

Status: Point in time view as at 17/12/2002.

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SCHEDULES

SCHEDULE 1

Sections 1 and 2.

THE COUNCIL AND COMMITTEES OF THE COUNCIL: SUPPLEMENTARY PROVISIONS

PART I

THE COUNCIL

[^{F1}Constitution

Textual Amendments

F1 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](#)

- F2¹** (1) The Council shall consist of—
- (a) members who are registered dentists;
 - (b) members of classes of dental auxiliaries established by regulations under this Act; and
 - (c) lay members.
- (2) An Order in Council made under section 1(2A) of this Act shall provide for the numbers of each of the three categories of member mentioned in sub-paragraph (1) above.
- (3) The number of members falling within sub-paragraph (1)(a) shall exceed the combined number of members falling within sub-paragraphs (1)(b) and (1)(c).
- (4) A person shall not be disqualified from being appointed or elected as a member of the Council merely because he has already been a member.
- (5) In this paragraph and paragraph 2, “lay member” means a member who is neither a registered dentist nor a dental auxiliary.]

Textual Amendments

F2 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](#)

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^{F3}Lay 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](#)

- ^{F42} (1) An Order in Council made under section 1(2A) of this Act shall make provision for—
- (a) the appointment of lay members to the Council,
 - (b) the tenure and termination of office of the lay members, and
 - (c) any other matter which appears to Her Majesty to be necessary or expedient in relation to the lay membership of the Council.
- (2) The lay members shall be appointed by Her Majesty on the advice of Her Privy Council.
- (3) The Privy Council's advice as to the appointment of lay members shall be such that, if accepted, the Council's lay members would include at least one person from each of England, Scotland, Wales and Northern Ireland (meaning that he lives or works there, or mainly there).

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](#)

^{F5}Registered dentist and dental auxiliary members

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](#)

- ^{F63} (1) An Order in Council made under section 1(2A) of this Act shall, in relation to the members mentioned in paragraphs 1(1)(a) and (b) above, make provision for—
- (a) their tenure and termination of office,
 - (b) by-elections, and
 - (c) any other matter which appears to Her Majesty to be necessary or expedient in relation to the registered dentist and dental auxiliary membership of the Council.
- (2) Council shall make rules to provide for an election scheme for the election of the members mentioned in paragraph 1(1)(a) and 1(1)(b) above.
- (3) Such rules may provide for a scheme which—
- (a) makes different provision in relation to the two categories of member mentioned in those paragraphs, and
 - (b) makes different provision for different cases or classes of case,
- and may contain such incidental, consequential, saving, transitional or supplementary provisions as appear to the Council to be necessary or expedient.

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- (4) The election scheme must secure that the Council's membership includes at least one registered dentist from each of England, Scotland, Wales and Northern Ireland.
- (5) A registered dentist is "from" England (etc.) if his address in the register is there at the time of his nomination.
- (6) Rules under this paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument.

Textual Amendments

F6 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

^{F7}Council President

Textual Amendments

F7 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

- ^{F84}
- (1) The members of the Council shall elect one of their number to be President of the Council.
 - (2) The Council shall make rules providing for the method by which the President is to be elected and for any matters concerning the holding of the office of President that they deem necessary.
 - (3) Such rules may provide that the only persons eligible to be candidates shall be persons of a description specified in the rules.
 - (4) No person may be elected as President more than once.
 - (5) Rules under sub-paragraph (2) shall not come into force until approved by order of the Privy Council.

Textual Amendments

F8 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

- 5
- 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.

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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 ^{F10}... such fees and such travelling, subsistence or other allowances as they may determine.
- [^{F11}(2A) The Council shall also have power to pay the members of any of their committees such allowances and expenses as the Council 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 ^{F12}....

Textual Amendments

- F10** Words in Sch. 1 para. 6(2) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 6(3)(a)**
- F11** Sch. 1 para. 6(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 7(2)**
- F12** Words in Sch. 1 para. 6(4) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 6(3)(b)**

- 7 (1) The Council may, after paying their expenses, including the payments authorised under this Schedule to be made to their members [^{F13}and to the members of their committees,] 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.

Textual Amendments

- F13** Words in Sch. 1 para. 7(1) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 7(1)(3)**

- 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 [^{F14}section 2 of this Act], 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 [^{F14}section 2 of this Act] and any sub-committees.

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[^{F15}(2) Rules under sub-paragraph (1) which include provision for appointing the members of the committees mentioned in section 2 of this Act shall not come into force until approved by order of the Privy Council.]

[^{F16}(2A) Some or all of the members of committees of the Council may be persons who are not members of the Council.]

