of “the Dental Training Directive” substitute—

““the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications(3), and references in these Regulations to any provision of the Directive are references to that provision of the Directive as amended from time to time;”;

(c) omit the definition of “EEA”;

(d) omit the definition of “EEA Agreement”;

(e) omit the definition of “EEA State”;

(f) for the definition of “exempt person” substitute—

““exempt person” means—

(a) a national of a relevant European State other than the United Kingdom;

(1) [S.I. 1998/811](#).

(2) Regulation 2 was amended by [S.I. 2003/3148](#) and [2004/1947](#).

(3) OJ No. L255, 30.09.2005, p.22, as amended by Council Directive [2006/100/EC](#) of 20th November 2006, OJ No. L363 of 20.12.2006, p.141.

- (b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession of dentistry by virtue of an enforceable Community right; or
 - (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the profession of dentistry, no less favourably than a national of a relevant European State;”;
 - (g) after the definition of “GDC” insert—
 - ““General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007(4);”;
 - (h) in the definition of “national”, for “an EEA State” substitute “a relevant European State”;
 - (i) omit the definition of “the Recognition Directive”; and
 - (j) after the definition of “registration number” add—
 - ““relevant European State” means an EEA State or Switzerland.”.
- (3) Omit paragraph (3).

Amendment of regulation 3

137. In regulation 3 (power of direction), in paragraph (1)(a) and (b), for “the EEA” substitute “a relevant European State”.

Substitution of regulation 4

138. For regulation 4(5) substitute—

“The Directive: designation of competent authority etc.

4.—(1) The GDC is designated as the competent authority in the United Kingdom for the purposes of the Directive relating to practice as a specialist dentist in orthodontics or oral surgery, including the awarding of CCSTs in orthodontics and oral surgery.

(2) Accordingly, the GDC shall in the United Kingdom carry out (in particular) the functions specified in Schedule A1.

(3) In Schedule A1, “non-UK specialist qualification” means a qualification as a specialist dentist in orthodontics or oral surgery that is awarded to a person by a competent authority of a relevant European State other than the United Kingdom.”.

Amendment of regulation 7

139. In regulation 7 (minimum requirements of specialist dental training), for paragraphs (1) to (3) substitute—

“(1) The GDC shall not approve specialist dental training intended to lead to the award of a CCST unless that training meets the conditions specified in article 35 of the Directive (specialist dental training), or under article 22(a) of the Directive (part-time training) is to be treated as meeting those conditions.

(2) The GDC may withdraw any such approval if it is satisfied that the training no longer meets, or under article 22(a) of the Directive can no longer be treated as meeting, the conditions specified in article 35 of the Directive.”.

(4) [S.I. 2007/2781](#).

(5) Regulation 4 was amended by [S.I. 2003/3148](#).

Amendment of regulation 8

140. In regulation 8 (distinctive titles and specialist lists), for paragraph (2) substitute—

“(2) Where this paragraph applies, the GDC shall secure that the regulations mentioned in paragraph (1) provide that a registered dentist is entitled to use the title prescribed for a specialty and (if appropriate) to have his name entered in the list for that specialty only if (subject to paragraph (2A)) he pays any fee determined by the GDC on application for entry in the appropriate list, and—

- (a) he holds a CCST awarded by the GDC under regulation 6 in the specialty in question;
- (b) he is an eligible specialist as specified in regulation 9;
- (c) he is an exempt person—
 - (i) whose case falls within regulation 3(9)(a) or (e) of the General Systems Regulations,
 - (ii) to whom regulations 20 to 26 of those Regulations apply by reason of the operation of regulation 3(4) of those Regulations, and
 - (iii) who is permitted to practise orthodontics or oral surgery in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations);
- (d) he is an existing specialist as specified in regulation 12; or
- (e) he is an exempt person—
 - (i) who is registered in the list of visiting dentists from relevant European States mentioned in section 14(1A)(c) of the Act, and
 - (ii) who is providing services in the United Kingdom as a specialist dentist in orthodontics or oral surgery on a temporary and occasional basis, in exercise of entitlement under Schedule 4 (visiting dentists from relevant European States) to the Act.

(2A) No application shall be required, and no fee shall be payable, in respect of entry in a specialist list pursuant to paragraph (2)(e).

