



# Dentists Act 1984

## 1984 CHAPTER 24

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Termination of the 1927 Agreement*

#### **49 Termination of the 1927 Agreement with the Republic of Ireland.**

- (1) If Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland agree to terminate the Agreement with respect to the registration and control of dentists set out in Part II of the Schedule to the <sup>M1</sup>Medical and Dentists Acts Amendment Act 1927, Her Majesty may by Order in Council—
  - (a) effect such repeals in that Act and this Act, and
  - (b) make such modifications of this Act,as appear to Her to be necessary or expedient in consequence of, or in connection with, the termination of the said Agreement.
- (2) An Order in Council under this section may—
  - (a) appoint different days for different repeals or modifications to take effect under the Order; and
  - (b) contain such transitional and saving provisions as appear to Her Majesty to be necessary or expedient.
- (3) An Order in Council under this section which repeals any provision by virtue of which a university or other body in the Republic of Ireland is a dental authority shall include provision preserving the right to registration or continued registration in the register of persons who, immediately before the coming into force of the Order, are entitled to be or are registered under section 15(1)(a) above in virtue of a qualification awarded by that university or body.
- (4) An Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 01/04/2003.*

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### Marginal Citations

**M1** 1927 c. 39.

## *Supplementary*

### **50 Evidence etc. in certain proceedings under this Act.**

- (1) For the purposes of any relevant proceedings before the Professional Conduct Committee or the Dental Auxiliaries Committee in England and Wales or Northern Ireland, the Committee may administer oaths, and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.
- (2) Section 36 of the <sup>M2</sup>Supreme Court Act 1981 and section 67 of the <sup>M3</sup>Judicature (Northern Ireland) Act 1978 (subpoena issued by High Court to run throughout United Kingdom) shall apply in relation to any such proceedings in England and Wales and in Northern Ireland respectively as they apply in relation to causes or matters in the High Court.
- (3) For the purposes of any relevant proceedings before the Professional Conduct Committee or the Dental Auxiliaries Committee in Scotland, the Committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that Court—
  - (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;
  - (b) to grant warrant for the recovery of documents; and
  - (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.
- (4) In this section “relevant proceedings”—
  - (a) in relation to the Professional Conduct Committee, means proceedings relating either to the restoration of a person’s name to the register or to the withdrawal from a body corporate of the right to carry on the business of dentistry, and
  - (b) in relation to the Dental Auxiliaries Committee, means proceedings under regulations made by virtue of section 48(2) above and relating to the erasure of a person’s name from any roll or record established pursuant to section 45(2) above;

and references to the Dental Auxiliaries Committee include a sub-committee of that Committee.
- (5) In relation to any relevant proceedings before the Professional Conduct Committee or the Dental Auxiliaries Committee, “party” means, unless the context otherwise requires—
  - (a) in a case relating to the restoration of a person’s name to the register, that person,

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- (b) in a case relating to the withdrawal from a body corporate of a right to carry on the business of dentistry, that body corporate and any director of that body corporate,
- (c) in a case relating to the erasure of a person's name from a roll or record, that person, and
- (d) in any case, any person on whose complaint the proceedings are brought or any solicitor appointed by the Council to represent them at the proceedings.

#### Marginal Citations

M2 1981 c. 54.

M3 1978 c. 23.

### 51 Exercise of powers conferred on Privy Council.

The powers conferred by this Act on the Privy council <sup>F1</sup>... shall be exercisable by any two or more members of the Privy Council.

#### Textual Amendments

F1 Words in s. 51 repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 31(4), 42(3), [Sch. 9 Pt. 2](#); S.I. 2003/833, art. 3(a)(c) (with art. 4)

### 52 Regulations and other documents.

- (1) The <sup>M4</sup>Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made by the Council under this Act in like manner as if the regulations had been made by a Minister of the Crown.
- (2) Prima facie evidence of any document issued by the Council may be given in all legal proceedings by the production of a copy or extract purporting to be certified to be a true copy or extract by the registrar or some other officer of the Council authorised to give a certificate for the purposes of this subsection.
- (3) No proof shall be required of the handwriting or official position or authority of any person certifying in pursuance of this section to the truth of any copy of, or extract from, any regulations or other document.

