



Dentists Act 1984

1984 CHAPTER 24

PART III

THE DENTAL PROFESSION

Registration

[^{F1}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”).

[^{F2}(1A) The register shall consist of three lists, namely—

- (a) the principal list, which shall contain particulars of persons who under section 15 are entitled to be registered in the register;
- (b) the list of temporary registrants, which shall contain particulars of persons who under section 17 are directed to be registered in the register; and
- (c) the list of visiting dentists from relevant European States, which shall contain particulars of persons who under Schedule 4 are entitled to be registered in 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,

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Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) is not registered in the register,
 - (c) was registered in the register at a specified date or during a specified period,
 - (d) was not registered in the register at a specified date or during a specified period, or
 - (e) has never been registered in the register,
- shall be evidence (and in Scotland sufficient evidence) of the matters certified.]

Textual Amendments

- 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](#))
- F2** S. 14(1A) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **111**

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;
 - ^{F3}(b) any exempt person who holds an appropriate European diploma;
 - (ba) any exempt person—
 - (i) whose case falls within regulation 3(9)(a) or (e) of the General Systems Regulations,
 - (ii) to whom regulations 20 to 26 of those Regulations apply by reason of the operation of regulation 3(4) of those Regulations, and
 - (iii) who is permitted to pursue the profession of dentistry in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations); 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;

^{F4}
...

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.

^{F5}(2A)

- (3) A person shall not be entitled to be registered in the dentists register under ^{F6}[paragraph (a), (b) or (ba) 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
 - ^{F7}(ba) that he has the necessary knowledge of English;]

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- (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;
 - [^{F8}(d) that he has the necessary knowledge of English; and]
 - (e) that he is in good health, both physically and mentally.
- [^{F9}[^{F10}(4A) Subsections (4B) to (4BC) apply in relation to an exempt person (“A”) who applies for registration under paragraph (b) or (ba) of subsection (1).
- (4B) For the purposes of subsection (3)(b), the registrar shall accept as sufficient evidence of A’s good character a certificate which—
 - (a) attests to A’s good character or good repute; and
 - (b) is issued by a competent authority in A’s attesting State.
- (4BA) If no such certificate is issued by a competent authority in A’s attesting State, for the purposes of subsection (3)(b) the registrar shall accept as sufficient evidence of A’s good character a certificate—
 - (a) attesting to the authenticity of a declaration on oath made by A—
 - (i) before a competent judicial or administrative authority, notary or qualified professional body of A’s attesting State, and
 - (ii) attesting to A’s good character; and
 - (b) issued by the authority, notary or body referred to in paragraph (a)(i).

In this subsection, “declaration on oath” includes a solemn declaration.
- (4BB) For the purposes of subsection (3)(c), the registrar shall accept as sufficient evidence of A’s good health a certificate which—
 - (a) attests to A’s good physical and mental health; and
 - (b) is required of a person who wishes to practise dentistry in A’s attesting State.
- (4BC) If no such certificate is required of persons who wish to practise dentistry in A’s attesting State, for the purposes of subsection (3)(c) the registrar shall accept as sufficient evidence of A’s good health a certificate which—
 - (a) attests to A’s good physical and mental health; and
 - (b) is issued by a competent authority in A’s attesting State.
- (4BD) In subsections (4B) to (4BC) the “attesting State”, in relation to A, is—
 - (a) the relevant European State in which A obtained his dental qualification; or
 - (b) (if different) the relevant European State from which A comes to the United Kingdom.]
 - (4C) the registrar shall not accept any certificate referred to in [^{F11}subsection (4B), (4BA), (4BB) or (4BC)] if it is presented more than three months after the date on which it was issued.]
 - ^{F12}(5)

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- (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.

^{F13}(7)

Textual Amendments

- F3** S. 15(1)(b)(ba) substituted for s. 15(1)(b) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **112(a)**
- F4** Words in s. 15(2) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **112(b)**
- F5** S. 15(2A) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **112(c)**
- F6** Words in s. 15(3) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **112(d)**
- F7** S. 15(3)(ba) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **12(2)**; S.I. 2015/1451, art. 5
- F8** S. 15(4)(d) substituted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **12(3)**; S.I. 2015/1451, art. 5
- F9** S. 15(4A)-(4C) inserted (14.4.1998) by S.I. 1998/811, **reg. 19**
- F10** S. 15(4A)-(4BD) substituted for s. 15(4A)(4B) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **112(f)**
- F11** Words in s. 15(4C) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **112(g)**
- F12** S. 15(5) omitted (1.4.2016) by virtue of [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **12(4)**; S.I. 2015/1451, art. 5
- F13** S. 15(7) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **112(h)**

^{F14}15A. Supplementary provisions as to the necessary knowledge of English

- (1) The Council must publish guidance about—
- (a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under section 15(3)(ba) or (4)(d) that the applicant has the necessary knowledge of English; and
 - (b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in paragraph (a).
- (2) The registrar must have regard to the guidance published under subsection (1) in determining whether the registrar is satisfied as mentioned in subsection (1)(a).
- (3) Subsections (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant's application, the registrar is not satisfied under section 15(3)(ba) or (4)(d) that the applicant has the necessary knowledge of English.
- (4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.
- (5) The registrar may not exercise any power under subsection (4) unless the registrar has complied with any duty under section 21A(2B).