(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.

Textual Amendments

- F14** Words in Sch. 1 para. 8(1)(b)(c) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(a\)](#)
- F15** [Sch. 1 para. 8\(2\)](#) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(b\)](#)
- F16** Sch. 1 para. 8(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(c\)](#)

^{F17}PART II

Textual Amendments

- F17** Sch. 1 Pt. II (paras. 9-12) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [S.I. 2001/3926](#), [art. 7\(5\)](#)

SCHEDULE 2

Section 15(2).

EUROPEAN DENTAL QUALIFICATIONS

PART I

APPROPRIATE EUROPEAN DIPLOMAS

[^{F18}1 (1) In this Part of this Schedule—

“Community Council Directive No. [78/686/EEC](#)” means Community Council Directive No. [78/686/EEC](#)^{MI} concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners in

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dentistry, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. [81/1057/EEC](#)^{M2}, the Accession of Spain and Portugal Act, Council Directives Nos. [89/594/EEC](#)^{M3} and [90/658/EEC](#)^{M4}, the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

“competent authority” means an authority or body designated by an EEA State in accordance with Community Council Directive No. [78/686/EEC](#);

“the Dental Training Directive” means Community Council Directive No. [78/687/EEC](#)^{M5} concerning the co-ordination of provisions in respect of activities of dental practitioners as amended by the Accession of Austria, Finland and Sweden Act;

“the implementation date” means—

- (a) in the case of Greece, 1st January 1981;
 - (b) in the case of Portugal, 1st January 1986;
 - (c) in the case of Finland, Iceland, Norway and Sweden, 1st January 1994;
 - (d) in the case of Liechtenstein, 1st May 1995; and
 - (e) in the case of any other EEA State, the date notified by the State to the Commission as that on which it implemented the Dental Training Directive;
- “scheduled European diploma” means a diploma specified in Part II of this Schedule.

(2) For the purposes of this paragraph—

“the Accession of Greece Act” means the Act annexed to the Treaty relating to the accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979^{M6};

“the Accession of Spain and Portugal Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Community signed at Madrid and Lisbon on 12th June 1985^{M7};

“the Accession of Austria, Finland and Sweden Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994^{M8}, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union^{M9}.]

Textual Amendments

F18 Sch. 2 Pt. I para. 1 substituted (1.7.1996) by [S.I. 1996/1496, reg. 3\(2\)](#)

Marginal Citations

- M1** O.J. No. L233, 24.8.78, p.1.
- M2** O.J. No. L385, 31.12.81, p.25.
- M3** O.J. No. L341, 23.11.89, p.19.
- M4** O.J. No. L353, 17.12.90, p.73.
- M5** O.J. No. L233, 24.8.78, p.10.
- M6** O.J. No. L291, 19.11.79, p.91.
- M7** O.J. No. L302, 15.11.85, p.160.
- M8** O.J. C241, 29.8.94, p.21. Norway did not ratify the Treaty.

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M9 O.J. No. L1, 1.1.95, p.1. See the Annex-Annex I (XI)(D)(III)(3).

[^{F192} Subject to paragraphs 3, 3A and 4 below, any diploma in dentistry granted in an EEA State is an appropriate European diploma for the purposes of section 15(1)(b) of this Act.]

Textual Amendments

F19 Sch. 2 Pt. I para. 2 substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(3\)](#)

3 A scheduled European diploma granted in [^{F20}an EEA 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 [^{F20}any EEA State] that he has lawfully practised dentistry for at least three consecutive years during the five years preceding the date of the certificate.

Textual Amendments

F20 Words in [Sch. 2 Pt. I para. 3](#) substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(4\)](#)

[^{F21}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
- (b) is treated by that EEA State as if it were a scheduled European diploma.]

Textual Amendments

F21 Sch. 2 Pt. I para. 3A inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(5\)](#)

4 A diploma granted in [^{F22}an EEA 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) [^{F23}or 3A]above.

Textual Amendments

F22 Words in [Sch. 2 Pt. I para. 4](#) substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(6\)\(a\)](#)

F23 Words in [Sch. 2 Pt. I para. 4](#) inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(6\)\(b\)](#)

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- [^{F245} (1) Subject to paragraph 6 below, on or after the date notified to the Commission by Italy, Spain or Austria as that on which that State implemented Community Council Directive No. [78/686/EEC](#), a diploma in medicine awarded in the State to a person who began medical training at a university before the relevant date is 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 the State certifying that—
- (a) he has effectively, lawfully and principally practised dentistry in the State for at least three consecutive years during the five years preceding the date of issue of the certificate; and
 - (b) he is authorised to practise dentistry under the same conditions as holders of the State’s scheduled European diploma.
- (2) In this paragraph “the relevant date” means—
- (a) 28th January 1980 in relation to Italy;
 - (b) 1st January 1986 in relation to Spain; and
 - (c) 1st January 1994 in relation to Austria.]

