

*Status: Point in time view as at 01/10/2006.*

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# Dentists Act 1984

## 1984 CHAPTER 24

**U.K.**

An Act to consolidate the Dentists Acts 1957 to 1983, with an amendment to give effect to a recommendation of the Law Commission and the Scottish Law Commission. [26th June 1984]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act: power to modify conferred (15.3.2000) by [1999 c. 8, s. 60\(1\)\(2\)\(a\)\(4\)](#), [Sch. 3](#); [S.I. 2000/779](#), [art. 2\(1\)](#)
- C2 A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.
- C3 Act: transitional provisions for effects of [SI 2005/2011 \(31.7.2006\)](#) by [The Dentists Act 1984 \(Amendment\) Order 2005 Transitional Provisions Order of Council 2006 \(S.I. 2006/1671\)](#), [arts. 1-11](#)

### Commencement Information

- II Act partly in force 26.7.1984 and wholly in force 1.1.1985; see s. 55

## PART I **U.K.**

### THE GENERAL DENTAL COUNCIL

#### 1 Constitution and general duties of the Council. **U.K.**

- (1) There shall continue to be a body corporate known as the General Dental Council (in this Act referred to as “the Council”).

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- [<sup>F1</sup>(2) The Council shall, when exercising their functions under this Act, have a general concern—
  - (a) to promote high standards of education at all its stages in all aspects of dentistry; and
  - (b) to promote high standards of professional conduct, performance and practice among persons registered under this Act.
- (2A) The Council shall be constituted as provided by order of the Privy Council.
- (2B) An order of the Privy Council made under subsection (2A) may contain such incidental, consequential, saving, transitional or supplementary provisions as appear to the Privy Council to be necessary or expedient.]
- (3) Part I of Schedule 1 to this Act shall have effect in relation to the Council [<sup>F2</sup>and, in particular, subsection (2A) above is subject to the provisions of that Part].

**Textual Amendments**

**F1** S. 1(2)-(2B) substituted for s. 1(2)-(2C) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 3](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F2** Words in s. 1(3) added (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 1](#), 3(b)

**2 Committees of the Council. U.K.**

- [<sup>F3</sup>(1) There shall continue to be committees of the Council known as—
  - (a) the Professional Conduct Committee; and
  - (b) the Health Committee.
- (2) There shall also be established committees of the Council to be known as—
  - (a) the Investigating Committee;
  - (b) the Professional Performance Committee;
  - (c) the Interim Orders Committee; and
  - (d) the Registration Appeals Committee.
- (3) In this Act, “Practice Committee” means the Professional Conduct Committee, the Health Committee or the Professional Performance Committee.]
- (5) .....
- [<sup>F4</sup>(6) The committees of the Council mentioned in this section shall be constituted as provided by order of the Privy Council.
- (7) An order of the Privy Council made under subsection (6) <sup>F5</sup>... may contain such incidental, consequential, saving, transitional or supplementary provisions as appear to the Privy Council to be necessary or expedient.
- (8) Some or all of the members of the committees mentioned in this section may be persons who are not members of the Council.]

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#### Textual Amendments

- F3** S. 2(1)-(3) substituted for s. 2(1)-(4A) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 4\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F4** S. 2(6)-(8) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 6\(d\)](#)
- F5** Words in s. 2(7) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 4\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### [<sup>F6</sup>2A. The Council's duty to co-operate **U.K.**

- (1) In the exercise of their functions, the Council shall co-operate in so far as reasonably practicable with public authorities, and other bodies and persons, falling within subsection (2).
- (2) Public authorities, bodies and persons fall within this subsection if—
- they are concerned with the employment (whether or not under a contract of service) of registered dentists or registered dental care professionals;
  - they provide, assess or fund education or training for those who are, or seek to become, registered dentists or registered dental care professionals, or they propose to do so;
  - they regulate services in the provision of which registered dentists or registered dental care professionals are engaged;
  - they carry out activities in connection with the services provided by the professions regulated under this Act; or
  - they—
    - are responsible for regulating or co-ordinating the regulation of health or social care professions not regulated under this Act, or
    - carry out activities in connection with the services provided by those professions.
- (3) In carrying out their duty to co-operate under subsection (1), the Council shall have regard to any differing considerations in relation to the practice of dentistry which apply in England, Scotland, Wales and Northern Ireland.

#### Textual Amendments

- F6** [Ss. 2A-2D](#) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 2B. Annual and other reports **U.K.**

- (1) The Council shall prepare a report for each calendar year on the exercise of their functions in that year.

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- (2) The Council must submit each report prepared under subsection (1) to the Privy Council within the calendar year after the year to which the report relates.
- (3) The first report prepared under subsection (1) shall relate to the last complete calendar year before the commencement of this subsection.
- (4) The Privy Council shall, as soon as reasonably practicable after a report is submitted to it under subsection (2), lay a copy of that report before each House of Parliament and the Scottish Parliament.
- (5) The Council shall publish at least once in each calendar year a statistical report which indicates the efficiency and effectiveness of the arrangements they have put in place to protect the public from persons whose fitness to practise as a dentist or as a member of a profession complementary to dentistry is impaired, together with the Council's observations on the report.

#### Textual Amendments

**F6** Ss. 2A-2D inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 5](#) (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)

## 2C. Accounts **U.K.**

- (1) The Council shall—
  - (a) keep accounts, and
  - (b) prepare a statement of accounts in respect of each calendar year, in such form as the Privy Council may determine in writing.
- (2) The Council shall appoint an auditor to audit each statement of accounts prepared in accordance with subsection (1)(b), and the auditor must prepare a report on each statement of accounts.
- (3) The auditor appointed must be eligible for appointment as a company auditor under section 25 of the Companies Act 1989 or article 28 of the Companies (Northern Ireland) Order 1990.
- (4) The Council shall, as soon as reasonably practicable after the end of each calendar year—
  - (a) publish the statement of accounts for that year, together with the auditor's report on it; and
  - (b) send a copy of the statement of accounts and the report to the Privy Council and the Comptroller and Auditor General.
- (5) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts received under subsection (4) and for these purposes may inspect accounts kept by the Council in accordance with subsection (1)(a).
- (6) The Comptroller and Auditor General shall send a copy of each report prepared by him under subsection (5) to the Council and the Privy Council.

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- (7) The Privy Council shall, as soon as reasonably practicable after the end of each calendar year, lay before each House of Parliament and the Scottish Parliament a copy of—
- (a) the statement of accounts for that year as certified by the Comptroller and Auditor General;
  - (b) the auditor’s report for that year; and
  - (c) the report of the Comptroller and Auditor General for that year.

#### Textual Amendments

**F6** Ss. 2A-2D inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## 2D. Complaints **U.K.**

- (1) The Council may incur expenditure for the purposes of investigating and resolving dental complaints.
- (2) In this section “dental complaints” means complaints made by users of the services of registered dentists or the services of registered dental care professionals about—
  - (a) the dental services provided by a registered dentist, a registered dental care professional or a body corporate carrying on the business of dentistry; or
  - (b) the goods or materials provided to persons, or the facilities provided for persons, using those dental services.
- (3) The Council may also incur expenditure for the purposes of assisting the parties to the dental complaint in reaching a satisfactory resolution of that complaint.]

#### Textual Amendments

**F6** Ss. 2A-2D inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## PART II **U.K.**

### DENTAL EDUCATION

#### *Degrees and licences in dentistry*

## 3 Power of medical authorities to hold examinations and grant licences in dentistry. **U.K.**

- (1) Any medical authority who have power for the time being to grant surgical degrees may, notwithstanding anything in any enactment, charter or other document, hold

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examinations in dentistry and grant licences certifying the fitness of the holders to practise dentistry; and the holders' names shall be entered on a list of licentiates in dentistry to be kept by the medical authority.

- (2) Subsection (1) above is without prejudice to any power to grant a degree or licence in dentistry which a medical authority may possess apart from the provisions of this Act.
- (3) In this section “medical authority” means any of the universities or other bodies who choose appointed members of the General Medical Council, . . . <sup>F7</sup>
- (4) References in this Act to a dental authority are references to a medical authority who grant degrees, licences or other diplomas in dentistry.

#### Textual Amendments

**F7** Words repealed by [S.I. 1987/2047, art. 2\(a\)](#), [Sch.](#)

#### 4 Conduct of examinations for degrees and licences. **U.K.**

- (1) For the purpose of any examinations to qualify for a degree or licence in dentistry held by—
  - (a) any university in England or Wales, Scotland or [<sup>F8</sup>Northern Ireland],
  - (b) the Royal College of Surgeons of Edinburgh,
  - (c) the Royal College of Physicians and Surgeons of Glasgow, . . . <sup>F9</sup>
  - (d) . . . . . <sup>F9</sup>

the Council or other governing body of the university or college may appoint a board of examiners.
- (2) Each of these boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, of whom at least one half shall be registered dentists; and nothing in any enactment, charter or other document shall make it necessary for them to possess any other qualification.
- (3) Persons appointed under this section shall continue in office for such period, and shall conduct the examinations in such manner, as the governing body appointing them may by byelaws or regulations direct.
- (4) A casual vacancy in any such board of examiners may be filled by the governing body which appointed the board and the person so appointed—
  - (a) shall be a registered dentist if the person in whose place he is appointed was a registered dentist, and
  - (b) shall hold office for such time only as that other person would have held office.
- (5) Such reasonable fees shall be paid for a degree or licence awarded after examination by a board of examiners under this section as the governing body by whom they were appointed may by byelaws or regulations direct and the degrees or licences awarded after examination by the board of examiners shall be in such form as that governing body may so direct.
- (6) All byelaws and regulations made by a dental authority under this section, and any further byelaws or regulations altering or revoking them, shall be made in such manner, and subject to such approval or confirmation, if any, as in the case of other byelaws or regulations made by that dental authority.

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#### Textual Amendments

- F8** Word substituted by S.I. 1987/2047, art. 2(b)  
**F9** Words repealed by S.I. 1987/2047, art. 2(a), Sch.

### 5 **Holding of examinations and grant of licences by Royal College of Surgeons of England.** **U.K.**

The Royal College of Surgeons of England shall continue to hold examinations, and to appoint a board of examiners in dentistry, and to grant licences certifying the fitness of the holders to practise, subject to and in accordance with the provisions of their charter dated 8th September 1859 and the bye-laws made in pursuance of that charter; and the name of the holder of any licence so granted shall be entered on a list of licentiates in dentistry to kept by the College.

### 6 **Requirements in relation to admission of candidates to examinations and grant of degrees and licences.** **U.K.**

- (1) A dental authority shall admit to the examinations held by them to qualify for a degree or licence in dentistry any person desirous of being examined who has complied with the regulations in force (if any) as to education laid down by the dental authority.
- (2) Notwithstanding anything in any enactment, charter or other document, a dental authority shall not grant a degree or licence in dentistry to a person who has not attained the age of 21 years.

### 7 **Effect of grant of degree or licence in dentistry.** **U.K.**

A degree or licence in dentistry granted by a dental authority shall not confer any right or title to be registered under the <sup>M1</sup>Medical Act 1983, nor to assume any name, title or designation implying that the holder of the degree or licence is by law recognised as a practitioner or licentiate in medicine or general surgery.

#### Marginal Citations

- M1** 1983 c. 54.

## *Supervision of dental education*

### 8 **Information to be furnished by dental authorities.** **U.K.**

Every dental authority shall from time to time when required by the Council furnish them with such information as the Council may require—

- (a) as to the course of study and examinations to be gone through in order to obtain a degree or licence in dentistry, or any additional diploma in dentistry, and
- (b) generally as to the conditions laid down for obtaining such a degree, licence or diploma.



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## **9 Supervision of instruction given by dental schools and post-graduate institutions. U.K.**

- (1) The Council may appoint persons to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in those directions, places where instruction is given—
  - (a) to dental students under the direction of a dental authority, or
  - (b) to post-graduate students in dentistry under the direction of a dental authority or any other body.
- (2) Visitors appointed under this section shall report to the Council as to the sufficiency of the instruction given in the places which they visit and as to any other matters relating to the instruction which may be specified by the Council either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.
- (3) On receiving a report of a visitor under this section, the Council shall send a copy of the report to the dental authority or other body under whose direction the instruction in question was given, and on receiving the copy that dental authority or body may, within such period (not being less than one month) as the Council may have specified at the time they sent the copy of the report, make to the Council observations on the report or objections to it.
- (4) The Council shall, as soon as possible after the end of the period specified under subsection (3) above, send to the Privy Council a copy of the report and of any observations or objections duly made under that subsection, together with the Council's comments on the report and on any such observations and objections.
- (5) The Council shall have power to remunerate persons who are not members of the Council for acting as visitors under this section.

## **10 Supervision of examinations. U.K.**

- (1) Any member of the Council or other person, being a member or person appointed for the purpose by the Council, may be present at any such examinations as are mentioned in section 8(a) above.
- (2) The Council shall have power to remunerate persons so appointed who are not members of the Council for being present at the examinations.

## **11 Remedy where qualifying courses of study or examinations are inadequate. U.K.**

- (1) Where it appears to the Council that the course of study or the examinations to qualify for a degree or licence in dentistry granted by a dental authority is or are not such as to secure the possession by the graduates or licentiates of the requisite knowledge and skill for the efficient practice of dentistry, the Council may make a representation to that effect to the Privy Council; and on any such representation the Privy Council may, if they think fit, order that any degree or licence in dentistry granted by the dental authority after a time specified in the order shall not confer any right to be registered under this Act.
- (2) The powers conferred by subsection (1) above upon the Council to make representations and upon the Privy Council to make orders may be exercised in respect of a specifically described degree or licence in dentistry granted by a dental authority.



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- (3) If an order is made under this section in respect of any degree or licence in dentistry granted by a dental authority, no person shall be entitled to be registered under this Act in respect of any such degree or licence granted after the time mentioned in the order.
- (4) The Privy Council may, if it appears to them on a further representation from the Council or otherwise that the dental authority in question has made effectual provision to the satisfaction of the Council for the improvement of the course of study or examinations, revoke an order made under this section, but the revocation shall not entitle a person to be registered in respect of a degree or licence in dentistry granted before the revocation.
- (5) Any order of the Privy Council under this section may be made conditionally or unconditionally, and may contain such terms and directions as appear to the Privy Council to be just.

## 12 **Candidates not to be required to adopt or reject particular theories of dentistry.** **U.K.**

- (1) If it appears to the Council that a dental authority have attempted to impose on any candidate offering himself for examination an obligation to adopt, or to refrain from adopting, the practice of any particular theory of dentistry as a test or condition of admitting him to examination or of granting a degree or licence in dentistry, the Council may make a representation to that effect to the Privy Council.
- (2) On any such representation the Privy Council may direct the authority to desist from attempting to impose any such obligation, and if the authority do not comply with the direction the Privy Council may order that the authority shall cease to have power to grant degrees or licences in dentistry so long as they continue to attempt to impose any such obligation.
- (3) Any order of the Privy Council under this section may be made conditionally or unconditionally, and may contain such terms and directions as appear to the Privy Council to be just.

### *Functions of Education Committee*

<sup>F10</sup> 13 ..... **U.K.**

#### **Textual Amendments**

**F10** S. 13 omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [S.I. 2001/3926, art. 5\(2\)\(b\)](#)

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## PART III U.K.

### THE DENTAL PROFESSION

#### Registration

#### [<sup>F11</sup>14 The dentists register and the registrar U.K.]

- (1) There shall continue to be a register known as the dentists register (referred to in this Act as “the register”).
- (2) The register shall be kept by a registrar appointed by the Council.
- (3) Any person appointed to the office of registrar shall hold the office for such period and shall receive such salary as may be fixed by the Council.
- (4) The registrar shall perform such duties in connection with the register as the Council may direct, and in the execution of his duties he shall act on such evidence as in each case appears to him sufficient.
- (5) The registrar may delegate, either generally or specifically, any of his functions to any of the Council’s officers.
- (6) A certificate purporting to be signed by the registrar, certifying that a person—
  - (a) is registered in the register,
  - (b) is not registered in the register,
  - (c) was registered in the register at a specified date or during a specified period,
  - (d) was not registered in the register at a specified date or during a specified period, or
  - (e) has never been registered in the register,
 shall be evidence (and in Scotland sufficient evidence) of the matters certified.]

#### Textual Amendments

**F11** S. 14 inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 6](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### 15 Qualification for registration in the dentists register. U.K.

- (1) Subject to the provisions of this Act the following persons shall be entitled to be registered in the dentists register in accordance with this Act, namely—
  - (a) any person who is a graduate or licentiate in dentistry of a dental authority;
  - (b) any person who is a national of [<sup>F12</sup>an EEA State] and holds an appropriate European diploma; and
  - (c) any person who holds a recognised overseas diploma.
- (2) In subsection (1) above—
 

“appropriate European diploma” shall be construed in accordance with Schedule 2 to this Act;

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“national”, in relation to [<sup>F12</sup>an EEA State], means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;

and in this Act “recognised overseas diploma” means a diploma granted in a country overseas and recognised for the time being by the Council for the purposes of this Act, and does not include an appropriate European diploma.

[<sup>F13</sup>(2A) Any person who—

- (a) is not a national of an EEA State, but
- (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68<sup>M2</sup> or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1)(b) above as if he were such a national.]

(3) A person shall not be entitled to be registered in the dentists register under paragraph (a) or (b) of subsection (1) above unless he satisfies the registrar as to the following matters, namely—

- (a) his identity;
- (b) that he is of good character; and
- (c) that he is in good health, both physically and mentally.

(4) A person shall not be entitled to be registered in the dentists register under paragraph (c) of that subsection unless he satisfies the registrar as to the following matters, namely—

- (a) his identity;
- (b) that he is of good character;
- (c) that he has satisfied the Council that he has the requisite knowledge and skill;
- (d) that [<sup>F14</sup>he—
  - (i) is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)); or
  - (ii)] has the necessary knowledge of English; and
- (e) that he is in good health, both physically and mentally.

[<sup>F15</sup>(4A) In relation to a person who is a national of an [<sup>F16</sup>EEA] State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good character for the purposes of subsection (3)(b)—

- (a) a certificate issued by a competent authority in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, attesting that the requirements of that State in relation to good character for taking up the profession of dentistry have been met; or
- (b) (where the State does not require proof of good character for taking up of the profession of dentistry) an extract from the judicial record or an equivalent document issued by a competent authority in the State showing that he is of good character.

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- (4B) In relation to a person who is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good health for the purposes of subsection (3)(c)—
- (a) the document required in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, as proof of good health; or
  - (b) (where the State does not require proof of good health for the taking up of the profession of dentistry) a certificate issued by a competent authority in the State corresponding to the certificates of good health issued by the Council.
- (4C) the registrar shall not accept any certificate referred to in subsection (4A) or (4B) if it is presented more than three months after the date on which it was issued.]
- (5) An applicant for registration under subsection (1)(c) above has the necessary knowledge of English if he has the knowledge which, in the interests of himself and his patients, is necessary for the practice of dentistry in the United Kingdom.
- (6) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.

[<sup>F17</sup>(7) In this Act—

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>M3</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>M4</sup> [<sup>F18</sup> and as amended, so far as relevant to this Act, by Decision of the EEA Joint Committee No. 84/2002 of 25th June 2002] [<sup>F19</sup> and by the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic signed at Luxembourg on 14th October 2003];

“EEA State” means a State which is a contracting party to the EEA Agreement.]

#### Textual Amendments

- F12** Words in s. 15(1)(b)(2) substituted (1.7.1996) by [S.I. 1996/1496, reg. 2\(1\)](#)
- F13** S. 15(2A) inserted (1.7.1996) by [S.I. 1996/1496, reg. 2\(2\)](#)
- F14** Word in s. 20(4)(d) substituted and (i)(ii) inserted (14.4.1998) by 1998/811, reg. 20(1)
- F15** S. 15(4A)-(4C) inserted (14.4.1998) by [S.I. 1998/811, reg. 19](#)
- F16** Word in s. 15(4A) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\), regs. 1\(1\)\(c\), 6\(2\)\(a\)](#)
- F17** S. 15(7) inserted (1.7.1996) by [S.I. 1996/1496, reg. 2\(3\)](#)
- F18** Words in s. 15(7) added (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\), regs. 1\(1\)\(c\), 6\(2\)\(b\)\(i\)](#)
- F19** Words in s. 15(7) inserted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\), regs. 1\(2\), 11\(2\)](#)

#### Marginal Citations

- M2** O.J. No. L257, 19.10.68 p.1. (amended by Council Regulation (EEC) No. 312/76 O.J. No. L39, 14.2.76, p.2).
- M3** Cm 2073 and O.J. No. L1, 3.1.94, p.3.
- M4** Cm 2183 and O.J. No. L1, 3.1.94, p.572.

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 16 **Supplementary provisions as to registration of holders of overseas diplomas. U.K.**

- (1) Except in a case falling within subsection (2) below the Council shall for the purpose of satisfying themselves that a person has the requisite knowledge and skill as mentioned in section 15(4)(c) above, and in addition to such other requirements as they may impose on him, require him to sit for examinations held by a dental authority, or a group of dental authorities, under arrangements made by the Council.
- (2) If the diploma held by the person in question is of a kind recognised for the time being by the Council as furnishing such guarantees of that person's possessing the requisite knowledge and skill as warrant dispensing with further inquiry, he shall be taken to have satisfied the Council that he has the requisite knowledge and skill.

[<sup>F20</sup>(2A) In deciding for the purposes of section 15(4)(c) whether a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill, the Council—

- [<sup>F21</sup>(a) shall take into account all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision;
- (b) if the person holds a dental qualification granted outside the EEA which has been accepted by another EEA State as qualifying him to practise as a dentist in that State, shall take that acceptance into account; and]
- (c) may treat a qualification which is not of a kind recognised for the time being by the Council as furnishing sufficient guarantees that he has the requisite knowledge and skill as if it were such a qualification.]

- (3) For the purpose of satisfying themselves that it is appropriate to recognise under subsection (2) above any diploma granted by an overseas institution, the Council may appoint persons to visit that institution and to attend the examinations to be taken in order to obtain the diploma; and the persons so appointed shall report to the Council as to the sufficiency of the instruction given in the institution and as to the adequacy of the examinations concerned for testing the knowledge and skill of those taking them.
- (4) The Council may—
  - (a) make regulations as to the examinations to be held for the purposes of this section and may include in the regulations provisions for withdrawing the right to sit for any such examinations from a person who has not first paid the fee prescribed by the regulations for sitting for the examinations or from a person who has previously failed to pass such examinations on such number of occasions as may be prescribed by the regulations; and
  - (b) appoint persons to attend any such examinations who shall report to the Council as to the adequacy of the examinations for testing the knowledge and skill of those taking them.
- (5) The Council shall have power to remunerate persons who are not members of the Council for acting as visitors under subsection (3) or (4)(b) above.
- (6) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.
- (7) Regulations under subsection (4)(a) above shall not come into force until approved by order of the Privy Council.

*Status: Point in time view as at 01/10/2006.*

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#### Textual Amendments

- F20** S. 16(2A) inserted (14.4.1998) by S.I. 1998/811, **reg. 20(2)**  
**F21** S. 16(2A)(a)(b) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **6(3)**

### 17 Temporary registration. **U.K.**

- (1) Where the Council, with a view to permitting any person holding a recognised overseas diploma temporarily to practise dentistry in a particular post in a hospital or other institution, give a direction that he be registered as respects practice in that post in that hospital or institution for such period as may be specified in the direction, that person shall be entitled to be registered in the dentists register in accordance with this Act subject to the entry against his name of the restrictions specified in the direction.
- (2) No direction shall be given under this section unless the persons concerned has satisfied the registrar as to the following matters, namely—
  - (a) his identity;
  - (b) that he is of good character;
  - (c) that he has the requisite knowledge and skill for the efficient practice of dentistry in the post in question;
  - <sup>F22</sup>(d) that he—
    - (i) is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)); or
    - (ii) has the necessary knowledge of English; and]
  - (e) that he is in good health, both physically and mentally.
- (3) An applicant for registration under this section has the necessary knowledge of English if he has the knowledge which, in the interests of himself and his patients, is necessary for the practice of dentistry in the United Kingdom.
- <sup>F23</sup>(3A) In deciding for the purposes of subsection (2)(c) whether a person who is a national of an EEA State (or a person who is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill for the efficient practice of dentistry in the post in question, the Council shall take into account <sup>F24</sup>all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision], and any acceptance by <sup>F25</sup>another EEA State] of his right to practise as a dentist in that State.]
- (4) Registration under this section shall not make it lawful for a person to practise dentistry otherwise than subject to the restrictions specified in the relevant direction nor constitute him a registered dentist for the purposes of Schedule 1 to this Act.
- (5) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.

#### Textual Amendments

- F22** S. 17(2)(d) substituted (14.4.1998) by S.I. 1998/811, **reg. 20(3)(a)**  
**F23** S. 17(3A) inserted (14.4.1998) by S.I. 1998/811, **reg. 20(3)(b)**



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- F24** Words in s. 17(3A) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **6(4)(a)**
- F25** Words in s. 17(3A) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **6(4)(b)**

### *Procedure for registration*

## **18 Procedure for registration. U.K.**

- (1) Subject to section 17 above and subsection (3) below, any right to registration [<sup>F26</sup>in the register] shall be conditional on the making of an application supported by such evidence as is required by subsection (2) below.
- [<sup>F27</sup>(2) Any person applying to be registered [<sup>F28</sup>in the register] shall produce or send to the registrar—
- (a) the document conferring or evidencing his licence or other qualification;
  - (b) a statement of his name and address and the other particulars (if any) required for registration; and
  - (c) in the case of an application made by virtue of subsection (2A) of section 15 above, evidence of the enforceable Community right on which he relies.]
- (3) A dental authority may from time to time transmit to the registrar certified lists of the persons who are graduates or licentiates of that body in dentistry, stating the qualifications and places of residence of the persons included in the lists; and on receiving any such lists the registrar shall, subject to the provisions of this Act, duly register [<sup>F29</sup>in the register] those persons.

### **Textual Amendments**

- F26** Words in s. 18(1) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 7(a)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F27** S. 18(2) substituted (1.7.1996) by [S.I. 1996/1496](#), **reg. 2(4)**
- F28** Words in s. 18(2) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 7(b)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F29** Words in s. 18(3) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 7(c)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## **19 Regulations with respect to the register. U.K.**

- (1) The Council may make regulations with respect to the form and keeping of the register and the making of entries and erasures in it, and in particular—
- (a) prescribing a fee to be charged on the entry of a name in the register or on the restoration of any entry to the register;



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- (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person first registered after 28th July 1921 in any year subsequent to the year in which that person was first registered;
- (c) providing for the registration in and removal from the register in prescribed circumstances of additional diplomas held by a registered dentist and prescribing a fee to be charged in respect of the registration;
- (d) authorising the registrar (notwithstanding anything in this Act) to refuse to make in or restore to the register any entry until a fee prescribed by regulations under this section has been paid.

[<sup>F30</sup>(2) Regulations under this section may authorise the registrar to erase from the register the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under subsection (1)(b).

(2A) Where a person's name has been erased by virtue of regulations under this section, that name shall be restored to the register on that person's application if he satisfies the registrar that he meets the requirements of—

- (a) section 15(3)(a) to (c);
- (b) section 26A; and
- (c) any rules made under section 34B which apply to his case.

(2B) Where the registrar refuses to restore a person's name to the register under subsection (2A), the registrar shall forthwith serve on the person concerned notification of the decision and of the reasons for it.]

<sup>F31</sup>(3) .....

<sup>F31</sup>(4) .....

#### Textual Amendments

**F30** S. 19(2)-(2B) substituted for s. 19(2) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 8\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F31** S. 19(3)(4) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 8\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### <sup>F32</sup>20 Selection of proper abbreviations of overseas diplomas. **U.K.**

.....

#### Textual Amendments

**F32** S. 20 repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 9](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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**<sup>F33</sup>21 Notification of reasons for refusal of application for registration etc. U.K.**

**Textual Amendments**

**F33** S. 21 repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 9** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**<sup>F34</sup>21A U.K.**

- (1) Where a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) applies for registration under section 15(1)(b) [<sup>F35</sup>or (c)], the registrar shall notify him of the result of his application—
  - (a) within three months of the date when the registrar received all documents (or any remaining documents) that he needed to determine the application; or
  - (b) within such longer period as is allowed by article 13 of Community Council Directive No. [78/686/ EEC](#).
- (2) The notification may be sent by post.
- (3) In subsection (1)(b), “Community Council Directive No. [78/686/ EEC](#)” has the meaning given to it in Schedule 2, Part I, paragraph 1.]