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- (6) The registrar may require the applicant—
 - (a) to undergo an examination or other assessment; and
 - (b) to provide information in respect of that examination or assessment, within such period as the registrar may specify.
- (7) In the case of an applicant who is an exempt person, the registrar may not exercise the power under subsection (6) without having first—
 - (a) exercised the power under subsection (4); and
 - (b) considered any further evidence, information or documents provided by the applicant.
- (8) Guidance published under subsection (1) may make different provision in relation to different cases or classes of case.
- (9) The Council must keep guidance published under subsection (1) under review and may vary or withdraw it whenever they consider it appropriate to do so.
- (10) If the Council vary any guidance published under subsection (1) they must publish the guidance as varied.
- (11) Before publishing any guidance under subsection (1), or varying or withdrawing it, the Council must consult the persons and bodies mentioned in section 26B(5)(a) to (c).
- (12) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance published under subsection (1) to any person.
- (13) In this section—
 - (a) references to an applicant are references to a person applying for registration in the dentists register, and
 - (b) references to guidance published under subsection (1) include references to guidance published by virtue of subsection (10).]

Textual Amendments

- F14** S. 15A inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **13**; [S.I. 2015/1451](#), art. 5

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.
- [^{F15}(2A) In deciding for the purposes of section 15(4)(c) whether [^{F16}an exempt person] has the requisite knowledge and skill, the Council—

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- [^{F17}(a) shall take into account all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision;
- (b) [^{F18}if the person holds a dental qualification which—
- (i) was granted otherwise than in a relevant European State, but
- (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a 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.]
- [^{F19}(2B) In the case of an exempt person who holds a dental qualification which—
- (a) was granted otherwise than in a relevant European State, and
- (b) has not previously been accepted by a relevant European State as qualifying him to practise as a dentist in that State,
- the Council shall not determine that they are satisfied that that person has the requisite knowledge and skill as mentioned in section 15(4)(c) above unless the dental qualification is evidence of dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 34 of the Directive (basic dental training).]
- (3) For the purpose of satisfying themselves that it is appropriate to recognise under subsection (2) above any diploma granted by an overseas institution, the Council may appoint persons to visit that institution and to attend the examinations to be taken in order to obtain the diploma; and the persons so appointed shall report to the Council as to the sufficiency of the instruction given in the institution and as to the adequacy of the examinations concerned for testing the knowledge and skill of those taking them.
- (4) The Council may—
- (a) make regulations as to the examinations to be held for the purposes of this section and may include in the regulations provisions for withdrawing the right to sit for any such examinations from a person who has not first paid the fee prescribed by the regulations for sitting for the examinations or from a person who has previously failed to pass such examinations on such number of occasions as may be prescribed by the regulations; and
- (b) appoint persons to attend any such examinations who shall report to the Council as to the adequacy of the examinations for testing the knowledge and skill of those taking them.
- (5) The Council shall have power to remunerate persons who are not members of the Council for acting as visitors under subsection (3) or (4)(b) above.
- (6) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.
- (7) Regulations under subsection (4)(a) above shall not come into force until approved by order of the Privy Council.]

Textual Amendments

F15 S. 16(2A) inserted (14.4.1998) by [S.I. 1998/811](#), [reg. 20\(2\)](#)

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- F16** Words in s. 16(2A) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **113(a)(i)**
- F17** 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)**
- F18** S. 16(2A)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **113(a)(ii)**
- F19** S. 16(2B) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **113(b)**

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;
 - ^{F20}(d) that he has the necessary knowledge of English; and
 - (e) that he is in good health, both physically and mentally.

^{F21}(3)

^{F22}(3A) In deciding for the purposes of subsection (2)(c) whether ^{F23}an exempt person] has the requisite knowledge and skill for the efficient practice of dentistry in the post in question, the Council shall take into account ^{F24}all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision], and any acceptance by ^{F25}a relevant European State other than the United Kingdom] of his right to practise as a dentist in that State.]

^{F26}(3B) Section 15A (except subsection (5)) applies in relation to a person applying for registration under this section as if references to section 15(3)(ba) or (4)(d) were references to subsection (2)(d) of this section.]

- (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

- F20** S. 17(2)(d) substituted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **14(2)**; S.I. 2015/1451, art. 5

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- F21** S. 17(3) omitted (1.4.2016) by virtue of [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **14(3)**; S.I. 2015/1451, art. 5
- F22** S. 17(3A) inserted (14.4.1998) by S.I. 1998/811, **reg. 20(3)(b)**
- F23** Words in s. 17(3A) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **114(b)(i)**
- F24** Words in s. 17(3A) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **6(4)(a)**
- F25** Words in s. 17(3A) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **114(b)(ii)**
- F26** S. 17(3B) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **14(4)**; S.I. 2015/1451, art. 5