Textual Amendments

F24 Sch. 2 Pt. I para. 5 substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

- [^{F256} A person shall be excepted from satisfying the requirement referred to in paragraph 5(1)(a) above if he satisfies the registrar that he has successfully completed three years of study which are certified by the competent authority of the State concerned as being equivalent to the training referred to in Article 1 of the Dental Training Directive.]

Textual Amendments

F25 Sch. 2 Pt. I para. 6 substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

- [^{F267} 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
 - (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

F26 Sch. 2 Pt. I para. 7 inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

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PART II

SCHEDULED EUROPEAN DIPLOMAS

[^{F27} Austria

Textual Amendments

F27 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.

[^{F28} Finland

Textual Amendments

F28 Entry in Sch. 2 Pt. II inserted (1.7.1996) by [S.I. 1996/1496, reg. 4\(3\)](#)

“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.

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F29²

Textual Amendments

F29 Sch. 2 Pt. II: In the entry relating to Germany para. 2 omitted (1.7.1996) by virtue of S.I. 1996/1496, reg. 4(4)

Greece

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

[^{F30}*Iceland*

Textual Amendments

F30 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, reg. 4(5)

“*Próffrá tannlæknaeild 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),

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

Italy

[^{F31}“Diploma di Laurea in Odontoiatria e Protesi Dentaria” accompanied by a “Diploma di Abilitazione all’ esercizio dell’ Odontoiatria e Protesi Dentaria” issued by the State Examining Commission.]

Textual Amendments

F31 Sch. 2 Pt. II: entry in relation to Italy substituted (1.7.1996) by S.I. 1996/1496, reg. 4(6)

Textual Amendments

F31 Sch. 2 Pt. II: entry in relation to Italy substituted (1.7.1996) by S.I. 1996/1496, reg. 4(6)

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[^{F32}Liechtenstein

Textual Amendments

F32 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).

[^{F33}Norway

Textual Amendments

F33 Entry in Sch. 2 Pt. II inserted (1.7.1996) by [S.I. 1996/1496, reg. 4\(8\)](#)

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

[^{F34}Portugal

Textual Amendments

F34 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.]

[^{F35}Spain

Textual Amendments

F35 Para. added by [S.I. 1986/23, art. 3\(2\)](#)

[^{F36}“Título de Licenciado en Odontología” awarded by the rector of a university.]]

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Textual Amendments

F36 Sch. 2 Pt. II: entry in relation to Spain substituted (1.7.1996) by S.I. 1996/1496, reg. 4(9)

Textual Amendments

F36 Sch. 2 Pt. II: entry in relation to Spain substituted (1.7.1996) by S.I. 1996/1496, reg. 4(9)

f³⁷Sweden

Textual Amendments

F37 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, reg. 4(10)

“Tandläkarexamen” (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.
- (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;

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

- (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.
- (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.

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

^{F38} Referrals to the registrar

Textual Amendments

F38 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)

- ^{F39}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

F39 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;
- 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 ^{M10}Supreme Court Act 1981 and section 67 of the ^{M11}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

M10 1981 c. 54.

M11 1978 c. 23.

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

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
- [^{F40}(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;
- (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

F40 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](#)

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

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 subparagraph (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.
- (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.

F419

Textual Amendments
 F41 Sch. 3 para. 9 repealed by S.I. 1987/2047, art. 2(a), Sch.

[F42]SCHEDULE 3A

Sections 34A and 34B

CONTINUING PROFESSIONAL DEVELOPMENT CASES

Textual Amendments
 F42 Sch. 3A inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, art. 9

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

Procedure

- 1 A person who wishes to appeal to the Continuing Professional Development Committee must give them written notice of appeal within the period of 28 days beginning with the day on which he is served with notice of the registrar's decision to erase his name from the register under section 34A of this Act or not to restore his name to the register under section 34B of this Act.
- 2 (1) The Council shall make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Continuing Professional Development Committee.
- 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;
 - (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 be held in public unless the person to whose registration the proceedings relate requests otherwise.
- (2) 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.
- (3) Paragraphs 4 and 5(1) to (4) of Schedule 3 to this Act shall apply in relation to proceedings before the Continuing Professional Development Committee as they apply to proceedings before the Professional Conduct Committee and the Health Committee.
- (4) Rules under this paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument.
- 3 (1) Where the Continuing Professional Development Committee determine under this Schedule that—
- (a) a person's name shall be erased from the register or not restored to it, the Committee shall serve on him a notice of the determination and of his right to appeal against it under section 29 of this Act;
 - (b) a person's name shall remain on the register, they shall serve a notice on him accordingly,
- and shall in either case notify the registrar of their determination.
- (2) Where the Continuing Professional Development Committee determine that a person's name shall be erased from the register, they shall direct the registrar accordingly.