**Textual Amendments**

**F34** S. 21A inserted (14.4.1998) by [S.I. 1998/811](#), **reg. 21(1)**  
**F35** Words in s. 21A(1) inserted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **6(5)**

*Publication of the register*

**<sup>F36</sup>22 Publication of the register U.K.**

- (1) The registrar shall make available to members of the public in such form as he considers appropriate—
  - (a) the names of persons appearing in the register;
  - (b) the qualifications of persons appearing in the register; and
  - (c) such other details as the Council may direct.
- (2) For the purposes of subsection (1), the registrar may provide a member of the public with a copy of, or extract from, the register, and any such copy or extract shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.]

**Textual Amendments**

**F36** S. 22 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006,

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21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 10](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*Erasures and alterations in the register*

**23 Erasure of names of deceased persons and of those who have ceased to practise. U.K.**

- (1) The registrar shall erase from the register the name of every deceased person; and on registering the death of a registered dentist a registrar of births and deaths shall, without charge to the recipient, send forthwith by post to the registrar of the dentists register a copy certified under his hand of the entry in the register of deaths relating to the death.
- (2) If a registered dentist has ceased to practise, the registrar may with his consent erase his name from the register.
- (3) The registrar may send by post to a registered dentist a notice inquiring whether he has ceased to practise or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, he may erase the dentist’s name from the register.
- [<sup>F37</sup>(4) Where a person’s name has been erased from the register under subsection (2) or (3) or at his request, then, unless the original entry of his name was incorrectly made or fraudulently procured, the name shall be restored to the register on his application if he satisfies the registrar that he meets the requirements of—
  - (a) section 15(3)(a) to (c);
  - (b) section 26A; and
  - (c) any rules made under section 34B which apply to his case.]

<sup>F38</sup>(5) .....

**Textual Amendments**

- F37** [S. 23\(4\)](#) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 11\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F38** [S. 23\(5\)](#) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 11\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**[<sup>F39</sup>24 Erasure on grounds of fraud or error U.K.]**

- (1) If the registrar is satisfied that any entry in the register has been incorrectly made, he shall erase that entry from the register.
- (2) If the registrar has reason to believe that any entry in the register has been fraudulently procured, he shall refer the matter to the Professional Conduct Committee to determine the question of whether that entry has been fraudulently procured.

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- (3) If the Professional Conduct Committee determine that the entry has been fraudulently procured, they may direct that the entry shall be erased from the register.
- (4) Where a person's name has been erased from the register under subsection (3), that person may apply to the Council for his name to be restored to the register.
- (5) The Council shall refer an application under subsection (4) to the Professional Conduct Committee.
- (6) The Professional Conduct Committee shall determine an application referred under subsection (5) and may decide—
  - (a) that the person's name is to be restored to the register;
  - (b) that the person's name is not to be restored to the register; or
  - (c) that the person's name is not to be restored to the register until the end of such period as they shall specify.
- (7) If the Professional Conduct Committee give a direction under subsection (3) or a decision under subsection (6), the registrar shall forthwith serve on the person concerned notification of the direction or decision and (except in the case of a decision under subsection (6)(a)) of his right to appeal against it under section 29.]

#### Textual Amendments

**F39** S. 24 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 12](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### <sup>F40</sup> **25 Alteration of names and addresses.** **U.K.**

#### Textual Amendments

**F40** S. 25 repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 13](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### <sup>F41</sup> *Registration appeals*

#### Textual Amendments

**F41** S. 25A and cross-heading inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 14](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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**25A. Registration appeals U.K.**

Schedule 2A to this Act (registration appeals: dentists register) shall have effect.]

*Use of titles and descriptions*

**26 Use of titles and descriptions. U.K.**

- (1) A registered dentist shall by virtue of being registered be entitled to take and use the description of dentist, dental surgeon or dental practitioner.
- (2) A registered dentist shall not take or use, or affix to or use in connection with his premises, any title or description reasonably calculated to suggest that he possesses any professional status or qualification other than a professional status or qualification which he in fact possesses and which is indicated by particulars entered in the register in respect of him.
- (3) If the Council are of opinion that any branch of dentistry has become so distinctive that it would be for the convenience of the public or of the dental profession that registered dentists qualified to practise, or practising, in that branch of dentistry should use a distinctive title, they may by regulations prescribe appropriate titles and conditions under which they may be used; and the use of a prescribed title under the prescribed conditions shall not constitute a contravention of subsection (2) above.
- (4) In the case of any prescribed title regulations under subsection (3) above may provide—
  - (a) for a list to be kept by the Council of the names of registered dentists who are qualified under such regulations to use that title; and
  - (b) for any registered dentist who is so qualified to be entitled to have his name entered in the list;

and where regulations so provide as aforesaid nothing in that subsection shall permit that title to be used by any such dentist unless his name has been entered in the list.

[<sup>F42</sup>(4A) The Council may make regulations—

- (a) prescribing a fee to be charged on the entry of a name in a list for the time being kept by them under subsection (4), or on the restoration of any entry to such a list;
- (b) prescribing a fee to be charged in respect of the retention of the name of a person in such a list.

(4B) Regulations under subsection (4A) may in particular authorise the registrar—

- (a) to refuse to make in or restore to a list for the time being kept by the Council under subsection (4) any entry until a fee prescribed by the regulations has been paid; and
- (b) to erase from such a list the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed by the regulations in respect of the retention of a person’s name in that list.]

<sup>F43</sup>(5) .....

(6) Any person who contravenes subsection (2) <sup>F44</sup>... above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale.

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[<sup>F45</sup>(7) The Council shall from time to time publish any list for the time being kept by them under subsection (4).]

#### Textual Amendments

- F42** S. 26(4A)(4B) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 15\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F43** S. 26(5) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 15\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F44** Words in s. 26(6) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 15\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F45** S. 26(7) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 15\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### [<sup>F46</sup>Insurance

#### Textual Amendments

- F46** [S. 26A](#) and cross-heading inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 16](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### 26A. Insurance **U.K.**

- (1) A registered dentist must be covered by adequate and appropriate insurance throughout the period during which he is registered in the register.
- (2) In this section “adequate and appropriate insurance” means insurance of a type and amount which rules under this section specify as adequate and appropriate.
- (3) A person seeking registration in the register must supply the registrar with evidence that, if his name were to be entered in the register, he would be covered by adequate and appropriate insurance commencing, at the latest, on the date on which his name was so entered.
- (4) A registered dentist seeking the retention of his name in the register must, before the commencement of the period for which he is seeking the retention of his name in the register, supply the registrar with evidence that he is covered by adequate and appropriate insurance.
- (5) A person seeking the restoration of his name to the register must supply the registrar with evidence that, if his name were to be restored to the register, he would be covered

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- by adequate and appropriate insurance commencing, at the latest, on the date on which his name was so restored.
- (6) The registrar may at any other time require a registered dentist to supply him with evidence that he is covered by adequate and appropriate insurance, and a registered dentist must comply with such a requirement as soon as reasonably practicable.
- (7) A registered dentist or (as the case may be) a person seeking registration in, or restoration of his name to, the register must inform the registrar forthwith if he is no longer covered by adequate and appropriate insurance or (as the case may be) arrangements under which he would be covered by such insurance are no longer in place.
- (8) If a person fails to comply with the requirements of this section, the registrar may—
- (a) refuse to register his name in the register;
  - (b) refuse to restore his name to the register;
  - (c) erase his name from the register; or
  - (d) refer the matter to the Investigating Committee under section 27(5)(a) as if the person's failure to comply with the requirements of this section constituted an allegation that his fitness to practise as a dentist is impaired by reason of misconduct for the purposes of section 27.
- (9) Where a person's name has been erased from the register under subsection (8)(c), that name shall be restored to the register on that person's application if he satisfies the registrar that he meets the requirements of—
- (a) section 15(3)(a) to (c);
  - (b) this section; and
  - (c) any rules made under section 34B which apply to his case.
- (10) In this section “insurance” means—
- (a) a contract of insurance providing cover for liabilities which may be incurred in carrying out work as a dentist; or
  - (b) an arrangement made for the purpose of indemnifying a person against such liabilities.]

*Professional conduct and fitness to practise*

[<sup>F47</sup> **26B. Guidance** **U.K.**

- (1) The Council shall prepare and from time to time issue guidance as to the standards of conduct, performance and practice expected of registered dentists.
- (2) Such guidance may make different provision in relation to different cases or classes of case.
- (3) The Council shall keep such guidance under review and may vary or withdraw it whenever they consider it appropriate to do so.
- (4) The Council shall from time to time publish guidance issued under this section.
- (5) Before issuing such guidance or varying or withdrawing it, the Council shall consult—
  - (a) such persons to whom subsection (6) applies as the Council consider appropriate;



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- (b) the bodies within subsection (8); and
  - (c) such bodies to which subsection (9) applies as the Council consider appropriate.
- (6) This subsection applies to persons who appear to the Council to be representative of one or more of the following—
- (a) users of the services of registered dentists;
  - (b) users of the services of registered dental care professionals;
  - (c) registered dentists;
  - (d) registered dental care professionals;
  - (e) employers of registered dentists; and
  - (f) employers of registered dental care professionals.
- (7) The Council shall exercise their function under subsection (5)(a) so that the persons consulted are, taken together, representative of all the categories of person mentioned in subsection (6)(a) to (f).
- (8) The bodies within this subsection are—
- (a) Primary Care Trusts in England;
  - (b) Local Health Boards in Wales;
  - (c) Health Boards in Scotland; and
  - (d) Health and Social Services Boards in Northern Ireland.
- (9) This subsection applies to bodies which make arrangements, for the provision of dental services, with one or both of the following—
- (a) registered dentists,
  - (b) registered dental care professionals,
- but are not within subsection (8).
- (10) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance to any person.]

#### Textual Amendments

**F47** S. 26B inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 17](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### [<sup>F48</sup>27 Allegations **U.K.**

- (1) This section applies where an allegation is made to the Council against a registered dentist that his fitness to practise as a dentist is impaired.
- (2) A person's fitness to practise as a dentist shall be regarded as "impaired" for the purposes of this Act by reason only of—
  - (a) misconduct;
  - (b) deficient professional performance;
  - (c) adverse physical or mental health;

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- (d) a conviction or caution in the United Kingdom for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;
  - (e) the person having—
    - (i) accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal), or
    - (ii) agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);
  - (f) the person, in proceedings in Scotland for an offence, having been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging him absolutely; or
  - (g) a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that the person's fitness to practise as a member of that profession is impaired, or a determination by a regulatory body elsewhere to the same effect.
- (3) It does not matter whether the allegation is based on a matter alleged to have occurred—
- (a) outside the United Kingdom; or
  - (b) at a time when the person was not registered in the register.
- (4) This section also applies in a case where—
- (a) it comes to the attention of the Council that a registered dentist's fitness to practise as a dentist may be impaired on one or more of the grounds mentioned in subsection (2), but
  - (b) no allegation to that effect has been made to the Council against that person, and in such a case this Act shall apply as if an allegation or allegations to the effect that the person's fitness to practise as a dentist is impaired on the ground or grounds in question had been made to the Council against that person.
- (5) The registrar—
- (a) shall refer the allegation to the Investigating Committee; and
  - (b) may also, if he considers it appropriate, refer the allegation to the Interim Orders Committee.
- (6) The registrar shall investigate the allegation for the purpose of exercising his functions under subsection (5).
- (7) In this section—
- (a) “enactment” includes—
    - (i) a provision of, or an instrument made under, an Act of the Scottish Parliament,
    - (ii) a provision of, or an instrument made under, Northern Ireland legislation, and
    - (iii) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978); and
  - (b) “regulatory body” means a regulatory body which has the function of authorising persons to practise as members of a health or social care profession.]

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### Textual Amendments

**F48** Ss. 27-28 substituted for ss. 27, 28 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## [<sup>F48</sup>27A. The Investigating Committee **U.K.**

- (1) Where the registrar refers an allegation under section 27 to the Investigating Committee they shall investigate the allegation and determine whether the allegation ought to be considered by a Practice Committee.
- (2) If the Investigating Committee determine that the allegation ought not to be considered by a Practice Committee, the Investigating Committee may—
  - (a) issue a warning or advice to the person who is the subject of the allegation regarding his future conduct, performance and practice; and
  - (b) issue advice to any other person involved in the investigation on any issue arising in the course of the investigation.
- (3) If the Investigating Committee issue a warning under subsection (2)(a), they may, if they consider it appropriate to do so, direct the registrar to enter details of that warning in the entry in the register relating to the person who is the subject of the allegation.
- (4) Unless subsection (5) applies, if the Investigating Committee determine that the allegation ought to be considered by a Practice Committee, the Investigating Committee—
  - (a) shall refer the allegation—
    - (i) to the Professional Performance Committee, in the case of an allegation based on the ground mentioned in section 27(2)(b) (deficient professional performance),
    - (ii) to the Health Committee, in the case of an allegation based on the ground mentioned in section 27(2)(c) (adverse physical or mental health), or
    - (iii) to the Professional Conduct Committee, in any other case; and
  - (b) may also, if they consider it appropriate, refer the allegation to the Interim Orders Committee.
- (5) This subsection applies in a case where two or more allegations under section 27 relating to the same person have been referred to the Investigating Committee and those allegations are—
  - (a) an allegation based on the ground mentioned in section 27(2)(b) and an allegation or allegations based on any other grounds mentioned in section 27(2); or
  - (b) an allegation based on the ground mentioned in section 27(2)(c) and an allegation or allegations based on any other grounds mentioned in section 27(2).
- (6) Where subsection (5) applies, and the Investigating Committee determine that two or more of those allegations ought to be considered by a Practice Committee, the Investigating Committee—

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- (a) shall refer those allegations to whichever one of the Practice Committees they consider most appropriate; and
  - (b) may also, if they consider it appropriate, refer those allegations to the Interim Orders Committee.
- (7) The registrar shall serve notification of any determination made by the Investigating Committee under subsection (1) on the person who is the subject of the allegation and on the person (if any) making the allegation.
- (8) The Investigating Committee may review and if they consider it appropriate revise a determination made by them that an allegation or allegations ought to be considered by a particular Practice Committee—
- (a) on a reference back to them from that Practice Committee under section 27B(4); or
  - (b) on an application made by the Council, the registrar, the person who is the subject of the allegation or allegations or any person making the allegation or allegations, but only if such review is carried out—
    - (i) where there is to be a hearing before that Practice Committee, before the commencement of that hearing, or
    - (ii) where there is not to be a hearing before that Practice Committee, before that Practice Committee have begun to consider written statements or representations.
- (9) Subsection (2) applies to a determination by the Investigating Committee, following a review under subsection (8), that an allegation or allegations ought not to be considered by a Practice Committee, as it applies to a determination under subsection (1) that an allegation ought not to be considered by a Practice Committee.
- (10) If the Investigating Committee determine, under subsection (1) or following a review under subsection (8), that an allegation or allegations against a person ought not to be considered by a Practice Committee, they shall, at the same time, revoke with immediate effect any interim order which has been made under section 32 in respect of that person in consequence of that allegation or those allegations.

#### Textual Amendments

**F48** Ss. 27-28 substituted for ss. 27, 28 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## 27B. The Practice Committees **U.K.**

- (1) Subject to subsection (4), a Practice Committee must investigate an allegation or allegations against a person referred to them by the Investigating Committee under section 27A and determine whether that person's fitness to practise as a dentist is impaired.
- (2) In making a determination under subsection (1), the Practice Committee may take into account whether the person who is the subject of the allegation or allegations has complied with any relevant parts of the guidance issued under section 26B, but that

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- question is not of itself determinative of whether a person's fitness to practise as a dentist is impaired.
- (3) If the person who is the subject of an allegation or allegations is also registered in the dental care professionals register, a Practice Committee shall, in exercising their function under subsection (1), make a separate determination under section 36P(1) (fitness to practise as a member of a profession complementary to dentistry).
  - (4) Where a Practice Committee consider that any allegation should not have been referred to them by the Investigating Committee under section 27A, they may refer that allegation back to the Investigating Committee.
  - (5) If a Practice Committee determine that a person's fitness to practise as a dentist is not impaired, they—
    - (a) shall publish at his request a statement to that effect; or
    - (b) may publish such a statement if he consents.
  - (6) If a Practice Committee determine that a person's fitness to practise as a dentist is impaired, they may, if they consider it appropriate, direct—
    - (a) (subject to subsection (7)) that the person's name shall be erased from the register;
    - (b) that his registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction;
    - (c) that his registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
    - (d) that he shall be reprimanded in connection with any conduct or action of his which was the subject of the allegation.
  - (7) The direction specified in subsection (6)(a) shall not be given following a determination that a person's fitness to practise as a dentist is impaired solely on the ground mentioned in section 27(2)(c) (adverse physical or mental health).
  - (8) Where a Practice Committee give a direction under subsection (6), the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under paragraph (d) of that subsection) of his right to appeal against it under section 29.
  - (9) Where a Practice Committee make a determination under subsection (1) as to a person's fitness to practise as a dentist, they shall, at the same time, revoke any interim order which has been made under section 32 in respect of that person in consequence of the allegation, or allegations, to which that determination relates.
  - (10) The revocation of an interim order under subsection (9) shall take effect—
    - (a) in the case of a determination that the person's fitness to practise is not impaired, forthwith;
    - (b) in the case of a direction given under paragraph (d) of subsection (6), forthwith; and
    - (c) in the case of a direction given under paragraph (a), (b) or (c) of subsection (6), subject to section 30(5), from the time when—
      - (i) any direction given under those paragraphs takes effect in accordance with section 29A,

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- (ii) an appeal under section 29 against the decision giving such a direction is determined under section 29(3)(b) or (c), or
- (iii) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.

#### Textual Amendments

**F48** Ss. 27-28 substituted for ss. 27, 28 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 27C. Resumed hearings U.K.

- (1) Where a Practice Committee have given a direction under section 27B(6)(b) or subsection (2)(d) or (3) of this section that a person's registration should be suspended, they may direct—
  - (a) that the suspension shall be terminated;
  - (b) that the current period of suspension shall be extended for such further period, specified in the direction and not exceeding twelve months, beginning with the date on which it would otherwise expire;
  - (c) that the suspension shall be terminated and the person's registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
  - (d) that the person's registration in the register shall be suspended indefinitely, if—
    - (i) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years, and
    - (ii) the direction is made not more than two months before the date on which the period of suspension would otherwise expire.
- (2) Where a Practice Committee have given a direction under section 27B(6)(c), subsection (1)(c) or (5)(c) of this section or section 28(6)(b) imposing conditional registration, they may give one or more of the following directions—
  - (a) a direction that the registration shall cease to be conditional from a date specified in the direction;
  - (b) a direction that the current period of conditional registration shall be extended for such further period, specified in the direction and not exceeding three years, beginning with the date on which it would otherwise expire;
  - (c) a direction that one or more of the conditions imposed on the registration shall be varied or revoked, or that those conditions shall be added to, as specified in the direction; or
  - (d) a direction that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (3) Where a Practice Committee—

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- (a) have given a direction under section 27B(6)(c), subsection (1)(c), (2)(b) or (c) or (5)(c) of this section or section 28(6)(b) imposing conditions on a person's registration, or extending a period of conditional registration, in the register, or
  - (b) have made an order under section 32(4)(b) for interim conditional registration, and the Practice Committee determine that at any time during the period for which that direction or order has effect the person has failed to comply with any condition imposed on his registration, the Practice Committee may direct that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (4) Where a Practice Committee have given a direction under subsection (1)(d) that a person's registration is to be suspended indefinitely, they must review the direction if—
  - (a) the person requests them to do so;
  - (b) at least two years have elapsed since the date on which the direction took effect; and
  - (c) if the direction has previously been reviewed under this subsection, at least two years have elapsed since the date of the last such review decision.
- (5) On such a review a Practice Committee may—
  - (a) direct that the suspension shall be terminated;
  - (b) confirm the direction to suspend the person's registration indefinitely; or
  - (c) direct that the suspension shall be terminated and the person's registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests.
- (6) Where a Practice Committee give a direction under this section, the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under subsection (1)(a), (2)(a) or (5)(a) or a direction under subsection (2)(c) that a condition or conditions shall be revoked) of his right to appeal against it under section 29.]

#### Textual Amendments

**F48** Ss. 27-28 substituted for ss. 27, 28 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### [<sup>F48</sup>28 Restoration of names to the register following erasure under section 27B **U.K.**

- (1) A person whose name has been erased from the register in accordance with a direction under section 27B(6)(a) may apply to the registrar for his name to be restored to the register.
- (2) No application under this section for the restoration of a person's name to the register shall be made—
  - (a) before the end of the period of five years beginning with the date on which the direction for erasure took effect; or



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- (b) within twelve months of the date on which an earlier application for the restoration of his name was made.
- (3) The registrar shall refer an application to the Professional Conduct Committee.
- (4) When considering an application, the Professional Conduct Committee may, if they consider it necessary and appropriate in a particular case, direct the applicant to do one or both of the following—
  - (a) produce such evidence as to his fitness to practise as a dentist as the Professional Conduct Committee shall specify;
  - (b) meet such further requirements, including requirements as to education and training, as the Professional Conduct Committee shall specify.
- (5) An application shall not be granted unless the applicant satisfies the Professional Conduct Committee that—
  - (a) he is fit to practise as a dentist;
  - (b) he meets the requirements of section 15(3)(a) to (c);
  - (c) he meets the requirements of any rules made under section 34B which apply to his case; and
  - (d) he meets any other requirements imposed in a direction under subsection (4)(b).
- (6) Where the Professional Conduct Committee grant an application, they may give one or both of the following directions—
  - (a) a direction that the restoration of a person's name to the register shall be conditional on his satisfying the registrar that he meets the requirements of section 26A (insurance);
  - (b) a direction that a person's registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Professional Conduct Committee think fit to impose for the protection of the public or in his interests.
- (7) If the Professional Conduct Committee refuse to grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision and of his right to appeal against it under section 29.
- (8) If the Professional Conduct Committee grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision, and, in a case where a direction has been given under subsection (6)(b), of his right to appeal against that direction under section 29.
- (9) Where, during the same period of erasure, a second or subsequent application under this section by the same person is unsuccessful, the Professional Conduct Committee may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) If the Professional Conduct Committee give a direction under subsection (9), the registrar shall forthwith serve on the person concerned notification of the direction and of his right to appeal against it under section 29.
- (11) Any person in respect of whom a direction has been given under subsection (9) may, after the end of the period of three years beginning with the date on which the direction took effect, apply to the registrar for the direction to be reviewed by the Professional

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Conduct Committee and, thereafter, may make further applications for review; but no such application may be made before the end of the period of three years beginning with the date of the most recent review decision.

- (12) On a review under subsection (11), the Professional Conduct Committee may—
- (a) confirm the direction under subsection (9); or
  - (b) direct that the person concerned may make an application under subsection (1).]

#### Textual Amendments

**F48** Ss. 27-28 substituted for ss. 27, 28 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## 29 Appeals. **U.K.**

- [<sup>F49</sup>(1) The following decisions are appealable decisions for the purposes of this section—
- (a) a decision of the Professional Conduct Committee under section 24—
    - (i) giving a direction for erasure of a person's name from the register under subsection (3) of that section, or
    - (ii) refusing an application to restore a person's name to the register, or refusing to restore his name until the end of a specified period, under subsection (6) of that section;
  - (b) a decision of a Practice Committee under section 27B or 27C giving a direction for erasure, for suspension, for conditional registration or for varying or adding to the conditions imposed by a direction for conditional registration; and
  - (c) a decision of the Professional Conduct Committee under section 28—
    - (i) refusing to grant an application to restore a person's name to the register,
    - (ii) giving a direction for conditional registration under subsection (6)(b) of that section, or
    - (iii) giving a direction under subsection (9) of that section suspending indefinitely the right to make further applications under that section.
- (1A) In subsection (1)—
- (a) a reference to a direction for suspension includes a reference to a direction extending a period of suspension and a direction for indefinite suspension; and
  - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.
- (1B) Subject to subsection (1C), a person in respect of whom an appealable decision has been made may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 24(7), 27B(8), 27C(6) or 28(7), (8) or (10), appeal against the decision to the relevant court.
- (1C) Where—

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) any notification of a decision required to be served on a person under any of the provisions specified in subsection (1B) is served by sending it to him by post, and
- (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,

the registrar may, if he thinks fit, by authorisation in writing extend the period of time within which an appeal under this section may be brought.

(1D) In subsection (1B) “the relevant court”—

- (a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session;
- (b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court in Northern Ireland; and
- (c) in the case of any other person, means the High Court in England and Wales.]

<sup>F50</sup>(2) .....

[<sup>F51</sup>(3) On an appeal under this section, the court may—

- (a) dismiss the appeal,
- [<sup>F52</sup>(b) allow the appeal and quash the decision appealed against,
- (c) substitute for the decision appealed against any other decision which could have been made by the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
- (d) remit the case to the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to dispose of the case under section 24, 27B, 27C or 28 in accordance with the directions of the court,]

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.]

- (4) The Council may appear as respondent on any appeal under this section; and for the purpose of [<sup>F53</sup>any order as to costs (or, in Scotland, expenses) in relation to] any such appeal the Council shall be deemed to be a party to it, whether they appear on the hearing of the appeal or not.

#### Textual Amendments

- F49** S. 29(1)-(1D) substituted for s. 29(1)(1A) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 19\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F50** S. 29(2) repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 31\(2\)\(c\), 42\(3\)](#), [Sch. 9 Pt. 2](#) (with s. 31(7)(8)); [S.I. 2003/833](#), [art. 3\(a\)\(c\)](#) (with [art. 4](#))
- F51** S. 29(3) substituted (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 31\(2\)\(d\), 42\(3\)](#) (with s. 31(7)(8)); [S.I. 2003/833](#), [art. 3\(a\)](#) (with [art. 4](#))
- F52** S. 29(3)(b)-(d) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 19\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F53** Words in s. 29(4) substituted (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [s. 42\(3\)](#), [Sch. 8 para. 16](#); [S.I. 2003/833](#), [art. 3\(b\)](#) (with [art. 4](#))

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Modifications etc. (not altering text)

- C4 S. 29 modified (temp.) (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 31\(8\)](#), 42(3); S.I. 2003/833, art. 3(a) (with art. 4)

### [<sup>F54</sup>29A. Taking effect of directions for erasure, suspension, conditional registration etc. **U.K.**

- (1) This section applies to—
  - (a) a direction for erasure given by the Professional Conduct Committee under section 24(3);
  - (b) a direction for erasure, suspension, conditional registration or variation of or addition to the conditions of registration given by a Practice Committee under section 27B or 27C; and
  - (c) a direction for conditional registration given by the Professional Conduct Committee under section 28(6)(b).
- (2) A direction to which this section applies shall take effect—
  - (a) where no appeal under section 29 is brought against the decision giving the direction within the period of time specified in subsection (1B) of that section, on the expiry of that period;
  - (b) where such an appeal is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
  - (c) where such an appeal is brought and is not withdrawn or struck out for want of prosecution, on the dismissal of the appeal.
- (3) Where the period of time for appealing against a decision giving a direction is extended under section 29(1C)—
  - (a) subsection (2) shall apply to the direction as if the reference in paragraph (a) of that subsection to the period of time specified in section 29(1B) were a reference to that period as so extended, and
  - (b) if the authorisation is given after the expiry of the period of time specified in section 29(1B), the direction shall be deemed not to have taken effect on the expiry of that period,and any reference in this Act to the time when such a direction takes effect in accordance with this section shall be construed accordingly.
- (4) In this section—
  - (a) a reference to a direction for suspension includes a reference to a direction extending a period of suspension and a direction for indefinite suspension; and
  - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.]

