

Status: Point in time view as at 01/09/1994.

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SCHEDULES

SCHEDULE 1

Sections 1 and 2.

THE COUNCIL AND COMMITTEES OF THE COUNCIL: SUPPLEMENTARY PROVISIONS

PART I

THE COUNCIL

Constitution

- 1 (1) The Council shall consist of the President and twenty-nine other members, together with the members nominated under this Part of this Schedule by the authorities who are for the time being dental authorities.
- (2) Of those twenty-nine members of the Council—
- (a) eighteen shall be elected by registered dentists from among themselves;
 - (b) four shall be the persons who are for the time being the chief dental officers of each of the [^{F1}Department of Health], the Welsh Office and the Department of Health and Social Services for Northern Ireland and the chief dental officer to the Secretary of State for Scotland;
 - (c) six, who shall not be registered dentists and of whom three shall be chosen for England and one for each of Scotland, Wales and Northern Ireland, shall be nominated by Her Majesty on the advice of Her Privy Council; and
 - (d) one shall be elected in accordance with paragraph 12(9) below;
- and of the remaining members, all of whom shall be registered dentists, the University of London (so long as it is a dental authority) shall nominate two, and every other authority which is for the time being a dental authority shall nominate one.
- (3) In addition there shall be three persons nominated by the General Medical Council from among members of that Council who shall act and vote as members of the General Dental Council in connection with dental education and examinations, but who, except as otherwise expressly provided by this sub-paragraph or any other provision of this Act, shall not be treated as members of the General Dental Council for the purposes of this Act.

Textual Amendments

F1 Words substituted by S.I. 1988/1843, art. 5(4), Sch. 3 para. 3

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Election and nomination of members

- 2 (1) The period for which those elected as members of the Council shall hold office shall end with 30th September 1986, and at the end of that day, and at the end of each succeeding period of five years, all the persons who are then elected members of the Council shall retire together, and elections shall be held accordingly before the end of each of the said periods.
- (2) An election shall be held to fill a casual vacancy among the elected members, if and only if, the vacancy occurs more than twelve months before the beginning of the following five-year period.
- (3) Of the elected members—
- (a) fourteen shall be elected by the dentists whose addresses in the register are in England, the Isle of Man or the Channel Islands;
 - (b) one shall be elected by the dentists whose addresses in the register are in Wales;
 - (c) two shall be elected by the dentists whose addresses in the register are in Scotland; and
 - (d) one shall be elected by the dentists whose addresses in the register are in [^{F2}Northern Ireland].
- (4) Elections under this paragraph shall be conducted in accordance with rules made by the Council which shall include provision—
- (a) for nominations being made by registered dentists;
 - (b) for the use of voting papers and for voting by post.

Textual Amendments

F2 Word substituted by [S.I. 1987/2047, art. 2\(b\)](#)

^{F3}Registered dentist and dental auxiliary members

Textual Amendments

F3 [Sch. 1 Pt. I paras. 1-4](#) and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for [Sch. 1 Pt. I paras. 1-5](#) and cross-headings by [S.I. 2001/3926, art. 4](#)

- 3 (1) The period for which those nominated as members of the Council shall hold office shall end with 30th September 1989, and at the end of that day, and at the end of each succeeding period of five years, all the persons who are then nominated members of the Council shall retire together; and nominations shall be made accordingly before the end of each of the said periods.
- (2) A nomination shall be made to fill a casual vacancy among the nominated members whenever it occurs.
- (3) In this paragraph references to nominated members include members nominated by the General Medical Council for the limited purposes set out in paragraph 1(3) above.

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- (4) Where in the course of one of the periods referred to in sub-paragraph (1) above an authority becomes for the first time a dental authority, the right of that authority to nominate a member of the Council shall be postponed until the end of that period.

^{F4}Council President

Textual Amendments

- F4** Sch. 1 Pt. I paras. 1-4 and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for Sch. 1 Pt. I paras. 1-5 and cross-headings by [S.I. 2001/3926](#), **art. 4**

- 4 (1) The Council shall elect a registered dentist as President from among the persons who are for the time being members of the Council.
- (2) If the President when he takes office is an elected or nominated member of the Council he shall thereupon cease to be such a member, and the Council shall accordingly take the appropriate steps to fill the vacancy so created.
- (3) The period for which the President shall hold office shall be the period for which a nominated member of the Council taking office at the same time as the President would hold office.

- ^{F5} A person shall not be disqualified for being elected or nominated as a member of the Council or for being elected as President of the Council by reason of having already served as a member or, as the case may be, as President.