(2B) If a person whose name is included in a specialist list pursuant to paragraph (2)(e) ceases to satisfy either of the conditions specified in paragraph (2)(e), the registrar may remove that person’s name from that specialist list.”.

Amendment of regulation 9

141. In regulation 9(6) (eligible specialists)—

(a) for paragraph (1) substitute—

“(1) A person is an eligible specialist for the purposes of regulation 8(2)(b) if—

- (a) he is an exempt person; and
 - (b) he holds a recognised specialist dental qualification (as specified in regulation 10).”;
- (b) in paragraphs (2) and (4), for “regulation 8(2)” substitute “regulation 8(2)(b)”;
- (c) in paragraph (2), for “A person” substitute “Subject to paragraph (2A), a person”;

(d) after paragraph (2) insert—

“(2A) If a person falling within paragraph (2) is an exempt person and he holds a specialist dental qualification in orthodontics or oral surgery which—

- (a) was granted otherwise than in a relevant European State, and
- (b) has not previously been accepted by a relevant European State as qualifying him to practise as a specialist dentist in orthodontics or oral surgery (as the case may be) in that State,

he is not an eligible specialist unless his specialist dental qualification is evidence of specialist dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 35 of the Directive (specialist dental training).”;

(e) in paragraph (3), for sub-paragraph (b) substitute—

“(b) where the person has a specialist qualification in orthodontics or (as the case may be) oral surgery which—

- (i) was granted otherwise than in a relevant European State, but
- (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a specialist dentist in that State, that acceptance.”;

(f) in paragraph (4), for sub-paragraph (a) substitute—

“(a) if his specialist qualification in oral and maxillo-facial surgery was awarded in a relevant European State other than the United Kingdom, he satisfies the GDC that his training in oral and maxillo-facial surgery included elements which taken together satisfy, or under article 22(a) of the Directive (part-time training) are to be treated as satisfying, the requirements of article 35 of the Directive (specialist dental training); and”;

(g) omit paragraphs (5), (6) and (7).

Insertion of regulation 9A

142. After regulation 9 insert—

“Applications and notification of decisions

9A.—(1) An exempt person (“A”) applying to have his name entered in the list for the specialty of orthodontics or oral surgery shall produce or send to the GDC a certificate as mentioned in paragraph (2), if—

- (a) he is applying to be considered as an eligible specialist by virtue of regulation 9(1);
- (b) he holds a qualification listed in Annex V, point 5.3.3 of the Directive (evidence of formal qualifications of specialised dentists); and
- (c) he has successfully completed specialist dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 35 of the Directive (specialist dental training).

(2) The certificate—

- (a) must be a certificate issued by a competent authority in the relevant European State in which A obtained his specialist dental qualification, or (if different) the relevant European State from which A comes to the United Kingdom; and

- (b) must certify that his specialist dental qualification is a qualification listed in relation to that State in Annex V, point 5.3.3 of the Directive.
- (3) Paragraphs (4), (5) and (6) apply where an exempt person (“S”) makes an application for the entry of his name in a specialist list pursuant to regulation 8(2)(b) or (c).
- (4) The GDC, within the period of one month beginning with the date of receipt of the application, must—
 - (a) acknowledge receipt of the application; and
 - (b) inform S of any missing document required for the purposes of the application.
- (5) The GDC must, within the specified period, give S notice—
 - (a) of the result of the application;
 - (b) if it refuses the application, of the reasons for that refusal and any right of appeal S has under regulation 14(1)(b) or (ba).
- (6) Failure to notify S of the result of the application within the specified period shall be treated as a decision from which S may appeal under regulation 14(1)(b) or (ba).
- (7) In this regulation “the specified period” means—
 - (a) in the case of an application pursuant to regulation 8(2)(b), the period of three months beginning with the relevant date;
 - (b) in the case of an application pursuant to regulation 8(2)(c), the period of four months beginning with the relevant date.
- (8) The “relevant date”, in relation to an application, is—
 - (a) the date when the GDC receives the application; or
 - (b) if any document required for the purposes of the application is missing when the GDC receives the application, the date on which the GDC first has all the documents required for those purposes.”.

Amendment of regulation 10

143.—(1) Regulation 10(7) (recognised specialist dental qualifications) is amended as follows.