#### Textual Amendments

- F54 S. 29A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 20](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### **[<sup>F55</sup>30 Orders for immediate suspension and immediate conditional registration U.K.]**

- (1) On giving a direction for erasure or for suspension under section 24(3), section 27B(6)(a) or (b) or section 27C(2)(d) or (3) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of that person, may order that his registration shall be suspended forthwith in accordance with this section.
- (2) On giving a direction for conditional registration under section 27B(6)(c), section 27C(1)(c) or (5)(c) or section 28(6)(b) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of that person, may order that his registration shall be made conditional forthwith in accordance with this section.
- (3) Where, on the giving of a direction, an order under subsection (1) or (2) is made in respect of a person, his registration in the register shall, subject to subsection (6), be suspended or made conditional, as the case may be, from the time when the order is made until the time when—
  - (a) the direction takes effect in accordance with section 29A;
  - (b) an appeal under section 29 against the decision giving the direction is determined under section 29(3)(b) or (c); or
  - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) Where a Practice Committee make an order under subsection (1) or (2), the registrar shall forthwith serve on the person in respect of whom it is made notification of the order and of his right to make an application under subsection (7).
- (5) Where a Practice Committee make an order under subsection (1) or (2) in respect of a person, and an interim order under section 32 in respect of that person has been revoked by virtue of section 27B(9), that revocation shall take effect, subject to subsection (6), from the time when the order under subsection (1) or (2) is made.
- (6) If, when an order under subsection (1) or (2) is made, the person in respect of whom it is made is neither present nor represented at the proceedings, subsections (3) and (5) shall have effect as if, in each case, for the reference to the time when the order is made, there were substituted a reference to the time when notification of the order is served under subsection (4).
- (7) A person in respect of whom an order under subsection (1) or (2) is made may apply to the court for an order terminating any suspension imposed under subsection (1) or any conditional registration imposed under subsection (2), and the decision of the court on any such application shall be final.
- (8) In subsection (7) “the court”—
  - (a) in the case of a person whose address in the register is in Scotland, means the Court of Session;
  - (b) in the case of a person whose address in the register is in Northern Ireland, means the High Court in Northern Ireland; and
  - (c) in the case of any other person, means the High Court in England and Wales.]

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F55** S. 30 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), art. 21 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

### <sup>F56</sup>31 **Special provisions where directions replace, or extend periods under, previous directions.** **U.K.**

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#### Textual Amendments

**F56** S. 31 repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 22** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### [<sup>F57</sup>32 **Interim orders** **U.K.**

- (1) This section applies to the Professional Conduct Committee, the Professional Performance Committee, the Health Committee and the Interim Orders Committee, and any reference in this section to a “Committee” is a reference to any of those Committees.
- (2) The Interim Orders Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
  - (a) by the registrar under section 27(5)(b);
  - (b) by the Investigating Committee under section 27A(4)(b) or (6)(b); or
  - (c) by a Practice Committee in accordance with rules under paragraph 7(1)(c) of Schedule 3.
- (3) A Practice Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
  - (a) by the Investigating Committee under section 27A(4)(a) or (6)(a); or
  - (b) by another Practice Committee in accordance with rules under paragraph 7(1)(a) of Schedule 3.
- (4) Where a Committee are satisfied that it is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, for the person’s registration to be suspended or to be made subject to conditions, the Committee may make—
  - (a) an order that his registration in the register shall be suspended during such period not exceeding 18 months as may be specified in the order (an “interim suspension order”); or
  - (b) an order that his registration shall be conditional on his compliance, during such period not exceeding 18 months as may be specified in the order, with such conditions so specified as the Committee think fit to impose (an “order for interim conditional registration”).

*Status: Point in time view as at 01/10/2006.*

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- (5) Subject to subsection (11), where a Committee have made an interim suspension order or an order for interim conditional registration they—
- (a) shall review it within the period of six months beginning with the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it—
    - (i) before the end of the period of six months beginning with the date of the decision of the immediately preceding review, or
    - (ii) if after the end of the period of three months beginning with the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
  - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (6) Where an interim suspension order or an order for interim conditional registration has been made in relation to a person under any provision of this section (including this subsection), the Committee that made the order may—
- (a) revoke the order;
  - (b) make an order adding to, varying or revoking any condition imposed by the order;
  - (c) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former; or
  - (d) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former.
- (7) If a Committee make an order under any provision of this section—
- (a) the registrar shall forthwith serve notification of the order on the person to whose registration it relates; and
  - (b) that order shall take effect from the time on which the notification mentioned in paragraph (a) is served.
- (8) The Council may apply to the court for an order made by a Committee under subsection (4) or (6) to be extended, and may apply again for further extensions.
- (9) On each such application the court may extend (or further extend) for up to twelve months the period for which the order has effect.
- (10) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
- (11) For the purposes of subsection (5) the first review after the court's extension of an order made by a Committee or after a replacement order made by a Committee under subsection (6)(c) or (d) shall take place—
- (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (5), within the period of six months beginning with the date on which the court ordered the extension or on which a replacement order under subsection (6)(c) or (d) was made; and



*Status: Point in time view as at 01/10/2006.*

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- (b) if it had been reviewed under subsection (5), within the period of three months beginning with that date.
- (12) Where an interim order has effect under any provision of this section, the court may—
- in the case of an interim suspension order, terminate the suspension,
  - in the case of an order for interim conditional registration, revoke the order or revoke, vary or add to any condition imposed by the order,
  - in either case, substitute for the period specified in the order (or in an order extending it) some other period which could have been specified in the order (or in the order extending it) when it was made,
- and the decision of the court on any application under this subsection shall be final.
- (13) In this section “the court” has the meaning given by section 30(8).]

#### Textual Amendments

**F57** S. 30 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), art. 23 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

#### *[<sup>F58</sup>Supplementary provisions]*

#### Textual Amendments

**F58** S. 33 and cross-heading substituted for s. 33 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 24](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### <sup>F58</sup>33 **Supplementary provisions relating to fitness to practise cases** **U.K.**

- While a person’s registration in the register is suspended by virtue of a direction or order under this Part—
  - he shall be treated, except as provided in subsection (2), as not being registered in the register notwithstanding that his name still appears in it; but
  - sections 27, 27A, 27B and 27C shall continue to apply to him.
- While a person’s registration in the register is suspended by virtue of a direction or order under this Part, he shall be treated for the purposes of compliance with rules made under section 34A as if his registration were not suspended.
- Where any such direction as is mentioned in section 27C(1)(b), (c) or (d), (2)(b) or (d), (3) or (5)(c) is given while a person’s registration is subject to conditions or suspended by virtue of a direction under this Part, his registration shall continue to be conditional or suspended throughout any period which may intervene between the time when (but for this subsection) his registration would cease to be conditional or suspended, as the case may be, and the time when—
  - the direction takes effect in accordance with section 29A;

*Status: Point in time view as at 01/10/2006.*

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- (b) an appeal under section 29 against the decision giving the direction is determined under section 29(3)(b) or (c); or
  - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) If, on the determination of an appeal under section 29, a direction extending the current period of suspension or conditional registration for a further period takes effect after the time when (but for subsection (3)) the current period of suspension or conditional registration would have ended, that further period shall be treated as having started to run at that time.
- (5) Subsection (3) is subject to any order made under section 30(1) or (2).
- (6) Schedule 3 to this Act (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) shall have effect.]

[<sup>F59</sup>**33A. Recording of suspension or conditional registration etc. U.K.**

- (1) Where a direction or order under this Part for suspension, conditional registration or variation of or addition to the conditions of registration takes effect in relation to a person, the registrar shall make a note in the register of that fact and of the period for which that person's registration is to be suspended or made conditional.
- (2) The registrar shall erase that note from the register at such time as the direction or order ceases (for any reason) to have effect.
- (3) In this section—
  - (a) a reference to a direction or order for suspension includes a reference to a direction or order extending a period of suspension and a direction for indefinite suspension; and
  - (b) a reference to a direction or order for conditional registration includes a reference to a direction or order extending a period of conditional registration.
- (4) Where a direction under section 24(3) or 27B(6)(a) (direction for erasure from the register) in respect of a person takes effect, the registrar shall remove that person's name from the register.
- (5) Where a decision under section 24(6)(a) or 28 that a person's name is to be restored to the register takes effect, the registrar shall restore that person's name to the register.

**Textual Amendments**

**F59** Ss. 33A-33C inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 25](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**33B. The Council's power to require disclosure of information U.K.**

- (1) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part, the Council may require a person ("the relevant party") whose fitness to practise as a dentist is in question, to provide details of any person—

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*Status: Point in time view as at 01/10/2006.*

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- (a) by whom the relevant party is employed to provide services in, or in relation to, any area of dentistry; or
  - (b) with whom he has an arrangement to provide such services.
- (2) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part in respect of a person's fitness to practise as a dentist, the Council may require any person (except the person in respect of whom the information or document is sought) to supply any information or produce any document in his custody or under his control which appears to the Council relevant to the discharge of those functions.
- (3) Nothing in this section shall require or permit any disclosure of information which is prohibited by any relevant enactment.
- (4) For the purposes of subsection (3), "relevant enactment" means any enactment other than—
  - (a) this Act; or
  - (b) the non-disclosure provisions within the meaning of Part 4 of the Data Protection Act 1998 (see section 27 of that Act).
- (5) A person shall not be required to supply any information or produce any document under subsection (2) which he could not be compelled to supply or produce in civil proceedings before the relevant court.
- (6) In subsection (5) "the relevant court" means—
  - (a) if the person's address in the register is in Scotland or, if he is not registered in the register, he is resident there, the Court of Session;
  - (b) if the person's address in the register is in Northern Ireland or, if he is not registered in the register, he is resident there, the High Court in Northern Ireland;
  - (c) in any other case, the High Court in England and Wales.
- (7) If a person fails to supply any information or produce any document within 14 days of being required to do so under subsection (1) or (2), the Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.
- (8) In subsection (7), "the relevant court" means the county court or, in Scotland, the sheriff.
- (9) In subsection (8), "the sheriff" means the sheriff in whose sheriffdom is situated the address of the person who fails to supply the information or produce the document; and in this subsection, "address" means, where the person is registered, his address in the register, or, where he is not registered in the register, the address where he resides.
- (10) For the purposes of subsection (4), "enactment" includes—
  - (a) a provision of, or an instrument made under, an Act of the Scottish Parliament;
  - (b) a provision of, or an instrument made under, Northern Ireland legislation; and
  - (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).

*Status: Point in time view as at 01/10/2006.*

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#### Textual Amendments

**F59** Ss. 33A-33C inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 25](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 33C. Notification and disclosure by the Council **U.K.**

- (1) As soon as reasonably practicable after an allegation as to a person's fitness to practise as a dentist has been referred to the Investigating Committee under section 27(5)(a), the Council shall inform the following persons of that fact—
  - (a) the Secretary of State, the Department of Health, Social Services and Public Safety in Northern Ireland, the Scottish Ministers and the National Assembly for Wales; and
  - (b) any person in the United Kingdom to whom subsection (2) applies.
- (2) This subsection applies to a person if the Council are aware that he—
  - (a) employs the person concerned to provide services in, or in relation to, any area of dentistry; or
  - (b) has an arrangement with the person concerned for that person to provide such services.
- (3) The Council or the registrar may disclose to any person any information relating to a person's fitness to practise as a dentist, including information relating to an allegation under section 27, where they consider it to be in the public interest for the information to be disclosed.]

#### Textual Amendments

**F59** Ss. 33A-33C inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 25](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### <sup>F60</sup>34 Restoration of name erased under s. 27. **U.K.**

.....

#### Textual Amendments

**F60** [S. 34](#) repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 26](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### <sup>F61</sup>Professional training and development requirements

#### Textual Amendments

**F61** Ss. 34A, 34B and preceding cross-heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 8](#)

### <sup>F62</sup>34A Professional training and development requirements **U.K.**

- (1) Rules shall require registered dentists to undertake such professional training and development as may be specified in the rules.
- (2) If it appears to the registrar that a person has failed to comply with the requirements of rules made under subsection (1), the registrar may erase the person's name from the register.
- (3) Where a person's name has been erased from the register under subsection (2), that name shall be restored to the register on that person's application if he satisfies the registrar that he meets the requirements of—
  - (a) section 15(3)(a) to (c);
  - (b) section 26A; and
  - (c) any rules made under section 34B which apply to his case.
- (4) Rules shall specify the procedures to be followed before the registrar—
  - (a) may erase a person's name from the register under subsection (2); or
  - (b) may make a decision whether or not to restore a person's name to the register under subsection (3).
- (5) Where, in the course of proceedings under this Part, it appears to the Investigating Committee, a Practice Committee or the Interim Orders Committee that a person to whose registration the proceedings relate may be failing to meet the requirements of rules made under subsection (1), that Committee may refer the question of whether he is failing to meet them to the registrar.]

#### Textual Amendments

**F62** S. 34A substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), art. 27 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

### <sup>F63</sup>34B Restoration of name to the register: professional training and development **U.K.**

- (1) Rules shall specify the requirements as to professional training and development to be met by a person who seeks the restoration of his name to the register following its erasure under any provision of this Part.
- (2) Rules under this section must not require a person to do anything which amounts to the practice of dentistry.]]

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### Textual Amendments

- F63** S. 34B substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 27](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### *Effect of disqualification in another member State*

## 35 Effect on registration of disqualification in another member State. **U.K.**

- (1) A person who is subject to a disqualifying decision in [<sup>F64</sup>an EEA State] in which he is or has been established in dental practice shall not be entitled to be registered under section 15(1)(b) above.
- (2) A disqualifying decision in [<sup>F64</sup>an EEA State] in respect of a person is a decision made by responsible authorities in that State and—
  - (a) expressed to be made on the grounds that he has committed a criminal offence [<sup>F65</sup>or on grounds related to his professional conduct, professional performance or physical or mental health], and
  - (b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a dental practitioner, or that he is prohibited from practising there.
- (3) If a person is registered under section 15(1)(b) above when he is subject to a disqualifying decision the registrar, on being satisfied that the person was at that time and still is subject to the decision, shall remove his name from the register.

<sup>F66</sup>(4) .....

- [<sup>F67</sup>(5) Where on or after the date on which a person was registered by virtue of section 15(1)(b) a disqualifying decision relating to him comes into force, this Part shall apply, with any necessary modifications, as if it had been found that he had been convicted of the criminal offence referred to in the disqualifying decision, or that his professional conduct, professional performance or physical or mental health had been such as is imputed to him by that decision, as the case may be.]

### Textual Amendments

- F64** Words in s. 35(1)(2) substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 6\(1\)](#)
- F65** Words in s. 35(2)(a) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 28\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F66** S. 35(4) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 28\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F67** S. 35(5) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006,

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21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 28\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### *Visiting EEC practitioners*

## **36 Visiting EEC practitioners. U.K.**

Schedule 4 to this Act (which makes provision for persons established in dental practice in other [<sup>F68</sup>EEA States] to render dental services during a visit to the United Kingdom, without being registered under this Act) shall have effect.

#### **Textual Amendments**

**F68** Words in s. 36 substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 6\(2\)](#)

## **[<sup>F69</sup>PART 3A U.K.]**

### PROFESSIONS COMPLEMENTARY TO DENTISTRY

#### **Textual Amendments**

**F69** Pt. 3A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 29](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### *Introductory*

## **36A. Professions complementary to dentistry U.K.**

- (1) For the purposes of this Act, a profession complementary to dentistry is a profession—
  - (a) the majority of whose members work in connection with the provision of dental care—
    - (i) with persons receiving such care, or
    - (ii) with persons registered in the dentists register or the dental care professionals register established by section 36B; and
  - (b) in respect of which the regulatory body is not a body (other than the Council) regulated by the Council for the Regulation of Health Care Professionals under section 25 of the National Health Service Reform and Health Care Professions Act 2002.
- (2) The Council may by regulations specify—
  - (a) a profession complementary to dentistry; or
  - (b) a class of members of a profession complementary to dentistry.
- (3) Regulations under subsection (2) specifying a profession or class of members must also specify a title which applies to that profession or class.



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- (4) Regulations under subsection (2) shall not come into force until approved by order of the Privy Council.
- (5) Before making regulations under subsection (2), the Council shall consult organisations appearing to the Council to be representative of the professions, or classes of members of professions, specified in the proposed regulations.
- (6) The following provisions of this Part apply in relation to all members of a profession complementary to dentistry except those members of a profession or class in relation to which no regulations under subsection (2) are in force.

### *Education and registration*

#### **36B. The dental care professionals register** U.K.

- (1) There shall be a register of members of professions complementary to dentistry to be known as the dental care professionals register.
- (2) The dental care professionals register shall be kept by the registrar.
- (3) Subsections (4) and (5) of section 14 apply to the register established under this section, and to the registrar's duties as keeper of that register, as they apply to the dentists register and to the registrar's duties in respect of the dentists register.
- (4) Rules may make provision relating to the form of the dental care professionals register and the manner in which it is to be kept.
- (5) A person may not be registered in the dental care professionals register except under one or more of the titles specified in regulations under section 36A(2).
- (6) A certificate purporting to be signed by the registrar, certifying that a person—
  - (a) is registered in the dental care professionals register under a particular title,
  - (b) is not registered in that register under a particular title,
  - (c) was registered in that register under a particular title at a specified date or during a specified period,
  - (d) was not registered in that register under a particular title at a specified date or during a specified period, or
  - (e) has never been registered in that register under a particular title,
 shall be evidence (and in Scotland sufficient evidence) of the matters certified.

#### **36C. Qualifications for registration** U.K.

- (1) Subject to the provisions of this Act, a person shall be entitled to be registered under a particular title in the dental care professionals register if he satisfies the registrar—
  - (a) <sup>[F70]</sup> in a case where the title concerned applies to the profession pursued by clinical dental technicians, dental hygienists, dental nurses, dental technicians, dental therapists or orthodontic therapists] —
    - (i) of matter A, B or C, and
    - (ii) of matter D; and
  - (b) in any other case—
    - (i) of matter A or C, and
    - (ii) of matter D.

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- (2) Matter A is that the person holds a qualification or qualifications approved by the Council under section 36D(2) in relation to the profession, or class of members of a profession, to which the title applies.
- (3) Matter B is that the person—
  - (a) either—
    - (i) is a national of an EEA State, or
    - (ii) is not a national of an EEA State but is, by virtue of a right conferred by article 11 of Council Regulation (EEC) No. 1612/68 or any other enforceable Community right, entitled to be treated, for the purposes of access to a profession complementary to dentistry, no less favourably than a national of such a State; and
  - (b) has a right to practise in the United Kingdom [<sup>F71</sup>as a member of the profession pursued by clinical dental technicians, dental hygienists, dental nurses, dental technicians, dental therapists or orthodontic therapists] (as the case may be) by virtue of the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002 (S.I.2002/2934).
- (4) Matter C is that the person—
  - (a) holds a qualification or qualifications granted by an institution or institutions outside the United Kingdom relevant to the profession complementary to dentistry, or class of members of such a profession, to which the title applies (in this section referred to as “relevant qualifications”);
  - (b) has satisfied the Council that he has the requisite knowledge and skill to practise as a member of the profession or class to which the title applies; and
  - (c) [<sup>F72</sup>(except where he is a national of an EEA State or a person within subsection (3)(a)(ii))] has the knowledge of English which, in the interests of himself and his patients, is necessary for practising in the United Kingdom as a member of the profession or class to which the title applies.
- (5) For the purpose of establishing whether a person has the requisite knowledge and skill for the purposes of subsection (4)(b), the Council—
  - (a) in all cases—
    - (i) shall take into account all that person’s relevant qualifications, and all relevant knowledge or experience, wherever acquired, and
    - (ii) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination; and
  - (b) in the case of a national of an EEA State (or a person within subsection (3)(a)(ii)) who holds a relevant qualification granted by an institution or institutions outside the EEA which has been accepted by another EEA State as qualifying him to practise in that State as a member of the profession or class to which the title applies, shall take that acceptance into account.
- (6) Matter D is—
  - (a) the person’s identity;
  - (b) that he is of good character; and
  - (c) that he is in good health, both physically and mentally.
- (7) In this section “national” has the meaning given to it in section 15(2).

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#### Textual Amendments

- F70** Words in s. 36C(1)(a) substituted (28.7.2006) by [The European Qualifications \(Professions Complementary to Dentistry\) Regulations 2006 \(S.I. 2006/1718\)](#), regs. 1, **3(a)**
- F71** Words in s. 36C(3)(b) substituted (28.7.2006) by [The European Qualifications \(Professions Complementary to Dentistry\) Regulations 2006 \(S.I. 2006/1718\)](#), regs. 1, **3(b)**
- F72** Words in s. 36C(4)(c) inserted (28.7.2006) by [The European Qualifications \(Professions Complementary to Dentistry\) Regulations 2006 \(S.I. 2006/1718\)](#), regs. 1, **3(c)**

### 36D. Education and training for members of professions complementary to dentistry **U.K.**

- (1) For each regulated profession or class, the Council shall, from time to time—
  - (a) determine the appropriate standard of proficiency which, in their opinion, is required for a person to practise competently and safely as a member of the profession or class; and
  - (b) specify the content and standard of the education and training (including practical experience) which, in their opinion, is required for imparting the knowledge and skills necessary for a person to obtain that proficiency.
- (2) Where the Council are satisfied that—
  - (a) a qualification granted by an institution in the United Kingdom is evidence of having reached the standard of proficiency for a regulated profession or class determined under subsection (1),
  - (b) a qualification which such an institution proposes to grant will be such evidence, or
  - (c) two or more qualifications granted or to be granted as mentioned in paragraph (a) or (b), taken together, are or will be such evidence,
 the Council may approve that qualification or those qualifications in relation to that regulated profession or class.
- (3) The matters determined or specified under subsection (1), and the qualifications approved under subsection (2), shall be published by the Council from time to time in such form as appears to them to be appropriate.
- (4) The Council shall ensure that establishments providing or overseeing courses of education or training for persons who seek registration under a title in the dental care professionals register are notified of—
  - (a) the matters for the time being determined or specified under subsection (1); and
  - (b) the qualifications for the time being approved under subsection (2).
- (5) Rules shall make provision for the withdrawal of approval given under subsection (2) in such circumstances as may be specified in the rules.
- (6) Rules may make provision for the appointment by the Council of persons to visit establishments which provide or oversee, or seek to provide or oversee, courses of education or training for persons referred to in subsection (4), for the purposes of advising and reporting back to the Council upon matters connected with such courses, including—
  - (a) the sufficiency of instruction provided or overseen by, or to be provided or overseen by, those establishments;

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- (b) the suitability of a particular qualification for approval under subsection (2); and
  - (c) whether approval of a particular qualification ought to be withdrawn under rules under subsection (5).
- (7) Rules may make provision—
- (a) for the appointment by the Council of persons to attend examinations (or other forms of assessment) taken by persons attempting to obtain qualifications approved under subsection (2); and
  - (b) for persons appointed under paragraph (a) to report back to the Council on their findings.
- (8) In this section “regulated profession or class” means a profession complementary to dentistry, or class of members of such a profession, specified in regulations under section 36A(2).

#### *Procedure for registration*

### **36E. Rules relating to the dental care professionals register** **U.K.**

Rules may make provision relating to—

- (a) the form of an application by a person seeking registration under a title in the dental care professionals register;
- (b) the manner in which an application under paragraph (a) is to be made;
- (c) the evidence and information which an applicant must supply in support of an application under paragraph (a);
- (d) the details which must be entered in the dental care professionals register; and
- (e) the procedure for the making, alteration and deletion of entries in that register.

### **36F. Fees** **U.K.**

- (1) The Council may by regulations—
- (a) prescribe a fee to be charged on—
    - (i) the entry of a person’s name in the dental care professionals register under a title (including a name already registered in that register under another title or titles),
    - (ii) the restoration of a person’s name to that register under a title (including a name already registered in that register under another title or titles), or
    - (iii) the entry in that register of additional qualifications held by a registered dental care professional;
  - (b) prescribe a fee to be charged in respect of the retention of a person’s name under a title or titles in the dental care professionals register for each period of twelve months;
  - (c) provide for the payment by instalments of a fee prescribed by regulations under paragraph (b);
  - (d) authorise the registrar (notwithstanding anything in this Act) to refuse to make in, or restore to, the dental care professionals register any entry until a fee prescribed by regulations under this section has been paid.

*Status: Point in time view as at 01/10/2006.*

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- (2) The Council may by regulations provide that where a person, after such notices and warnings as may be provided for in the regulations, fails to pay a fee prescribed by regulations under subsection (1)(b), the registrar may erase that person's name from registration under all titles under which that person is registered in the dental care professionals register.
- (3) Where a person's name has been erased from registration under a particular title by virtue of regulations under subsection (2), that name shall be restored to the dental care professionals register under that title on that person's application if he satisfies the registrar—
  - (a) of Matter D within the meaning of section 36C; and
  - (b) that he meets the requirements of—
    - (i) section 36L, and
    - (ii) any rules made under section 36Z2 which apply to his case.
- (4) Where, under subsection (3), the registrar refuses to restore a person's name to the dental care professionals register under a title, the registrar shall forthwith serve on the person concerned notification of the decision and of the reasons for it.

*Publication of the dental care professionals register*

**36G. Publication of the dental care professionals register** **U.K.**

- (1) The registrar shall make available to members of the public in such form as he considers appropriate—
  - (a) the names of persons appearing in the dental care professionals register;
  - (b) the title or titles under which a person is registered in that register;
  - (c) the qualifications of persons appearing in that register; and
  - (d) such other details as the Council may direct.
- (2) For the purposes of subsection (1), the registrar may provide a member of the public with a copy of, or extract from, the dental care professionals register, and any such copy or extract shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.

*Erasures and alterations in the dental care professionals register*

**36H. Erasure of names of deceased persons and of those who have ceased to practise** **U.K.**

- (1) The registrar shall erase the name of a deceased person from registration under all titles under which that person is registered in the dental care professionals register; and on registering the death of a registered dental care professional, a registrar of births and deaths shall, without charge to the recipient, send forthwith by post to the registrar a copy certified under his hand of the entry in the register of deaths relating to the death.
- (2) Where a person is registered in the dental care professionals register under a title applying to a particular profession, or class of members of a profession, and has ceased to practise as a member of that profession or class, the registrar may, with that person's consent, erase his name from registration in that register under that title.

*Status: Point in time view as at 01/10/2006.*

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- (3) The registrar may send by post to a registered dental care professional a notice inquiring whether he has ceased to practise as a member of a particular profession complementary to dentistry, or class of members of such a profession, or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, the registrar may erase that person's name from registration under all titles under which that person is registered in the dental care professionals register.
- (4) Where, under subsection (2) or (3) or at a person's request, a person's name has been erased from registration under a particular title, that name shall be restored to the dental care professionals register under that title on that person's application if the conditions specified in subsection (5) are met.
- (5) The conditions referred to in subsection (4) are that—
  - (a) the original entry of the person's name in the dental care professionals register under the title in question was not incorrectly made or fraudulently procured;
  - (b) the person satisfies the registrar of Matter D within the meaning of section 36C; and
  - (c) the person also satisfies the registrar that he meets the requirements of—
    - (i) section 36L, and
    - (ii) any rules made under section 36Z2 which apply to his case.

### **36L. Erasure on grounds of fraud or error U.K.**

- (1) If the registrar is satisfied that any entry in the dental care professionals register has been incorrectly made, he shall erase that entry from that register.
- (2) If the registrar has reason to believe that any entry in the dental care professionals register has been fraudulently procured, he shall refer the matter to the Professional Conduct Committee to determine the question of whether that entry has been fraudulently procured.
- (3) If the Professional Conduct Committee determine that the entry in the dental care professionals register has been fraudulently procured, they may direct that the name of the person to whom the entry relates shall be erased from registration under all titles under which he is registered in that register.
- (4) Where a person's name has been erased from registration under a particular title under subsection (3), that person may apply to the Council for his name to be restored to that register under that title.
- (5) The Council shall refer an application under subsection (4) to the Professional Conduct Committee.
- (6) The Professional Conduct Committee shall determine an application referred under subsection (5) and may decide—
  - (a) that the person's name is to be restored to the dental care professionals register under the title in question;
  - (b) that the person's name is not to be restored to that register under the title in question; or
  - (c) that the person's name is not to be restored to that register under the title in question until the end of such period as the Professional Conduct Committee shall specify.



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- (7) If the Professional Conduct Committee give a direction under subsection (3) or a decision under subsection (6), the registrar shall forthwith serve on the person concerned notification of the direction or decision and (except in the case of a decision under subsection (6)(a)) of his right to appeal against it under section 36S.]

*<sup>F73</sup>Registration appeals*

**Textual Amendments**

**F73** S. 36J and cross-heading inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 30** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**36J. Registration appeals** **U.K.**

Schedule 4A to this Act (registration appeals: dental care professionals register) shall have effect.]

