



# 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*Status: Point in time view as at 19/07/2005.*

*Changes to legislation: Dentists Act 1984, Part VI is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Marginal Citations**

**M1** 1927 c. 39.

**[<sup>F1</sup>49A. Advisers**

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

**Textual Amendments**

**F1** S. 49A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 41** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*Supplementary*

**<sup>F2</sup>50 Evidence etc. in certain proceedings under this Act.**

.....

**Textual Amendments**

**F2** S. 50 repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 42** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**[<sup>F3</sup>50A. Service of notifications**

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

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- (3) The cases referred to in subsection (2) are those where a notification is required to be served—
- (a) under section 27A(7) or section 36O(7), or in accordance with rules made under paragraph 2(2)(g) of Schedule 3 or paragraph 2(2)(g) of Schedule 4B, on a person making an allegation,
  - (b) under section 43B(10) on a person who is a director or former director of a body corporate, or
  - (c) in accordance with rules made under paragraph 2(2)(d) or (g) of Schedule 3 or paragraph 2(2)(d) or (g) of Schedule 4B on a person who may have an interest in certain proceedings,
- and in such cases, for the purposes mentioned in subsection (2), the person’s proper address is the address where he resides.
- (4) A notification which is required to be served on a body corporate shall be duly served if it is served on an officer, secretary or clerk of that body.
- (5) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a body corporate, or of an officer, secretary or clerk of that body, is—
- (a) that body’s address as specified in the list maintained by the Council under section 43A; or
  - (b) the address of that body’s registered or principal office if—
    - (i) it appears to the person serving the notification that the notification is more likely to reach the body corporate or its officer, secretary or clerk at that address, or
    - (ii) there is no address specified in relation to that body in that list.
- (6) Rules may provide for a notification which is required to be served on any person under this Act to be served by an electronic communication.
- (7) Rules under subsection (6) shall secure that a notification cannot be served on a person by an electronic communication unless—
- (a) the person consents in writing to the receipt of notifications under this Act by electronic communication; and
  - (b) the communication is sent to the number or address specified by that person when giving consent.
- (8) In this section, “electronic communication” has the same meaning as in the Electronic Communications Act 2000.
- (9) References in this section to serving a notification include references to sending a notification.

#### **Textual Amendments**

- F3** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **43** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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## 50B. Publication of information

- (1) Subject to subsection (2), any information or guidance which is to be published by the registrar, the Council or a Practice Committee in accordance with any provision of this Act may be published in such form and manner as the registrar, the Council or the Practice Committee (as the case may be) consider appropriate, including in electronic form.
- (2) Information required to be published under rules under paragraph 2(2)(h) of Schedule 3 to this Act or paragraph 2(2)(h) of Schedule 4B to this Act shall be published in such manner as may be determined by those rules, and not by this section.

### Textual Amendments

- F3** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), 43 (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## 50C. Rules

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

### Textual Amendments

- F3** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively

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19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), 43 (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

## 50D. Rules: consultation requirements

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

### Textual Amendments

- F3** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively

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19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **43** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

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

**C1** S. 50D modified (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **50(4)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

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

[<sup>F4</sup>(1)] The powers conferred by this Act on the Privy council <sup>F5</sup>... shall be exercisable by any two or more members of the Privy Council.

[<sup>F6</sup>(2) Any power of the Privy Council to make an order under this Act shall be exercisable by statutory instrument, except—

- (a) the power to make an order under section 11 (remedy where qualifying courses of study or examinations are inadequate); and
- (b) the power to make an order under section 12 (candidates not to be required to adopt or reject particular theories of dentistry).

(3) A statutory instrument which contains an order made by the Privy Council—

- (a) under section 1(2A) (constitution of the Council),
- (b) approving rules under section 41(1) (restriction on individuals carrying on the business of dentistry),
- (c) approving rules under Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists),
- (d) approving rules under Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals), or
- (e) approving rules under Schedule 4C (advisers),

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Where a statutory instrument is made which contains an order made by the Privy Council approving regulations under section 36A(2) (professions complementary to dentistry)—

- (a) in the case of regulations to which subsection (5) applies, that instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
- (b) in any other case, that instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament or of the Scottish Parliament.