(2) In paragraph (1)—

(a) for sub-paragraphs (a) to (d) substitute—

“(a) a qualification which—

- (i) is listed in Annex V, point 5.3.3 of the Directive (evidence of formal qualifications in orthodontics and oral surgery),
- (ii) was awarded in a relevant European State other than the United Kingdom on or after the reference date, and
- (iii) is not evidence of training commenced by the holder before that date;

(aa) a qualification which—

- (i) is listed in Annex V, point 5.3.3 of the Directive,
- (ii) was awarded in a relevant European State other than the United Kingdom, and
- (iii) is evidence of training commenced by the holder before the reference date, provided that the holder of the qualification satisfies the GDC (by means of a certificate of a competent authority of the relevant European State in which

(7) Regulation 10 was amended by [S.I. 2003/3148](#) and [2004/1947](#).

- the qualification was awarded or otherwise) that the qualification satisfies the requirements of article 35 of the Directive (specialist dental training);
- (b) a qualification in orthodontics or (as the case may be) oral surgery which—
- (i) was awarded in a relevant European State other than the United Kingdom,
 - (ii) does not satisfy the requirements of article 35 of the Directive, and
 - (iii) is evidence of training commenced by the holder before the reference date,
- provided that the qualification is accompanied by a certificate of a competent authority of any relevant European State that the holder has effectively and lawfully been engaged in the practice of his specialty in that State for at least three consecutive years during the five years preceding the date of issue of the certificate;
- (c) a qualification in orthodontics or (as the case may be) oral surgery which—
- (i) does not correspond to the titles listed in Annex V, point 5.3.3 of the Directive, and
 - (ii) was awarded at any time in a relevant European State other than the United Kingdom,
- provided that the qualification is accompanied by a certificate of a competent authority of that State to the effect that the qualification is evidence of training which satisfies the requirements of article 35 of the Directive and is treated by that State as if it were a qualification listed in respect of the relevant specialty in relation to that State in Annex V, point 5.3.3 of the Directive;
- (d) subject to compliance with paragraph (2), a qualification in orthodontics or (as the case may be) oral surgery which is evidence of training commenced by the holder before 3rd October 1990 on the territory of the former German Democratic Republic, and which does not satisfy the requirements of article 35 of the Directive;” and
- (b) in sub-paragraph (e)—
- (i) in paragraph (ii)(aa)—
 - (aa) for “the competent authorities of the EEA State” substitute “a competent authority of the relevant European State”, and
 - (bb) for “Schedule 1 to this Order” substitute “Annex V, point 5.3.3 of the Directive”,
 - (ii) in paragraph (ii)(bb), for “the competent authorities” substitute “a competent authority”, and
 - (iii) in column (a) of the Table, for “Yugoslavia” substitute “Former Yugoslavia”.
- (3) For paragraphs (2) and (3) substitute—
- “(2) This paragraph is complied with where—
- (a) the qualification referred to in paragraph (1)(d) is accompanied by a certificate of a competent authority in Germany that the holder of the qualification has effectively and lawfully been engaged in the practice of his specialty in Germany for at least three consecutive years during the five years preceding the date of that certificate; and
 - (b) the holder of the qualification is authorised to practise his specialty throughout the territory of Germany under the same conditions as holders of the German qualification listed in respect of that specialty in Annex V, point 5.3.3 of the Directive.

(3) In paragraph (1) “reference date”, in relation to the practice of orthodontics or oral surgery in a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in the table relating to that specialty in Annex V, point 5.3.3 of the Directive.”.

Amendment of regulation 13

144. In regulation 13(8) (other specialties), in paragraph (2)(a), for “outside the EEA has been accepted by another EEA State” substitute “otherwise than in a relevant European State has been accepted by a relevant European State, other than the United Kingdom,”.

Amendment of regulation 14

145. In regulation 14 (appeals)—

(a) for the heading substitute “Appeal panels”; and

(b) in paragraph (1)—

(i) for sub-paragraph (b) substitute—

“(b) a person whose application for entry in a specialist list pursuant to regulation 8(2)(b) is refused by the GDC;

(ba) a person whose application for entry in a specialist list pursuant to regulation 8(2)(c) is refused by the GDC;

(bb) a person within paragraphs (i) and (ii) of regulation 8(2)(c) whom the GDC requires to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of Part 3 of the General Systems Regulations to practise as a specialist in orthodontics or oral surgery in the United Kingdom;

(bc) a person in respect of whom the GDC refuses entry in a specialist list pursuant to regulation 8(2)(e); and”, and

(ii) in the tailpiece, for “whether or not the appellant should be awarded a CCST or should so satisfy the GDC (as the case may be)” substitute “that appeal”.