*<sup>F74</sup>Use of titles and descriptions*

**Textual Amendments**

**F74** Ss. 36K-36V and cross-heading inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 31** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**36K. Use of titles and descriptions** **U.K.**

- (1) A registered dental care professional shall not take or use, or affix to or use in connection with his premises—
- (a) any description reasonably calculated to suggest that he possesses any professional status or qualification other than a professional status or qualification which he in fact possesses and which is indicated by particulars entered in the dental care professionals register in respect of him; or
  - (b) any title specified in regulations under section 36A(2) except the title or titles under which he is registered in the dental care professionals register.
- (2) Any person who contravenes subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Insurance*

**36L. Insurance** **U.K.**

- (1) A registered dental care professional must, in relation to each title under which he is registered in the dental care professionals register, be covered by adequate and



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appropriate insurance throughout the period during which he is so registered under that title.

- (2) In this section “adequate and appropriate insurance”, in relation to a title specified in regulations under section 36A(2), means insurance of a type and amount which rules under this section specify as adequate and appropriate in relation to that title.
- (3) A person seeking registration in the dental care professionals register under a particular title (whether or not he is already registered in that register under any other title or titles) must supply the registrar with evidence that, if his name were to be entered in that register under that title, he would be covered by adequate and appropriate insurance in relation to that title commencing, at the latest, on the date on which his name was so entered.
- (4) A registered dental care professional seeking the retention of his name in the dental care professionals register under a particular title must, before the commencement of the period for which he is seeking the retention of his name in that register under that title, supply the registrar with evidence that he is covered by adequate and appropriate insurance in relation to that title.
- (5) A person seeking the restoration of his name to the dental care professionals register under a particular title (whether or not he is already registered in that register under any other title or titles) must supply the registrar with evidence that, if his name were to be restored to that register under that title, he would be covered by adequate and appropriate insurance in relation to that title commencing, at the latest, on the date on which his name was so restored.
- (6) The registrar may at any other time require a registered dental care professional to supply him with evidence that he is covered by adequate and appropriate insurance in relation to a title under which he is registered, and a registered dental care professional must comply with such a requirement as soon as reasonably practicable.
- (7) A registered dental care professional must inform the registrar forthwith if he is no longer covered by adequate and appropriate insurance in relation to any title under which he is registered.
- (8) A person seeking registration in, or restoration of his name to, the dental care professionals register must inform the registrar forthwith if arrangements under which he would be covered by adequate and appropriate insurance in relation to any title under which he is seeking to be registered or restored are no longer in place.
- (9) If a person fails to comply with the requirements of this section in relation to any title in the dental care professionals register, the registrar may—
  - (a) refuse to register his name in that register under that title;
  - (b) refuse to restore his name to that register under that title;
  - (c) erase his name from registration in that register under that title; or
  - (d) refer the matter to the Investigating Committee under section 36N(5)(a) as if the person’s failure to comply with the requirements of this section constituted an allegation that his fitness to practise as a member of a profession complementary to dentistry is impaired by reason of misconduct for the purposes of section 36N.
- (10) Where, under subsection (9)(c), a person’s name has been erased from registration under a particular title, that name shall be restored to the dental care professionals register under that title on that person’s application if he satisfies the registrar—

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- (a) of Matter D within the meaning of section 36C; and
  - (b) that he meets the requirements of—
    - (i) this section, and
    - (ii) any rules made under section 36Z2 which apply to his case.
- (11) In this section “insurance” means—
- (a) a contract of insurance providing cover for liabilities which may be incurred in carrying out work as a member of a profession complementary to dentistry; or
  - (b) an arrangement made for the purpose of indemnifying a person against such liabilities.

*Professional conduct and fitness to practise*

**36M. Guidance U.K.**

- (1) The Council shall prepare and from time to time issue guidance as to the standards of conduct, performance and practice expected of registered dental care professionals.
- (2) Such guidance may make different provision in relation to different cases or classes of case, and in particular in relation to different descriptions of registered dental care professionals.
- (3) The Council shall keep such guidance under review and may vary or withdraw it whenever they consider it appropriate to do so.
- (4) The Council shall from time to time publish guidance issued under this section.
- (5) Before issuing such guidance or varying or withdrawing it, the Council shall consult—
  - (a) such persons to whom subsection (6) applies as the Council consider appropriate;
  - (b) the bodies within subsection (8); and
  - (c) such bodies to which subsection (9) applies as the Council consider appropriate.
- (6) This subsection applies to persons who appear to the Council to be representative of one or more of the following—
  - (a) users of the services of registered dentists;
  - (b) users of the services of registered dental care professionals;
  - (c) registered dentists;
  - (d) registered dental care professionals;
  - (e) employers of registered dentists; and
  - (f) employers of registered dental care professionals.
- (7) The Council shall exercise their function under subsection (5)(a) so that the persons consulted are, taken together, representative of all the categories of person mentioned in subsection (6)(a) to (f).
- (8) The bodies within this subsection are—
  - (a) Primary Care Trusts in England;
  - (b) Local Health Boards in Wales;
  - (c) Health Boards in Scotland; and
  - (d) Health and Social Services Boards in Northern Ireland.

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- (9) This subsection applies to bodies which make arrangements, for the provision of dental services, with one or both of the following—
- (a) registered dentists,
  - (b) registered dental care professionals,
- but are not within subsection (8).
- (10) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance to any person.

### **36N. Allegations** **U.K.**

- (1) This section applies where an allegation is made to the Council against a registered dental care professional that his fitness to practise as a member of a profession complementary to dentistry is impaired.
- (2) A person’s fitness to practise as a member of a profession complementary to dentistry shall be regarded as “impaired” for the purposes of this Act by reason only of—
- (a) misconduct;
  - (b) deficient professional performance;
  - (c) adverse physical or mental health;
  - (d) a conviction or caution in the United Kingdom for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;
  - (e) the person having—
    - (i) accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal), or
    - (ii) agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);
  - (f) the person, in proceedings in Scotland for an offence, having been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging him absolutely; or
  - (g) a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that the person’s fitness to practise as a member of that profession is impaired, or a determination by a regulatory body elsewhere to the same effect.
- (3) It does not matter whether the allegation is based on a matter alleged to have occurred—
- (a) outside the United Kingdom; or
  - (b) at a time when the person was not registered in the dental care professionals register.
- (4) This section also applies in a case where—
- (a) it comes to the attention of the Council that a registered dental care professional’s fitness to practise as a member of a profession complementary to dentistry may be impaired on one or more of the grounds mentioned in subsection (2), but
  - (b) no allegation to that effect has been made to the Council against that person,

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and in such a case this Act shall apply as if an allegation or allegations to the effect that the person's fitness to practise as a member of a profession complementary to dentistry is impaired on the ground or grounds in question had been made to the Council against that person.

- (5) The registrar—
  - (a) shall refer the allegation to the Investigating Committee; and
  - (b) may also, if he considers it appropriate, refer the allegation to the Interim Orders Committee.
- (6) The registrar shall investigate the allegation for the purpose of exercising his functions under subsection (5).
- (7) In this section—
  - (a) “enactment” includes—
    - (i) a provision of, or an instrument made under, an Act of the Scottish Parliament,
    - (ii) a provision of, or an instrument made under, Northern Ireland legislation, and
    - (iii) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978); and
  - (b) “regulatory body” means a regulatory body which has the function of authorising persons to practise as members of a health or social care profession.

### **36O. The Investigating Committee** U.K.

- (1) Where the registrar refers an allegation under section 36N to the Investigating Committee they shall investigate the allegation and determine whether the allegation ought to be considered by a Practice Committee.
- (2) If the Investigating Committee determine that the allegation ought not to be considered by a Practice Committee, the Investigating Committee may—
  - (a) issue a warning or advice to the person who is the subject of the allegation regarding his future conduct, performance and practice; and
  - (b) issue advice to any other person involved in the investigation on any issue arising in the course of the investigation.
- (3) If the Investigating Committee issue a warning under subsection (2)(a), they may, if they consider it appropriate to do so, direct the registrar to enter details of that warning in any entry in the dental care professionals register relating to the person who is the subject of the allegation.
- (4) Unless subsection (5) applies, if the Investigating Committee determine that the allegation ought to be considered by a Practice Committee, the Investigating Committee—
  - (a) shall refer the allegation—
    - (i) to the Professional Performance Committee, in the case of an allegation based on the ground mentioned in section 36N(2)(b) (deficient professional performance),

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- (ii) to the Health Committee, in the case of an allegation based on the ground mentioned in section 36N(2)(c) (adverse physical or mental health), or
    - (iii) to the Professional Conduct Committee, in any other case; and
  - (b) may also, if they consider it appropriate, refer the allegation to the Interim Orders Committee.
- (5) This subsection applies in a case where two or more allegations under section 36N relating to the same person have been referred to the Investigating Committee and those allegations are—
  - (a) an allegation based on the ground mentioned in section 36N(2)(b) and an allegation or allegations based on any other grounds mentioned in section 36N(2); or
  - (b) an allegation based on the ground mentioned in section 36N(2)(c) and an allegation or allegations based on any other grounds mentioned in section 36N(2).
- (6) Where subsection (5) applies, and the Investigating Committee determine that two or more of those allegations ought to be considered by a Practice Committee, the Investigating Committee—
  - (a) shall refer those allegations to whichever one of the Practice Committees they consider most appropriate; and
  - (b) may also, if they consider it appropriate, refer those allegations to the Interim Orders Committee.
- (7) The registrar shall serve notification of any determination made by the Investigating Committee under subsection (1) on the person who is the subject of the allegation and on the person (if any) making the allegation.
- (8) The Investigating Committee may review and if they consider it appropriate revise a determination made by them that an allegation or allegations ought to be considered by a particular Practice Committee—
  - (a) on a reference back to them from that Practice Committee under section 36P(5); or
  - (b) on an application made by the Council, the registrar, the person who is the subject of the allegation or allegations or any person making the allegation or allegations, but only if such review is carried out—
    - (i) where there is to be a hearing before that Practice Committee, before the commencement of that hearing, or
    - (ii) where there is not to be a hearing before that Practice Committee, before that Practice Committee have begun to consider written statements or representations.
- (9) Subsection (2) applies to a determination by the Investigating Committee, following a review under subsection (8), that an allegation or allegations ought not to be considered by a Practice Committee, as it applies to a determination under subsection (1) that an allegation ought not to be considered by a Practice Committee.
- (10) If the Investigating Committee determine, under subsection (1) or following a review under subsection (8), that an allegation or allegations against a person ought not to be considered by a Practice Committee, they shall, at the same time, revoke with immediate effect any interim order which has been made under section 36V in respect of that person in consequence of that allegation or those allegations.

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### 36P. The Practice Committees **U.K.**

- (1) Subject to subsection (5), a Practice Committee must investigate an allegation or allegations against a person referred to them by the Investigating Committee under section 36O and determine whether that person's fitness to practise as a member of a profession complementary to dentistry is impaired.
- (2) A Practice Committee shall, in exercising their function under subsection (1), make separate determinations in relation to each title under which that person is registered in the dental care professionals register, as to his fitness to practise as a member of the profession, or class of members of a profession, to which that title applies.
- (3) In making a determination under subsection (1), a Practice Committee may take into account whether the person who is the subject of the allegation or allegations has complied with any relevant parts of the guidance issued under section 36M, but that question is not of itself determinative of whether a person's fitness to practise as a member of a profession complementary to dentistry is impaired.
- (4) If the person who is the subject of an allegation or allegations is also registered in the dentists register, a Practice Committee shall, in exercising their function under subsection (1), make a separate determination under section 27B(1) (fitness to practise as a dentist).
- (5) Where a Practice Committee consider that any allegation should not have been referred to them by the Investigating Committee under section 36O, they may refer that allegation back to the Investigating Committee.
- (6) If a Practice Committee determine that, in relation to a title under which a person is registered in the dental care professionals register, his fitness to practise as a member of the profession, or class of members of a profession, to which that title applies is not impaired, they—
  - (a) shall publish at his request a statement to that effect; or
  - (b) may publish such a statement if he consents.
- (7) If a Practice Committee determine that, in relation to a title under which a person is registered in the dental care professionals register, his fitness to practise as a member of the profession, or class of members of a profession, to which that title applies is impaired, they may, if they consider it appropriate, direct—
  - (a) (subject to subsection (8)) that the person's name shall be erased from registration in that register under that title;
  - (b) that his registration in that register under that title shall be suspended during such period not exceeding twelve months as may be specified in the direction;
  - (c) that his registration in that register under that title shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
  - (d) that he shall be reprimanded in connection with any conduct or action of his which was the subject of the allegation.
- (8) A direction under subsection (7)(a) that a person's name shall be erased from registration in the dental care professionals register under a particular title shall not be given following a determination that that person's fitness to practise as a member of the profession, or class of members of a profession, to which that title applies is

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impaired solely on the ground mentioned in section 36N(2)(c) (adverse physical or mental health).

- (9) Where a Practice Committee give a direction under subsection (7), the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under paragraph (d) of that subsection) of his right to appeal against it under section 36S.
- (10) Where a Practice Committee make a determination under subsection (1) as to a person's fitness to practise as a member of a profession, or class of members of a profession, to which a particular title applies, they shall, at the same time, revoke any interim order which has been made under section 36V—
- (a) in consequence of the allegation, or allegations, to which that determination relates; and
  - (b) in relation to that person's registration in the dental care professionals register under that title.
- (11) The revocation of an interim order under subsection (10) shall take effect—
- (a) in the case of a determination that the person's fitness to practise is not impaired, forthwith;
  - (b) in the case of a direction given under paragraph (d) of subsection (7), forthwith; and
  - (c) in the case of a direction given under paragraph (a), (b) or (c) of subsection (7), subject to section 36U(5), from the time when—
    - (i) any direction given under those paragraphs takes effect in accordance with section 36T,
    - (ii) an appeal under section 36S against the decision giving such a direction is determined under section 36S(6)(b) or (c), or
    - (iii) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.

### **36Q. Resumed hearings** **U.K.**

- (1) Where a Practice Committee have given a direction under section 36P(7)(b) or subsection (2)(d) or (3) of this section that a person's registration in the dental care professionals register under a particular title should be suspended, they may direct, in relation to that title—
- (a) that the suspension shall be terminated;
  - (b) that the current period of suspension shall be extended for such further period, specified in the direction and not exceeding twelve months, beginning with the date on which it would otherwise expire;
  - (c) that the suspension shall be terminated and the person's registration in the dental care professionals register under that title shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
  - (d) that the person's registration in the dental care professionals register under that title shall be suspended indefinitely, if—
    - (i) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years, and



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- (ii) the direction is made not more than two months before the date on which the period of suspension would otherwise expire.
- (2) Where a Practice Committee have given a direction under section 36P(7)(c), subsection (1)(c) or (5)(c) of this section or section 36R(6)(b) imposing conditions on a person's registration in the dental care professionals register under a particular title, they may give one or more of the following directions in relation to that title—
- (a) a direction that the registration shall cease to be conditional from a date specified in the direction;
  - (b) a direction that the current period of conditional registration shall be extended for such further period, specified in the direction and not exceeding three years, beginning with the date on which it would otherwise expire;
  - (c) a direction that one or more of the conditions imposed on the registration shall be varied or revoked, or that those conditions shall be added to, as specified in the direction; or
  - (d) a direction that the person's registration in the dental care professionals register under that title shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (3) Where a Practice Committee—
- (a) have given a direction under section 36P(7)(c), subsection (1)(c), (2)(b) or (c) or (5)(c) of this section or section 36R(6)(b) imposing conditions on a person's registration, or extending a period of conditional registration, in the dental care professionals register under a particular title, or
  - (b) have made an order under section 36V(4)(b) for interim conditional registration in relation to a particular title,
- and the Practice Committee determine that at any time during the period for which that direction or order has effect the person has failed to comply with any condition imposed on his registration, the Practice Committee may direct, in relation to that title, that the person's registration in the dental care professionals register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (4) Where a Practice Committee have given a direction under subsection (1)(d) that a person's registration in the dental care professionals register under a particular title is to be suspended indefinitely, they must review the direction if—
- (a) the person requests them to do so;
  - (b) at least two years have elapsed since the date on which the direction took effect; and
  - (c) if the direction has previously been reviewed under this subsection, at least two years have elapsed since the date of the last such review decision.
- (5) On such a review a Practice Committee may, in relation to the title in question—
- (a) direct that the suspension shall be terminated;
  - (b) confirm the direction to suspend the person's registration under that title indefinitely; or
  - (c) direct that the suspension shall be terminated and the person's registration in the dental care professionals register under that title shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests.

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- (6) Where a Practice Committee give a direction under this section, the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under subsection (1)(a), (2)(a) or (5)(a) or a direction under subsection (2)(c) that a condition or conditions shall be revoked) of his right to appeal against it under section 36S.

**36R. Restoration of names to the dental care professionals register following erasure under section 36P U.K.**

- (1) A person whose name has been erased from registration in the dental care professionals register under a particular title in accordance with a direction under section 36P(7)(a) may apply to the registrar for his name to be restored to that register under that title.
- (2) No application under this section for the restoration of a person's name to the dental care professionals register shall be made—
- (a) before the end of the period of five years beginning with the date on which the direction for erasure took effect; or
  - (b) within twelve months of the date on which an earlier application for the restoration of his name under the title in question was made.
- (3) The registrar shall refer an application to the Professional Conduct Committee.
- (4) When considering an application, the Professional Conduct Committee may, if they consider it necessary and appropriate in a particular case, direct the applicant to do one or both of the following—
- (a) produce such evidence as to his fitness to practise as a member of the profession complementary to dentistry, or class of members of such a profession, in question as the Professional Conduct Committee shall specify;
  - (b) meet such further requirements, including requirements as to education and training, as the Professional Conduct Committee shall specify.
- (5) An application shall not be granted unless the applicant satisfies the Professional Conduct Committee—
- (a) that he is fit to practise as a member of the profession complementary to dentistry, or class of members of such a profession, in question;
  - (b) of Matter D within the meaning of section 36C;
  - (c) that he meets the requirements of any rules made under section 36Z2 which apply to his case; and
  - (d) that he meets any other requirements imposed in a direction under subsection (4)(b).
- (6) Where the Professional Conduct Committee grant an application, they may give one or both of the following directions—
- (a) a direction that the restoration of a person's name to the dental care professionals register under the title in question shall be conditional on his satisfying the registrar that he meets the requirements of section 36L (insurance) in relation to that title;
  - (b) a direction that a person's registration in that register under the title in question shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Professional Conduct Committee think fit to impose for the protection of the public or in his interests.

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- (7) If the Professional Conduct Committee refuse to grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision and of his right to appeal against it under section 36S.
- (8) If the Professional Conduct Committee grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision, and, in a case where a direction has been given under subsection (6)(b), of his right to appeal against that direction under section 36S.
- (9) Where, during the same period of erasure from registration in the dental care professionals register under a particular title, a second or subsequent application relating to that title under this section by the same person is unsuccessful, the Professional Conduct Committee may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) If the Professional Conduct Committee give a direction under subsection (9), the registrar shall forthwith serve on the person concerned notification of the direction and of his right to appeal against it under section 36S.
- (11) Any person in respect of whom a direction has been given under subsection (9) may, after the end of the period of three years beginning with the date on which the direction took effect, apply to the registrar for the direction to be reviewed by the Professional Conduct Committee and, thereafter, may make further applications for review; but no such application may be made before the end of the period of three years beginning with the date of the most recent review decision.
- (12) On a review under subsection (11), the Professional Conduct Committee may—
  - (a) confirm the direction under subsection (9); or
  - (b) direct that the person concerned may make an application under subsection (1).

### **36S. Appeals** U.K.

- (1) The following decisions are appealable decisions for the purposes of this section—
  - (a) a decision of the Professional Conduct Committee under section 36I—
    - (i) giving a direction under subsection (3) of that section for erasure of a person's name from the dental care professionals register under all titles under which he is registered in that register, or
    - (ii) refusing an application under subsection (6) of that section to restore a person's name to that register under a particular title, or refusing to so restore his name until the end of a specified period;
  - (b) a decision of a Practice Committee under section 36P or 36Q giving, in relation to a particular title, a direction for erasure, for suspension, for conditional registration or for varying or adding to the conditions imposed by a direction for conditional registration; and
  - (c) a decision of the Professional Conduct Committee under section 36R—
    - (i) refusing to grant an application to restore a person's name to the dental care professionals register under a particular title,
    - (ii) giving, in relation to a particular title, a direction for conditional registration under subsection (6)(b) of that section, or

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- (iii) giving a direction under subsection (9) of that section in respect of a particular title suspending indefinitely the right to make further applications under that section.
- (2) In subsection (1)—
- (a) a reference to a direction for suspension includes a reference to a direction extending a period of suspension and a direction for indefinite suspension; and
  - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.
- (3) Subject to subsection (4), a person in respect of whom an appealable decision has been made may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 36I(7), 36P(9), 36Q(6) or 36R(7), (8) or (10), appeal against the decision to the relevant court.
- (4) Where—
- (a) any notification of a decision required to be served on a person under any of the provisions specified in subsection (3) is served by sending it to him by post, and
  - (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,
- the registrar may, if he thinks fit, by authorisation in writing extend the period of time within which an appeal under this section may be brought.
- (5) In subsection (3) “the relevant court”—
- (a) in the case of a person whose address in the dental care professionals register is (or if he were registered would be) in Scotland, means the Court of Session;
  - (b) in the case of a person whose address in that register is (or if he were registered would be) in Northern Ireland, means the High Court in Northern Ireland; and
  - (c) in the case of any other person, means the High Court in England and Wales.
- (6) On an appeal under this section, the court may—
- (a) dismiss the appeal,
  - (b) allow the appeal and quash the decision appealed against,
  - (c) substitute for the decision appealed against any other decision which could have been made by the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
  - (d) remit the case to the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to dispose of the case under section 36I, 36P, 36Q or 36R in accordance with the directions of the court,
- and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.
- (7) The Council may appear as respondent on any appeal under this section; and for the purpose of any order as to costs (or, in Scotland, expenses) in relation to any such appeal the Council shall be deemed to be a party to it, whether they appear on the hearing of the appeal or not.

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**36T. Taking effect of directions for erasure, suspension, conditional registration etc. U.K.**

- (1) This section applies to—
  - (a) a direction given by the Professional Conduct Committee under section 36I(3) for erasure of a person’s name from the dental care professionals register under all titles under which he is registered in that register;
  - (b) a direction, in relation to a particular title, for erasure, suspension, conditional registration or variation of or addition to the conditions of registration given by a Practice Committee under section 36P or 36Q; and
  - (c) a direction, in relation to a particular title, for conditional registration given by the Professional Conduct Committee under section 36R(6)(b).
- (2) A direction to which this section applies shall take effect—
  - (a) where no appeal under section 36S is brought against the decision giving the direction within the period of time specified in subsection (3) of that section, on the expiry of that period;
  - (b) where such an appeal is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
  - (c) where such an appeal is brought and is not withdrawn or struck out for want of prosecution, on the dismissal of the appeal.
- (3) Where the period of time for appealing against a decision giving a direction is extended under section 36S(4)—
  - (a) subsection (2) shall apply to the direction as if the reference in paragraph (a) of that subsection to the period of time specified in section 36S(3) were a reference to that period as so extended, and
  - (b) if the authorisation is given after the expiry of the period of time specified in section 36S(3), the direction shall be deemed not to have taken effect on the expiry of that period,

and any reference in this Act to the time when such a direction takes effect in accordance with this section shall be construed accordingly.
- (4) In this section—
  - (a) a reference to a direction for suspension includes a reference to a direction extending a period of suspension and a direction for indefinite suspension; and
  - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.

**36U. Orders for immediate suspension and immediate conditional registration U.K.**

- (1) On giving a direction, in relation to a particular title, for erasure or for suspension under section 36I(3), section 36P(7)(a) or (b) or section 36Q(2)(d) or (3) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of that person, may order that his registration under that title shall be suspended forthwith in accordance with this section.
- (2) On giving a direction, in relation to a particular title, for conditional registration under section 36P(7)(c), section 36Q(1)(c) or (5)(c) or section 36R(6)(b) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is

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in the interests of that person, may order that his registration under that title shall be made conditional forthwith in accordance with this section.

- (3) Where, on the giving of a direction, an order under subsection (1) or (2) is made in respect of a person, his registration in the dental care professionals register under the title in question shall, subject to subsection (6), be suspended or made conditional, as the case may be, from the time when the order is made until the time when—
  - (a) the direction takes effect in accordance with section 36T;
  - (b) an appeal under section 36S against the decision giving the direction is determined under section 36S(6)(b) or (c); or
  - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) Where a Practice Committee make an order under subsection (1) or (2), the registrar shall forthwith serve on the person in respect of whom it is made notification of the order and of his right to make an application under subsection (7).
- (5) Where a Practice Committee make an order under subsection (1) or (2) in respect of a person, and an interim order under section 36V in respect of that person has been revoked by virtue of section 36P(10), that revocation shall take effect, subject to subsection (6), from the time when the order under subsection (1) or (2) is made.
- (6) If, when an order under subsection (1) or (2) is made, the person in respect of whom it is made is neither present nor represented at the proceedings, subsections (3) and (5) shall have effect as if, in each case, for the reference to the time when the order is made, there were substituted a reference to the time when notification of the order is served under subsection (4).
- (7) A person in respect of whom an order under subsection (1) or (2) is made may apply to the court for an order terminating any suspension imposed under subsection (1) or any conditional registration imposed under subsection (2), and the decision of the court on any such application shall be final.
- (8) In subsection (7) “the court”—
  - (a) in the case of a person whose address in the dental care professionals register is in Scotland, means the Court of Session;
  - (b) in the case of a person whose address in that register is in Northern Ireland, means the High Court in Northern Ireland; and
  - (c) in the case of any other person, means the High Court in England and Wales.

### **36V. Interim orders** **U.K.**

- (1) This section applies to the Professional Conduct Committee, the Professional Performance Committee, the Health Committee and the Interim Orders Committee, and any reference in this section to a “Committee” is a reference to any of those Committees.
- (2) The Interim Orders Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
  - (a) by the registrar under section 36N(5)(b);
  - (b) by the Investigating Committee under section 36O(4)(b) or (6)(b); or
  - (c) by a Practice Committee in accordance with rules under paragraph 7(1)(c) of Schedule 4B.

*Status: Point in time view as at 01/10/2006.*

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- (3) A Practice Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
- (a) by the Investigating Committee under section 36O(4)(a) or (6)(a); or
  - (b) by another Practice Committee in accordance with rules under paragraph 7(1)(a) of Schedule 4B.
- (4) Where a Committee are satisfied that it is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, for the person's registration in the dental care professionals register under a particular title to be suspended or to be made subject to conditions, the Committee may make—
- (a) an order that his registration in that register under that title shall be suspended during such period not exceeding 18 months as may be specified in the order (an "interim suspension order"); or
  - (b) an order that his registration in that register under that title shall be conditional on his compliance, during such period not exceeding 18 months as may be specified in the order, with such conditions so specified as the Committee think fit to impose (an "order for interim conditional registration").
- (5) Subject to subsection (11), where a Committee have made an interim suspension order or an order for interim conditional registration they—
- (a) shall review it within the period of six months beginning with the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it—
    - (i) before the end of the period of six months beginning with the date of the decision of the immediately preceding review, or
    - (ii) if after the end of the period of three months beginning with the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
  - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (6) Where an interim suspension order or an order for interim conditional registration has been made under any provision of this section (including this subsection) in relation to a person's registration in the dental care professionals register under a particular title, the Committee that made the order may, in relation to that title—
- (a) revoke the order;
  - (b) make an order adding to, varying or revoking any condition imposed by the order;
  - (c) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former; or
  - (d) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former.
- (7) If a Committee make an order under any provision of this section—
- (a) the registrar shall forthwith serve notification of the order on the person to whose registration it relates; and



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- (b) that order shall take effect from the time on which the notification mentioned in paragraph (a) is served.
- (8) The Council may apply to the court for an order made by a Committee under subsection (4) or (6) to be extended, and may apply again for further extensions.
- (9) On each such application the court may extend (or further extend) for up to twelve months the period for which the order has effect.
- (10) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
- (11) For the purposes of subsection (5) the first review after the court’s extension of an order made by a Committee or after a replacement order made by a Committee under subsection (6)(c) or (d) shall take place—
- (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (5), within the period of six months beginning with the date on which the court ordered the extension or on which a replacement order under subsection (6)(c) or (d) was made; and
- (b) if it had been reviewed under subsection (5), within the period of three months beginning with that date.
- (12) Where an interim order has effect under any provision of this section in relation to a person’s registration in the dental care professionals register under a particular title, the court may, in relation to that title—
- (a) in the case of an interim suspension order, terminate the suspension,
- (b) in the case of an order for interim conditional registration, revoke the order or revoke, vary or add to any condition imposed by the order,
- (c) in either case, substitute for the period specified in the order (or in an order extending it) some other period which could have been specified in the order (or in the order extending it) when it was made,
- and the decision of the court on any application under this subsection shall be final.
- (13) In this section “the court” has the meaning given by section 36U(8).]