Textual Amendments

- F5** Sch. 1 Pt. I paras. 1-4 and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for Sch. 1 Pt. I paras. 1-5 and cross-headings by [S.I. 2001/3926](#), **art. 4**

General powers of Council

- 6 (1) Subject to the following provisions of this Part of this Schedule, the Council shall have power to do any thing which in their opinion is calculated to facilitate the proper discharge of their functions.
- (2) The Council shall, in particular, have power to pay to their members (including those nominated by the General Medical Council) such fees and such travelling, subsistence or other allowances as they may determine.
- (3) The powers of the Council and of any of the Council's committees may be exercised notwithstanding any vacancy.
- (4) No proceedings of the Council or of any of the Council's committees shall be invalidated by any defect in the appointment of a member, and no proceedings of the Council shall be invalid by reason of any member nominated by the General Medical Council having acted or voted in a manner not permitted by paragraph 1(3) above.

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- 7 (1) The Council may, after paying their expenses, including the payments authorised under this Schedule to be made to their members and the salaries or remuneration of their officers, allocate any money received by them (whether by way of fees or otherwise) to purposes connected with dental education and research or any other public purposes connected with the profession of dentistry in such manner as they may think fit.
- (2) The Council shall keep accounts of all sums received or paid by them under this Act, and the accounts shall be audited in the manner prescribed by regulations made by the Privy Council and shall be published annually and laid before Parliament.
- 8 (1) The Council may make rules—
- (a) for regulating the proceedings (including quorum) of the Council,
 - (b) for delegating, subject to the provisions of this Act, to committees, including the committees referred to in Part II of this Schedule, functions of the Council, and
 - (c) subject as aforesaid, for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in Part II of this Schedule and any sub-committees.
- (2) Without prejudice to the generality of sub-paragraph (1) above, rules may be made under that sub-paragraph with respect to the appointment of members to, and the proceedings (including quorum) of, the Health Committee referred to in section 2(4) of this Act.
- (3) The power conferred by sub-paragraph (1) above shall also include power to make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Professional Conduct Committee (other than proceedings under section 27 of this Act); but rules under this sub-paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument, and before making any such rules the Council shall consult such bodies of persons representing dentists as appear to the Council requisite to be consulted.
- (4) Nothing in this paragraph shall authorise the Council to delegate any power of making rules or regulations under any other provision of this Act.

PART II

COMMITTEES OF THE COUNCIL

The Education Committee

- 9 (1) The Education Committee shall consist of—
- (a) the President,
 - (b) at least eight other members of the Council (who shall all be registered dentists), and
 - (c) those persons who are only members of the Council for the limited purposes set out in paragraph 1(3) above.

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- (2) The Committee shall appoint a registered dentist to be chairman from among the members of the Committee.

The Preliminary Proceedings Committee

- 10 The Preliminary Proceedings Committee shall consist of the President and five other members of the Council of whom one shall be a person who is not a registered dentist, but the President may appoint for the consideration of any particular case one or two members of the Council to be additional members of the Committee, notwithstanding that the membership of the Committee is thereby raised to seven or eight.

The Professional Conduct Committee

- 11 (1) The Professional Conduct Committee shall consist of the President and ten other members of the Council of whom at least—
- (a) five shall be elected members of the Council, and
 - (b) two shall be neither elected members nor registered dentists.
- (2) A member of the Preliminary Proceedings Committee (other than the President of the Council) shall not at the same time be a member of the Professional Conduct Committee.
- (3) At any meeting of the Professional Conduct Committee the President of the Council, or in his absence such member of the Committee as the Committee may choose, shall be chairman.
- (4) All acts of the Professional Conduct Committee shall be decided by a majority of the members present at any meeting.
- (5) The quorum for a meeting of the Professional Conduct Committee shall be seven, of whom at least—
- (a) two shall be elected members of the Council, and
 - (b) one shall be neither an elected member nor a registered dentist.

The Dental Auxiliaries Committee

- 12 (1) The Dental Auxiliaries Committee shall consist of—
- (a) the President;
 - (b) at least eight (but not more than ten) other members of the Council, being either elected or nominated members or persons within paragraph 1(2)(b) above; and
 - (c) nine persons not within paragraph (a) or (b) of this sub-paragraph.
- (2) At least two of the members referred to in sub-paragraph (1)(b) above shall not be registered dentists.