(5) This subsection applies to regulations which specify a profession complementary to dentistry, or a class of members of such a profession, which, immediately before the revocation of the Dental Auxiliaries Regulations 1986 (S.I.1986/887), constituted a class of dental auxiliaries regulated by those Regulations.

(6) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(7) Any document purporting to be—

- (a) an instrument made by the Privy Council under this Act, and

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(b) signed by the Clerk of the Privy Council,  
shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument  
was so made and of its terms.]

#### Textual Amendments

- F4** S. 51(1): s. 51 renumbered as s. 51(1) (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **44(a)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F5** 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)
- F6** S. 51(2) inserted (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **44(b)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

## 52 Regulations and other documents.

(1) The <sup>M2</sup>Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made by the Council under this Act in like manner as if the regulations had been made by a Minister of the Crown.

[<sup>F7</sup>(1A) Any power to make regulations under this Act may be exercised—

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

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

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

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

#### Textual Amendments

- F7** S. 52(1A)(1B) inserted (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **45** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

#### Marginal Citations

- M2** 1946 c. 36.

## 53 Interpretation.

(1) In this Act—

“the Council” means the General Dental Council;

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

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

[<sup>F8</sup>“the EEA Agreement” and “EEA State” have the meanings given by section 15(7) above;]

[<sup>F9</sup>“interim order” means—

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

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

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

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

“the register” means the dentists register;

[<sup>F10</sup>“registered dental care professional” means a person for the time being registered in the dental care professionals register under a title or titles;]

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

“the registrar” means the person for the time being appointed under [<sup>F11</sup>section 14(2)] above;

[<sup>F12</sup>“visiting EEA practitioner entered in the list of such practitioners” means a person entered in the list of EEA practitioners under Schedule 4 to this Act]

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

[<sup>F13</sup>(2A) In this Act references to a body corporate’s principal office mean, in the case of a body corporate registered outside the United Kingdom, that body’s principal office within the United Kingdom.]

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

[<sup>F14</sup>(a) services under—

- (i) section 2, 3, 5(1)(a) or 28C of, or Schedule 1 to, the <sup>M3</sup>National Health Service Act 1977;
- (ii) section 17C, 36, 38 or 39 of the <sup>M4</sup>National Health Service (Scotland) Act 1978; or
- (iii) Article 5, 8 [<sup>F15</sup>, 9 or 15B] of the <sup>M5</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>F16</sup>(4) .....



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### Textual Amendments

- F8** Definition in s. 53(1) inserted (1.7.1996) by [S.I. 1996/1496, reg. 6\(4\)\(a\)](#)
- F9** Words in s. 53(1) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\), art. 46\(2\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F10** Words in s. 53(1) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\), art. 46\(2\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F11** Words in s. 53(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\), art. 46\(2\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F12** Definition in s. 53(1) substituted (1.7.1996) by [S.I. 1996/1496, reg. 6\(4\)\(b\)](#)
- F13** S. 53(2A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\), art. 46\(3\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F14** 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\(1\)](#)
- F15** 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](#))
- F16** S. 53(4) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIV](#).

### Marginal Citations

- M3** [1977 c. 49](#).
- M4** [1978 c. 29](#).
- M5** [S.I. 1972/1265 \(N.I. 14\)](#).

## 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>M6</sup>Dentists Act 1983,

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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>M7</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>M8</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)**

**C2** S. 55(3) : power of appointment conferred by section 55(3) fully exercised: 1.1.1985 appointed by [S.I. 1984/1815](#)

**Marginal Citations**

**M6** 1983 c. 38.  
**M7** 1978 c. 30.  
**M8** 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.

**Status:**

Point in time view as at 19/07/2005.

**Changes to legislation:**

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