*[<sup>F75</sup>Supplementary provisions*

**Textual Amendments**

- F75** S. 36W and cross-heading inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 32](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**36W. Supplementary provisions relating to fitness to practise cases** **U.K.**

- (1) While a person’s registration in the dental care professionals register under a particular title is suspended by virtue of a direction or order under this Part—
- (a) he shall be treated, except as provided in subsection (2), as not being registered in that register under that title, notwithstanding that his name still appears in that register; but

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- (b) sections 36N, 36O, 36P and 36Q shall continue to apply to him in relation to that title.
- (2) While a person's registration in the dental care professionals register under a particular title is suspended by virtue of a direction or order under this Part, he shall be treated for the purposes of compliance with rules made under section 36Z1 as if his registration were not so suspended.
- (3) Where any such direction as is mentioned in section 36Q(1)(b), (c) or (d), (2)(b) or (d), (3) or (5)(c) is given in relation to a person's registration in the dental care professionals register under a particular title while his registration under that title is subject to conditions or suspended by virtue of a direction under this Part, his registration under that title shall continue to be conditional or suspended throughout any period which may intervene between the time when (but for this subsection) his registration under that title would cease to be conditional or suspended, as the case may be, and the time when—
- (a) the direction takes effect in accordance with section 36T;
  - (b) an appeal under section 36S against the decision giving the direction is determined under section 36S(6)(b) or (c); or
  - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) If, on the determination of an appeal under section 36S, a direction extending the current period of suspension or conditional registration for a further period takes effect after the time when (but for subsection (3)) the current period of suspension or conditional registration would have ended, that further period shall be treated as having started to run at that time.
- (5) Subsection (3) is subject to any order made under section 36U(1) or (2).
- (6) Schedule 4B to this Act (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) shall have effect.]

<sup>F76</sup>**36X. Recording of suspension or conditional registration etc.** **U.K.**

- (1) Where a direction or order under this Part for suspension, conditional registration or variation of or addition to the conditions of registration takes effect in relation to a person, the registrar shall make a note in the dental care professionals register of that fact, of the title in relation to which the direction or order is made, and of the period for which that person's registration is to be suspended or made conditional.
- (2) The registrar shall erase any note made in accordance with subsection (1) from the dental care professionals register at such time as the direction or order ceases (for any reason) to have effect.
- (3) In this section—
- (a) a reference to a direction or order for suspension includes a reference to a direction or order extending a period of suspension and a direction for indefinite suspension; and
  - (b) a reference to a direction or order for conditional registration includes a reference to a direction or order extending a period of conditional registration.

*Status: Point in time view as at 01/10/2006.*

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- (4) Where a direction under section 36I(3) or 36P(7)(a) (direction for erasure from the dental care professionals register) in respect of a person takes effect, the registrar shall remove that person's name from registration in that register under the title in relation to which the direction is given.
- (5) Where a decision under section 36I(6)(a) or 36R that a person's name is to be restored to the dental care professionals register under a title takes effect, the registrar shall restore that person's name to that register under the title in relation to which the decision is made.

#### Textual Amendments

**F76** Ss. 36X-36Z2 inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 33](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 36Y. The Council's power to require disclosure of information **U.K.**

- (1) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part, the Council may require a person ("the relevant party") whose fitness to practise as a member of a profession complementary to dentistry is in question, to provide details of any person—
  - (a) by whom the relevant party is employed to provide services in, or in relation to, any area of dentistry; or
  - (b) with whom he has an arrangement to provide such services.
- (2) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part in respect of a person's fitness to practise as a member of a profession complementary to dentistry, the Council may require any person (except the person in respect of whom the information or document is sought) to supply any information or produce any document in his custody or under his control which appears to the Council relevant to the discharge of those functions.
- (3) Nothing in this section shall require or permit any disclosure of information which is prohibited by any relevant enactment.
- (4) For the purposes of subsection (3), "relevant enactment" means any enactment other than—
  - (a) this Act; or
  - (b) the non-disclosure provisions within the meaning of Part 4 of the Data Protection Act 1998 (see section 27 of that Act).
- (5) A person shall not be required to supply any information or produce any document under subsection (2) which he could not be compelled to supply or produce in civil proceedings before the relevant court.
- (6) In subsection (5) "the relevant court" means—
  - (a) if the person's address in the dental care professionals register is in Scotland or, if he is not registered in that register, he is resident there, the Court of Session;

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- (b) if the person’s address in that register is in Northern Ireland or, if he is not registered in that register, he is resident there, the High Court in Northern Ireland;
  - (c) in any other case, the High Court in England and Wales.
- (7) If a person fails to supply any information or produce any document within 14 days of being required to do so under subsection (1) or (2), the Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.
- (8) In subsection (7) “the relevant court” means the county court or, in Scotland, the sheriff.
- (9) In subsection (8) “the sheriff” means the sheriff in whose sheriffdom is situated the address of the person who fails to supply the information or produce the document; and in this subsection, “address” means, where the person is registered, his address in the dental care professionals register, or, where he is not registered in that register, the address where he resides.
- (10) For the purposes of subsection (4), “enactment” includes—
- (a) a provision of, or an instrument made under, an Act of the Scottish Parliament;
  - (b) a provision of, or an instrument made under, Northern Ireland legislation; and
  - (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).

#### **Textual Amendments**

**F76** Ss. 36X-36Z2 inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 33](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### **36Z. Notification and disclosure by the Council U.K.**

- (1) As soon as reasonably practicable after an allegation as to a person’s fitness to practise as a member of a profession complementary to dentistry has been referred to the Investigating Committee under section 36N(5)(a), the Council shall inform the following persons of that fact—
- (a) the Secretary of State, the Department of Health, Social Services and Public Safety in Northern Ireland, the Scottish Ministers and the National Assembly for Wales; and
  - (b) any person in the United Kingdom to whom subsection (2) applies.
- (2) This subsection applies to a person if the Council are aware that he—
- (a) employs the person concerned to provide services in, or in relation to, any area of dentistry; or
  - (b) has an arrangement with the person concerned for that person to provide such services.
- (3) The Council or the registrar may disclose to any person any information relating to a person’s fitness to practise as a member of a profession complementary to dentistry,

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including information relating to an allegation under section 36N, where they consider it to be in the public interest for the information to be disclosed.

#### Textual Amendments

**F76** Ss. 36X-36Z2 inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 33](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### *Professional training and development requirements*

#### **36Z1 Professional training and development requirements** **U.K.**

- (1) In relation to each profession, or class of members of a profession, specified in regulations under section 36A(2), rules shall require registered dental care professionals to undertake such professional training and development as may be specified in the rules.
- (2) Where a person is registered in the dental care professionals register under a title applying to a particular profession, or class of members of a profession, and it appears to the registrar that the person has failed to comply with the requirements of rules under subsection (1) relating to that profession or class, the registrar may erase that person's name from registration in that register under that title.
- (3) Where, under subsection (2), a person's name has been erased from registration under a particular title, that name shall be restored to the dental care professionals register under that title on that person's application if he satisfies the registrar—
  - (a) of Matter D within the meaning of section 36C; and
  - (b) that he meets the requirements of—
    - (i) section 36L, and
    - (ii) any rules made under section 36Z2 which apply to his case.
- (4) Rules shall specify the procedures to be followed before the registrar—
  - (a) may, under subsection (2), erase a person's name from registration in the dental care professionals register under a title; or
  - (b) may, under subsection (3), make a decision whether or not to restore a person's name to that register under a title.
- (5) Where, in the course of proceedings under this Part, it appears to the Investigating Committee, a Practice Committee or the Interim Orders Committee that a person to whose registration the proceedings relate may be failing to meet the requirements of rules made under subsection (1), that Committee may refer the question of whether he is failing to meet them to the registrar.

#### **36Z2 Restoration of names to the dental care professionals register: professional training and development** **U.K.**

- (1) Rules shall specify the requirements as to professional training and development to be met by a person who seeks the restoration of his name to the dental care professionals

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register under a particular title following its erasure from registration under that title under any provision of this Part.

- (2) Rules under this section must not require a person to do anything which amounts to the practice of dentistry.]

## PART IV U.K.

### RESTRICTIONS ON PRACTICE OF DENTISTRY AND ON CARRYING ON BUSINESS OF DENTISTRY

#### *The practice of dentistry*

#### 37 **Definition of practice of dentistry.** U.K.

- (1) [<sup>F77</sup>Subject to subsection (1A), for] the purposes of this Act, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists; and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to or for the purpose of or in connection with the fitting, insertion or fixing of dentures, artificial teeth or other dental appliances shall be deemed to have practised dentistry within the meaning of this Act.

- [<sup>F78</sup>(1A) For the purposes of this Act, the practice of dentistry shall be deemed not to include the performance of any medical task by a person who—
- (a) is qualified to carry out such a task; and
  - (b) is a member of a profession regulated by a regulatory body (other than the Council) listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.]

- [<sup>F79</sup>(2) Dental work to which subsection (2A) or (2B) applies shall not be treated for the purposes of this Act as amounting to the practice of dentistry if it is undertaken under the direct personal supervision of—
- (a) a registered dentist; or
  - (b) a registered dental care professional of a kind authorised in rules under this section to carry out such supervision.

- (2A) This subsection applies to dental work if it is undertaken—
- (a) by a person recognised by a dental authority as a student of dentistry or by a medical authority as a medical student; and
  - (b) as part of a course of instruction or training approved by that authority for students of that kind or as part of an examination so approved.

- (2B) This subsection applies to dental work if it is undertaken by a person as part of—
- (a) a course of instruction or training which he is following in order to qualify for registration in the dental care professionals register under a particular title or titles; or
  - (b) an examination which he must pass in order to satisfy the requirements for registration in that register under a particular title or titles.]

- [<sup>F80</sup>(3) In this section “medical authority” means one of the universities or other bodies listed in section 4(2) of the Medical Act 1983 (qualifying examinations and primary United



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Kingdom qualifications) which is entitled to hold qualifying examinations for the purpose of granting one or more primary United Kingdom medical qualifications.]

#### Textual Amendments

- F77** Words in [s. 37\(1\)](#) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 34\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F78** [S. 37\(1A\)](#) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 34\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F79** [S. 37\(2\)-\(2B\)](#) substituted for [s. 37\(2\)](#) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 34\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F80** [S. 37\(3\)](#) substituted (17.12.2002) by [S.I. 2002/3135](#), [arts. 1\(2\)\(j\)](#), [16\(1\)](#), [Sch. 1 para. 11](#)

### 38 Prohibition on practice of dentistry by laymen. **U.K.**

- (1) [<sup>F81</sup>A person who is not a registered dentist, a registered dental care professional or a visiting EEA practitioner entered in the list of such practitioners] shall not practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry.
- (2) Any person who acts in contravention of subsection (1) above shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (3) Summary proceedings for an offence under this section may be brought within the period of six months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this subsection more than two years after the commission of the offence.
- (4) For the purposes of subsection (3) above a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as is mentioned in that subsection came to his knowledge shall be conclusive evidence of that date, and any certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.

#### Textual Amendments

- F81** Words in [s. 38\(1\)](#) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 35](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))



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### 39 Prohibition on use of practitioners' titles by laymen. **U.K.**

- [<sup>F82</sup>(1) A person shall not take or use the title of dentist, dental surgeon or dental practitioner, either alone or in combination with any other word, unless he is a registered dentist or a visiting EEA practitioner entered in the list of such practitioners.]
- (2) No person shall take or use any title or description implying that he is a registered dentist unless he is a registered dentist.
- [<sup>F83</sup>(2A) A person who is not a registered dental care professional shall not take or use any title specified in regulations under section 36A(2), either alone or in combination with any other word.
- (2B) No person shall take or use any title or description implying that he is a registered dental care professional unless he is a registered dental care professional.]
- (3) Any person who acts in contravention of this section shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

#### Textual Amendments

- F82** S. 39(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 36(a)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F83** S. 39(2A)(2B) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 36(b)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### Modifications etc. (not altering text)

- C5** S. 39(2A) excluded (31.7.2006) by [The General Dental Council \(Professions Complementary to Dentistry\) Regulations Order of Council 2006 \(S.I. 2006/1440\)](#), reg. 1(1), **Sch. reg. 5**

### *Restrictions on carrying on the business of dentistry*

### 40 Definition of business of dentistry. **U.K.**

- (1) For the purposes of this Act a person shall be treated as carrying on the business of dentistry if, and only if, he or a partnership of which he is a member receives payment for services rendered in the course of the practice of dentistry by him or by a partner of his, or by an employee of his or of all or any of the partners.
- (2) Notwithstanding subsection (1) above, the receipt of payments—
- (a) by an authority providing national health services, or
- [<sup>F84</sup>(aa) by a person providing primary dental services under section 28C of the National Health Service Act 1977 or under a contract under section 28K of that Act, or]
- [<sup>F85</sup>(ab) by a person (other than one falling within paragraph (a) above) providing personal dental services under [<sup>F86</sup>section 28C of the National Health Service Act 1977 <sup>F87</sup> or] section 17C of the National Health Service (Scotland) Act 1978 <sup>F88</sup>, or]

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- [<sup>F89</sup>(ac) by a person (other than one falling within paragraph (a) above) providing personal dental services under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>F90</sup>, or]
- (b) by a person providing dental treatment for his employees without a view to profit, or
- (c) by a person providing dental treatment without a view to profit dental treatment without a view under conditions approved by the Secretary of State or the Department of Health and Social Services for Northern Ireland,
- shall not constitute the carrying on of the business of dentistry for the purposes of this Act.

**Textual Amendments**

- F84** S. 40(2)(aa) inserted (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 11 para. 50](#); S.I. 2005/2925, art. 10(2)(h); S.I. 2006/345, art. 6(2)(k)
- F85** S. 40(2)(ab) inserted (17.7.1998) by S.I. 1998/1546, [art. 2](#)
- F86** Words in s. 40(2)(ab) repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(d)
- F87** 1977 c.49. Section 28C was inserted by the [National Health Service \(Primary Care\) Act 1997 \(c.46\)](#) (“the 1997 Act”), section 21(1).
- F88** 1978 c.29. Section 17C was inserted by the 1997 Act, section 21(2).
- F89** S. 40(2)(ac) inserted (1.1.1999) by S.R. 1998/376, [art. 2](#)
- F90** S.I. 1972/1265 (N.I. 14); Article 15B is inserted by Article 21 of S.I. 1997/1177 (N.I. 7)

**41 Restriction on individuals. U.K.**

- [<sup>F91</sup>(1) Subject to the provisions of this section, an individual who is not a registered dentist shall not carry on the business of dentistry unless—
- (a) he was engaged in carrying on the business of dentistry on 21<sup>st</sup> July 1955; or
- (b) he falls within a class of registered dental care professionals prescribed in rules under this section.
- (1A) For the purposes of this section, an “authorised dental care professional” means an individual who falls within subsection (1)(b).
- (1B) Any individual who contravenes this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) The exemption conferred by subsection (1)(a) on persons who were carrying on the business of dentistry on the date there mentioned shall not extend to any person who has at any time ceased to be a registered dentist in consequence of a Practice Committee giving a direction under section 27B or 27C or making an order under section 30(1) for the erasure of his name from the register, or for the suspension of his registration, following a relevant determination that his fitness to practise as a dentist is impaired.
- (2A) For the purposes of subsection (2), a “relevant determination” that a person’s fitness to practise is impaired is a determination which is based solely on one or more of the grounds mentioned in paragraph (a), (d), (e), (f) or (g) of subsection (2) of section 27 (misconduct etc.).

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- (3) This section shall not operate to prevent a person from carrying on the business of dentistry during any period for which—
- (a) his registration in the register is suspended by virtue of a direction given by a Practice Committee under section 27B or 27C, or an order made by a Practice Committee under section 30(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of section 27 (adverse physical or mental health), that his fitness to practise is impaired, or
  - (b) his registration in the dental care professionals register is suspended by virtue of a direction given by a Practice Committee under section 36P or 36Q, or an order made by a Practice Committee under section 36U(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of section 36N (adverse physical or mental health), that his fitness to practise is impaired,
- and subsections (4) and (6) shall apply in relation to a person whose registration is so suspended as they apply in relation to a registered dentist or an authorised dental care professional.]
- (4) Where a registered dentist or [<sup>F92</sup>authorised dental care professional] who died after 3rd July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his personal representatives or [<sup>F93</sup>his surviving spouse or his surviving civil partner] or any of his children, or trustees on behalf of [<sup>F93</sup>his surviving spouse or his surviving civil partner] or any of his children, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with his death.
- (5) Where a registered dentist <sup>F94</sup>... who died before 4th July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his widow, or trustees on behalf of his widow, from carrying on the business of dentistry in continuance of that business or practice at any time during her life.
- (6) Where a registered dentist or [<sup>F95</sup>authorised dental care professional] becomes bankrupt at a time when he is carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his trustee in bankruptcy, or in Northern Ireland the official assignee, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with the bankruptcy.
- [<sup>F96</sup>(7) Rules made under subsection (1)(b) shall not be amended or revoked in such a way that any class of registered dental care professionals prescribed in those rules ceases thereafter to be prescribed.]

#### Textual Amendments

- F91** S. 41(1)-(3) substituted for s. 41(1)-(3) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 37\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F92** Words in s. 41(4) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 37\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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- F93** Words in s. 41(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 89](#); [S.I. 2005/3175](#), art. 2(2)
- F94** Words in s. 41(5) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 37\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F95** Words in s. 41(6) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 37\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F96** S. 41(7) added (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 37\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F<sup>97</sup> 42 Restriction on bodies corporate** **U.K.**

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**Textual Amendments**

- F97** [S. 42](#) repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 38](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**[F<sup>98</sup> 43 Directors of bodies corporate** **U.K.**

- (1) A body corporate commits an offence if it carries on the business of dentistry at a time when a majority of its directors are not persons who are either registered dentists or registered dental care professionals.
- (2) Where a person is the subject of a decision erasing his name from, or suspending him from, a register kept by any of the regulatory bodies listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, that person commits an offence if he is a director of a body corporate carrying on the business of dentistry at any time when such an erasure or suspension remains in effect.
- (3) Any body corporate committing an offence under subsection (1), or any person committing an offence under subsection (2), shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

**Textual Amendments**

- F98** [Ss. 43-44B](#) substituted for [ss. 43, 44](#) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**Modifications etc. (not altering text)**

- C6** [S. 43](#) applied (with modifications) (30.6.1999) by [1999 c. ii](#), [s. 9](#)

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**[<sup>F98</sup>43A. Provision of information and payment of fees by bodies corporate U.K.]**

- (1) The Council shall maintain a list, in such form as they consider appropriate, of bodies corporate which carry on the business of dentistry.
- (2) Subject to subsections (3) and (4), a body corporate which carries on the business of dentistry shall, at intervals of no more than twelve months, provide the Council with the information specified in subsection (5).
- (3) A body corporate which is carrying on the business of dentistry at the time when this section comes into force shall first provide the Council with the information specified in subsection (5) within the period of twelve months beginning with the date on which this section came into force.
- (4) A body corporate which begins to carry on the business of dentistry after this section comes into force shall first provide the Council with the information specified in subsection (5) within the period of three months beginning with the date on which it begins to carry on that business.
- (5) The information referred to in subsections (2), (3) and (4) is—
  - (a) the address of the body corporate’s principal office;
  - (b) the names of the directors of the body corporate and the addresses where they are resident;
  - (c) the names of all persons who practise dentistry in the course of the business and the addresses where they are resident;
  - (d) the names of all registered dental care professionals not falling within paragraph (b) or (c) who, in the course of the business, provide services in, or in relation to, any area of dentistry, and the addresses where they are resident; and
  - (e) such further information as may be specified in rules.
- (6) Rules may specify the form and manner in which the information specified in subsection (5) is required to be provided.
- (7) The Council may make regulations providing that a fee is payable by a body corporate on each occasion on which that body is required to provide information in accordance with subsection (2), (3) or (4).

**Textual Amendments**

**F98** Ss. 43-44B substituted for ss. 43, 44 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**43B. Financial penalties in relation to bodies corporate U.K.**

- (1) The registrar may refer to the Professional Conduct Committee for investigation information in his possession which indicates that there may be grounds for imposing a financial penalty under this section.
- (2) For the purposes of this section, a “relevant requirement” means a requirement for a body corporate to—

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- (a) provide information under subsection (2), (3) or (4) of section 43A;
  - (b) provide such information in the form and manner specified in any rules under subsection (6) of that section; or
  - (c) pay any fee in accordance with regulations under subsection (7) of that section.
- (3) The Professional Conduct Committee may impose a financial penalty under this section if they are satisfied that a body corporate failed to comply with a relevant requirement.
- (4) In such a case, a financial penalty may be imposed on—
  - (a) the body corporate concerned;
  - (b) any person who was a director of that body at the time of the body's failure to comply with the relevant requirement in question; or
  - (c) both that body corporate and one or more persons within paragraph (b).
- (5) But a financial penalty shall not be imposed on a director or former director of the body corporate if he satisfies the Professional Conduct Committee that, at the time of the body's failure to comply with the relevant requirement in question, he had taken all reasonable steps to ensure that the body complied with that requirement.
- (6) A financial penalty imposed under this section—
  - (a) in the case of a body corporate, must not exceed £5,000,
  - (b) in the case of a person within subsection (4)(b), must not exceed £1,000,and is payable within such period as the Professional Conduct Committee shall specify at the time the penalty is imposed.
- (7) If it appears to the Council that there has been a change in the value of money since the last occasion when the maximum amount of the financial penalty under subsection (6)(a) or (b) was fixed, whether by this section or by an order under this section, the Council may by order substitute for the sum for the time being specified in paragraph (a) or (b) of that subsection such higher sum as appears to the Council justified by the change.
- (8) The Council shall publish an order under subsection (7) in such form as they consider appropriate.
- (9) An order under subsection (7) shall not have effect in relation to any case where the failure to comply with the relevant requirement in question occurred before the order came into force.
- (10) Where the Professional Conduct Committee determine to impose a financial penalty under this section, the registrar shall forthwith serve on the person on whom the penalty is imposed notification of—
  - (a) the imposition of the penalty;
  - (b) the amount of the penalty;
  - (c) the period within which it is to be paid; and
  - (d) the person's right to appeal under section 44B against any of the matters notified under paragraphs (a), (b) or (c).
- (11) Subject to subsection (12), the Council may recover the financial penalty from the person on whom it was imposed if the penalty is not paid within the period specified under subsection (6).



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- (12) A penalty may not be recovered under subsection (11) while proceedings by way of appeal under section 44B(1) are pending, or during the period in which any such proceedings may be brought.
- (13) The Council shall pay any sum paid as a financial penalty, or recovered under subsection (11), into the Consolidated Fund.]

#### Textual Amendments

**F98** Ss. 43-44B substituted for ss. 43, 44 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### [<sup>F98</sup>44 Further financial penalties on bodies corporate **U.K.**

- (1) The Professional Conduct Committee may, subject to subsection (5), impose a financial penalty on a body corporate if condition A or condition B is satisfied.
- (2) Condition A is satisfied if, at a time when the body corporate is carrying on the business of dentistry, the name of a director of the body corporate is erased—
  - (a) from the register by virtue of a direction under section 27B(6)(a); or
  - (b) from registration in the dental care professionals register under any title by virtue of a direction under section 36P(7)(a).
- (3) Condition B is satisfied if at a time when the body corporate is carrying on the business of dentistry the name of a member of the staff of the body corporate is so erased, and in the opinion of the Professional Conduct Committee—
  - (a) the act or omission leading to the erasure was instigated, or connived at, by a director of the body corporate; or
  - (b) if the act or omission was a continuing act or omission, a director of the body corporate had, or reasonably ought to have had, knowledge of its continuation.
- (4) A financial penalty imposed under subsection (1)—
  - (a) must not exceed £50,000; and
  - (b) is payable within such period as the Professional Conduct Committee shall specify at the time the penalty is imposed.
- (5) The Professional Conduct Committee shall not take a case into consideration under subsection (1) while proceedings by way of appeal are pending which may result in a decision that the name of the director or member of staff of the body corporate (as the case may be) should not be erased as described in subsection (2), or during the period in which any such proceedings may be brought.
- (6) If it appears to the Council that there has been a change in the value of money since the last occasion when the maximum amount of the financial penalty under subsection (4) (a) was fixed, whether by this section or by an order under this section, the Council may by order substitute for the sum for the time being specified in subsection (4)(a) such higher sum as appears to the Council justified by the change.
- (7) The Council shall publish an order under subsection (6) in such form as they consider appropriate.



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- (8) An order under subsection (6) shall not have effect in relation to any case where the erasure of the name which gave rise to the penalty occurred before the order came into force.
- (9) Where the Professional Conduct Committee determine to impose a financial penalty on a body corporate under subsection (1), the registrar shall forthwith serve on the body corporate notification of—
- (a) the imposition of the penalty;
  - (b) the amount of the penalty;
  - (c) the period within which it is to be paid; and
  - (d) the body corporate's right to appeal under section 44B against any of the matters notified under paragraphs (a), (b) or (c).
- (10) Subject to subsection (11), the Council may recover the financial penalty from the body corporate if the penalty is not paid within the period specified under subsection (4)(b).
- (11) A penalty may not be recovered under subsection (10) while proceedings by way of appeal under section 44B(2) are pending, or during the period in which any such proceedings may be brought.
- (12) The Council shall pay any sum paid as a financial penalty, or recovered under subsection (10), into the Consolidated Fund.
- (13) References in this section to the erasure of the name of a director or member of staff of a body corporate include references to the erasure of the name of any person who was a director or member of staff of the body corporate at the time of the act or omission leading to the erasure.]

**Textual Amendments**

**F98** Ss. 43-44B substituted for ss. 43, 44 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

[<sup>F98</sup>**44A. Supplementary provisions relating to financial penalties under sections 43B and 44** **U.K.**

Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) applies to proceedings before the Professional Conduct Committee under section 43B or 44 with the following modifications—

- (a) references to proceedings under Part 3 of the Act shall be read as including proceedings under sections 43B and 44;
- (b) references to a Committee shall be read as references to the Professional Conduct Committee;
- (c) in paragraph 1—
  - (i) omit sub-paragraph (1), and
  - (ii) for sub-paragraph (2) substitute—

“(2) A “party” to proceedings means—

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- (a) the body corporate;
- (b) any director or former director of the body corporate against whom the proceedings are brought; or
- (c) the Council.”;
- (d) in paragraph 2—
  - (i) omit sub-paragraph (1)(b),
  - (ii) in sub-paragraph (2)(a), for “the person to whose registration the proceedings relate” substitute “the body corporate and any director or former director of the body corporate on whom a financial penalty may be imposed”, and
  - (iii) in sub-paragraph (2)(g), omit “the person (if any) making the allegation and”;
- (e) omit paragraph 5;
- (f) in paragraph 6(5), for paragraphs (a) and (b) substitute—
  - “(a) where the body corporate’s principal office is in Scotland, the sheriff in whose sheriffdom that office is situated; and”;
- (g) omit paragraph 7.