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- (3) Three of the nine members referred to in sub-paragraph (1)(c) above shall be appointed by the Secretaries of State respectively concerned with health in England and Wales and Scotland and the head of the Department of Health and Social Services for Northern Ireland acting jointly, and two of the three so appointed shall be registered dentists who are or have been employed in the course of the provision of national health services.
- (4) The three members so appointed and their successors shall retire together at the end of successive three-year periods, and an appointment made in the course of one of those periods to fill a casual vacancy shall be for the remainder of that period.
- (5) The other six of the nine members referred to in sub-paragraph (1)(c) above shall be elected by members of all the classes of dental auxiliaries established by regulations under this Act in such manner and at such intervals as may be provided by rules made by the Council.
- (6) The Council shall pay to members of the Committee who are not members of the council allowances and fees at the same rates as in the case of those who are members of the Council.
- (7) The chairman of the Committee shall be chosen by the Committee from among the members of the Committee who are registered dentists.
- (8) The Committee may appoint a sub-committee, which shall consist of not more than nine members, to deal with disciplinary questions connected with members of a class of dental auxiliaries.
- (9) The member of the Council referred to in paragraph 1(2)(d) above shall be elected by the Committee from among its members who have been elected under sub-paragraph (5) above; and a person so elected shall cease to be a member of the Council if he ceases to be a member of the Committee or when the term of office of elected members of the Council next expires in accordance with paragraph 2(1) above, whichever first occurs.

SCHEDULE 2

Section 15(2).

EUROPEAN DENTAL QUALIFICATIONS

PART I

APPROPRIATE EUROPEAN DIPLOMAS

- 1 (1) In this Part of this Schedule—
 - “competent authority”^{M1} means an authority or body designated by a member State in accordance with Community Council Directive No. [78/686/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry;
 - “the Dental Training Directive”^{M2} means Community Council Directive No. [78/687/EEC](#) concerning the co-ordination of provisions in respect of activities of dental practitioners;

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“the implementation date”, in relation to a member State, means the date on which that State implemented the Dental Training Directive; and
“scheduled European diploma” means a qualification specified in Part II of this Schedule.

- (2) For the purposes of this Part of this Schedule a member State [^{F6}other than Portugal] is to be regarded as having implemented the Dental Training Directive on the date notified to the Commission as that on which it did so [^{F7}and Portugal is to be regarded as having implemented it on 1st January 1986].

Textual Amendments

- F6** Words inserted by [S.I. 1986/23, art. 3\(1\)\(a\)](#)
F7 Words added by [S.I. 1986/23, art. 3\(1\)\(a\)](#)

Marginal Citations

- M1** O.J.No. L. 233/1.
M2 O.J.No. L. 233/10.

- 2 Subject to paragraphs 3 and 4 below, the following diplomas are appropriate European diplomas for the purposes of section 15(1)(b) of this Act, namely—
- (a) any scheduled European diploma in dentistry granted in a member State on or after the implementation date which is not evidence of training commenced by the holder before that date; and
 - (b) any diploma in dentistry granted in a member State before the implementation date or on or after that date where training of which that diploma is evidence was commenced by the holder before that date.
- 3 A scheduled European diploma granted in a member State before the implementation date or on or after that date where training of which the diploma is evidence was commenced by the holder before that date is not an appropriate European diploma for the said purposes unless the holder either—
- (a) satisfies the registrar (by means of a certificate of the competent authority of that State or otherwise) that the diploma guarantees that his training satisfies the requirements laid down by the Dental Training Directive; or
 - (b) produces to the registrar a certificate of the competent authority of any member State that he has lawfully practised dentistry for at least three consecutive years during the five years preceding the date of the certificate.

VALID FROM 01/07/1996

- [^{F8}3A A diploma granted in an EEA State on or after the implementation date which is not evidence of training commenced by the holder before that date (not being a scheduled European diploma) is not an appropriate European diploma for the said purposes unless the holder produces to the registrar a certificate issued by the competent authority of the EEA State certifying that the diploma—
- (a) was awarded following training which satisfies the requirements laid down by the Dental Training Directive; and

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(b) is treated by that EEA State as if it were a scheduled European diploma.]

Textual Amendments

F8 Sch. 2 Pt. I para. 3A inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(5\)](#)

4 A diploma granted in a Member State before the implementation date or on or after that date where training of which that diploma is evidence was commenced by the holder before that date (and not being, in either case, a scheduled European diploma) is not an appropriate European diploma for the said purposes unless the holder produces to the registrar such a certificate as is mentioned in paragraph 3(b) above.

[^{F9}5 Subject to paragraph 6 below, on or after the date notified to the Commission by Spain as that on which Spain implemented Community Council Directive No. [78/686/EEC](#), a diploma, certificate or other evidence of formal qualifications in medicine awarded in Spain to a person who began medical training at a university before 1st January 1986 shall be an appropriate European diploma for the purposes of section 15(1) (b) of this Act where that person produces to the registrar a certificate issued by the competent authority of Spain certifying that—

- (a) he has lawfully and principally practised dentistry in Spain for at least three consecutive years during the five years preceding the date of the certificate; and
- (b) he is authorised to practise dentistry under the same conditions as a holder of the Spanish scheduled European diploma.]