Procedure for registration

18 Procedure for registration.

- (1) [^{F27}Subject to subsection (3) below, any right to registration under section 15 above][^{F28}in the register] shall be conditional on the making of an application supported by such evidence as is required by subsection (2) below.
- [^{F29}(2) Any person applying to be registered [^{F30}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 [^{F31}registration.]
 - [^{F32}(ba) the documents conferring, or evidencing that there is in force in relation to him or there will be as necessary for the purpose of complying with section 26A, appropriate cover under an indemnity arrangement.]
 - [^{F33}(c)]
- [^{F34}(2A) An exempt person (“A”) applying to be registered in the register shall (in addition to the document and statement mentioned in subsection (2)) produce or send to the registrar—
- (a) if A is applying to be registered in exercise of entitlement under section 15(1)(b), (ba) or (c) and is a national of a relevant European State, proof of A’s nationality;
 - (b) if A is applying to be registered in exercise of entitlement under section 15(1)(b), (ba) or (c) and is not a national of a relevant European State, proof of the Community right by virtue of which A is an exempt person;
 - (c) if A—
 - (i) is applying to be registered in exercise of entitlement under section 15(1)(b),
 - (ii) holds a diploma listed in Annex V, point 5.3.2 of the Directive (evidence of basic formal qualifications of dental practitioners), and
 - (iii) has successfully completed dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 34 of the Directive (basic dental training),
 a certificate as mentioned in subsection (2B).

(2B) The certificate—

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- (a) must be a certificate issued by a competent authority in A's attesting State (as defined by section 15(4BD)); and
 - (b) must certify that the document produced or sent by A under subsection (2) (a) is a diploma listed in relation to that State in Annex V, point 5.3.2 of the Directive.]
- (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 [^{F35}in the register] those persons.

Textual Amendments

- F27** Words in s. 18(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **115(a)**
- F28** Words in s. 18(1) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 7(a)** (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F29** S. 18(2) substituted (1.7.1996) by [S.I. 1996/1496](#), **reg. 2(4)**
- F30** 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)
- F31** Word in s. 18(2)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **115(b)(i)**
- F32** S. 18(2)(ba) inserted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 3** (with [Sch. 3](#) paras. 2-5)
- F33** S. 18(2)(c) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **115(b)(ii)**
- F34** S. 18(2A)(2B) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **115(c)**
- F35** 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) [^{F36}Subject to subsection (1A), 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 [^{F37}or otherwise in connection with an application for registration] 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;

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- (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 [^{F38}any entry in the register or take any other action in connection with an application for registration or restore any entry to the register] until a fee prescribed by regulations under this section has been paid.

[^{F39}(1A) Regulations under this section shall not prescribe fees in respect of registration in the list mentioned in section 14(1A)(c).]

[^{F40}(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.]

^{F41}(3)

^{F41}(4)

Textual Amendments

- F36** Words in s. 19(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **116(a)**
- F37** Words in s. 19(1)(a) inserted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **15(a)**; S.I. 2015/1451, art. 2(a)
- F38** Words in s. 19(1)(d) substituted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **15(b)**; S.I. 2015/1451, art. 2(a)
- F39** S. 19(1A) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **116(b)**
- F40** S. 19(2)-(2B) substituted for s. 19(2) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 8(a)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F41** 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](#))

^{F42}**20 Selection of proper abbreviations of overseas diplomas.**

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Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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

F42 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](#))

^{F43}21 Notification of reasons for refusal of application for registration etc.

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Textual Amendments

F43 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](#))

[^{F44}21A Notification of results of application

- (1) This section applies where a person (“A”) makes an application to be registered in the register in exercise of entitlement under section 15.
- (2) The registrar, within the period of one month beginning with the date of receipt of the application, must—
 - (a) acknowledge receipt of the application; and
 - (b) inform A of any missing document required for the purposes of the application.

[^{F45}(2A) Subsection (2B) applies if the registrar—

- (a) is satisfied that A falls within section 15(1)(b) or (ba); but
- (b) decides to make a request under section 15A(4).

(2B) The registrar must notify A that the registrar recognises that A, by virtue of falling within section 15(1)(b) or (ba) as the case may be, is entitled to be registered in the register, subject to meeting any other requirements for registration.]

(3) The registrar must notify A of the result of the application—

- (a) in the case of an application for registration in exercise of entitlement under section 15(1)(a), (b) or (c), within the period of three months beginning with the relevant date;
- (b) in the case of an application for registration in exercise of entitlement under section 15(1)(ba), within the period of four months beginning with the relevant date.

[^{F46}(3A) In calculating any period of time for the purposes of subsection (3), the following are to be disregarded—

- (a) any period which begins on the date on which the registrar makes a request under section 15A(4) and ends on the date on which A complies with the request; or

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- (b) any period which begins on the date on which the registrar requires A to undergo an examination or other assessment under section 15A(6)(a) and ends on the date on which A complies with the requirement under section 15A(6)(b).
- (4) The “relevant date”, in relation to an application, is—
- (a) the date when the registrar receives the application; or
- (b) if any document required for the purposes of the application is missing when the registrar receives the application, the date on which the registrar first has all the documents required for those purposes.]
- [A document which is requested or required under section 15A(4) or (6)(b) is not to be ^{F47}(5) treated as missing for the purposes of this section.]]

