



# Dentists Act 1984

## 1984 CHAPTER 24

### PART III

#### THE DENTAL PROFESSION

##### *Registration*

#### [<sup>F1</sup>14 The dentists register and the registrar

- (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.]

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

- F1** 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.

- (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>F2</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;

“national”, in relation to [<sup>F2</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>F3</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>M1</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;

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (d) that <sup>F4</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>F5</sup>(4A) In relation to a person who is a national of an <sup>F6</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.
- (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>F7</sup>(7) In this Act—

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>M2</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>M3</sup> <sup>F8</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>F9</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.]

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

- F2** Words in s. 15(1)(b)(2) substituted (1.7.1996) by [S.I. 1996/1496, reg. 2\(1\)](#)
- F3** S. 15(2A) inserted (1.7.1996) by [S.I. 1996/1496, reg. 2\(2\)](#)
- F4** Word in s. 20(4)(d) substituted and (i)(ii) inserted (14.4.1998) by 1998/811, reg. 20(1)
- F5** S. 15(4A)-(4C) inserted (14.4.1998) by [S.I. 1998/811, reg. 19](#)
- F6** 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)**
- F7** S. 15(7) inserted (1.7.1996) by [S.I. 1996/1496, reg. 2\(3\)](#)
- F8** 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)**
- F9** 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

- M1** 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).
- M2** Cm 2073 and O.J. No. L1, 3.1.94, p.3.
- M3** Cm 2183 and O.J. No. L1, 3.1.94, p.572.

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

- (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>F10</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>F11</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.

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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.

#### Textual Amendments

**F10** S. 16(2A) inserted (14.4.1998) by [S.I. 1998/811](#), [reg. 20\(2\)](#)

**F11** 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.

- (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>F12</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.

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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>F13</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>F14</sup>all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision], and any acceptance by [<sup>F15</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

- F12** S. 17(2)(d) substituted (14.4.1998) by [S.I. 1998/811, reg. 20\(3\)\(a\)](#)
- F13** S. 17(3A) inserted (14.4.1998) by [S.I. 1998/811, reg. 20\(3\)\(b\)](#)
- F14** 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\(4\)\(a\)](#)
- F15** 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.

- (1) Subject to section 17 above and subsection (3) below, any right to registration [<sup>F16</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>F17</sup>(2) Any person applying to be registered [<sup>F18</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>F19</sup>in the register] those persons.

#### Textual Amendments

- F16** 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,

*Status: Point in time view as at 31/07/2006.*

**Changes to legislation:** Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)

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](#))

**F17** S. 18(2) substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 2\(4\)](#)

**F18** 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](#))

**F19** 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.

- (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;
  - (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>F20</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>F21</sup>(3) .....

<sup>F21</sup>(4) .....

### Textual Amendments

**F20** 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

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

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](#))

- F21** 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>F22</sup>20 Selection of proper abbreviations of overseas diplomas.**

.....

**Textual Amendments**

- F22** 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](#))

**<sup>F23</sup>21 Notification of reasons for refusal of application for registration etc.**

.....

**Textual Amendments**

- F23** 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>F24</sup>21A**
- (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>F25</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**

- F24** S. 21A inserted (14.4.1998) by [S.I. 1998/811](#), [reg. 21\(1\)](#)
- F25** 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\(5\)](#)



*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

*Publication of the register*

**[<sup>F26</sup>22 Publication of the register**

- (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**

**F26** 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, 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.**

- (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>F27</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>F28</sup>(5) .....

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

- F27** 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](#))
- F28** 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>F29</sup>24 Erasure on grounds of fraud or error

- (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.
- (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

- F29** 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>F30</sup>25 Alteration of names and addresses.

.....

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

- F30** 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>F31</sup>Registration appeals*

#### Textual Amendments

- F31** 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](#))

## **25A. Registration appeals**

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

### *Use of titles and descriptions*

## **26 Use of titles and descriptions.**

- (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>F32</sup>(4A) The Council may make regulations—

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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) 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>F33</sup>(5) .....
- (6) Any person who contravenes subsection (2) <sup>F34</sup>... above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale.
- [<sup>F35</sup>(7) The Council shall from time to time publish any list for the time being kept by them under subsection (4).]