Textual Amendments

F9 Sch. 2 Pt. I paras. 5, 6 added by [S.I. 1986/23](#), [art. 3\(1\)\(b\)](#)

6 A person who satisfies the registrar that he has successfully completed three years of study which are certified by the competent authority of Spain as being equivalent to the training referred to in Article 1 of the Dental Training Directive shall be excepted from satisfying the requirement referred to in paragraph 5(a) above.

VALID FROM 01/07/1996

[^{F10}7 A diploma in dentistry which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic is an appropriate European diploma for the purposes of section 15(1) (b) of this Act if—

- (a) the holder produces to the registrar a certificate of the competent authority of Germany certifying that he has effectively and lawfully practised dentistry in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate; and

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- (b) he is authorised to practise dentistry throughout the territory of Germany under the same conditions as holders of the German scheduled European diploma.]

Textual Amendments

F10 Sch. 2 Pt. I para. 7 inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

PART II

SCHEDULED EUROPEAN DIPLOMAS

VALID FROM 01/07/1996

[^{F10} Austria

Textual Amendments

F11 Entry in Sch. 2 Pt. II inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 4\(2\)](#)

The diploma the title of which will be notified by Austria to EEA States and to the Commission in accordance with Community Council Directive No. [78/686/EEC](#).]

Belgium

“Diplôme légal de licencié en science dentaire/wettelijk diploma van licentiaat in de tandheelkunde” (the official diploma of graduate in dental science), awarded by the university faculties of medicine, or by the Central Board or by the State boards of university examiners.

Denmark

“Bevis for tandlaegeeksamen (kandidateksamen)” (official diploma certifying that the holder has passed the examination in dentistry), issued by schools of dentistry together with the document issued by the “Sundhedsstyrelsen” (State Board of Health) certifying that he has worked as an assistant for the required length of time.

VALID FROM 01/07/1996

[^{F12} Finland

Textual Amendments

F12 Entry in Sch. 2 Pt. II inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 4\(3\)](#)

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“Todistus hammaslääketieteen lisensiaatin tutkinnosta/bevis om odontologi licentiat examen” (certificate of the degree of licentiate in dentistry) awarded by a university faculty of medicine and a certificate of practical training issued by the National Board of Medico-Legal Affairs.]

France

- 1 “Diplôme d’État de chirurgien-dentiste” (State diploma of dental surgeon), awarded until 1973 by the university faculties of medicine or the university joint faculties of medicine and pharmacy.
- 2 “Diplôme d’État de docteur en chirurgie dentaire” (State diploma of doctor of dental surgery), awarded by the universities.

Germany

- 1 “Zeugnis über die zahnärztliche Staatsprüfung” (the State examination certificate in dentistry), awarded by the competent authorities.
- 2 The certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8th May 1945 by the competent authorities of the German Democratic Republic are recognised as equivalent to those listed in sub-paragraph 1 above.

Greece

“πτυχίο sdontiatrikής του Panpiothmίου”(degree in dentistry of a University).

VALID FROM 01/07/1996

[^{F13}Iceland

Textual Amendments

F13 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, reg. 4(5)

“Próffrá tannlæknadeild Háskóla Íslands” (diploma from the dental faculty of the University of Iceland).]

Republic of Ireland

The diploma of:

- Bachelor in Dental Science (B.Dent. Sc.),
- Bachelor of Dental Surgery (BDS), or
- Licentiate in Dental Surgery (LDS),

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awarded by the universities or the Royal College of Surgeons in Ireland.

Italy

The diploma the title of which will be notified by Italy to the member States and to the Commission in accordance with ^{M3}Community Council Directive No. 78/686/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry.

Marginal Citations

M3 O.J.No. L. 233/1.

VALID FROM 01/07/1996

[^{F14}Liechtenstein

Textual Amendments

F14 Entry in Sch. 2 Pt. II inserted (1.7.1996) by [S.I. 1996/1496, reg. 4\(7\)](#)

Any diploma which—

- (a) has been awarded in any EEA State to which Community Council Directive No. 78/686/EEC applies;
- (b) is listed elsewhere in this Part of this Schedule; and
- (c) is accompanied by a certificate, issued by the competent authority in that EEA State, as to the completion of practical training.]

Luxembourg

“Diplôme d’État de docteur en médecine dentaire” (State diploma of doctor of dental medicine), issued by the State Board of Examiners.

The Netherlands

“Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen” (university certificate certifying success in the dental surgeon’s examination).

VALID FROM 01/07/1996

[^{F15}Norway

Textual Amendments

F15 Entry in Sch. 2 Pt. II inserted (1.7.1996) by [S.I. 1996/1496, reg. 4\(8\)](#)

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“Bevis for bestått odontologisk embetsexamen” (diploma of the degree cand. odont.) awarded by a university faculty of dentistry.]