Textual Amendments

- F44** S. 21A substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **117**
- F45** S. 21A(2A)(2B) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **16(2)**; S.I. 2015/1451, art. 5
- F46** S. 21A(3A) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **16(3)**; S.I. 2015/1451, art. 5
- F47** S. 21A(5) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **16(4)**; S.I. 2015/1451, art. 5

Publication of the register

[^{F48}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

- F48** 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](#))

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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)

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.
- [^{F49}(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.]
- ^{F50}(5)

Textual Amendments

- F49** 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](#))
- F50** 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](#))

[^{F51}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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) 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

- F51** 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](#))

^{F52}25 Alteration of names and addresses.

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Textual Amendments

- F52** 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](#))

^{F53}Registration appeals

Textual Amendments

- F53** 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.]

Status: Point in time view as at 26/09/2016.

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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.

- [^{F54}(4A) The Council may make regulations—
- (a) prescribing a fee to be charged on the entry of a name in a list for the time being kept by them under subsection (4), or on the restoration of any entry to such a list;
 - (b) prescribing a fee to be charged in respect of the retention of the name of a person in such a list.
- (4B) Regulations under subsection (4A) may in particular authorise the registrar—
- (a) to refuse to make in or restore to a list for the time being kept by the Council under subsection (4) any entry until a fee prescribed by the regulations has been paid; and
 - (b) to erase from such a list the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed by the regulations in respect of the retention of a person's name in that list.]

^{F55}(5)

- (6) Any person who contravenes subsection (2) ^{F56}... above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale.

[^{F57}(7) The Council shall from time to time publish any list for the time being kept by them under subsection (4).]

Status: Point in time view as at 26/09/2016.

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Textual Amendments

- F54** 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](#))
- F55** 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](#))
- F56** 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](#))
- F57** 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](#))

[^{F58}Insurance]

Textual Amendments

- F58** 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](#))

[^{F59}26A.Indemnity arrangements

- (1) A registered dentist who is practising as a dental practitioner must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.
- (2) For the purposes of this section, an “indemnity arrangement” may comprise—
 - (a) a policy of insurance;
 - (b) an arrangement made for the purposes of indemnifying a person;
 - (c) a combination of the two.
- (3) For the purposes of this section, “appropriate cover”, in relation to practice as a dental practitioner, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.
- (4) Rules may make provision in connection with the information to be provided to the registrar—
 - (a) by or in respect of a person seeking registration in the register for the purpose of determining whether, if his name is entered in the register, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;

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- (b) by or in respect of a person seeking restoration of his name in the register for the purpose of determining whether, if his name is restored in the register, there will be in force in relation to him by the time he resumes practice an indemnity arrangement which provides appropriate cover; and
 - (c) by or in respect of a registered dentist seeking retention of his name in the register for the purpose of determining whether, if his name is retained in the register, there will continue to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (5) Rules may make provision requiring a registered dentist to inform the registrar if there ceases to be in force in relation to that dentist an indemnity arrangement which provides appropriate cover.
- (6) Rules may make provision requiring a registered dentist to inform the registrar if there is in force in relation to that registered dentist appropriate cover provided under an indemnity arrangement by an employer.
- (7) Rules made under subsection (4) may require the information mentioned there to be provided—
- (a) at the request of the registrar; or
 - (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to individual dental practitioners or dental practitioners of a particular description.
- (8) Where a person fails to comply with rules made under subsection (4), or there is a failure to comply with rules made under subsection (4) in relation to him, the registrar may—
- (a) refuse to register his name in the register;
 - (b) refuse to restore his name to the register; or
 - (c) erase his name from the register.
- (9) Where a registered dentist is in breach of subsection (1) or fails to comply with rules made under this section—
- (a) the registrar may erase that person's name from the register; or
 - (b) the breach or failure may be treated as misconduct for the purposes of section 27(2)(a), and the registrar may accordingly refer the matter to the Investigating Committee under section 27(5)(a).
- (10) Where a person's name has been erased from the register under subsection (8)(c) or (9)(a), 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 that person's case.
- (11) This section does not apply to a person who is registered by virtue of section 36 and Schedule 4 (visiting dentists from relevant European States).]

Textual Amendments

F59 S. 26A substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 4**

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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

[^{F60}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—
 - ^{F61}(a)
 - (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 26/09/2016.

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Textual Amendments

- F60** 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](#))
- F61** S. 26B(8)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 34](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with arts. 7-9)

[^{F62}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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) The registrar—
- (a) shall refer the allegation to the Investigating Committee; and
 - [^{F63}(b) may, at any time before the Investigating Committee have begun to consider the allegation, refer the allegation to the Interim Orders Committee if he considers it appropriate.]
- [^{F64}(6) The registrar shall investigate the allegation for the purpose of—
- (a) determining whether it is an allegation in relation to which this section applies, and
 - (b) if he determines that it is, determining whether to refer the allegation to the Interim Orders Committee under subsection (5)(b).
- (6A) Rules may make provision for enabling the registrar to review a determination under subsection (6)(a) that the allegation is not an allegation in relation to which this section applies (including provision as to the action which may be taken following a review).]
- (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

- F62** 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](#))
- F63** S. 27(5)(b) substituted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), [arts. 1, 13](#)
- F64** S. 27(6)(6A) substituted for s. 27(6) (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), [arts. 1, 11](#)

[^{F62}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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) 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.

^{F65}(3A) [In deciding whether to issue a warning or advice under subsection (2) or give a direction under subsection (3), the Investigating Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.]