#### Textual Amendments

**F98** [Ss. 43-44B](#) substituted for [ss. 43, 44](#) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### 44B. Appeals relating to financial penalties **U.K.**

- (1) A person on whom a financial penalty has been imposed under section 43B may, before the end of the period of 28 days beginning with the date on which notification of the penalty was served under section 43B(10), appeal to the relevant court against the imposition of the penalty, the amount of the penalty or the period within which the penalty is to be paid.
- (2) A body corporate on which a financial penalty has been imposed under section 44 may, before the end of the period of 28 days beginning with the date on which notification of the penalty was served under section 44(9), appeal to the relevant court against the imposition of the penalty, the amount of the penalty or the period within which the penalty is to be paid.
- (3) Where—
  - (a) any notification required to be served on a person by section 43B(10) or 44(9) is given by sending it to that person by post, and
  - (b) the registrar is satisfied, on the application of that person, that that person did not receive the notification within the period of 14 days beginning with the day on which the Professional Conduct Committee gave the determination to which the notification relates,

the registrar may, if he thinks fit, by authorisation in writing extend the period of time within which an appeal under this section may be brought.
- (4) In subsections (1) and (2) “the relevant court”—

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) where the principal office of the body corporate is in Scotland, means the Court of Session;
  - (b) where the principal office of the body corporate is in Northern Ireland, means the High Court in Northern Ireland; and
  - (c) where the principal office of the body corporate is in any other place, means the High Court in England and Wales.
- (5) In subsection (4)—
- (a) where a financial penalty has been imposed on a body corporate, “the body corporate” means that body; and
  - (b) where a financial penalty has been imposed on a director or former director of a body corporate, “the body corporate” means the body whose failure to comply with a relevant requirement (within the meaning of section 43B) led to the imposition of the financial penalty.
- (6) Subsections (3) and (4) of section 29 apply to appeals under this section as they apply to appeals under that section with the following modifications—
- (a) in subsection (3)(c) and (d), omit references to the Professional Performance Committee and the Health Committee; and
  - (b) in subsection (3)(d), for “section 24, 27B, 27C or 28” substitute “section 43B or 44”.]

#### Textual Amendments

**F98** Ss. 43-44B substituted for ss. 43, 44 (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## <sup>F99</sup>PART V **U.K.**

### DENTAL AUXILIARIES

#### Textual Amendments

**F99** Pt. V repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 40](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**45 Establishment by Council of classes of dental auxiliaries. **U.K.****

.....

**46 Restrictions on employment of dental auxiliaries. **U.K.****

.....

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**47 Use of titles and descriptions. U.K.**

.....

**48 Functions of Dental Auxiliaries Committee. U.K.**

.....

**PART VI U.K.**

MISCELLANEOUS AND SUPPLEMENTARY

*Termination of the 1927 Agreement*

**49 Termination of the 1927 Agreement with the Republic of Ireland. U.K.**

- (1) If Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland agree to terminate the Agreement with respect to the registration and control of dentists set out in Part II of the Schedule to the <sup>M5</sup>Medical and Dentists Acts Amendment Act 1927, Her Majesty may by Order in Council—
- (a) effect such repeals in that Act and this Act, and
  - (b) make such modifications of this Act,
- as appear to Her to be necessary or expedient in consequence of, or in connection with, the termination of the said Agreement.
- (2) An Order in Council under this section may—
- (a) appoint different days for different repeals or modifications to take effect under the Order; and
  - (b) contain such transitional and saving provisions as appear to Her Majesty to be necessary or expedient.
- (3) An Order in Council under this section which repeals any provision by virtue of which a university or other body in the Republic of Ireland is a dental authority shall include provision preserving the right to registration or continued registration in the register of persons who, immediately before the coming into force of the Order, are entitled to be or are registered under section 15(1)(a) above in virtue of a qualification awarded by that university or body.
- (4) An Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Marginal Citations**

M5 1927 c. 39.

**[<sup>F100</sup>49A.Advisers U.K.]**

Schedule 4C to this Act (advisers) shall have effect.]

*Status: Point in time view as at 01/10/2006.*

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#### Textual Amendments

**F100** *S. 49A* inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 41** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### Supplementary

#### <sup>F101</sup>**50 Evidence etc. in certain proceedings under this Act.** **U.K.**

.....

#### Textual Amendments

**F101** *S. 50* repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 42** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### <sup>F102</sup>**50A. Service of notifications** **U.K.**

- (1) A notification under this Act which is required to be served on any person may be served, subject to subsections (4) and (6), by—
  - (a) delivering it to that person personally;
  - (b) leaving it at that person’s proper address;
  - (c) sending it by a registered post service; or
  - (d) sending it by a postal service which provides for the delivery of the notification by post to be recorded.
- (2) For the purposes of this section and of section 7 of the Interpretation Act 1978 (which defines “service by post”) in its application to this section, the proper address of an individual (except in the cases mentioned in subsection (3)) is—
  - (a) his address in the dentists register or the dental care professionals register (or, if he is not registered, the address which would have been shown if he were registered); or
  - (b) his last known address, if that differs from the address mentioned in paragraph (a) and it appears to the person serving the notification that the notification is more likely to reach him at that address.
- (3) The cases referred to in subsection (2) are those where a notification is required to be served—
  - (a) under section 27A(7) or section 36O(7), or in accordance with rules made under paragraph 2(2)(g) of Schedule 3 or paragraph 2(2)(g) of Schedule 4B, on a person making an allegation,
  - (b) under section 43B(10) on a person who is a director or former director of a body corporate, or

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- (c) in accordance with rules made under paragraph 2(2)(d) or (g) of Schedule 3 or paragraph 2(2)(d) or (g) of Schedule 4B on a person who may have an interest in certain proceedings,  
and in such cases, for the purposes mentioned in subsection (2), the person’s proper address is the address where he resides.
- (4) A notification which is required to be served on a body corporate shall be duly served if it is served on an officer, secretary or clerk of that body.
- (5) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a body corporate, or of an officer, secretary or clerk of that body, is—
- (a) that body’s address as specified in the list maintained by the Council under section 43A; or
  - (b) the address of that body’s registered or principal office if—
    - (i) it appears to the person serving the notification that the notification is more likely to reach the body corporate or its officer, secretary or clerk at that address, or
    - (ii) there is no address specified in relation to that body in that list.
- (6) Rules may provide for a notification which is required to be served on any person under this Act to be served by an electronic communication.
- (7) Rules under subsection (6) shall secure that a notification cannot be served on a person by an electronic communication unless—
- (a) the person consents in writing to the receipt of notifications under this Act by electronic communication; and
  - (b) the communication is sent to the number or address specified by that person when giving consent.
- (8) In this section, “electronic communication” has the same meaning as in the Electronic Communications Act 2000.
- (9) References in this section to serving a notification include references to sending a notification.

#### Textual Amendments

**F102** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **43** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### 50B. Publication of information **U.K.**

- (1) Subject to subsection (2), any information or guidance which is to be published by the registrar, the Council or a Practice Committee in accordance with any provision of this Act may be published in such form and manner as the registrar, the Council or the Practice Committee (as the case may be) consider appropriate, including in electronic form.

*Status: Point in time view as at 01/10/2006.*

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- (2) Information required to be published under rules under paragraph 2(2)(h) of Schedule 3 to this Act or paragraph 2(2)(h) of Schedule 4B to this Act shall be published in such manner as may be determined by those rules, and not by this section.

#### Textual Amendments

**F102** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **43** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

### 50C. Rules **U.K.**

- (1) Any power in this Act to make rules shall be exercisable by the Council.
- (2) Rules made under this Act shall not come into force until approved by the Privy Council, except in the case of rules made under—  
section 36B(4) (dental care professionals register);  
section 36D(6) and (7) (education and training for members of professions complementary to dentistry);  
section 36E (rules relating to the dental care professionals register);  
section 43A(5) and (6) (provision of information by bodies corporate); and  
paragraphs 4(2) and 8(1)(a) and (b) of Schedule 1 (the Council: supplementary provisions).
- (3) The approval of the Privy Council shall be given by order made by the Privy Council.
- (4) The Privy Council may approve rules as submitted to them, or subject to such modifications as appear to them to be requisite.
- (5) Any power to make rules under this Act may be exercised—  
(a) so as to make different provision with respect to different cases or different classes of case or different provision in respect of the same case or class of case for different purposes of this Act; and  
(b) either in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions.
- (6) Any power to make rules under this Act includes power to make any incidental, consequential, saving, transitional, transitory or supplementary provision which the Council consider necessary or expedient.

#### Textual Amendments

**F102** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **43** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

### 50D. Rules: consultation requirements **U.K.**

- (1) Before making rules under Schedule 3 or 4B, the Council shall consult—



*Status: Point in time view as at 01/10/2006.*

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- (a) such persons to whom subsection (2) applies as the Council consider appropriate;
  - (b) the bodies within subsection (4); and
  - (c) such bodies to which subsection (5) applies as the Council consider appropriate.
- (2) This subsection applies to persons who appear to the Council to be representative of one or more of the following—
- (a) users of the services of registered dentists;
  - (b) users of the services of registered dental care professionals;
  - (c) registered dentists;
  - (d) registered dental care professionals;
  - (e) employers of registered dentists; and
  - (f) employers of registered dental care professionals.
- (3) The Council shall exercise their function under subsection (1)(a) so that the persons consulted are, taken together, representative of all the categories of person mentioned in subsection (2)(a) to (f).
- (4) The bodies within this subsection are—
- (a) Primary Care Trusts in England;
  - (b) Local Health Boards in Wales;
  - (c) Health Boards in Scotland; and
  - (d) Health and Social Services Boards in Northern Ireland.
- (5) This subsection applies to bodies which make arrangements, for the provision of dental services, with one or both of the following—
- (a) registered dentists,
  - (b) registered dental care professionals,
- but are not within subsection (4).
- (6) Subsection (1) does not apply in relation to rules made under Schedule 3 as applied (with modifications) by section 44A (supplementary provisions relating to financial penalties in relation to bodies corporate), but before making such rules the Council shall consult—
- (a) the bodies corporate which carry on the business of dentistry; and
  - (b) such organisations appearing to the Council to be representative of users of the services of those bodies corporate as the Council consider appropriate.]

#### **Textual Amendments**

**F102** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **43** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### **Modifications etc. (not altering text)**

**C7** [S. 50D](#) modified (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **50(4)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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## 51 Exercise of powers conferred on Privy Council. **U.K.**

- [<sup>F103</sup>(1)] The powers conferred by this Act on the Privy council <sup>F104</sup>... shall be exercisable by any two or more members of the Privy Council.
- [<sup>F105</sup>(2) Any power of the Privy Council to make an order under this Act shall be exercisable by statutory instrument, except—
- (a) the power to make an order under section 11 (remedy where qualifying courses of study or examinations are inadequate); and
  - (b) the power to make an order under section 12 (candidates not to be required to adopt or reject particular theories of dentistry).
- (3) A statutory instrument which contains an order made by the Privy Council—
- (a) under section 1(2A) (constitution of the Council),
  - (b) approving rules under section 41(1) (restriction on individuals carrying on the business of dentistry),
  - (c) approving rules under Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists),
  - (d) approving rules under Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals), or
  - (e) approving rules under Schedule 4C (advisers),
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where a statutory instrument is made which contains an order made by the Privy Council approving regulations under section 36A(2) (professions complementary to dentistry)—
- (a) in the case of regulations to which subsection (5) applies, that instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) in any other case, that instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament or of the Scottish Parliament.
- (5) This subsection applies to regulations which specify a profession complementary to dentistry, or a class of members of such a profession, which, immediately before the revocation of the Dental Auxiliaries Regulations 1986 (S.I.1986/887), constituted a class of dental auxiliaries regulated by those Regulations.
- (6) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.
- (7) Any document purporting to be—
- (a) an instrument made by the Privy Council under this Act, and
  - (b) signed by the Clerk of the Privy Council,
- shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of its terms.]

### Textual Amendments

**F103** S. 51(1): s. 51 renumbered as s. 51(1) (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005](#) (S.I. 2005/2011), arts. 1(3), **44(a)** (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)

*Status: Point in time view as at 01/10/2006.*

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- F104** Words in s. 51 repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 31(4), 42(3), **Sch. 9 Pt. 2**; S.I. 2003/833, art. 3(a)(c) (with art. 4)
- F105** S. 51(2) inserted (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **44(b)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

## 52 Regulations and other documents. **U.K.**

- (1) The <sup>M6</sup>Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made by the Council under this Act in like manner as if the regulations had been made by a Minister of the Crown.

[<sup>F106</sup>(1A) Any power to make regulations under this Act may be exercised—

- (a) so as to make different provision with respect to different cases or different classes of case or different provision in respect of the same case or class of case for different purposes of this Act; and
- (b) either in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions.

(1B) Any power to make regulations under this Act includes power to make any incidental, consequential, saving, transitional, transitory or supplementary provision which the Council consider necessary or expedient.]

(2) Prima facie evidence of any document issued by the Council may be given in all legal proceedings by the production of a copy or extract purporting to be certified to be a true copy or extract by the registrar or some other officer of the Council authorised to give a certificate for the purposes of this subsection.

(3) No proof shall be required of the handwriting or official position or authority of any person certifying in pursuance of this section to the truth of any copy of, or extract from, any regulations or other document.

### Textual Amendments

**F106** S. 52(1A)(1B) inserted (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **45** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

### Marginal Citations

**M6** 1946 c. 36.

## 53 Interpretation. **U.K.**

(1) In this Act—

“the Council” means the General Dental Council;

“dental authority” shall be construed in accordance with section 3(4) above;

“diploma” means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place (whether within or without Her Majesty’s dominions);

[<sup>F107</sup>“the EEA Agreement” and “EEA State” have the meanings given by section 15(7) above;]

*Status: Point in time view as at 01/10/2006.*

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[<sup>F108</sup>“interim order” means—

- (a) an interim suspension order under section 32(4)(a) or section 36V(4)(a);  
or
- (b) an order for interim conditional registration under section 32(4)(b) or section 36V(4)(b);

“Practice Committee” shall be construed in accordance with section 2;

“profession complementary to dentistry” shall be construed in accordance with section 36A(1);]

“recognised overseas diploma” has the meaning given by section 15(2) above.

“the register” means the dentists register;

[<sup>F109</sup>“registered dental care professional” means a person for the time being registered in the dental care professionals register under a title or titles;]

“registered dentist” means (subject to section 17(4) above) a person for the time being registered in the register;

“the registrar” means the person for the time being appointed under [<sup>F110</sup>section 14(2)] above;

[<sup>F111</sup>“visiting EEA practitioner entered in the list of such practitioners” means a person entered in the list of EEA practitioners under Schedule 4 to this Act]

- (2) In this Act references to the practice of dentistry shall be construed in accordance with section 37 above, and references to carrying on the business of dentistry shall be construed in accordance with section 40 above.

[<sup>F112</sup>(2A) In this Act references to a body corporate’s principal office mean, in the case of a body corporate registered outside the United Kingdom, that body’s principal office within the United Kingdom.]

- (3) References in this Act to the provision of national health services are references to the provision of—

[<sup>F113</sup>(a) services under—

- (i) section 2, 3, 5(1)(a) or 28C of, or Schedule 1 to, the <sup>M7</sup>National Health Service Act 1977;
- (ii) section 17C, 36, 38 or 39 of the <sup>M8</sup>National Health Service (Scotland) Act 1978; or
- (iii) Article 5, 8 [<sup>F114</sup>, 9 or 15B] of the <sup>M9</sup>Health and Personal Social Services (Northern Ireland) Order 1972; and

- (b) services at health centres provided under the said sections 2, 3 or 36 or the said Article 5.

[<sup>F115</sup>(4) .....

#### Textual Amendments

**F107** Definition in s. 53(1) inserted (1.7.1996) by [S.I. 1996/1496, reg. 6\(4\)\(a\)](#)

**F108** Words in s. 53(1) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 46\(2\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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- F109** Words in s. 53(1) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 46\(2\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F110** Words in s. 53(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 46\(2\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F111** Definition in s. 53(1) substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 6\(4\)\(b\)](#)
- F112** S. 53(2A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 46\(3\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F113** Words in s. 53(3)(a) substituted (18.11.1998) by virtue of [1997 c. 46](#), s. 41(10), [Sch. 2 Pt. I para. 62](#); [S.I. 1998/2840](#), [art. 2\(1\)](#)
- F114** Words in s. 53(3)(a)(iii) substituted (1.4.1999) by [S.I. 1997/1177](#), art. 32(1), [Sch. 2](#); [S.R. 1998/301](#), art. 2(2), [Sch. 2](#) (with [art. 3](#))
- F115** S. 53(4) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#).

#### Marginal Citations

- M7** [1977 c. 49](#).  
**M8** [1978 c. 29](#).  
**M9** [S.I. 1972/1265 \(N.I. 14\)](#).

## 54 Consequential amendments, repeals and revocations. **U.K.**

- (1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the consequential amendments specified in that Schedule.
- (2) The enactments mentioned in Part I of Schedule 6 to this Act are hereby repealed to the extent specified in the third column.
- (3) The instruments mentioned in Part II of that Schedule are hereby revoked to the extent specified in the third column.

## 55 Commencement, transitional provisions and savings. **U.K.**

- (1) Subject to subsections (2) and (3) below, the foregoing provisions of this Act shall come into force on 1st October 1984; and references to the commencement of this Act shall be construed as references to the beginning of that day.
- (2) The following provisions of this Act, namely—
  - (a) section 49, and
  - (b) section 54(2) and Part I of Schedule 6 so far as they repeal section 29 of the <sup>M10</sup>Dentists Act 1983,
 shall come into force at the end of the period of one month beginning with the day on which this Act is passed.
- (3) The following provisions of this Act, namely—
  - (a) sections 2(4) and (5), 28 and 31, paragraph 8(2) of Schedule 1, and paragraphs 3, 6 and 9(3) of Schedule 3, and

*Status: Point in time view as at 01/10/2006.*

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- (b) sections 29, 30 and 33 and any provisions of Schedule 3 not mentioned in paragraph (a) above, so far as those sections and provisions relate to proceedings before the Health Committee or to any direction or order given or made by that Committee,

shall come into force on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for, or for different purposes of, different provisions.

- (4) The transitional and saving provisions contained in Schedule 7 to this Act shall have effect (but without prejudice to sections 16 and 17 of the <sup>M11</sup>Interpretation Act 1978, which relate to repeals); and Her Majesty may by Order in Council provide for such further transitional and saving provisions to have effect in connection with the coming into force under subsection (3) above of any provision of this Act as appear to Her Majesty to be necessary or expedient.
- (5) Her Majesty may by Order in Council, in connection with the coming into force under subsection (1) above of any provision of this Act in so far as it reproduces the effect of any provision of the <sup>M12</sup>Dentists Act 1983 specified in subsection (2) of section 34 of that Act, make provision corresponding to that which could have been made under subsection (4) of that section in connection with the coming into force under that section of the provision so specified.

**Modifications etc. (not altering text)**

- C8** S. 55(3) : power of appointment conferred by section 55(3) fully exercised: 1.1.1985 appointed by [S.I. 1984/1815](#)

**Marginal Citations**

- M10** 1983 c. 38.  
**M11** 1978 c. 30.  
**M12** 1983 c. 38.

**56 Short title and extent. U.K.**

- (1) This Act may be cited as the Dentists Act 1984.
- (2) This Act extends to Northern Ireland.

*Status: Point in time view as at 01/10/2006.*

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## SCHEDULES

### SCHEDULE 1 U.K.

Sections 1 and 2.

#### THE COUNCIL AND COMMITTEES OF THE COUNCIL: SUPPLEMENTARY PROVISIONS

#### PART I U.K.

##### THE COUNCIL

##### *<sup>F116</sup>Constitution*

#### Textual Amendments

**F116** Sch. 1 Pt. I paras. 1-4 and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for Sch. 1 Pt. I paras. 1-5 and cross-headings by [S.I. 2001/3926](#), [art. 4](#)

- 1 (1) The Council shall consist of—
- (a) members who are registered dentists;
  - <sup>F117</sup>(b) members who are registered dental care professionals; and]
  - (c) lay members.
- (2) An <sup>F118</sup>order of the Privy Council] made under section 1(2A) of this Act shall provide for the numbers of each of the three categories of member mentioned in sub-paragraph (1) above.
- (3) The number of members falling within sub-paragraph (1)(a) shall exceed the combined number of members falling within sub-paragraphs (1)(b) and (1)(c).
- (4) A person shall not be disqualified from being appointed or elected as a member of the Council merely because he has already been a member.
- (5) In this paragraph and <sup>F119</sup>paragraph 2] , “lay member” means a member who is neither a registered dentist nor a <sup>F120</sup>registered dental care professional].

#### Textual Amendments

**F117** Sch. 1 para. 1(1)(b) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(2\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F118** Words in Sch. 1 para. 1(2) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(2\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))



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**F119** Words in Sch. 1 para. 1(5) substituted (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 8 para. 27\(2\)](#); S.I. 2006/2603, art. 4(5)(c)(i)(e), Sch.

**F120** Words in Sch. 1 para. 1(5) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(2\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### *Lay members*

2 (1) An <sup>F121</sup>[order of the Privy Council] made under section 1(2A) of this Act shall make provision for—

- (a) the appointment of lay members to the Council,
- (b) the tenure and termination of office of the lay members, and
- (c) any other matter which appears to <sup>F122</sup>[the Privy Council] to be necessary or expedient in relation to the lay membership of the Council.

<sup>F123</sup>(2) The lay members shall be appointed by the Privy Council.

(3) The lay members must include at least one person from each of England, Scotland, Wales and Northern Ireland.

(4) A person is from England, Scotland, Wales or Northern Ireland (as the case may be) if he lives or works there or mainly lives or works there.]

#### **Textual Amendments**

**F121** Words in Sch. 1 para. 2(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(3\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F122** Words in Sch. 1 para. 2(1)(c) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(3\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F123** Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) (19.10.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 12 para. 3\(3\)](#); S.I. 2004/2626, art. 2

<sup>F124</sup>2A .....

#### **Textual Amendments**

**F124** Sch. 1 para. 2A repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 8 para. 27\(3\)](#), [Sch. 9](#); S.I. 2006/2603, art. 4(5)(c)(i)(e), Sch.

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[<sup>F125</sup>Members who are registered dentists or registered dental care professionals]

#### Textual Amendments

**F125** Sch. 1 para. 3 heading substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(4\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

3 (1) An [<sup>F126</sup>order of the Privy Council] made under section 1(2A) of this Act shall, in relation to the members mentioned in paragraphs 1(1)(a) and (b) above, make provision for—

- (a) their tenure and termination of office,
- (b) by-elections, and

[<sup>F127</sup>(c) any other matter which appears to the Privy Council to be necessary or expedient in relation to the categories of members of the Council mentioned in paragraph 1(1)(a) and (b).]

[<sup>F128</sup>(1A) An order under section 1(2A) shall in particular provide that a member who at the time of his election was a registered dentist or registered dental care professional is to be removed from office if he ceases to be registered in the register or (as the case may be) the dental care professionals register.]

(2) Council shall make rules to provide for an election scheme for the election of the members mentioned in paragraph 1(1)(a) and 1(1)(b) above.

<sup>F129</sup>(3) .....

(4) The election scheme must secure that the Council's membership includes at least one registered dentist from each of England, Scotland, Wales and Northern Ireland.

(5) A registered dentist is "from" England (etc.) if his address in the register is there at the time of his nomination.

<sup>F130</sup>(6) .....

#### Textual Amendments

**F126** Words in Sch. 1 para. 3(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(a\)\(i\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F127** Sch. 1 para. 3(1)(c) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(a\)\(ii\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F128** Sch. 1 para. 3(1A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F129** Sch. 1 para. 3(3) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005,

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5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))  
**F130** Sch. 1 para. 3(6) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### *Council President*

- 4 (1) The members of the Council shall elect one of their number to be President of the Council.
- (2) The Council shall make rules providing for the method by which the President is to be elected and for any matters concerning the holding of the office of President that they deem necessary.
- (3) Such rules may provide that the only persons eligible to be candidates shall be persons of a description specified in the rules.
- (4) No person may be elected as President more than once.
- <sup>F131</sup>(5) . . . . . ]

#### **Textual Amendments**

**F131** Sch. 1 para. 4(5) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(6\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

- 5 A person shall not be disqualified for being elected or nominated as a member of the Council or for being elected as President of the Council by reason of having already served as a member or, as the case may be, as President.

#### *General powers of Council*

- 6 (1) Subject to the following provisions of this Part of this Schedule, the Council shall have power to do any thing which in their opinion is calculated to facilitate the proper discharge of their functions.
- (2) The Council shall, in particular, have power to pay to their members <sup>F133</sup>... such fees and such travelling, subsistence or other allowances as they may determine.
- [<sup>F134</sup>(2A) The Council shall also have power to pay the members of any of their committees such allowances and expenses as the Council may determine.]
- (3) The powers of the Council and of any of the Council's committees may be exercised notwithstanding any vacancy.
- (4) No proceedings of the Council or of any of the Council's committees shall be invalidated by any defect in the appointment of a member <sup>F135</sup>....

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#### Textual Amendments

- F133** Words in Sch. 1 para. 6(2) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 6\(3\)\(a\)](#)
- F134** Sch. 1 para. 6(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(2\)](#)
- F135** Words in Sch. 1 para. 6(4) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 6\(3\)\(b\)](#)

- [<sup>F136</sup> (1) Subject to section 43B(13) and section 44(12), the Council may, after paying their expenses, allocate any of their income to—
- (a) purposes connected with education or research in relation to—
    - (i) the dental profession, or
    - (ii) professions complementary to dentistry; or
  - (b) any other public purpose connected with either or both of those professions.
- (2) In sub-paragraph (1), “expenses” includes the payments authorised under this Schedule to be made to members of the Council and their committees and the salaries and remuneration of the Council’s officers.]

#### Textual Amendments

- F136** Sch. 1 para. 7 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(7\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

- 8 (1) The Council may make rules—
- (a) for regulating the proceedings (including quorum) of the Council,
  - (b) for delegating, subject to the provisions of this Act, to committees, including the committees referred to in [<sup>F137</sup>section 2 of this Act], [<sup>F138</sup>or to any officer of the Council,] functions of the Council, and
  - (c) [<sup>F139</sup>subject to the provisions of this Act and in particular sub-paragraph (1A),] for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in [<sup>F137</sup>section 2 of this Act] and any sub-committees.
- [<sup>F140</sup>(1A) The power conferred by sub-paragraph (1)(c) does not include power to make any rules regulating the proceedings of the committees referred to in section 2 of this Act, in so far as the power to make such rules is specifically conferred by Schedule 3 or 4B to this Act.]
- [<sup>F141</sup>(2) .....
- [<sup>F142</sup>(2A) Some or all of the members of committees of the Council may be persons who are not members of the Council.]
- [<sup>F141</sup>(3) .....
- (4) Nothing in this paragraph shall authorise the Council to delegate any power of making rules or regulations under any other provision of this Act.

*Status: Point in time view as at 01/10/2006.*

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### Textual Amendments

- F137** Words in Sch. 1 para. 8(1)(b)(c) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(a\)](#)
- F138** Words in Sch. 1 para. 8(1)(b) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F139** Words in Sch. 1 para. 8(1)(c) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F140** Sch. 1 para. 8(1A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F141** Sch. 1 para. 8(2)(3) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F142** Sch. 1 para. 8(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(c\)](#)

## <sup>F143</sup>PART II U.K.

### Textual Amendments

- F143** Sch. 1 Pt. II (paras. 9-12) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [S.I. 2001/3926](#), [art. 7\(5\)](#)

### *The Education Committee*

- 9 (1) The Education Committee shall consist of—
- (a) the President,
  - (b) at least eight other members of the Council (who shall all be registered dentists), and
  - (c) those persons who are only members of the Council for the limited purposes set out in paragraph 1(3) above.
- (2) The Committee shall appoint a registered dentist to be chairman from among the members of the Committee.

### *The Preliminary Proceedings Committee*

*Status: Point in time view as at 01/10/2006.*

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- 10        The Preliminary Proceedings Committee shall consist of the President and five other members of the Council of whom one shall be a person who is not a registered dentist, but the President may appoint for the consideration of any particular case one or two members of the Council to be additional members of the Committee, notwithstanding that the membership of the Committee is thereby raised to seven or eight.

*The Professional Conduct Committee*

- .....
- 11        (1) The Professional Conduct Committee shall consist of the President and ten other members of the Council of whom at least—
- (a) five shall be elected members of the Council, and
- (b) two shall be neither elected members nor registered dentists.
- (2) A member of the Preliminary Proceedings Committee (other than the President of the Council) shall not at the same time be a member of the Professional Conduct Committee.
- (3) At any meeting of the Professional Conduct Committee the President of the Council, or in his absence such member of the Committee as the Committee may choose, shall be chairman.
- (4) All acts of the Professional Conduct Committee shall be decided by a majority of the members present at any meeting.
- (5) The quorum for a meeting of the Professional Conduct Committee shall be seven, of whom at least—
- (a) two shall be elected members of the Council, and
- (b) one shall be neither an elected member nor a registered dentist.