Insertion of regulation 14A

146. After regulation 14 insert—

“Appeals from an appeal panel

14A.—(1) Where—

(a) an appeal panel determines an appeal under regulation 14, and

(b) the result of the appeal is unfavourable to the person concerned,

the person concerned may appeal against the determination to the relevant court.

(2) On an appeal under this regulation, the relevant court may—

(a) dismiss the appeal,

(b) allow the appeal and quash the determination appealed against,

(c) substitute for the determination appealed against any other determination which could have been made by an appeal panel, or

(d) remit the case to an appeal panel to dispose of in accordance with the directions of the relevant court,
and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.

(3) In this paragraph “the relevant court” means—

- (a) where the person concerned is entered in a specialist list, and his address in that list is in Scotland, the sheriff in whose sheriffdom that address is situated;
- (b) where the person concerned is not entered in a specialist list, but his address would (if he were to be entered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
- (c) in any other case, the county court.”

Repeal of regulations 16, 17, 18 and 21

147. Regulations 16 (the competent authorities), 17 (fees), 18 (minimum requirements of primary dental training) and 21 (minor amendments to the Act) are repealed.

Insertion of Schedule A1

148. Before Schedule 1 insert—

“SCHEDULE A1

Regulation 4

DIRECTIVE 2005/36: FUNCTIONS OF THE GDC UNDER REGULATION 4(2)

<i>Provision of Directive</i>	<i>Function of GDC</i>
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established, in the United Kingdom, as specialist dentists in orthodontics or oral surgery.
Article 8(1)	Receiving information from, or providing information to, other competent authorities in relation to—
	(a) the legality of a person’s establishment as a specialist dentist in orthodontics or oral surgery;
	(b) the good conduct of such a person;
	(c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing specialist dental services in orthodontics or oral surgery.
Article 23(1)	Issuing, in respect of practice as a specialist dentist in orthodontics or oral surgery, certificates of effective and lawful practice in the United Kingdom.
Article 23(6)	Issuing certificates stating that specialist dental qualifications in orthodontics or oral surgery issued in the United Kingdom, which do not correspond to the titles set out in respect of the United Kingdom at point 5.3.3 of Annex

<i>Provision of Directive</i>	<i>Function of GDC</i>
	V to the Directive, certify successful completion of specialist dental training that is in accordance with article 35 of the Directive or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 35 of the Directive.
Article 50(1) and paragraph 1(d) of Annex VII	Issuing, in respect of practice as a specialist dentist in orthodontics or oral surgery, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
Article 50(1) and paragraph 2 of Annex VII	Issuing certificates stating that a person's CCST in orthodontics or oral surgery is a qualification covered by the Directive.
Article 50(2)	In cases of justified doubts—
	(a) requiring confirmation of the authenticity of non-UK specialist qualifications;
	(b) requiring confirmation that holders of non-UK specialist qualifications satisfy the minimum training conditions set out in article 35 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions;
	(c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's CCST in orthodontics or oral surgery;
	(d) providing confirmation that holders of a CCST in orthodontics or oral surgery satisfy the minimum training conditions set out in article 35 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions.
Article 50(3)	In cases of justified doubts—
	(a) verifying information provided in connection with non-UK specialist qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
	(b) providing information in connection with a person's CCST in orthodontics or oral surgery awarded following training in a relevant European State other than the United Kingdom.
Article 56(1)	Ensuring the confidentiality of information exchanged with other competent authorities.
Article 56(2)	Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for practice as a specialist dentist in orthodontics or oral surgery.

<i>Provision of Directive</i>	<i>Function of GDC</i>	
	Where such information is received by the GDC—	
	(a)	examining the veracity of the circumstances;
	(b)	deciding the nature and scope of any investigations that need to be carried out;
	(c)	informing other competent authorities of the GDC's conclusions.”

Repeal of Schedule 1

149. Schedule 1 (specialist dental qualifications awarded in EEA States other than the United Kingdom in orthodontics and oral surgery) is repealed.

Repeal of Schedule 2

150. Schedule 2 (minimum training requirements for training leading to the award of primary dental qualifications in the United Kingdom) is repealed.