(4) Unless subsection (5) applies, if the Investigating Committee determine that the allegation ought to be considered by a Practice Committee, the Investigating Committee—

^{F66}(za) [may agree with the person who is the subject of the allegation that the person will comply with such undertakings as the Investigating Committee consider appropriate;]

(a) [^{F67}if they do not agree undertakings under paragraph (za),] shall refer the allegation—

(i) to the Professional Performance Committee, in the case of an allegation based on the ground mentioned in section 27(2)(b) (deficient professional performance),

(ii) to the Health Committee, in the case of an allegation based on the ground mentioned in section 27(2)(c) (adverse physical or mental health), or

(iii) to the Professional Conduct Committee, in any other case; ^{F68}...

^{F68}(b)

^{F69}(4A) [Unless subsection (5) applies, the Investigating Committee may, if they consider it appropriate, refer the allegation to the Interim Orders Committee (subject to subsection (6B)).]

(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—

^{F70}(za) [may agree with the person who is the subject of those allegations that the person will comply with such undertakings as the Investigating Committee consider appropriate;]

(a) [^{F71}if they do not agree undertakings under paragraph (za),] shall refer those allegations to whichever one of the Practice Committees they consider most appropriate; ^{F72}...

^{F72}(b)

Status: Point in time view as at 26/09/2016.

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[Where subsection (5) applies, the Investigating Committee may, if they consider ^{F73}(6A) it appropriate, refer those allegations to the Interim Orders Committee (subject to subsection (6B)).

(6B) Subsections (4A) and (6A) do not apply if the Investigating Committee have determined that the allegation or allegations ought to be considered by a Practice Committee and—

- (a) the Investigating Committee agree undertakings under subsection (4)(za) or (6)(za), or
- (b) (if they do not agree undertakings under that provision) the hearing before a Practice Committee has commenced or, where there is not to be a hearing before a Practice Committee, a Practice Committee have begun to consider written statements or representations.]

[If the Investigating Committee agree undertakings under subsection (4)(za) or (6)(za), ^{F74}(6C) they may, if they consider it appropriate to do so, direct the registrar to enter details of the undertakings in the entry in the register relating to the person who is the subject of the allegation or allegations.]

(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.

[On a review under subsection (8) the Investigating Committee may refer the allegation ^{F75}(8A) or allegations to the Interim Orders Committee.]

(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.

[The Investigating Committee may review a determination made by them to issue a ^{F76}(11) warning under subsection (2)(a) on an application made—

- (a) by the person to whom the warning was issued or the registrar;

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- (b) before the end of the period of two years beginning with the date on which the determination was made.
- (12) On a review under subsection (11) the Investigating Committee may, if they consider it appropriate—
- (a) revoke the warning, and
- (b) direct the registrar to remove details of the warning from the entry in the register relating to the person to whom the warning was issued.]
- [Rules may make provision in connection with undertakings under subsections (4)(za)^{F77}(13) and (6)(za) (including provision as to the actions which may be taken in consequence of undertakings being breached).]

Textual Amendments

- F62** 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**)
- F65** S. 27A(3A) inserted (26.9.2016) by **Health and Social Care (Safety and Quality) Act 2015 (c. 28)**, s. 6(4), **Sch. para. 1(3)**; **S.I. 2016/906**, reg. 2(b)
- F66** S. 27A(4)(za) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **5(2)**
- F67** Words in s. 27A(4)(a) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **5(3)**
- F68** S. 27A(4)(b) and preceding word omitted (13.4.2016) by virtue of **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **14(2)**
- F69** S. 27A(4A) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **14(3)**
- F70** S. 27A(6)(za) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **5(4)**
- F71** Words in s. 27A(6)(a) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **5(5)**
- F72** S. 27A(6)(b) and preceding word omitted (13.4.2016) by virtue of **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **14(4)**
- F73** S. 27A(6A)(6B) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **14(5)**
- F74** S. 27A(6C) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **5(6)**
- F75** S. 27A(8A) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **14(6)**
- F76** S. 27A(11)(12) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **7**
- F77** S. 27A(13) inserted (13.4.2016) by **The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496)**, arts. 1, **5(7)**

^{F78} **Delegation of the Investigating Committee's functions under section 27A**

- 27AA.** Rules may make provision for one or more of the following—
- (a) the registrar;
- (b) any other officer of the Council,

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to exercise the functions of the Investigating Committee under section 27A, whether generally or in relation to such classes of case as may be specified in the rules.]

Textual Amendments

- F62** 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](#))
- F78** S. 27AA inserted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), [arts. 1, 3](#)

^{F79} **27AB** Review of determination under section 27A(1)

- (1) Rules may make provision for enabling the registrar to review a determination by the Investigating Committee under section 27A(1) that an allegation ought not to be considered by a Practice Committee.
- (2) Rules made by virtue of subsection (1) may, in particular, include provision as to—
- (a) the period within which a review is to be commenced;
 - (b) the process to be followed by the registrar in carrying out a review (including the determinations to be made by him);
 - (c) the actions which may be taken following a review.]

Textual Amendments

- F62** 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](#))
- F79** [S. 27AB](#) inserted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), [arts. 1, 9](#)

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).

