

Status: Point in time view as at 01/07/1996.

Changes to legislation: Dentists Act 1984, SCHEDULE 4 is up to date with all changes known to be in force on or before 05 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)

SCHEDULES

SCHEDULE 4

Section 36.

VISITING EEC PRACTITIONERS

Preliminary

1 (1) This Schedule has effect for the purpose of enabling a person to whom it applies to render dental services during a visit to the United Kingdom without being registered under this Act.

[^{F1}(2) This Schedule applies to any national of an EEA State who is established in dental practice in an EEA State other than the United Kingdom.

(2A) Any person who—

- (a) is not a national of an EEA State, but
- (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68^{F2} or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State,

shall be treated for the purposes of sub-paragraph (2) above as if he were such a national.]

(3) In this Schedule—

“national”, in relation to [^{F3}an EEA State], means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services; and

[^{F4}“the Recognition Directive” has the meaning which “Community Council Directive No. 78/686/EEC” has in Schedule 2 to this Act.]

Textual Amendments

- F1** Sch. 4 para. 1(2)(2A) substituted for Sch. 4 para. 1(2) (1.7.1996) by S.I. 1996/1496, reg. 5(2)
- F2** O.J. No. L257, 19.10.68 p.1. (amended by Council Regulation (EEC) No. 312/76 O.J. No. L39, 14.2.76, p.2.).
- F3** Words in Sch. 4 para. 1(3) substituted (1.7.1996) by S.I. 1996/1496, reg. 5(3)(a)
- F4** Definition in Sch. 4 para. 1(3) substituted (1.7.1996) by S.I. 1996/1496, reg. 5(3)(b)

Declarations and certificates to be provided by visiting EEC practitioners

2 (1) A person to whom this Schedule applies who intends to render dental services as mentioned in paragraph 1(1) above shall provide the registrar with—

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- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
 - (b) a certificate or certificates issued by the authority or body designated by ^[F5]the EEA State] concerned as competent for the purposes of Article 15(3) of the Recognition Directive (provision of services) showing—
 - (i) that he is lawfully practising dentistry in ^[F5]an EEA State] other than the United Kingdom, and
 - (ii) that he holds a diploma in dentistry which ^[F5]EEA States] are required by that Directive to recognise.
- (2) For the purposes of sub-paragraph (1) above—
- (a) in an urgent case the declaration to be provided under paragraph (a) may be provided after the services have been rendered, but, if so, it shall be provided as soon as possible thereafter and in any event not more than fifteen days after the date on which the practitioner has rendered the services, and
 - (b) every certificate to be provided under paragraph (b) shall bear a date not less recent than twelve months prior to the date on which the certificate was provided.

Textual Amendments

F5 Words in [Sch. 4 para. 2\(1\)\(b\)](#) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(4\)](#)

List of EEC practitioners

- 3
- (1) The registrar shall continue to keep a list known as the list of visiting ^[F6]EEA practitioners].
 - (2) Where a person to whom this Schedule applies complies with the requirements of paragraph 2(1) above, the registrar shall, subject to paragraph 4 below, enter his name, together with particulars of any diplomas held by him, in the list of ^[F6]EEA practitioners].
 - (3) Subject to paragraph 4 below, that entry shall have effect for the period specified in the list against the entry, being the period which appears to the registrar to be appropriate having regard to the particulars given in the declaration referred to in paragraph 2(1)(a) above.

Textual Amendments

F6 Words in [Sch. 4 para. 3\(1\)\(2\)](#) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(5\)](#)

Persons not entitled to be included in the list of visiting EEC practitioners

- 4
- A person to whom this Schedule applies shall not be entitled to have his name included in the list of visiting ^[F7]EEA practitioners] if—
- (a) he is subject to a disqualifying decision (within the meaning of section 35 of this Act) taken in relation to him in ^[F7]an EEA State]; or
 - (b) he is subject to a prohibition imposed on him under paragraph 5 below;

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and any entry in the list relating to a practitioner shall not have effect or shall cease to have effect if he is or becomes subject to such a decision or prohibition or if he becomes established in dental practice in the United Kingdom or renders, save in cases of urgency, dental services in the United Kingdom which fall outside those specified in the declaration made by him under paragraph 2(1)(a) above.

Textual Amendments

F7 Words in [Sch. 4 para. 4](#) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(6\)](#)

Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom

- 5 (1) If a person who is or has been entered in the list of visiting [^{F8}EEA practitioners]—
- (a) has been convicted of a criminal offence, whether in [^{F8}an EEA State] or elsewhere, or
 - (b) has been guilty of any serious professional misconduct,
- the Professional Conduct Committee may, if they think fit, impose on him a prohibition in respect of the rendering of dental services in the United Kingdom in the future.
- (2) A prohibition imposed under this paragraph shall be for an indefinite period.
- (3) A person may apply to the Council for termination of a prohibition imposed on him under this paragraph and the Council may, on any such application, terminate the prohibition; but no application shall be made under this paragraph—
- (a) earlier than ten months from the date on which the prohibition was imposed; or
 - (b) in the period of ten months following a decision made on an earlier application.

Textual Amendments

F8 Words in [Sch. 4 para. 5\(1\)](#) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(6\)](#)

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