[^{F16} Portugal

Textual Amendments

F16 Para. added by [S.I. 1986/23](#), [art. 3\(2\)](#)

“Carta de curso de licenciatura em medicina dentaÁria” (diploma conferring official recognition of completion of studies in dentistry) awarded by an establishment of higher education.]

[^{F17} Spain]

Textual Amendments

F17 Para. added by [S.I. 1986/23](#), [art. 3\(2\)](#)

The diploma the title of which will be notified by Spain to the member States and to the Commission in accordance with Community Council Directive No. [78/686/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry.

VALID FROM 01/07/1996

[^{F18} Sweden

Textual Amendments

F18 Entry in Sch. 2 Pt. II inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 4\(10\)](#)

“Tandlákarexamen” (university diploma in dentistry) awarded by schools of dentistry and a certificate of practical training issued by the National Board of Health and Welfare.]

SCHEDULE 3

Section 33.

PROFESSIONAL CONDUCT AND HEALTH CASES

Preliminary

- 1 (1) This Schedule applies to proceedings before the Professional Conduct Committee under section 27 of this Act and to proceedings before the Health Committee under this Act, and references in this Schedule to proceedings before those Committees shall be construed accordingly.

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- (2) In relation to any such proceedings “party” means, unless the context otherwise requires—
- (a) the person to whose registration the proceedings relate,
 - (b) a person on whose complaint the proceedings are brought, or
 - (c) a solicitor appointed by the Council to represent them at the proceedings.
- (3) In this Schedule “the principal sections” means sections 27 to 32 above.

Rules of procedure

- 2 (1) Subject to the provisions of this paragraph, the Council shall make rules—
- (a) as to the procedure to be followed and rules of evidence to be observed in proceedings before the Professional Conduct Committee; and
 - (b) as to the procedure to be followed and rules of evidence to be observed in proceedings before the Health Committee.
- (2) The Council shall in particular make rules—
- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
 - (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee in question;
 - (c) for enabling any party to the proceedings to be represented by counsel or solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
 - (d) for requiring proceedings before the Professional Conduct Committee to be held in public except so far as may be provided by the rules;
 - (e) for requiring, in cases where it is alleged that a registered dentist has been guilty of serious professional misconduct, that where the Professional Conduct Committee judge that the allegation has not been proved they shall record a finding that the dentist is not guilty of such misconduct in respect of the matters to which the allegation relates.
- (3) Before making rules under this paragraph the Council shall consult such bodies of persons representing dentists as appear to the Council requisite to be consulted.
- (4) Rules under this paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument, and the Privy Council may approve such rules either as submitted to them or subject to such modifications as appear to them requisite; but where the Privy Council propose to approve any rules subject to modifications they shall notify to the Council the modifications they propose to make and consider any observations of the Council on the modifications.

Preliminary proceedings in health cases

- 3 (1) Rules under paragraph 2(1)(b) above shall make provision for requiring that before any case is considered by the Health Committee (otherwise than under the following provisions of this paragraph) it shall have been considered by a member of the Council appointed for the purpose by the Council and have been referred by that person to the Committee.

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- (2) Where in the course of any proceedings under section 27 of this Act it appears to the Preliminary Proceedings Committee or to the Professional Conduct Committee that the fitness of a registered dentist to practise may be seriously impaired by reason of his physical or mental condition, that Committee may (notwithstanding anything in section 27) refer the question whether it is so impaired to the Health Committee for that question to be determined by them.
- (3) If on a reference under sub-paragraph (2) above the Health Committee determine that the fitness of the dentist to practise is not seriously impaired by reason of his physical or mental condition, the Health Committee shall certify their opinion to the Committee that made the reference.
- (4) If on a reference under sub-paragraph (2) above the Health Committee determine that the fitness of the dentist to practise is seriously impaired by reason of his physical or mental condition the Health Committee shall—
- (a) certify their opinion to the Committee that made the reference, and
 - (b) proceed to dispose of the case under section 28 of this Act,
- and on the Health Committee so certifying, any functions which would otherwise be exercisable by any committee in relation to that person under section 27 of this Act shall cease to be so exercisable.

VALID FROM 29/10/2001

[^{F19}Referrals to the registrar

Textual Amendments

F19 Sch. 3 para. 3A 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. 10(6)

- ^{F20}3A Where, in the course of any proceedings under section 27 or 28 of this Act it appears to the Preliminary Proceedings Committee, the Professional Conduct Committee or the Health Committee that a dentist may be failing to meet the requirements of the rules made under section 34A of this Act, that Committee may refer the question of whether he is failing to meet them to the registrar.]

Textual Amendments

F20 Sch. 3 para. 3A 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. 10(6)

Evidence etc.