#### Textual Amendments

- F32** 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](#))
- F33** 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](#))
- F34** 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](#))
- F35** 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>F36</sup>Insurance

#### Textual Amendments

- F36** [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](#))

---

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

---

## 26A. Insurance

- (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 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.]

---

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

---

*Professional conduct and fitness to practise*

**[<sup>F37</sup>26B. Guidance**

- (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;
  - (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.]

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

- F37** 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>F38</sup>27] Allegations

- (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;
  - (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

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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.]

#### **Textual Amendments**

**F38** 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>F38</sup>27A. The Investigating Committee**

- (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



---

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

---

- (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—
  - (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.

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

**F38** 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

- (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 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).

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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,
    - (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

**F38** 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

- (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

---

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

---

- (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—
- (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.]

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

**F38** 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>F38</sup>28 Restoration of names to the register following erasure under section 27B

- (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
  - (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.

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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 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

**F38** 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.

- [<sup>F39</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—

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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—

- (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>F40</sup>(2) .....

[<sup>F41</sup>(3) On an appeal under this section, the court may—

- (a) dismiss the appeal,
- [<sup>F42</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>F43</sup>any order as to costs (or, in Scotland, expenses) in relation to] any such

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

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

- F39** 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](#))
- F40** 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](#))
- F41** 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](#))
- F42** 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](#))
- F43** 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](#))

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

- C1** 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>F44</sup>29A. Taking effect of directions for erasure, suspension, conditional registration etc.

- (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



*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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

**F44** 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](#))

#### [<sup>F45</sup>30 Orders for immediate suspension and immediate conditional registration

- (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.

*Status: Point in time view as at 31/07/2006.*

**Changes to legislation:** Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)

- (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.]

#### Textual Amendments

**F45** 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>F46</sup>31 Special provisions where directions replace, or extend periods under, previous directions.

.....

#### Textual Amendments

**F46** 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>F47</sup>32 Interim orders

- (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.

---

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

---

- (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”).
- (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

*Status: Point in time view as at 31/07/2006.*

**Changes to legislation:** Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)

- (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, the court may—
- (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 30(8).]

#### Textual Amendments

**F47** 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>F48</sup>Supplementary provisions]*

#### Textual Amendments

**F48** 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](#))

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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>F48</sup>33 Supplementary provisions relating to fitness to practise cases

- (1) While a person's registration in the register 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 the register notwithstanding that his name still appears in it; but
  - (b) sections 27, 27A, 27B and 27C shall continue to apply to him.
- (2) 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.
- (3) 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—
  - (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) 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>F49</sup>33A. Recording of suspension or conditional registration etc.

- (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.

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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

**F49** 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

- (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—
  - (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.

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

- (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).

#### Textual Amendments

**F49** 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

- (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

**F49** 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,

*Status: Point in time view as at 31/07/2006.*

**Changes to legislation:** Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)

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>F50</sup>**34 Restoration of name erased under s. 27.**

.....

**Textual Amendments**

**F50** 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](#))

*[<sup>F51</sup>Professional training and development requirements*

**Textual Amendments**

**F51** 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>F52</sup>**34A Professional training and development requirements**

- (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.]



*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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

**F52** 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>F53</sup>34B Restoration of name to the register: professional training and development

- (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.]]

#### Textual Amendments

**F53** 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.

- (1) A person who is subject to a disqualifying decision in [<sup>F54</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>F54</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>F55</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>F56</sup>(4) .....

- [<sup>F57</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

*Status: Point in time view as at 31/07/2006.*

*Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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)*

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

- F54** Words in s. 35(1)(2) substituted (1.7.1996) by [S.I. 1996/1496, reg. 6\(1\)](#)
- F55** 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](#))
- F56** 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](#))
- F57** 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, 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.

Schedule 4 to this Act (which makes provision for persons established in dental practice in other [<sup>F58</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

- F58** Words in s. 36 substituted (1.7.1996) by [S.I. 1996/1496, reg. 6\(2\)](#)

**Status:**

Point in time view as at 31/07/2006.

**Changes to legislation:**

Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 19 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.