References to other committees

- 4 Where, in the course of proceedings relating to a registered dentist before the Continuing Professional Development Committee, it appears to the Committee that—
- (a) the fitness of the registered dentist to practise may be seriously impaired by reason of his physical or mental condition;

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

- (b) he may have been convicted as mentioned in section 27(1)(a) of this Act; or
 - (c) he may have been guilty of serious professional misconduct,
- they may refer the matter to the Preliminary Proceedings Committee or to the Health Committee, whichever is appropriate.

Notices

- 5 Any notice required to be served on a person under section 34A or 34B of this Act or under paragraph 3 of this Schedule may be served by being sent, by a postal service which provides for the delivery of the notice by post to that person's address in the register, or to 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 or if he has no address in the register.]

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.
- [^{F43}(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^{F44} 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 [^{F45}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
- [^{F46}“the Recognition Directive” has the meaning which “Community Council Directive No. 78/686/EEC” has in Schedule 2 to this Act.]

Textual Amendments

F43 Sch. 4 para. 1(2)(2A) substituted for Sch. 4 para. 1(2) (1.7.1996) by S.I. 1996/1496, reg. 5(2)

F44 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).

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

- F45** Words in Sch. 4 para. 1(3) substituted (1.7.1996) by S.I. 1996/1496, reg. 5(3)(a)
F46 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—
- (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 [^{F47}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 [^{F47}an EEA State] other than the United Kingdom, and
 - (ii) that he holds a diploma in dentistry which [^{F47}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) [^{F48}and the certificates to be provided under paragraph (b)] may be provided after the services have been rendered, but, if so, [^{F49}they 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

- F47** Words in Sch. 4 para. 2(1)(b) substituted (1.7.1996) by S.I. 1996/1496, reg. 5(4)
F48 Words in Sch. 4 para. 2(2)(a) inserted (14.4.1998) by S.I. 1998/811, reg. 21(2)(a)
F49 Words in Sch. 4 para. 2(2)(a) substituted (14.4.1998) by S.I. 1998/811, reg. 21(2)

List of EEC practitioners

- 3 (1) The registrar shall continue to keep a list known as the list of visiting [^{F50}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 [^{F50}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.

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

Textual Amendments

F50 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 [^{F51}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 [^{F51}an EEA 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.

Textual Amendments

F51 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 [^{F52}EEA practitioners]—
- (a) has been convicted of a criminal offence, whether in [^{F52}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

F52 Words in [Sch. 4 para. 5\(1\)](#) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(6\)](#)

Status: Point in time view as at 17/12/2002.

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SCHEDULE 5

Section 54(1).

CONSEQUENTIAL AMENDMENTS

1 F53

Textual Amendments

F53 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 “^{M12}Dentists Act 1957” onwards substitute “ Dentists Act 1984 or entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ”.

Marginal Citations

M12 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 ^{M13}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 ”.

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

Marginal Citations

M13 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 ^{M14}Dentists Act 1957” substitute “the Dentists Act 1984”.

Marginal Citations

M14 1957 c. 28.

^{F54}11

Textual Amendments

F54 Sch. 5 para. 11 repealed (1.4.1996) by 1995 c. 17, ss. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

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)

^{F55}16

Textual Amendments

F55 Sch. 5 para. 16 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

Status: Point in time view as at 17/12/2002.

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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.
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.

Status: Point in time view as at 17/12/2002.

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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 ^{M15}Dentists Act 1983 shall have effect as if held or made for the purposes of Schedule 1 to this Act.

Marginal Citations

M15 1983 c. 38.

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 ^{M16}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

M16 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.

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

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 ^{M17}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 ^{M18}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.

Marginal Citations

M17 1957 c. 28.

M18 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.

Status: Point in time view as at 17/12/2002.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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)

- (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 ^{M19}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

M19 [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 ^{M20}Dentists Act 1956.

Marginal Citations

M20 [1956 c. 29](#).

Status:

Point in time view as at 17/12/2002.

Changes to legislation:

Dentists Act 1984 is up to date with all changes known to be in force on or before 26 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.