- 4 (1) For the purposes of any proceedings before the Professional Conduct Committee or the Health Committee in England and Wales or Northern Ireland—
- (a) the Committee may administer oaths; and
 - (b) any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum;

Status: Point in time view as at 01/09/1994.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 09 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)

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 ^{M4}Supreme Court Act 1981 and section 67 of the ^{M5}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 proceedings before the Professional Conduct Committee or the Health 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.

Marginal Citations

M4 1981 c. 54.

M5 1978 c. 23.

Legal assessors

- 5 (1) For the purpose of advising the Professional Conduct Committee and the Health Committee respectively on questions of law arising in proceedings before them, there shall in all such proceedings be an assessor to the Committee, appointed by the Council, who shall be
 - [^{F21}(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.]
- (2) The Lord Chancellor may by statutory instrument make rules as to the functions of assessors appointed under this paragraph to advise the Professional Conduct Committee and as to the functions of those so appointed to advise the Health Committee; and in particular rules under this sub-paragraph may contain such provisions as appear to the Lord Chancellor expedient for securing—
 - (a) that where an assessor advises the Professional Conduct Committee or (as the case may be) the Health Committee on any question of law as to evidence, procedure or any other matter specified in the rules, he shall do so in the presence of every party to the proceedings, or every person representing such a party, who appears at the proceedings or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person shall be informed what advice the assessor has tendered;

Status: Point in time view as at 01/09/1994.

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- (b) that every such party or person as is mentioned in paragraph (a) above shall be informed if in any case the Committee do not accept the advice of the assessor on any such question as is there mentioned,
and such incidental and supplementary provisions as appear to the Lord Chancellor expedient.
- (3) Subject to the provisions of this paragraph, an assessor under this paragraph may be appointed to advise the Professional Conduct Committee or the Health Committee either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.
- (4) The Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- (5) The preceding provisions of this paragraph shall apply in relation to proceedings before the Preliminary Proceedings Committee under section 32 of this Act as they apply in relation to proceedings before the Professional Conduct Committee, but with the omission of the words “or class of proceedings” in sub-paragraph (3).

Textual Amendments

F21 Sch. 3 para. 5(1)(a)(b)(c) substituted for words commencing “a barrister” to the end by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 56](#)

Medical examiners and assessors

- 6 Rules under paragraph 2(1)(b) above shall make provision for the appointment of medical examiners and medical assessors to assist the Health Committee in proceedings before them, and for the remuneration of such persons.

Service of notifications by registrar

- 7 (1) Any notification required by the principal sections to be served on a person by the registrar may be served by post in a registered letter, or (in a case to which sub-paragraph (2) below applies) by the recorded delivery service, addressed to that person at his address in the register, or at his last known address if that address differs from his address in the register and it appears to the registrar that such service will be more effective.
- (2) This sub-paragraph applies to any notification required to be served in connection with any determination or order of the Professional Conduct Committee.

Recording of suspension or imposition of conditions

- 8 (1) Where a determination, direction or order for suspension or a direction for conditional registration takes effect in relation to any person in accordance with the principal sections, 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 subject to conditions by virtue of the determination, direction or order.
- (2) The registrar shall erase that note from the register at such time as the determination, direction or order (for any reason) ceases to have effect.

Status: Point in time view as at 01/09/1994.

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- (3) Any reference in this paragraph to a direction for suspension or for conditional registration includes a reference to a direction extending a period of suspension or conditional registration.

F22⁹

Textual Amendments

F22 Sch. 3 para. 9 repealed by S.I. 1987/2047, art. 2(a), Sch.

VALID FROM 29/10/2001

[F23] SCHEDULE 3A

Sections 34A and 34B

CONTINUING PROFESSIONAL DEVELOPMENT CASES

Textual Amendments

F23 Sch. 3A inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, art. 9

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.
- (2) This Schedule applies to any national of a member State who is established in dental practice in a member State other than the United Kingdom.
- (3) In this Schedule—

“national”, in relation to a member 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

“the Recognition Directive” means ^{M6}Community Council Directive No. 78/686/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry.

Status: Point in time view as at 01/09/1994.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 09 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

M6 O.J.No. L. 233/1.

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—
- (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 the member 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 a member State other than the United Kingdom, and
 - (ii) that he holds a diploma in dentistry which member 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.

List of EEC practitioners

- 3 (1) The registrar shall continue to keep a list known as the list of visiting EEC 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 EEC 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.

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 EEC practitioners if—

Status: Point in time view as at 01/09/1994.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 09 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)

- (a) he is subject to a disqualifying decision (within the meaning of section 35 of this Act) taken in relation to him in a member State; or
 - (b) he is subject to a prohibition imposed on him under paragraph 5 below;
- 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.

*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 EEC practitioners—
- (a) has been convicted of a criminal offence, whether in a member 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.

SCHEDULE 5

Section 54(1).