*The Dental Auxiliaries Committee*

- .....
- 12        (1) The Dental Auxiliaries Committee shall consist of—
- (a) the President;
- (b) at least eight (but not more than ten) other members of the Council, being either elected or nominated members or persons within paragraph 1(2)(b) above; and
- (c) nine persons not within paragraph (a) or (b) of this sub-paragraph.
- (2) At least two of the members referred to in sub-paragraph (1)(b) above shall not be registered dentists.
- (3) Three of the nine members referred to in sub-paragraph (1)(c) above shall be appointed by the Secretaries of State respectively concerned with health in England and Wales and Scotland and the head of the Department of Health and Social Services for Northern Ireland acting jointly, and two of the three so appointed shall be registered dentists who are or have been employed in the course of the provision of national health services.

*Status: Point in time view as at 01/10/2006.*

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- (4) The three members so appointed and their successors shall retire together at the end of successive three-year periods, and an appointment made in the course of one of those periods to fill a casual vacancy shall be for the remainder of that period.
- (5) The other six of the nine members referred to in sub-paragraph (1)(c) above shall be elected by members of all the classes of dental auxiliaries established by regulations under this Act in such manner and at such intervals as may be provided by rules made by the Council.
- (6) The Council shall pay to members of the Committee who are not members of the council allowances and fees at the same rates as in the case of those who are members of the Council.
- (7) The chairman of the Committee shall be chosen by the Committee from among the members of the Committee who are registered dentists.
- (8) The Committee may appoint a sub-committee, which shall consist of not more than nine members, to deal with disciplinary questions connected with members of a class of dental auxiliaries.
- (9) The member of the Council referred to in paragraph 1(2)(d) above shall be elected by the Committee from among its members who have been elected under sub-paragraph (5) above; and a person so elected shall cease to be a member of the Council if he ceases to be a member of the Committee or when the term of office of elected members of the Council next expires in accordance with paragraph 2(1) above, whichever first occurs.

## SCHEDULE 2 U.K.

Section 15(2).

### EUROPEAN DENTAL QUALIFICATIONS

#### PART I U.K.

##### APPROPRIATE EUROPEAN DIPLOMAS

[<sup>F144</sup>] (1) In this Part of this Schedule—

“Community Council Directive No. 78/686/EEC” means Community Council Directive No. 78/686/EEC<sup>M13</sup> concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners in dentistry, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. 81/1057/EEC<sup>M14</sup>, the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC<sup>M15</sup> and 90/658/EEC<sup>M16</sup>, the EEA Agreement [<sup>F145</sup>], the Accession of Austria, Finland and Sweden Act, Directive 2001/19/EC [<sup>F146</sup>], the Swiss Agreement and the Act of Accession 2003 ]];

“competent authority” means an authority or body designated by an EEA State in accordance with Community Council Directive No. 78/686/EEC;

“the Dental Training Directive” means Community Council Directive No. 78/687/EEC<sup>M17</sup> concerning the co-ordination of provisions in respect of activities of dental



*Status: Point in time view as at 01/10/2006.*

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practitioners as amended by the Accession of Austria, Finland and Sweden Act [<sup>F147</sup>, Directive 2001/19/ EC and the Act of Accession 2003];

“the implementation date” means—

- (a) in the case of Greece, 1st January 1981;
  - (b) in the case of Portugal, 1st January 1986;
  - (c) in the case of Finland, Iceland, Norway and Sweden, 1st January 1994;
  - (d) in the case of Liechtenstein, 1st May 1995; <sup>F148</sup> ...
  - <sup>F149</sup>(da) [ in the case of Switzerland, 1st June 2002; <sup>F150</sup> ... ]
  - <sup>F151</sup>(db) [ in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 1st May 2004;]
  - (e) in the case of any other EEA State, the date notified by the State to the Commission as that on which it implemented the Dental Training Directive;
- “scheduled European diploma” means a diploma specified in Part II of this Schedule.

(2) For the purposes of this paragraph—

“the Accession of Greece Act” means the Act annexed to the Treaty relating to the accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979<sup>M18</sup>;

“the Accession of Spain and Portugal Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Community signed at Madrid and Lisbon on 12th June 1985;

“the Accession of Austria, Finland and Sweden Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994<sup>M19</sup>, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union.

[<sup>F152</sup>“the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.]

[<sup>F153</sup>“the Act of Accession 2003” means the Act annexed to the Treaty relating to the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the Adjustments to the Treaties on which the European Union is founded signed at Athens on 16th April 2003.]]

#### Textual Amendments

**F144** Sch. 2 Pt. I para. 1 substituted (1.7.1996) by S.I. 1996/1496, reg. 3(2)

**F145** Words in Sch. 2 para. 1(1) substituted (31.12.2003) by The European Qualifications (Health Care Professions) Regulations 2003 (S.I. 2003/3148), reg. 6(6)(a)(i)

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- F146** Words in Sch. 2 para. 1(1) substituted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2), 11(3)(a)(i)**
- F147** Words in Sch. 2 para. 1(1) substituted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2), 11(3)(a)(ii)**
- F148** Word in Sch. 2 para. 1(1) omitted (31.12.2003) by virtue of [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), **reg. 6(6)(a)(iii)**
- F149** Words in Sch. 2 para. 1(1) inserted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), **reg. 6(6)(a)(iii)**
- F150** Word in Sch. 2 para. 1(1) omitted (18.8.2004) by virtue of [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2), 11(3)(a)(iii)**
- F151** Words in Sch. 2 para. 1(1) inserted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2), 11(3)(a)(iii)**
- F152** Words in Sch. 2 para. 1(2) added (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), **reg. 6(6)(b)**
- F153** Words in Sch. 2 para. 1(2) inserted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2), 11(3)(b)**

#### Marginal Citations

- M13** O.J. No. L233, 24.8.78, p.1.  
**M14** O.J. No. L385, 31.12.81, p.25.  
**M15** O.J. No. L341, 23.11.89, p.19.  
**M16** O.J. No. L353, 17.12.90, p.73.  
**M17** O.J. No. L233, 24.8.78, p.10.  
**M18** O.J. No. L291, 19.11.79, p.91.  
**M19** O.J. C241, 29.8.94, p.21. Norway did not ratify the Treaty.

[<sup>F154</sup>2 Subject to paragraphs 3, 3A and 4 below, any diploma in dentistry granted in an EEA State is an appropriate European diploma for the purposes of section 15(1)(b) of this Act. ]

#### Textual Amendments

- F154** Sch. 2 Pt. I para. 2 substituted (1.7.1996) by [S.I. 1996/1496](#), **reg. 3(3)**

3 A scheduled European diploma granted in [<sup>F155</sup>an EEA State] before the implementation date or on or after that date where training of which the diploma is evidence was commenced by the holder before that date is not an appropriate European diploma for the said purposes unless the holder either—

(a) satisfies the registrar (by means of a certificate of the competent authority of that State or otherwise) that the diploma guarantees that his training satisfies the requirements laid down by the Dental Training Directive; or

(b) produces to the registrar a certificate of the competent authority of [<sup>F155</sup>any EEA State] that he has lawfully practised dentistry for at least three consecutive years during the five years preceding the date of the certificate.

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#### Textual Amendments

**F155** Words in Sch. 2 Pt. I para. 3 substituted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(4\)](#)

- [<sup>F156</sup>3A A diploma granted in an EEA State on or after the implementation date which is not evidence of training commenced by the holder before that date (not being a scheduled European diploma) is not an appropriate European diploma for the said purposes unless the holder produces to the registrar a certificate issued by the competent authority of the EEA State certifying that the diploma—
- (a) was awarded following training which satisfies the requirements laid down by the Dental Training Directive; and
  - (b) is treated by that EEA State as if it were a scheduled European diploma. ]

#### Textual Amendments

**F156** Sch. 2 Pt. I para. 3A inserted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(5\)](#)

- 4 A diploma granted in [<sup>F157</sup>an EEA State] before the implementation date or on or after that date where training of which that diploma is evidence was commenced by the holder before that date (and not being, in either case, a scheduled European diploma) is not an appropriate European diploma for the said purposes unless the holder produces to the registrar such a certificate as is mentioned in paragraph 3(b) [<sup>F158</sup>or 3A]above.

#### Textual Amendments

**F157** Words in Sch. 2 Pt. I para. 4 substituted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(6\)\(a\)](#)

**F158** Words in Sch. 2 Pt. I para. 4 inserted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(6\)\(b\)](#)

- [<sup>F159</sup>5 (1) Subject to paragraph 6 below, on or after the date notified to the Commission by Italy, Spain or Austria as that on which that State implemented Community Council Directive No. [78/686/EEC](#), a diploma in medicine awarded in the State to a person who began medical training at a university before the relevant date is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where that person produces to the registrar a certificate issued by the competent authority of the State certifying that—
- (a) he has effectively, lawfully and principally practised dentistry in the State for at least three consecutive years during the five years preceding the date of issue of the certificate; and
  - (b) he is authorised to practise dentistry under the same conditions as holders of the State’s scheduled European diploma.
- (2) In this paragraph “ the relevant date ” means—
- (a) 28th January 1980 in relation to Italy;
  - (b) 1st January 1986 in relation to Spain; and
  - (c) 1st January 1994 in relation to Austria.]

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#### Textual Amendments

**F159** Sch. 2 Pt. I para. 5 substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

[<sup>F160</sup>6 A person shall be excepted from satisfying the requirement referred to in paragraph 5(1)(a) above if he satisfies the registrar that he has successfully completed three years of study which are certified by the competent authority of the State concerned as being equivalent to the training referred to in Article 1 of the Dental Training Directive.]

#### Textual Amendments

**F160** Sch. 2 Pt. I para. 6 substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

[<sup>F161</sup>6A(1) A diploma in medicine awarded in Italy to a person who began medical training at a university on or after 28th January 1980 but not later than 31st December 1984 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where, subject to sub-paragraph (2) below, that person produces to the registrar a certificate issued by the competent authority in Italy certifying that—

- (a) he has passed the specialist aptitude test set by that competent authority which demonstrates that he possesses a level of knowledge and skills comparable to those of a person holding the qualification listed for Italy in Part II of this Schedule;
- (b) he has effectively, lawfully and principally practised dentistry in Italy for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (c) he is authorised to practise dentistry under the same conditions as a holder of the qualification listed for Italy in Part II of this Schedule.

(2) A person shall be excepted from satisfying the requirement referred to in sub-paragraph (1)(a) above if he satisfies the registrar that he has successfully completed three years of study which are certified by the competent authority of Italy as being equivalent to the training referred to in Article 1 of the Dental Training Directive.]

#### Textual Amendments

**F161** Sch. 2 para. 6A inserted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), [regs. 1\(1\)\(c\)](#), [6\(6\)\(c\)](#)

<sup>F162</sup>[ 7 A diploma in dentistry which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if—

- (a) the holder produces to the registrar a certificate of the competent authority of Germany certifying that he has effectively and lawfully practised dentistry in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (b) he is authorised to practise dentistry throughout the territory of Germany under the same conditions as holders of the German scheduled European diploma.]

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### Textual Amendments

**F162** Sch. 2 Pt. I para. 7 inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

- <sup>F163</sup>8. (1) A diploma in dentistry which—
- (a) is evidence of training that commenced before the date specified in column (a) of the table below in the territory specified in the corresponding entry in column (b) of that table; or
  - (b) was awarded by the state (or former state) specified in column (b) of that table before the date specified in the corresponding entry in column (a) of that table,
- is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar the certificates specified in sub-paragraph (2).
- (2) The certificates specified for the purposes of sub-paragraph (1) are—
- (a) a certificate of the competent authority of the EEA State specified in the corresponding entry in column (c) of the table stating that he has effectively and lawfully practised dentistry in that EEA State for at least three consecutive years during the five years preceding the date of issue of the certificate; and
  - (b) a certificate from the competent authority of that EEA State stating that that diploma has, on its territory, the same legal validity as regards access to and practice of the dental profession as the scheduled European diploma specified in relation to that State.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia

### Textual Amendments

**F163** Sch. 2 paras. 8-10 added (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), [regs. 1\(2\), 11\(3\)\(c\)](#)

9. A diploma in medicine awarded in the Czech Republic or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European Diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of the competent authority of the Czech Republic certifying that he—
- (a) has—
    - (i) effectively, lawfully and principally been engaged, in the Czech Republic, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate, or

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- (ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and
- (b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to the Czech Republic.

#### Textual Amendments

**F163** Sch. 2 paras. 8-10 added (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **11(3)(c)**

10. A diploma in medicine awarded in Slovakia or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of the competent authority of Slovakia certifying that he—
- (a) has—
    - (i) effectively, lawfully and principally been engaged, in Slovakia, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate, or
    - (ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and
  - (b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to Slovakia.]

#### Textual Amendments

**F163** Sch. 2 paras. 8-10 added (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **11(3)(c)**

## [<sup>F164</sup>PART II U.K.]

### SCHEDULED EUROPEAN DIPLOMAS

#### Textual Amendments

**F164** Sch. 2 Pt. 2 substituted (31.12.2003) by the [European Qualifications \(health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), 6(7), **Sch. 2 Pt. 1**

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Austria	Bescheid über die Verleihung des akademischen Grades “Doktor der Zahnheilkunde”	Medizinische Fakultät der Universität	
Belgium	— Diploma van tandarts — Diplôme de licencié en science dentaire	1. De universiteiten/ les universités  2. De bevoegde Examencommissie van de Vlaamse Gemeenschap/ le Jury compétent d'enseignement de la Communauté française	
[ <sup>F165</sup> Cyprus	Πιστοποιητικό Συγγραφής Οδοντίατρου	Οδοντιατρικό Συμβούλιο]	
[ <sup>F165</sup> Czech Republic	Diplom o ukončení studia ve studijnním programu zubní lékařství (doktor zubního lékařství, Dr.med.Dent.)	Lékařská fakulta univerzity v České republice	Vysvědčení o státní rigorózní zkoušce]
Denmark	Bevis for tandlægeeksamen (odontologisk kandidatexamen)	Tandlægehøjskolerne, Sundhedsvidenskabeligtandlæge, udstedt af universitetsfakultet	Autorisation som Sundhedsstyrelsen
[ <sup>F165</sup> Estonia	Diplom hambaarstiteaduse õppekava läbimise kohta	Tartu Ülikool]	
Finland	Hammaslääketieteen lisensiaatin tutkinto/odontologie licentiatexamen	1. Helsingin yliopisto/ Helsingfors universitet  2. Oulun yliopisto	Terveysturvakeskuksen oikeusturvakeskuksen käytännön palvelun hyväksymisestä/ Beslut av Rättsskyddscentralen för hälsovården om



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Country	Title of qualification	Awarding body	Certificate accompanying qualification
		3. Turun yliopisto	godkännande av praktisk tjänstgöring
France	Diplôme d'Etat de docteur en chirurgie dentaire	Universités	
Germany	Zeugnis über die Zahnärztliche Prüfung	Zuständige Behörden	
Greece	Πτυχίο Οδοντιατρικής	Πανεπιστήμιο	
[ <sup>F165</sup> Hungary]	Fogorvos oklevél (doctor medicinae dentariae, abbrev.: dr.med.dent.)	Egyetem]	
Iceland	Próf frá tannlæknadeild Háskóla Íslands	Tannlæknadeild Háskóla Íslands	
Ireland	Bachelor in Dental Science (B.Dent.Sc)/ Bachelor of Dental Surgery (BDS)/ Licentiate in Dental Surgery (LDS)	Universities/Royal College of Surgeons in Ireland	
Italy	Diploma di laurea in Odontoiatria e Protesi Dentaria	Università	Diploma di abilitazione all'esercizio dell'odontoiatria e protesi dentaria
[ <sup>F165</sup> Latvia]	Zobārsta diploms	Universitātes tipa augstskola	Rezidenta diploms par zobārsta pēcdiploma izglītības programmas pabeigšanu, ko izsniedz universitātes tipa augstskola un "Sertifikāts"—kompetentas iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu zobārstniecībā]
Liechtenstein	The diplomas, certificates and other		Certificate on the completed practical

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
	titles awarded in another EEA State and listed in this Part of Schedule 2		training issued by the competent authorities
[ <sup>F165</sup> Lithuania	Aukštojo mokslo diplomas, nurodantis suteiktą gydytojo odontologo kvalifikaciją	Universitetas	Internatūros pažymėjimas, nurodantis suteiktą gydytojo odontologo profesinę kvalifikaciją]
Luxembourg	Diplôme d'Etat de docteur en médecine dentaire	Jury d'examen d'Etat	
[ <sup>F165</sup> Malta	Lawrja fil-Kirurgija Dentali	Universitá 'ta' Malta]	
Netherlands	Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen	Faculteit Tandheelkunde	
Norway	Vitnemål for fullført grad <i>candidata/candidatus odontologiae</i> , short form: <i>cand. odont.</i>	Odontologisk universitetsfakultet	
[ <sup>F165</sup> Poland	Dyplom ukończenia studiów wyższych z tytułem "lekarz dentyista"	1. Akademia Medyczna, 2. Uniwersytet Medyczny, 3. Collegium Medicum Uniwersytetu Jagiellońskiego	Lekarsko—Dentystyczny Egzamin Państwowy]
Portugal	Carta de curso de licenciatura em medicina dentária	Faculdade/Institutos Superiores	
[ <sup>F165</sup> Slovakia	Vysokoškolský diplom o udelení akademického titulu "doktor zubného lekárstva" ("MDDr.")	Vysoká škola]	
[ <sup>F165</sup> Slovenia	Diploma, s katero se podeljuje strokovni naslov "doktor dentaine medicine/	Univerza	Potr o opravljenem strokovnem izpitu za poklic zobozdravik/ zobozdravnica]

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
	doctorica dentalne medicine"		
Spain	Título de Licenciado en Odontología	El rector de una Universidad	
Sweden	Tandläkarexamen	Universitetet i Umeå Universitetet i Göteborg Karolinska Institutet Malmö Högskola	Endast för examensbevis som erhållits före den 1 juli 1995, ett utbildningsbevis som utfärdats av Socialstyrelsen
Switzerland	Titulaire du diplôme fédéral de médecin-dentiste, eidgenössisch diplomierter Zahnarzt, titolare di diploma federale di medico-dentista	The Département fédéral de l'intérieur]	

#### Textual Amendments

**F165** Sch. 2 Pt. 2 table: entries inserted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **11(3)(d)**

[<sup>F166</sup>SCHEDULE 2A U.K.]

Section 25A

#### REGISTRATION APPEALS: DENTISTS REGISTER

#### Textual Amendments

**F166** Sch. 2A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **Sch. 1** (with **Sch. 7**) (with transitional provisions in [S.I. 2006/1671](#))

1. In this Schedule—
  - “appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2);
  - “person concerned” means a person notified under paragraph 3(1) of an appealable registration decision made in respect of him, or, as the case may

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be, an applicant in respect of whom an appealable registration decision is treated as having been made by virtue of paragraph 3(2); and

“the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), (b), (d), (f), (g), (i) or (j), means the period of three months beginning with the date when the registrar is first in possession of sufficient information to make the decision.

2. (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
  - (a) a decision not to register a person’s name in the register under section 15 (qualification for registration) on the grounds that any of the requirements of that section are not met;
  - (b) a decision not to give a direction for temporary registration under section 17 (temporary registration);
  - (c) a decision under section 23(3) (erasure of names of those who have ceased to practise) to erase a person’s name from the register;
  - (d) a decision under section 23(4) not to restore a person’s name to the register;
  - (e) a decision under section 24(1) (erasure on grounds of error) to erase an entry relating to a person from the register;
  - (f) a decision under section 26A(8)(a), (b) or (c) (insurance) not to register a person’s name in the register, not to restore his name to the register or to erase his name from the register;
  - (g) a decision under section 26A(9) not to restore a person’s name to the register;
  - (h) a decision under section 34A(2) (professional training and development requirements) to erase a person’s name from the register;
  - (i) a decision under section 34A(3) not to restore a person’s name to the register;
  - (j) a decision not to register a person’s name in the register on the grounds that section 35(1) is satisfied (effect on registration of disqualification in another EEA state); and
  - (k) a decision under section 35(3) to erase a person’s name from the register.
- (2) A decision is not an appealable registration decision for the purposes of this Schedule if it is a decision taken by reason only that the person failed to—
  - (a) pay any fee prescribed by regulations made under section 19; or
  - (b) make an application as required under this Act or any rules made under it.

#### *Notification of appealable registration decisions*

3. (1) Where an appealable registration decision is made in respect of a person, the registrar shall forthwith serve on that person written notification of—
  - (a) the decision;
  - (b) the reasons for the decision; and
  - (c) that person’s right to appeal under paragraph 4.
- (2) Where an applicant has not been served with notification of a decision in respect of an application for registration or restoration of a name mentioned in paragraphs (a), (b), (d), (f), (g), (i) or (j) of paragraph 2(1) within the requisite period, that omission shall be treated as a decision not to register or, as the case may be, restore the applicant’s name, which is an appealable registration decision for the purposes of this Schedule.

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Appeals from an appealable registration decision*

4. (1) A person concerned may appeal to the Registration Appeals Committee against—
  - (a) the appealable registration decision made in respect of him of which he was notified under paragraph 3(1); or
  - (b) the appealable registration decision treated as having been made in respect of him by virtue of paragraph 3(2).
- (2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.
- (3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.
- (4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.
- (5) In the case of an appealable registration decision which is a decision to erase a person's name from the register, where—
  - (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
  - (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.
- (6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.
- (7) Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—
  - (a) in paragraph 1—
    - (i) omit sub-paragraph (1), and
    - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
  - (b) references to a Committee shall be read as references to the Registration Appeals Committee;
  - (c) in paragraph 2—
    - (i) omit sub-paragraph (1)(b), and
    - (ii) in sub-paragraph (2)(g) omit “the person (if any) making the allegation and”;
  - (d) omit paragraph 7.
- (8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—
  - (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against;
  - (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
  - (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (9) In the case of an appealable registration decision which is a decision to erase a person's name from the register, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—
- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
  - (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
  - (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.
- (10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—
- (a) inform the registrar of, and serve on the person concerned notification of, the Committee's determination on the appeal and of the reasons for that determination; and
  - (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

#### *Extension of time for appealing*

5. Where—
- (a) any notification of a decision required under paragraph 3(1) to be served on a person is served by sending it to him by post, and
  - (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,
- the registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(3).

#### *Appeals from the Registration Appeals Committee*

6. (1) Where—
- (a) the Registration Appeals Committee determine an appeal under paragraph 4, and
  - (b) they do not determine under paragraph 4(8)(b) to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notification of the determination was served on him under paragraph 4(10), appeal against the determination to the relevant court.
- (2) On an appeal under this paragraph from the Registration Appeals Committee, 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 the Registration Appeals Committee, or
  - (d) remit the case to the Registration Appeals Committee to dispose of in accordance with the directions of the relevant court,

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

[<sup>F167</sup>SCHEDULE 3 U.K.]

Section 33(6)

PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE, THE INTERIM  
ORDERS COMMITTEE AND PRACTICE COMMITTEES: DENTISTS

**Textual Amendments**

**F167** Sch. 3 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [Sch. 2](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*Definitions*

1. (1) In this Schedule a “Committee” means—
  - (a) the Professional Conduct Committee;
  - (b) the Professional Performance Committee;
  - (c) the Health Committee; or
  - (d) the Interim Orders Committee.
- (2) A “party” to proceedings means, unless the context otherwise requires—
  - (a) the person to whose registration the proceedings relate; or
  - (b) the Council.

*Rules relating to procedure*

2. (1) Subject to the provisions of this paragraph, rules shall make provision as to the procedure to be followed—
  - (a) in proceedings before a Committee under Part 3 of this Act; and
  - (b) by the Investigating Committee in the exercise of their functions under section 27A.
- (2) Rules under sub-paragraph (1)(a) shall include provision—
  - (a) requiring the registrar to serve notification on the person to whose registration the proceedings relate that proceedings are to be brought and outlining the case against him;



*Status: Point in time view as at 01/10/2006.*

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- (b) enabling any party to be heard by a Committee, if the party so requires;
  - (c) enabling any party to be represented before the Committee by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
  - (d) enabling the registrar to serve notification of the proceedings on any person who in his opinion has an interest in those proceedings, and to provide any person so notified with an opportunity to submit written representations;
  - (e) enabling a Committee, before they hold any hearing, where they consider that it would assist them in performing their functions, to hold a preliminary meeting in private attended by the parties and the parties' representatives and any other person the Committee think appropriate;
  - (f) requiring proceedings before a Committee to be held in public unless and to the extent that the rules provide otherwise;
  - (g) requiring the registrar to serve notification on the person (if any) making the allegation and any other person who in his opinion has an interest in the proceedings, of the Committee's decision and the reasons for the decision; and
  - (h) requiring the registrar to publish, in such manner as may be specified in the rules, such information relating to the case and any decision made by the Committee as may be specified in the rules.
- (3) Each stage in proceedings before a Committee under Part 3 of this Act shall be dealt with expeditiously and a Committee may give directions as to the conduct of the case and the consequences of failure to comply with such directions (which may include the making of an order or refusal of an application if the failure to comply was without reasonable excuse).
- (4) Rules may provide for the Chairman of a Committee to hold the meeting referred to in sub-paragraph (2)(e) or to give the directions mentioned in sub-paragraph (3) and, subject to the agreement of the parties to his acting on behalf of the Committee, to take such action as the Committee would be competent to take at such a meeting.

*Evidence etc.*

3. Subject to paragraph 4, rules shall make provision regarding the rules of evidence to be observed in any proceedings before a Committee under Part 3 of this Act, including rules as to the admissibility of evidence.
4. (1) For the purpose of proceedings under Part 3 of this Act in England and Wales or in Northern Ireland before a Committee, a Committee may—
- (a) summon any person to attend a hearing as a witness, to answer any question or to produce any documents in his custody or under his control which relate to any matter in question in the proceedings;
  - (b) require any witness appearing before them to give evidence on oath and for this purpose an oath may be administered in due form; and
  - (c) upon an application by a person summoned to appear before them, set the summons aside.
- (2) No person shall be compelled under sub-paragraph (1)—
- (a) to attend in obedience to a summons if he has been given less than 14 days' notification of the hearing unless he informs the Committee before the hearing that he accepts such notification has been given; or

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- (b) to produce any document which he could not be compelled to produce on the trial of an action.
- (3) For the purposes of any proceedings under Part 3 of this Act in Scotland before a Committee, the Committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that Court—
- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;
  - (b) to grant warrant for the recovery of documents; and
  - (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.
5. Where the proceedings relate to a person's conduct, and that conduct has been considered by another body whose functions include overseeing the conduct of members of a health or social care profession, a Committee may adopt as its own findings any finding of fact found by that body and proceed to determine the case without further inquiry.

#### *Costs*

6. (1) In the course of proceedings under Part 3 of this Act, a Committee may make such order as to costs (or, in Scotland, expenses) as they think fit, but may make provision as described in sub-paragraph (2) only if rules allowing such provision have been made under that sub-paragraph.
- (2) Rules may allow a Committee—
- (a) to disallow all or part of the costs (or, in Scotland, expenses) of a representative of a party by reason of that representative's conduct of the proceedings; and
  - (b) to order a representative of a party to meet all or part of the costs (or, in Scotland, expenses) incurred by a party by reason of that representative's conduct of the proceedings.
- (3) A Committee shall have regard to a person's ability to pay when considering the making of an order under this paragraph.
- (4) Any sum required to be paid under an award in respect of costs (or, in Scotland, expenses) shall be recoverable as if it had been adjudged to be paid by an order of a relevant court.
- (5) In sub-paragraph (4) "the relevant court" means—
- (a) where the person to whose registration the proceedings relate is registered in the register, and his address in the register is in Scotland, the sheriff in whose sheriffdom that address is situated;
  - (b) where the person to whose registration the proceedings relate is not registered in the register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
  - (c) in any other case, the county court.

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Reference of cases to the registrar or a different Committee*

7. (1) Rules shall be made enabling a Practice Committee, in the course of proceedings under Part 3 of this Act—
- (a) to refer to another Practice Committee any matter arising which they consider should be dealt with by that other Practice Committee;
  - (b) to take advice, as they consider necessary and appropriate, from another Practice Committee; and
  - (c) to refer to the Interim Orders Committee any allegation before them which they consider should be dealt with by the Interim Orders Committee.
- (2) Rules under sub-paragraph (1)(a) may provide that, where a Practice Committee refer a case to another Practice Committee by virtue of those rules, section 27B is to apply as if the case had originally been referred by the Investigating Committee to that other Practice Committee.]

<sup>F168</sup>SCHEDULE 3A U.K.

