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*Status: Point in time view as at 03/12/2007.*

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# Dentists Act 1984

## 1984 CHAPTER 24

### [<sup>F1</sup>PART 3A

#### PROFESSIONS COMPLEMENTARY TO DENTISTRY]

*[<sup>F1</sup>Visiting dental care professionals from relevant European States*

#### Textual Amendments

**F1** Ss. 36Z3, 36Z4 and cross-heading inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **126**

#### **36Z3. Visiting dental care professionals from relevant European States**

- (1) This section applies to an exempt person (“V”) who is lawfully established, in a relevant European State other than the United Kingdom (“State A”), as a member of one of the dental care professions (“the established profession”).
- (2) Subsection (3) applies if V has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by V of relevant services in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of relevant services).
- (3) V is entitled to be registered in the dental care professionals register under the title, or (as the case may be) the titles, specified in regulations under section 36A(2) as applying to the established profession; and the registrar shall give effect to the entitlement.
- (4) If V—
  - (a) is entitled under subsection (3) to be registered in the dental care professionals register under any particular title, but
  - (b) is not registered in the list mentioned in section 36B(1A)(b) under that title,

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V shall be treated as registered in that list under that title.

- (5) V's entitlement under subsection (3) ceases if V ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection with the provision by V of relevant services in the United Kingdom on a temporary and occasional basis.
- (6) If—
- (a) V's entitlement under subsection (3) ceases by reason of the operation of subsection (5), and
  - (b) V's name is registered in the list mentioned in section 36B(1A)(b) under the title, or any one or more of the titles, specified in regulations under section 36A(2) as applying to the established profession,
- the registrar may erase V's name from registration in that list under the title or titles concerned.
- (7) Subsection (8) applies if—
- (a) V's establishment in State A is subject to a condition relating to V's practice of the established profession;
  - (b) V's name is registered in the dental care professionals register under the title, or (as the case may be) the titles, specified in regulations under section 36A(2) as applying to the established profession; and
  - (c) for any of the purposes of this Act it falls to be decided whether V's fitness to practise is or may be impaired on the ground of misconduct.
- (8) The matters that may be counted as misconduct include (in particular) any act or omission by V during the course of the provision by V of relevant services in the United Kingdom on a temporary and occasional basis that is, or would be if the condition applied in relation to practice of the established profession outside State A, a breach of the condition.
- (9) In subsections (7) and (8) "condition" includes limitation.
- (10) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the list mentioned in section 36B(1A)(b), of any other provision of this Act under which a registered dental care professional's name may be erased from the dental care professionals register or under which a registered dental care professional's registration in the dental care professionals register may be suspended.
- (11) In this section "relevant services" means services provided in pursuit of the established profession.
- (12) For the purposes of this section, each of the following is a dental care profession—
- (a) the profession pursued by clinical dental technicians;
  - (b) the profession pursued by dental hygienists;
  - (c) the profession pursued by dental nurses;
  - (d) the profession pursued by dental technicians;
  - (e) the profession pursued by dental therapists;
  - (f) the profession pursued by orthodontic therapists.

#### **36Z4. Limits on section 36Z1 as respects visiting dental care professionals**

- (1) Subsections (1) and (2) of section 36Z1, so far as relating to a person ("P")—

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- (a) who is registered in the list mentioned in section 36B(1A)(b) under a title applying to, or to a class of members of, a particular profession (“the established profession”), but
  - (b) who is not registered in the list mentioned in section 36B(1A)(a) under a title applying to, or to a class of members of, the established profession,
- have effect subject to, respectively, subsections (2) and (3) of this section.
- (2) Rules made under section 36Z1(1)—
- (a) may not impose requirements on P in connection with P’s pursuit of the established profession if P is required to undertake, in P’s home State, professional training and development in relation to the established profession; and
  - (b) where they impose requirements on P in connection with P’s pursuit of the established profession—
    - (i) shall take account of the fact that P is fully qualified to pursue the established profession in P’s home State, and
    - (ii) shall specify that professional training and development which P is required to undertake by the requirements may be undertaken outside the United Kingdom.
- (3) The registrar’s power under section 36Z1(2) is exercisable in relation to P’s registration under a title applying to, or to a class of members of, the established profession only if it also appears to the registrar that, in the circumstances of the case, erasure from registration under that title is an appropriate and proportionate sanction in view of P’s continued lawful establishment as a member of the established profession in P’s home State.
- (4) In this section “home State”, in relation to P, means the relevant European State in which P is lawfully established as a member of the established profession.]

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