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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 Practice Committee consider that any allegation should not have been referred to them by the Investigating Committee under section 27A, they may refer that allegation back to the Investigating Committee.
- (5) If a Practice Committee determine that a person's fitness to practise as a dentist is not impaired, they—
 - (a) shall publish at his request a statement to that effect; or
 - (b) may publish such a statement if he consents.
- (6) If a Practice Committee determine that a person's fitness to practise as a dentist is impaired, they may, if they consider it appropriate, direct—
 - (a) (subject to subsection (7)) that the person's name shall be erased from the register;
 - (b) that his registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction;
 - (c) that his registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
 - (d) that he shall be reprimanded in connection with any conduct or action of his which was the subject of the allegation.
- (7) The direction specified in subsection (6)(a) shall not be given following a determination that a person's fitness to practise as a dentist is impaired solely on the ground mentioned in section 27(2)(c) (adverse physical or mental health).
- (8) Where a Practice Committee give a direction under subsection (6), the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under paragraph (d) of that subsection) of his right to appeal against it under section 29.
- (9) Where a Practice Committee make a determination under subsection (1) as to a person's fitness to practise as a dentist, they shall, at the same time, revoke any interim order which has been made under section 32 in respect of that person in consequence of the allegation, or allegations, to which that determination relates.
- (10) The revocation of an interim order under subsection (9) shall take effect—
 - (a) in the case of a determination that the person's fitness to practise is not impaired, forthwith;
 - (b) in the case of a direction given under paragraph (d) of subsection (6), forthwith; and
 - (c) in the case of a direction given under paragraph (a), (b) or (c) of subsection (6), subject to section 30(5), from the time when—
 - (i) any direction given under those paragraphs takes effect in accordance with section 29A,
 - (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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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

F62 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
 - (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

Status: Point in time view as at 26/09/2016.

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imposed on his registration, the Practice Committee may direct that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.

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

Textual Amendments

F62 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](#))

[^{F62}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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) When considering an application, the Professional Conduct Committee may, if they consider it necessary and appropriate in a particular case, direct the applicant to do one or both of the following—
 - (a) produce such evidence as to his fitness to practise as a dentist as the Professional Conduct Committee shall specify;
 - (b) meet such further requirements, including requirements as to education and training, as the Professional Conduct Committee shall specify.
- (5) An application shall not be granted unless the applicant satisfies the Professional Conduct Committee that—
 - (a) he is fit to practise as a dentist;
 - (b) he meets the requirements of section 15(3)(a) to (c);
 - (c) he meets the requirements of any rules made under section 34B which apply to his case; and
 - (d) he meets any other requirements imposed in a direction under subsection (4)(b).
- (6) Where the Professional Conduct Committee grant an application, they may give one or both of the following directions—
 - (a) a direction that the restoration of a person's name to the register shall be conditional on his satisfying the registrar that he meets the requirements of section 26A (insurance);
 - (b) a direction that a person's registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Professional Conduct Committee think fit to impose for the protection of the public or in his interests.
- (7) If the Professional Conduct Committee refuse to grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision and of his right to appeal against it under section 29.
- (8) If the Professional Conduct Committee grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision, and, in a case where a direction has been given under subsection (6)(b), of his right to appeal against that direction under section 29.
- (9) Where, during the same period of erasure, a second or subsequent application under this section by the same person is unsuccessful, the Professional Conduct Committee may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) If the Professional Conduct Committee give a direction under subsection (9), the registrar shall forthwith serve on the person concerned notification of the direction and of his right to appeal against it under section 29.
- (11) Any person in respect of whom a direction has been given under subsection (9) may, after the end of the period of three years beginning with the date on which the direction took effect, apply to the registrar for the direction to be reviewed by the Professional 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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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)

- (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

F62 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.

- [^{F80}(1) The following decisions are appealable decisions for the purposes of this section—
- (a) a decision of the Professional Conduct Committee under section 24—
 - (i) giving a direction for erasure of a person’s name from the register under subsection (3) of that section, or
 - (ii) refusing an application to restore a person’s name to the register, or refusing to restore his name until the end of a specified period, under subsection (6) of that section;
 - (b) a decision of a Practice Committee under section 27B or 27C giving a direction for erasure, for suspension, for conditional registration or for varying or adding to the conditions imposed by a direction for conditional registration; and
 - (c) a decision of the Professional Conduct Committee under section 28—
 - (i) refusing to grant an application to restore a person’s name to the register,
 - (ii) giving a direction for conditional registration under subsection (6)(b) of that section, or
 - (iii) giving a direction under subsection (9) of that section suspending indefinitely the right to make further applications under that section.
- (1A) In subsection (1)—
- (a) a reference to a direction for suspension includes a reference to a direction extending a period of suspension and a direction for indefinite suspension; and
 - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.
- (1B) Subject to subsection (1C), a person in respect of whom an appealable decision has been made may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 24(7), 27B(8), 27C(6) or 28(7), (8) or (10), appeal against the decision to the relevant court.
- (1C) Where—
- (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

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) 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.]