Sections 34A and 34B

**Textual Amendments**

**F168** Sch. 3A repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 48** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

SCHEDULE 4 U.K.

Section 36.

VISITING EEC PRACTITIONERS

*Preliminary*

- 1 (1) This Schedule has effect for the purpose of enabling a person to whom it applies to render dental services during a visit to the United Kingdom without being registered under this Act.
- <sup>F169</sup>(2) This Schedule applies to any national of an EEA State who is established in dental practice in an EEA State other than the United Kingdom.
- (2A) Any person who—
- (a) is not a national of an EEA State, but
  - (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68<sup>F170</sup> or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State,
- shall be treated for the purposes of sub-paragraph (2) above as if he were such a national.]

*Status: Point in time view as at 01/10/2006.*

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(3) In this Schedule—

“national”, in relation to [<sup>F171</sup>an EEA State], means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services; and

[<sup>F172</sup>“the Recognition Directive” has the meaning which “Community Council Directive No.78/686/EEC” has in Schedule 2 to this Act.]

**Textual Amendments**

**F169** Sch. 4 para. 1(2)(2A) substituted for Sch. 4 para. 1(2) (1.7.1996) by [S.I. 1996/1496, reg. 5\(2\)](#)

**F170** O.J. No. L257, 19.10.68 p.1. (amended by Council Regulation (EEC) No. 312/76 O.J. No. L39, 14.2.76, p.2).

**F171** Words in Sch. 4 para. 1(3) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(3\)\(a\)](#)

**F172** Definition in Sch. 4 para. 1(3) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(3\)\(b\)](#)

*Declarations and certificates to be provided by visiting EEC practitioners*

- 2 (1) A person to whom this Schedule applies who intends to render dental services as mentioned in paragraph 1(1) above shall provide the registrar with—
- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
  - (b) a certificate or certificates issued by the authority or body designated by [<sup>F173</sup>the EEA State] concerned as competent for the purposes of Article 15(3) of the Recognition Directive (provision of services) showing—
    - (i) that he is lawfully practising dentistry in [<sup>F173</sup>an EEA State] other than the United Kingdom, and
    - (ii) that he holds a diploma in dentistry which [<sup>F173</sup>EEA States] are required by that Directive to recognise.
- (2) For the purposes of sub-paragraph (1) above—
- (a) in an urgent case the declaration to be provided under paragraph (a) [<sup>F174</sup>and the certificates to be provided under paragraph (b)] may be provided after the services have been rendered, but, if so, [<sup>F175</sup>they shall be provided] as soon as possible thereafter and in any event not more than fifteen days after the date on which the practitioner has rendered the services, and
  - (b) every certificate to be provided under paragraph (b) shall bear a date not less recent than twelve months prior to the date on which the certificate was provided.

**Textual Amendments**

**F173** Words in Sch. 4 para. 2(1)(b) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(4\)](#)

**F174** Words in Sch. 4 para. 2(2)(a) inserted (14.4.1998) by [S.I. 1998/811, reg. 21\(2\)\(a\)](#)

**F175** Words in Sch. 4 para. 2(2)(a) substituted (14.4.1998) by [S.I. 1998/811, reg. 21\(2\)](#)

*Status: Point in time view as at 01/10/2006.*

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*List of EEC practitioners*

- 3 (1) The registrar shall continue to keep a list known as the list of visiting [<sup>F176</sup>EEA practitioners].
- (2) Where a person to whom this Schedule applies complies with the requirements of paragraph 2(1) above, the registrar shall, subject to paragraph 4 below, enter his name, together with particulars of any diplomas held by him, in the list of [<sup>F176</sup>EEA practitioners].
- (3) Subject to paragraph 4 below, that entry shall have effect for the period specified in the list against the entry, being the period which appears to the registrar to be appropriate having regard to the particulars given in the declaration referred to in paragraph 2(1)(a) above.

**Textual Amendments**

**F176** Words in Sch. 4 para. 3(1)(2) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(5\)](#)

*Persons not entitled to be included in the list of visiting EEC practitioners*

- 4 A person to whom this Schedule applies shall not be entitled to have his name included in the list of visiting [<sup>F177</sup>EEA practitioners] if—
- (a) he is subject to a disqualifying decision (within the meaning of section 35 of this Act) taken in relation to him in [<sup>F177</sup>an EEA State]; or
- (b) he is subject to a prohibition imposed on him under paragraph 5 below;
- and any entry in the list relating to a practitioner shall not have effect or shall cease to have effect if he is or becomes subject to such a decision or prohibition or if he becomes established in dental practice in the United Kingdom or renders, save in cases of urgency, dental services in the United Kingdom which fall outside those specified in the declaration made by him under paragraph 2(1)(a) above.

**Textual Amendments**

**F177** Words in Sch. 4 para. 4 substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(6\)](#)

*Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom*

- 5 (1) If a person who is or has been entered in the list of visiting [<sup>F178</sup>EEA practitioners]—
- (a) has been convicted of a criminal offence, whether in [<sup>F178</sup>an EEA State] or elsewhere, or
- (b) has been guilty of any serious professional misconduct,
- the Professional Conduct Committee may, if they think fit, impose on him a prohibition in respect of the rendering of dental services in the United Kingdom in the future.
- (2) A prohibition imposed under this paragraph shall be for an indefinite period.

*Status: Point in time view as at 01/10/2006.*

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- (3) A person may apply to the Council for termination of a prohibition imposed on him under this paragraph and the Council may, on any such application, terminate the prohibition; but no application shall be made under this paragraph—
- (a) earlier than ten months from the date on which the prohibition was imposed; or
  - (b) in the period of ten months following a decision made on an earlier application.

#### Textual Amendments

**F178** Words in Sch. 4 para. 5(1) substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 5\(6\)](#)

## <sup>F179</sup>SCHEDULE 4A [U.K.](#)

Section 36J

### REGISTRATION APPEALS: DENTAL CARE PROFESSIONALS REGISTER

#### Textual Amendments

**F179** Sch. 4A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [Sch. 3](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

1. In this Schedule—
  - “appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2);
  - “person concerned” means a person notified under paragraph 3(1) of an appealable registration decision made in respect of him, or, as the case may be, an applicant in respect of whom an appealable registration decision is treated as having been made by virtue of paragraph 3(2); and
  - “the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), (c), (e), (f) or (h), means the period of four months beginning with the date when the registrar is first in possession of sufficient information to make the decision.
2. (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
  - (a) a decision not to register a person’s name under a particular title in the dental care professionals register under section 36C (qualifications for registration) on the grounds that any of the requirements of that section are not met;
  - (b) a decision under section 36H(3) (erasure of names of those who have ceased to practise) to erase a person’s name from the dental care professionals register;
  - (c) a decision under section 36H(4) not to restore a person’s name to the dental care professionals register under a particular title;
  - (d) a decision under section 36I(1) (erasure on grounds of error) to erase an entry relating to a person from the dental care professionals register;

*Status: Point in time view as at 01/10/2006.*

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- (e) a decision under section 36L(9)(a), (b) or (c) (insurance) not to register a person's name in the dental care professionals register, not to restore his name to that register, or to erase his name from registration in that register, under a particular title;
  - (f) a decision under section 36L(10) not to restore a person's name to the dental care professionals register under a particular title;
  - (g) a decision under section 36Z1(2) (professional training and development requirements) to erase a person's name from registration in the dental care professionals register under a particular title; and
  - (h) a decision under section 36Z1(3) not to restore a person's name to the dental care professionals register under a particular title.
- (2) A decision is not an appealable registration decision for the purposes of this Schedule if it is a decision taken by reason only that the person failed to—
- (a) pay any fee prescribed by regulations made under section 36F; or
  - (b) make an application as required under this Act or any rules made under it.

*Notification of appealable registration decisions*

3. (1) Where an appealable registration decision is made in respect of a person, the registrar shall forthwith serve on that person written notification of—
- (a) the decision;
  - (b) the reasons for the decision; and
  - (c) that person's right to appeal under paragraph 4.
- (2) Where an applicant has not been served with notification of a decision in respect of an application for registration or restoration of a name mentioned in paragraphs (a), (c), (e), (f) or (h) of paragraph 2(1) within the requisite period, that omission shall be treated as a decision not to register or, as the case may be, restore the applicant's name, which is an appealable registration decision for the purposes of this Schedule.

*Appeals from an appealable registration decision*

4. (1) A person concerned may appeal to the Registration Appeals Committee against—
- (a) the appealable registration decision made in respect of him of which he was notified under paragraph 3(1); or
  - (b) the appealable registration decision treated as having been made in respect of him by virtue of paragraph 3(2).
- (2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.
- (3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.
- (4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.
- (5) In the case of an appealable registration decision which is a decision to erase a person's name from registration in the dental care professionals register under a particular title, where—



*Status: Point in time view as at 01/10/2006.*

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- (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
  - (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,
- that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.
- (6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.
- (7) Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—
- (a) in paragraph 1—
    - (i) omit sub-paragraph (1), and
    - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
  - (b) references to a Committee shall be read as references to the Registration Appeals Committee;
  - (c) in paragraph 2—
    - (i) omit sub-paragraph (1)(b), and
    - (ii) in sub-paragraph (2)(g), omit “the person (if any) making the allegation and”;
  - (d) omit paragraph 7.
- (8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—
- (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against;
  - (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
  - (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.
- (9) In the case of an appealable registration decision which is a decision to erase a person’s name from registration in the dental care professionals register under a particular title, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—
- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
  - (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
  - (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.
- (10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—

*Status: Point in time view as at 01/10/2006.*

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- (a) inform the registrar of, and serve on the person concerned notification of, the Committee’s determination on the appeal and of the reasons for that determination; and
- (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

*Extension of time for appealing*

5. Where—
- (a) any notification of a decision required under paragraph 3(1) to be served on a person is served by sending it to him by post, and
  - (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,
- the registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(3).

*Appeals from the Registration Appeals Committee*

6. Where—
- (a) the Registration Appeals Committee determine an appeal under paragraph 4, and
  - (b) they do not determine under paragraph 4(8)(b) to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notification of the determination was served on him under paragraph 4(10), appeal against the determination to the relevant court.
- (2) On an appeal under this paragraph from the Registration Appeals Committee, 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 the Registration Appeals Committee, or
  - (d) remit the case to the Registration Appeals Committee 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 registered in the dental care professionals register, and his address in that register is in Scotland, the sheriff in whose sheriffdom that address is situated;
  - (b) where the person concerned is not registered in that register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
  - (c) in any other case, the county court.]

*Status: Point in time view as at 01/10/2006.*

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## <sup>F180</sup>SCHEDULE 4B U.K.

Section 36W(6)

### PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE, THE INTERIM ORDERS COMMITTEE AND PRACTICE COMMITTEES: DENTAL CARE PROFESSIONALS

#### Textual Amendments

**F180** Sch. 4B inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [Sch. 4](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### Definitions

1. (1) In this Schedule a “Committee” means—
  - (a) the Professional Conduct Committee;
  - (b) the Professional Performance Committee;
  - (c) the Health Committee; or
  - (d) the Interim Orders Committee.
- (2) A “party” to proceedings means, unless the context otherwise requires—
  - (a) the person to whose registration the proceedings relate; or
  - (b) the Council.

#### Rules relating to procedure

2. (1) Subject to the provisions of this paragraph, rules shall make provision as to the procedure to be followed—
  - (a) in proceedings before a Committee under Part 3A of this Act; and
  - (b) by the Investigating Committee in the exercise of their functions under section 36O.
- (2) Rules under sub-paragraph (1)(a) shall include provision—
  - (a) requiring the registrar to serve notification on the person to whose registration the proceedings relate that proceedings are to be brought and outlining the case against him;
  - (b) enabling any party to be heard by a Committee, if the party so requires;
  - (c) enabling any party to be represented before the Committee by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
  - (d) enabling the registrar to serve notification of the proceedings on any person who in his opinion has an interest in those proceedings, and to provide any person so notified with an opportunity to submit written representations;
  - (e) enabling a Committee, before they hold any hearing, where they consider that it would assist them in performing their functions, to hold a preliminary meeting in private attended by the parties and the parties' representatives and any other person the Committee think appropriate;
  - (f) requiring proceedings before a Committee to be held in public unless and to the extent that the rules provide otherwise;

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- (g) requiring the registrar to serve notification on the person (if any) making the allegation and any other person who in his opinion has an interest in the proceedings, of the Committee's decision and the reasons for the decision; and
  - (h) requiring the registrar to publish, in such manner as may be specified in the rules, such information relating to the case and any decision made by the Committee as may be specified in the rules.
- (3) Each stage in proceedings before a Committee under Part 3A of this Act shall be dealt with expeditiously and a Committee may give directions as to the conduct of the case and the consequences of failure to comply with such directions (which may include the making of an order or refusal of an application if the failure to comply was without reasonable excuse).
- (4) Rules may provide for the Chairman of a Committee to hold the meeting referred to in sub-paragraph (2)(e) or to give the directions mentioned in sub-paragraph (3) and, subject to the agreement of the parties to his acting on behalf of the Committee, to take such action as the Committee would be competent to take at such a meeting.

*Evidence etc.*

3. Subject to paragraph 4, rules shall make provision regarding the rules of evidence to be observed in any proceedings before a Committee under Part 3A of this Act, including rules as to the admissibility of evidence.
4. (1) For the purpose of proceedings under Part 3A of this Act in England and Wales or in Northern Ireland before a Committee, a Committee may—
- (a) summon any person to attend a hearing as a witness, to answer any question or to produce any documents in his custody or under his control which relate to any matter in question in the proceedings;
  - (b) require any witness appearing before them to give evidence on oath and for this purpose an oath may be administered in due form; and
  - (c) upon an application by a person summoned to appear before them, set the summons aside.
- (2) No person shall be compelled under sub-paragraph (1)—
- (a) to attend in obedience to a summons if he has been given less than 14 days' notification of the hearing unless he informs the Committee before the hearing that he accepts such notification has been given; or
  - (b) to produce any document which he could not be compelled to produce on the trial of an action.
- (3) For the purposes of any proceedings under Part 3A of this Act in Scotland before a Committee, the Committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that Court—
- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;
  - (b) to grant warrant for the recovery of documents; and
  - (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

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5. Where the proceedings relate to a person's conduct, and that conduct has been considered by another body whose functions include overseeing the conduct of members of a health or social care profession, a Committee may adopt as its own findings any finding of fact found by that body and proceed to determine the case without further inquiry.

#### *Costs*

6. (1) In the course of proceedings under Part 3A of this Act, a Committee may make such order as to costs (or, in Scotland, expenses) as they think fit, but may make provision as described in sub-paragraph (2) only if rules allowing such provision have been made under that sub-paragraph.
- (2) Rules may allow a Committee—
- (a) to disallow all or part of the costs (or, in Scotland, expenses) of a representative of a party by reason of that representative's conduct of the proceedings; and
  - (b) to order a representative of a party to meet all or part of the costs (or, in Scotland, expenses) incurred by a party by reason of that representative's conduct of the proceedings.
- (3) A Committee shall have regard to a person's ability to pay when considering the making of an order under this paragraph.
- (4) Any sum required to be paid under an award in respect of costs (or, in Scotland, expenses) shall be recoverable as if it had been adjudged to be paid by an order of a relevant court.
- (5) In sub-paragraph (4) "the relevant court" means—
- (a) where the person to whose registration the proceedings relate is registered in the dental care professionals register, and his address in that register is in Scotland, the sheriff in whose sheriffdom that address is situated;
  - (b) where the person to whose registration the proceedings relate is not registered in that register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
  - (c) in any other case, the county court.

#### *Reference of cases to the registrar or a different Committee*

7. (1) Rules shall be made enabling a Practice Committee, in the course of proceedings under Part 3A of this Act—
- (a) to refer to another Practice Committee any matter arising which they consider should be dealt with by that other Practice Committee;
  - (b) to take advice, as they consider necessary and appropriate, from another Practice Committee; and
  - (c) to refer to the Interim Orders Committee any allegation before them which they consider should be dealt with by the Interim Orders Committee.
- (2) Rules under sub-paragraph (1)(a) may provide that, where a Practice Committee refer a case to another Practice Committee by virtue of those rules, section 36P is to apply as if the case had originally been referred by the Investigating Committee to that other Practice Committee.]

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## [<sup>F181</sup>SCHEDULE 4C U.K.]

Section 49A

### ADVISERS

#### Textual Amendments

**F181** Sch. 4C inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [Sch. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### Legal advisers

1. (1) The Council shall appoint persons to be legal advisers.
- (2) Legal advisers shall have the general function of giving advice to—
  - (a) the registrar,
  - (b) the Council,
  - (c) the Investigating Committee,
  - (d) the Professional Conduct Committee,
  - (e) the Professional Performance Committee,
  - (f) the Interim Orders Committee,
  - (g) the Health Committee, and
  - (h) the Registration Appeals Committee,
 on questions of law arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a legal adviser.
- (4) Legal advisers shall have such other functions as may be conferred on them by rules, and in particular provision may be made, in relation to any proceedings—
  - (a) requiring a legal adviser, when advising the Council or any of their committees, to do so in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or, where advice is given in private, requiring every such party or person to be notified of the advice given by a legal adviser; or
  - (b) requiring every party, or person representing a party, to the proceedings to be notified in any case where a legal adviser's advice is not accepted by the person or body in receipt of the advice.
- (5) To be qualified for appointment as a legal adviser under this paragraph, a person must—
  - (a) have a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
  - (b) be an advocate or solicitor in Scotland of at least ten years' standing; or
  - (c) be a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least ten years' standing.
- (6) The Council may pay such fees, allowances or expenses to persons appointed as legal advisers as the Council may determine.

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### *Medical advisers*

2. (1) The Council may appoint registered medical practitioners to be medical advisers.
- (2) Medical advisers shall have the general function of giving advice to—
  - (a) the registrar,
  - (b) the Council,
  - (c) the Investigating Committee,
  - (d) the Professional Conduct Committee,
  - (e) the Professional Performance Committee,
  - (f) the Interim Orders Committee,
  - (g) the Health Committee, and
  - (h) the Registration Appeals Committee,on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a medical adviser.
- (4) Medical advisers shall also have such other functions as may be conferred on them by rules.
- (5) The Council may pay such fees, allowances or expenses to persons appointed as medical advisers as the Council may determine.

### *Professional advisers*

3. (1) The Council may appoint persons registered in either the dentists register or the dental care professionals register to be professional advisers.
- (2) Professional advisers shall have the general function of giving advice to—
  - (a) the registrar,
  - (b) the Council,
  - (c) the Investigating Committee,
  - (d) the Professional Conduct Committee,
  - (e) the Professional Performance Committee,
  - (f) the Interim Orders Committee,
  - (g) the Health Committee, and
  - (h) the Registration Appeals Committee,on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a professional adviser.
- (4) Professional advisers shall also have such other functions as may be conferred on them by rules.
- (5) The Council may pay such fees, allowances or expenses to persons appointed as professional advisers as the Council may determine.]



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SCHEDULE 5 **U.K.**

Section 54(1).

CONSEQUENTIAL AMENDMENTS

1 ..... **F182**

**Textual Amendments**

**F182** Sch. 5 para. 1 repealed by [S.I. 1987/2047](#), art. 2(a), [Sch.](#)

MEDICINES ACT 1968 (C. 67)

2 In section 132(1), in the definition of “dentist”, for the words from “<sup>M20</sup>Dentists Act 1957” onwards substitute “ Dentists Act 1984 or entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ”.

**Marginal Citations**

**M20** 1957 c. 28.

MISUSE OF DRUGS ACT 1971 (C. 38)

3 In section 37(1), in the definition of “dentist”, for the words from “Dentists Act 1957” onwards substitute “ Dentists Act 1984 or entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ”.

POISONS ACT 1972 (C. 66)

4 In section 11(2), in the definition of “dentist”, for the words from “Dentists Act 1957” onwards substitute “ Dentists Act 1984 or a person entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ”.

HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972 (S.I.1972/1265 (N.I.14))

5 In Article 2(2), in the definition of “dental practitioner”, for “1957” substitute “ 1984 ”.

FAIR TRADING ACT 1973 (C. 41)

6 In paragraph 3 of Schedule 4, for “1957” substitute “1984”.

RESTRICTIVE TRADE PRACTICES ACT 1976 (C. 34)

7 In paragraph 3 of Schedule 1, for “1957” substitute “ 1984 ”.

NATIONAL HEALTH SERVICE ACT 1977 (C. 49)

8 [<sup>F183</sup>In section 35(3) (added by section 15 of the <sup>M21</sup>Health and Social Services and Social Security Adjudications Act 1983)—

- (a) for “Part II of the Dentists Act 1983” substitute “ section 32 of the Dentists Act 1984 ”; and
- (b) for “order under Part III of” substitute “ an order of the Health Committee under ”.]

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**Textual Amendments**

**F183** Sch. 5 para. 8 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(d)

**Marginal Citations**

**M21** [1983 c. 41](#).

- 9 In section 128(1), in the definition of “dental practitioner”, for “1957” substitute “1984”.
- 10 In paragraph 10(2A) of Schedule 5 (inserted by the said section 15) there shall be made the same amendments as are specified in paragraph 8 above, and for “section 33(1) of the <sup>M22</sup>Dentists Act 1957” substitute “the Dentists Act 1984”.

**Marginal Citations**

**M22** [1957 c. 28](#).

**F184**<sup>11</sup> .....

**Textual Amendments**

**F184** Sch. 5 para. 11 repealed (1.4.1996) by [1995 c. 17](#), ss. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978 (C. 29)

- 12 In section 25(4) (added by section 16 of the Health and Social Services and Social Security Adjudications Act 1983)—
- (a) for “Part II of the Dentists Act 1983” substitute “section 32 of the Dentists Act 1984”; and
  - (b) for “order under Part III of” substitute “an order of the Health Committee under”.
- 13 In section 108(1), in the definition of “dental practitioner”, for “1957” substitute “1984”.
- 14 In paragraph 6A of Schedule 1 (inserted by the said section 16) there shall be made the same amendments as are specified in paragraph 12 above, and for “section 33(1) of the Dentists Act 1957” substitute “the Dentists Act 1984”.

MEDICAL ACT 1983 (C. 54)

- 15 In paragraph 4 of Schedule 6, for “Articles 2(d) and” “those Articles” substitute “Article” and “that Article” respectively.

VALUE ADDED TAX ACT 1983 (C. 55)

**F185**<sup>16</sup> .....

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### Textual Amendments

**F185** Sch. 5 para. 16 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

## SCHEDULE 6 **U.K.**

Section 54(2), (3).

### REPEALS AND REVOCATIONS

#### PART I **U.K.**

Chapter	Short title	Extent of repeal
1957 c. 28	The Dentists Act 1957.	The whole Act.
1973 c. 31.	The Dentists (Amendment) Act 1973.	The whole Act.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In Schedule 4, paragraph 80.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, paragraphs 8 to 10.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, paragraphs 11 to 13.
1977 c. 49.	The National Health Service Act 1977.	In Schedule 15, paragraph 18.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 10.
1983 c. 38.	The Dentists Act 1983.	The whole Act.
1983 c. 54.	The Medical Act 1983.	In Schedule 5, paragraphs 1 and 19.

#### PART II **U.K.**

Number	Title	Extent of revocation
S.I. 1980 No. 703.	The Dental Qualifications (EEC Recognition) Order 1980.	Articles 3, 4, 6 and 7.
S.I. 1980 No. 1721.	The Medical, Nursing and Dental Qualifications (EEC Recognition) (Greek Qualifications) Order 1980.	Article 6.
S.I. 1982 No. 1076.	The Medical, Nursing, Dental and Veterinary Qualifications	Article 4.

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(EEC Recognition) Order  
1982.

SCHEDULE 7 **U.K.**

TRANSITIONAL PROVISIONS AND SAVINGS

*General*

- 1 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

*Elections and nominations*

- 2 Any election or nomination held or made before the commencement of this Act for the purposes of paragraph 1 of Schedule 4 to the <sup>M23</sup>Dentists Act 1983 shall have effect as if held or made for the purposes of Schedule 1 to this Act.

**Marginal Citations**

**M23** 1983 c. 38.

*Registration*

- 3 (1) Nothing in the repeals made by this Act shall affect the continued registration in the register of any person who was duly registered in it immediately before the commencement of this Act; and where any such person was so registered under, or in pursuance of a direction under, any provision of the <sup>M24</sup>Dentists Act 1957 his registration shall have effect as if effected under, or in pursuance of a direction under, the corresponding provision of this Act.
- (2) Without prejudice to sub-paragraph (1) above, in section 35 of this Act—
- (a) subsection (3) extends to a person who was registered under section 2A of that Act when he was subject to a disqualifying decision within the meaning of section 35, and
  - (b) subsection (5) extends to a person whose registration was effected under the said section 2A.

**Marginal Citations**

**M24** 1957 c. 28.

*Adaptation of references in enactments etc.*

- 4 (1) In any enactment or instrument passed or made before the commencement of this Act for any reference to the Disciplinary Committee of the Council there shall be substituted a reference to the Professional Conduct Committee.

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- (2) In any enactment or instrument passed or made before 1st January 1984 for any reference to ancillary dental workers, an ancillary dental worker or the ancillary Dental Workers Committee there shall be substituted a reference to dental auxiliaries, a dental auxiliary or the Dental Auxiliaries Committee, respectively.

*Proceedings pending before Disciplinary Committee*

- 5 For the purpose of the hearing and determination of any case or matter referred to the Disciplinary Committee before the commencement of this Act, paragraph 12 of Schedule 1 to the Dentists Act 1957 shall, notwithstanding the repeals made by this Act, apply in relation to the constitution and quorum of the Professional Conduct Committee as it applied in relation to the constitution and quorum of the Disciplinary Committee immediately before that commencement.
- 6 For the purposes of—
- (a) any case referred to the Disciplinary Committee under section 26 of the <sup>M25</sup>Dentists Act 1957 before the commencement of this Act, and any appeal or other proceedings arising out of any such case (including proceedings under section 44 of this Act),
  - (b) any case referred to that committee under Article 7 of the <sup>M26</sup>Dental Qualifications (EEC Recognition) Order 1980 before that commencement, this Act, and any rules made under paragraph 2 of Schedule 3 to this Act (and any rules made on or after 13th May 1983 and having effect as if made under that paragraph) shall have effect with the substitution for any reference to serious professional misconduct of a reference to infamous or disgraceful conduct in a professional respect.

**Marginal Citations**

**M25** 1957 c. 28.

**M26** S.I. 1980/703.

*Rules of procedure*

- 7 Any rules made by the Council before the commencement of this Act under section 27 of the Dentists Act 1957 and expressed to come into force at or after that commencement shall have effect as if made under paragraph 2 of Schedule 3 to this Act, and subparagraph (4) of that paragraph shall apply to any such rules accordingly.

*Restrictions on carrying on the business of dentistry*

- 8 Except in the case of a body corporate which—
- (a) ceased to carry on the business of dentistry before 1st January 1984, but
  - (b) was again carrying on the business of dentistry on that date and had not ceased to carry on that business before the commencement of this Act,
- section 43(5) of this Act applies to a body corporate ceasing to carry on the business of dentistry before that commencement as well as to one ceasing to do so thereafter.
- 9 (1) Any reference in section 41(2) or 44 of this Act to an erasure or conviction under any provision of this Act includes a reference to an erasure or conviction under

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the corresponding provision of the Dentists Act 1957 or under the corresponding provision of any enactment repealed by that Act.

- (2) But a body corporate shall not be liable under section 44 to be deprived of the right to carry on the business of dentistry in consequence of any erasure or conviction which took place before 4th July 1956.
- (3) Notwithstanding the reproduction in sub-paragraph (1) above, in so far as it provides for subsection (6) of section 44 to have effect in relation to convictions taking place before 1st January 1984, of the effect of Article 2(2) of the <sup>M27</sup>Dentists Act 1983 (Transitional Provisions) Order 1983, any question as to the validity of the provisions of that sub-paragraph, in so far as it so provides, shall be determined as if those provisions were contained in a statutory instrument made under the power under which Article 2(2) was made.

**Marginal Citations**

**M27** [S.I. 1983/1520](#).

*Documents issued by Dental Board*

- 10 The reference in section 52(2) of this Act to any document issued by the Council shall include any document issued by the Dental Board dissolved in pursuance of the <sup>M28</sup>Dentists Act 1956.

**Marginal Citations**

**M28** [1956 c. 29](#).

**Status:**

Point in time view as at 01/10/2006.

**Changes to legislation:**

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