#### Marginal Citations

M4 1946 c. 36.

### 53 Interpretation.

- (1) In this Act—
  - “the Council” means the General Dental Council;
  - “dental authority” shall be construed in accordance with section 3(4) above;
  - “diploma” means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document

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granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place (whether within or without Her Majesty’s dominions);  
[<sup>F2</sup>“the EEA Agreement” and “EEA State” have the meanings given by section 15(7) above;]

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

“the register” means the dentists register;

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

“the registrar” means the person for the time being appointed under section 14(3) above;

[<sup>F3</sup>“visiting EEA practitioner entered in the list of such practitioners” means a person entered in the list of EEA practitioners under Schedule 4 to this Act]

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

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

[<sup>F4</sup>(a) services under—

(i) section 2, 3, 5(1)(a) or 28C of, or Schedule 1 to, the <sup>M5</sup>National Health Service Act 1977;

(ii) section 17C, 36, 38 or 39 of the <sup>M6</sup>National Health Service (Scotland) Act 1978; or

(iii)] Article 5, 8 [<sup>F5</sup>, 9 or 15B] of the <sup>M7</sup>Health and Personal Social Services (Northern Ireland) Order 1972; and

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

<sup>F6</sup>(4) .....

#### Textual Amendments

**F2** Definition in s. 53(1) inserted (1.7.1996) by S.I. 1996/1496, reg. 6(4)(a)

**F3** Definition in s. 53(1) substituted (1.7.1996) by S.I. 1996/1496, reg. 6(4)(b)

**F4** Words in s. 53(3)(a) substituted (18.11.1998) by virtue of 1997 c. 46, s. 41(10), Sch. 2 Pt. I para. 62; S.I. 1998/2840, art. 2(1)

**F5** Words in s. 53(3)(a)(iii) substituted (1.4.1999) by S.I. 1997/1177, art. 32(1), Sch. 2; S.R. 1998/301, art. 2(2), Sch. 2 (with art. 3)

**F6** S. 53(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV.

#### Marginal Citations

**M5** 1977 c. 49.

**M6** 1978 c. 29.

**M7** S.I. 1972/1265 (N.I. 14).

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

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

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

- (1) Subject to subsections (2) and (3) below, the foregoing provisions of this Act shall come into force on 1st October 1984; and references to the commencement of this Act shall be construed as references to the beginning of that day.
- (2) The following provisions of this Act, namely—
  - (a) section 49, and
  - (b) section 54(2) and Part I of Schedule 6 so far as they repeal section 29 of the <sup>M8</sup>Dentists Act 1983,shall come into force at the end of the period of one month beginning with the day on which this Act is passed.
- (3) The following provisions of this Act, namely—
  - (a) sections 2(4) and (5), 28 and 31, paragraph 8(2) of Schedule 1, and paragraphs 3, 6 and 9(3) of Schedule 3, and
  - (b) sections 29, 30 and 33 and any provisions of Schedule 3 not mentioned in paragraph (a) above, so far as those sections and provisions relate to proceedings before the Health Committee or to any direction or order given or made by that Committee,shall come into force on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for, or for different purposes of, different provisions.
- (4) The transitional and saving provisions contained in Schedule 7 to this Act shall have effect (but without prejudice to sections 16 and 17 of the <sup>M9</sup>Interpretation Act 1978, which relate to repeals); and Her Majesty may by Order in Council provide for such further transitional and saving provisions to have effect in connection with the coming into force under subsection (3) above of any provision of this Act as appear to Her Majesty to be necessary or expedient.
- (5) Her Majesty may by Order in Council, in connection with the coming into force under subsection (1) above of any provision of this Act in so far as it reproduces the effect of any provision of the <sup>M10</sup>Dentists Act 1983 specified in subsection (2) of section 34 of that Act, make provision corresponding to that which could have been made under subsection (4) of that section in connection with the coming into force under that section of the provision so specified.

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

- C1 [S. 55\(3\)](#) : power of appointment conferred by section 55(3) fully exercised: 1.1.1985 appointed by [S.I. 1984/1815](#)

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**Marginal Citations**

**M8** 1983 c. 38.

**M9** 1978 c. 30.

**M10** 1983 c. 38.

**56 Short title and extent.**

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

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