^{F81}(2)

[^{F82}(3) On an appeal under this section, the court may—

- (a) dismiss the appeal,
- [^{F83}(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 [^{F84}any order as to costs (or, in Scotland, expenses) in relation to] any such appeal the Council shall be deemed to be a party to it, whether they appear on the hearing of the appeal or not.

Textual Amendments

F80 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](#))

F81 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](#))

F82 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](#))

F83 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](#))

F84 Words in s. 29(4) substituted (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [s. 42\(3\)](#), [Sch. 8 para. 16](#); [S.I. 2003/833](#), [art. 3\(b\)](#) (with [art. 4](#))

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- 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)

[^{F85}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
 - (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

- F85** S. 29A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 20](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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)

[^{F86}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.
- (6) If, when an order under subsection (1) or (2) is made, the person in respect of whom it is made is neither present nor represented at the proceedings, subsections (3) and (5) shall have effect as if, in each case, for the reference to the time when the order is made, there were substituted a reference to the time when notification of the order is served under subsection (4).
- (7) A person in respect of whom an order under subsection (1) or (2) is made may apply to the court for an order terminating any suspension imposed under subsection (1) or any conditional registration imposed under subsection (2), and the decision of the court on any such application shall be final.
- (8) In subsection (7) “the court”—
 - (a) in the case of a person whose address in the register is in Scotland, means the Court of Session;
 - (b) in the case of a person whose address in the register is in Northern Ireland, means the High Court in Northern Ireland; and
 - (c) in the case of any other person, means the High Court in England and Wales.]

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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

F86 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](#))

^{F87}31 Special provisions where directions replace, or extend periods under, previous directions.

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Textual Amendments

F87 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](#))

[^{F88}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 [^{F89}section 27A(4A) or (6A)]; or
 - (c) by a Practice Committee in accordance with rules under paragraph 7(1)(c) of Schedule 3.
- (3) A Practice Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
 - (a) by the Investigating Committee under section 27A(4)(a) or (6)(a); or
 - (b) by another Practice Committee in accordance with rules under paragraph 7(1)(a) of Schedule 3.
- (4) Where a Committee are satisfied that it is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, for the person’s registration to be suspended or to be made subject to conditions, the Committee may make—
 - (a) an order that his registration in the register shall be suspended during such period not exceeding 18 months as may be specified in the order (an “interim suspension order”); or
 - (b) an order that his registration shall be conditional on his compliance, during such period not exceeding 18 months as may be specified in the order, with such conditions so specified as the Committee think fit to impose (an “order for interim conditional registration”).

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) Subject to subsection (11), where a Committee have made an interim suspension order or an order for interim conditional registration they—
- (a) shall review it within the period of six months beginning with the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it—
 - (i) before the end of the period of six months beginning with the date of the decision of the immediately preceding review, or
 - (ii) if after the end of the period of three months beginning with the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
 - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (6) Where an interim suspension order or an order for interim conditional registration has been made in relation to a person under any provision of this section (including this subsection), the Committee that made the order may—
- (a) revoke the order;
 - (b) make an order adding to, varying or revoking any condition imposed by the order;
 - (c) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former; or
 - (d) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former.
- (7) If a Committee make an order under any provision of this section—
- (a) the registrar shall forthwith serve notification of the order on the person to whose registration it relates; and
 - (b) that order shall take effect from the time on which the notification mentioned in paragraph (a) is served.
- (8) The Council may apply to the court for an order made by a Committee under subsection (4) or (6) to be extended, and may apply again for further extensions.
- (9) On each such application the court may extend (or further extend) for up to twelve months the period for which the order has effect.
- (10) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
- (11) For the purposes of subsection (5) the first review after the court's extension of an order made by a Committee or after a replacement order made by a Committee under subsection (6)(c) or (d) shall take place—
- (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (5), within the period of six months beginning with the date on which the court ordered the extension or on which a replacement order under subsection (6)(c) or (d) was made; and

Status: Point in time view as at 26/09/2016.

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- (b) if it had been reviewed under subsection (5), within the period of three months beginning with that date.
- (12) Where an interim order has effect under any provision of this section, the court may—
- (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

- F88** 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](#))
- F89** Words in s. 32(2)(b) substituted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, 15

[^{F90}Supplementary provisions]

Textual Amendments

- F90** 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](#))

[^{F90}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—

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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) 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).
- [^{F91}(5A) In exercising a function under section 27B, 27C or 28, a Practice Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.]
- (6) Schedule 3 to this Act (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) shall have effect.]

Textual Amendments

F91 S. 33(5A) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), [Sch. para. 1\(4\)](#); S.I. 2016/906, reg. 2(b)

[^{F92}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.
- (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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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

F92 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.
- (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.

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (9) In 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

F92 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

F92 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](#))

^{F93}**34 Restoration of name erased under s. 27.**

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Textual Amendments

- F93** 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](#))

[^{F94}Professional training and development requirements

Textual Amendments

- F94** 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**

[^{F95}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.]

Textual Amendments

- F95** 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](#))

Status: Point in time view as at 26/09/2016.

