

Status: Point in time view as at 25/05/2018.

Changes to legislation: Dentists Act 1984, SCHEDULE 4ZA is up to date with all changes known to be in force on or before 03 July 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

[^{F1}SCHEDULE 4ZA

Section 36ZA

DIRECTIVE 2005/36: FUNCTIONS OF THE COUNCIL UNDER SECTION 36ZA(3)

Textual Amendments

F1 Sch. 4ZA inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **133**

<i>Provision of Directive</i>	<i>Function of Council</i>
[^{F2} Article 4f	Considering applications for partial access to the dental professions under regulations 10 and 11 of the General Systems Regulations.]
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established as dentists in the United Kingdom.
Article 8(1)	[^{F3} In the event of justified doubts, receiving] information from, or providing information to, other competent authorities in relation to—
	(a) the legality of a person’s establishment as a dentist;
	(b) the good conduct of such a person;
	(c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
	[^{F4} Receiving information from, or providing information to, other competent authorities in relation to a person’s training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.]
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing dental services.
Article 23(1)	Issuing certificates of effective and lawful practice in the United Kingdom to dentists.
Article 23(6)	Issuing certificates stating that UK dental qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.3.2 of Annex V to the Directive, certify successful completion of basic dental training that is in accordance with article 34 of the Directive or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 34 of the Directive.

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<i>Provision of Directive</i>	<i>Function of Council</i>
Article 50(1) and paragraph 1(d) of Annex VII	Issuing, in respect of the practice of dentistry, the certificates of current professional status referred to in subparagraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that subparagraph.
Article 50(1) and paragraph 2 of Annex VII	Issuing certificates stating that evidence of UK dental qualifications is that covered by the Directive.
Article 50(2)	In cases of justified doubts—
	(a) requiring confirmation of the authenticity of non-UK dental qualifications;
	(b) requiring confirmation that holders of non-UK dental qualifications satisfy the minimum training conditions set out in article 34 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions;
	(c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person’s UK dental qualifications;
	(d) providing confirmation that holders of UK dental qualifications satisfy the minimum training conditions set out in article 34 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions.
Article 50(3)	In cases of justified doubts—
	(a) verifying information provided in connection with non-UK dental qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
	(b) providing information in connection with a person’s UK dental qualifications awarded following training in another relevant European State.
[^{F5} Article 50(3a)]	In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the dental professions as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities.]
[^{F5} Article 50(3b)]	Ensuring that the exchange of information under article 50 of the Directive with other competent authorities takes place through the IMI.]
[^{F6} Article 53]	Ensuring that any language controls imposed on dentists or dental care professionals are compliant with article 53 of the Directive.]

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<i>Provision of Directive</i>	<i>Function of Council</i>
Article 56(1)	Ensuring the confidentiality of information exchanged with other competent authorities.
Article 56(2)	Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for the practice of dentistry.
	Where such information is received by the Council—
	(a) examining the veracity of the circumstances;
	(b) deciding the nature and scope of any investigations that need to be carried out;
	(c) informing other competent authorities of the Council's conclusions.
	[^{F7} Ensuring that the processing of personal data for the purposes of the exchange of information in accordance with article 56(2) of the Directive is carried out in accordance with [^{F8} the GDPR] and Directive 2002/58/EC and through the IMI.]
[^{F9} Article 56(2a)]	Ensuring that the exchange of information carried out in accordance with article 56(2) of the Directive takes place through the IMI.]
[^{F9} Article 56a (1) and (2)]	Informing all other competent authorities, by way of an alert through the IMI, about a dentist or a dental care professional whose professional activities have been prohibited or restricted, even temporarily, within three days from the date of the adoption of the decision; ensuring that the information provided is limited to the information referred to in article 56a(2) of the Directive.]
[^{F9} Article 56a(3)]	Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have applied for registration and who have been subsequently found to have used falsified evidence of professional qualifications, within three days from the date of the finding.]
[^{F9} Article 56a(4)]	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with [^{F10} the GDPR] and Directive 2002/58/EC .]
[^{F9} Article 56a(5)]	Informing all other competent authorities through the IMI without delay when— (a) a prohibition or a restriction referred to in article 56a(1) of the Directive has expired; (b) there is a change to the prohibition or restriction period notified under article 56a(2) of the Directive.]

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<i>Provision of Directive</i>	<i>Function of Council</i>
[^{F9} Article 56a(6)]	Notifying the practitioner, in respect of whom an alert is sent under article 56a(1) or (3) of the Directive, in writing at the same time as the alert is sent, that the practitioner— (a) is the subject of an alert sent under article 56a(1) or (3) of the Directive; (b) has the right to appeal the decision or to apply for rectification of the decision; (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities. Informing competent authorities, where applicable, that an alert is the subject of appeal proceedings by the practitioner.]
[^{F9} Article 56a(7)]	Ensuring that an alert made under article 56a(1) of the Directive is deleted from the IMI within three days of— (a) the date of adoption of the revoking decision; or (b) the expiry of the prohibition or restriction referred to in that article.]
[^{F9} Article 57a(1)]	Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a dentist or a dental care professional may be easily completed by the applicant remotely and by electronic means.]]

Textual Amendments

- F2** Words in Sch. 4ZA inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **54(2)** (with reg. 155)
- F3** Words in Sch. 4ZA substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **54(3)(i)** (with reg. 155)
- F4** Words in Sch. 4ZA inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **54(3)(ii)** (with reg. 155)
- F5** Words in Sch. 4ZA inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **54(4)** (with reg. 155)
- F6** Words in Sch. 4ZA inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **30**; S.I. 2015/1451, art. 5
- F7** Words in Sch. 4ZA inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **54(5)** (with reg. 155)
- F8** Words in Sch. 4ZA substituted (25.5.2018) by the [Data Protection Act 2018 \(c. 12\)](#), **Sch. 19 para. 32(2)** (with ss. 117, 209, 210); S.I. 2018/625, **reg. 2(1)(g)**
- F9** Words in Sch. 4ZA inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **54(6)** (with reg. 155)
- F10** Words in Sch. 4ZA substituted (25.5.2018) by the [Data Protection Act 2018 \(c. 12\)](#), **Sch. 19 para. 32(3)** (with ss. 117, 209, 210); S.I. 2018/625, **reg. 2(1)(g)**

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