CONSEQUENTIAL AMENDMENTS

1 F24

Textual Amendments

F24 Sch. 5 para. 1 repealed by [S.I. 1987/2047](#), art. 2(a), [Sch.](#)

MEDICINES ACT 1968 (C. 67)

- 2 In section 132(1), in the definition of “dentist”, for the words from “^{M7}Dentists Act 1957” onwards substitute “Dentists Act 1984 or entered in the list of visiting EEC practitioners under Schedule 4 to that Act;”.

Status: Point in time view as at 01/09/1994.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 09 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

M7 1957 c. 28.

MISUSE OF DRUGS ACT 1971 (C. 38)

- 3 In section 37(1), in the definition of “dentist”, for the words from “Dentists Act 1957” onwards substitute “ Dentists Act 1984 or entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ”.

POISONS ACT 1972 (C. 66)

- 4 In section 11(2), in the definition of “dentist”, for the words from “Dentists Act 1957” onwards substitute “ Dentists Act 1984 or a person entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ”.

HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972 (S.I.1972/1265 (N.I.14))

- 5 In Article 2(2), in the definition of “dental practitioner”, for “1957” substitute “ 1984 ”.

FAIR TRADING ACT 1973 (C. 41)

- 6 In paragraph 3 of Schedule 4, for “1957” substitute “1984”.

RESTRICTIVE TRADE PRACTICES ACT 1976 (C. 34)

- 7 In paragraph 3 of Schedule 1, for “1957” substitute “ 1984 ”.

NATIONAL HEALTH SERVICE ACT 1977 (C. 49)

- 8 In section 35(3) (added by section 15 of the ^{M8}Health and Social Services and Social Security Adjudications Act 1983)—
- (a) for “Part II of the Dentists Act 1983” substitute “ section 32 of the Dentists Act 1984 ”; and
 - (b) for “order under Part III of” substitute “ an order of the Health Committee under ”.

Marginal Citations

M8 1983 c. 41.

- 9 In section 128(1), in the definition of “dental practitioner”, for “1957” substitute “ 1984 ”.
- 10 In paragraph 10(2A) of Schedule 5 (inserted by the said section 15) there shall be made the same amendments as are specified in paragraph 8 above, and for “section 33(1) of the ^{M9}Dentists Act 1957” substitute “ the Dentists Act 1984 ”.

Marginal Citations

M9 1957 c. 28.

Status: Point in time view as at 01/09/1994.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 09 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)

11 In paragraph 13(1)(b) of Schedule 14, for “80” substitute “81”.

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978 (C. 29)

12 In section 25(4) (added by section 16 of the Health and Social Services and Social Security Adjudications Act 1983)—

(a) for “Part II of the Dentists Act 1983” substitute “ section 32 of the Dentists Act 1984 ”; and

(b) for “order under Part III of” substitute “ an order of the Health Committee under ”.

13 In section 108(1), in the definition of “dental practitioner”, for “1957” substitute “ 1984 ”.

14 In paragraph 6A of Schedule 1 (inserted by the said section 16) there shall be made the same amendments as are specified in paragraph 12 above, and for “section 33(1) of the Dentists Act 1957” substitute “ the Dentists Act 1984 ”.

MEDICAL ACT 1983 (C. 54)

15 In paragraph 4 of Schedule 6, for “Articles 2(d) and” “those Articles” substitute “ Article ” and “ that Article ” respectively.

VALUE ADDED TAX ACT 1983 (C. 55)

^{F25}16

Textual Amendments

F25 Sch. 5 para. 16 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), Sch. 15

SCHEDULE 6

Section 54(2), (3).

REPEALS AND REVOCATIONS

PART I

Chapter	Short title	Extent of repeal
1957 c. 28	The Dentists Act 1957.	The whole Act.
1973 c. 31.	The Dentists (Amendment) Act 1973.	The whole Act.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In Schedule 4, paragraph 80.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, paragraphs 8 to 10.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, paragraphs 11 to 13.

Status: Point in time view as at 01/09/1994.

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1977 c. 49.	The National Health Service Act 1977.	In Schedule 15, paragraph 18.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 10.
1983 c. 38.	The Dentists Act 1983.	The whole Act.
1983 c. 54.	The Medical Act 1983.	In Schedule 5, paragraphs 1 and 19.

PART II

Number	Title	Extent of revocation
S.I. 1980 No. 703.	The Dental Qualifications (EEC Recognition) Order 1980.	Articles 3, 4, 6 and 7.
S.I. 1980 No. 1721.	The Medical, Nursing and Dental Qualifications (EEC Recognition) (Greek Qualifications) Order 1980.	Article 6.
S.I. 1982 No. 1076.	The Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982.	Article 4.

SCHEDULE 7

TRANSITIONAL PROVISIONS AND SAVINGS

General

- 1 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

Elections and nominations

- 2 Any election or nomination held or made before the commencement of this Act for the purposes of paragraph 1 of Schedule 4 to the ^{M10}Dentists Act 1983 shall have effect as if held or made for the purposes of Schedule 1 to this Act.