Changes to legislation: Dentists Act 1984, Part III is up to date with all changes known to be in force on or before 24 May 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)

[^{F96}34AA] Limits on section 34A as respects visiting dentists from relevant European States

- (1) Subsections (1) and (2) of section 34A, so far as relating to a person (“P”) who is a registered dentist only as a result of being in the list mentioned in section 14(1A)(c), have effect subject to, respectively, subsections (2) and (3) of this section.
- (2) Rules made under section 34A(1)—
 - (a) may not impose requirements on P if P is required to undertake, in P’s home State, professional training and development in relation to the profession of dentistry; and
 - (b) where they impose requirements on P—
 - (i) shall take account of the fact that P is a fully qualified dentist in P’s home State, and
 - (ii) shall specify that professional training and development which P is required to undertake by the requirements may be undertaken outside the United Kingdom.
- (3) The registrar’s power under section 34A(2) is exercisable in relation to P only if it also appears to the registrar that, in the circumstances of the case, erasure from the register is an appropriate and proportionate sanction in view of P’s continued lawful establishment in dental practice in P’s home State.
- (4) In this section “home State”, in relation to P, means the relevant European State in which P is lawfully established in dental practice.]

Textual Amendments

F96 S. 34AA inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **118**

[^{F97}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

F97 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](#))

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Effect of disqualification in [F98 a relevant European] State

Textual Amendments

F98 Words in s. 35 cross-heading substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(a)**

35 Effect on registration of disqualification in [F99 a relevant European] State.

- (1) A person who is subject to a disqualifying decision in [F100 a relevant European State] in which he is or has been established in dental practice shall not be entitled to be registered under section 15(1)(b) [F101 or (ba)] above.
- (2) A disqualifying decision in [F102 a relevant European 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 [F103 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 [F104 (whether on a permanent or temporary basis)] from practising there.
- (3) If a person is registered under section 15(1)(b) [F105 or (ba)] 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.

[F106] (4)

[F107] (5) Where on or after the date on which a person was registered by virtue of section 15(1) (b) [F108 or (ba)] a disqualifying decision relating to him comes into force, this Part shall apply, with any necessary modifications, as if it had been found that he had been convicted of the criminal offence referred to in the disqualifying decision, or that his professional conduct, professional performance or physical or mental health had been such as is imputed to him by that decision, as the case may be.]

Textual Amendments

- F99** Words in s. 35 side-note substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(a)**
- F100** Words in s. 35(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(b)**
- F101** Words in s. 35(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(c)**
- F102** Words in s. 35(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(b)**
- F103** 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](#))
- F104** Words in s. 35(2)(b) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(d)**
- F105** Words in s. 35(3) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(c)**

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- F106** 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](#))
- F107** 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](#))
- F108** Words in s. 35(5) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(c)**

[^{F109}Visiting dentists from relevant European States]

Textual Amendments

- F109** S. 36 cross-heading substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **120(a)**

36 [^{F110}Visiting dentists from relevant European States] .

Schedule 4 to this Act (which makes provision for persons established in dental practice in other [^{F111}[^{F112}relevant European] States] to render dental services during a visit to the United Kingdom, ^{F113}...) shall have effect.

Textual Amendments

- F110** S. 36 side-note substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **120(a)**
- F111** Words in s. 36 substituted (1.7.1996) by [S.I. 1996/1496](#), **reg. 6(2)**
- F112** Words in s. 36 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **120(b)**
- F113** Words in s. 36 omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **120(c)**

[^{F114}The Directive: designation of competent authority etc.

Textual Amendments

- F114** Ss. 36ZA, 36ZB and cross-heading inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **121**

36ZA. The Directive: designation of competent authority etc.

- (1) The Council is designated as the competent authority in the United Kingdom for the purposes of the Directive so far as relating to dentistry.
- (2) The designation under subsection (1)—
 - (a) does not extend to matters relating to training to be, or qualifications or practice as, a specialist in orthodontics or in oral surgery;

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- (b) does not extend to the awarding of UK diplomas in dentistry.
- (3) Accordingly, the Council shall in the United Kingdom carry out (in particular) the functions specified in Schedule 4ZA so far as those functions relate to matters other than specialist matters (as respects those functions so far as relating to specialist matters, see regulation 4 of, and Schedule A1 to, the European Primary and Specialist Dental Qualifications Regulations (S.I. 1998/811)); and for this purpose each of the following is a “specialist matter”—
 - (a) training to be a specialist in orthodontics or oral surgery;
 - (b) qualifications as such a specialist;
 - (c) practice as such a specialist.
- (4) Each dental authority is designated as a competent authority in the United Kingdom for the purposes of awarding UK diplomas in dentistry.
- (5) In subsection (4) “UK diploma in dentistry” means—
 - (a) a degree in dentistry that gives its holder the qualification of Bachelor of Dental Surgery (whether abbreviated as BDS or B.Ch.D.); or
 - (b) a licence in dentistry that gives its holder the qualification of Licentiate in Dental Surgery (LDS).
- (6) In Schedule 4ZA—
 - “non-UK dental qualification” means a dental qualification that is awarded to a person by a competent authority of a relevant European State other than the United Kingdom;
 - “UK dental qualification” means a dental qualification that is awarded to a person by a competent authority in the United Kingdom.

36ZB. Fees for provision of certificates

The Council may charge such reasonable fees as they may determine to cover the cost of providing any of the certificates referred to in Schedule 4ZA.]

Status:

Point in time view as at 26/09/2016.

Changes to legislation:

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