Marginal Citations

M10 1983 c. 38.

Status: Point in time view as at 01/09/1994.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 09 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)

Registration

- 3 (1) Nothing in the repeals made by this Act shall affect the continued registration in the register of any person who was duly registered in it immediately before the commencement of this Act; and where any such person was so registered under, or in pursuance of a direction under, any provision of the ^{M11}Dentists Act 1957 his registration shall have effect as if effected under, or in pursuance of a direction under, the corresponding provision of this Act.
- (2) Without prejudice to sub-paragraph (1) above, in section 35 of this Act—
- (a) subsection (3) extends to a person who was registered under section 2A of that Act when he was subject to a disqualifying decision within the meaning of section 35, and
 - (b) subsection (5) extends to a person whose registration was effected under the said section 2A.

Marginal Citations

M11 1957 c. 28.

Adaptation of references in enactments etc.

- 4 (1) In any enactment or instrument passed or made before the commencement of this Act for any reference to the Disciplinary Committee of the Council there shall be substituted a reference to the Professional Conduct Committee.
- (2) In any enactment or instrument passed or made before 1st January 1984 for any reference to ancillary dental workers, an ancillary dental worker or the ancillary Dental Workers Committee there shall be substituted a reference to dental auxiliaries, a dental auxiliary or the Dental Auxiliaries Committee, respectively.

Proceedings pending before Disciplinary Committee

- 5 For the purpose of the hearing and determination of any case or matter referred to the Disciplinary Committee before the commencement of this Act, paragraph 12 of Schedule 1 to the Dentists Act 1957 shall, notwithstanding the repeals made by this Act, apply in relation to the constitution and quorum of the Professional Conduct Committee as it applied in relation to the constitution and quorum of the Disciplinary Committee immediately before that commencement.
- 6 For the purposes of—
- (a) any case referred to the Disciplinary Committee under section 26 of the ^{M12}Dentists Act 1957 before the commencement of this Act, and any appeal or other proceedings arising out of any such case (including proceedings under section 44 of this Act),
 - (b) any case referred to that committee under Article 7 of the ^{M13}Dental Qualifications (EEC Recognition) Order 1980 before that commencement, this Act, and any rules made under paragraph 2 of Schedule 3 to this Act (and any rules made on or after 13th May 1983 and having effect as if made under that paragraph) shall have effect with the substitution for any reference to serious professional misconduct of a reference to infamous or disgraceful conduct in a professional respect.

Status: Point in time view as at 01/09/1994.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 09 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

M12 1957 c. 28.

M13 S.I. 1980/703.

Rules of procedure

- 7 Any rules made by the Council before the commencement of this Act under section 27 of the Dentists Act 1957 and expressed to come into force at or after that commencement shall have effect as if made under paragraph 2 of Schedule 3 to this Act, and subparagraph (4) of that paragraph shall apply to any such rules accordingly.

Restrictions on carrying on the business of dentistry

- 8 Except in the case of a body corporate which—
- (a) ceased to carry on the business of dentistry before 1st January 1984, but
 - (b) was again carrying on the business of dentistry on that date and had not ceased to carry on that business before the commencement of this Act,
- section 43(5) of this Act applies to a body corporate ceasing to carry on the business of dentistry before that commencement as well as to one ceasing to do so thereafter.
- 9 (1) Any reference in section 41(2) or 44 of this Act to an erasure or conviction under any provision of this Act includes a reference to an erasure or conviction under the corresponding provision of the Dentists Act 1957 or under the corresponding provision of any enactment repealed by that Act.
- (2) But a body corporate shall not be liable under section 44 to be deprived of the right to carry on the business of dentistry in consequence of any erasure or conviction which took place before 4th July 1956.
- (3) Notwithstanding the reproduction in sub-paragraph (1) above, in so far as it provides for subsection (6) of section 44 to have effect in relation to convictions taking place before 1st January 1984, of the effect of Article 2(2) of the ^{M14}Dentists Act 1983 (Transitional Provisions) Order 1983, any question as to the validity of the provisions of that sub-paragraph, in so far as it so provides, shall be determined as if those provisions were contained in a statutory instrument made under the power under which Article 2(2) was made.

Marginal Citations

M14 S.I. 1983/1520.

Documents issued by Dental Board

- 10 The reference in section 52(2) of this Act to any document issued by the Council shall include any document issued by the Dental Board dissolved in pursuance of the ^{M15}Dentists Act 1956.

Status: Point in time view as at 01/09/1994.

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Marginal Citations

M15 [1956 c. 29](#).

Status:

Point in time view as at 01/09/1994.

Changes to legislation:

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