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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](#)

- 1 (1) The Council shall consist of—
- (a) members who are registered dentists;
 - ^{F2}(b) members who are registered dental care professionals; and]
 - (c) lay members.
- (2) An [^{F3}order of the Privy 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 [^{F4}paragraph 2], “lay member” means a member who is neither a registered dentist nor a [^{F5}registered dental care professional].

Textual Amendments

- F2** Sch. 1 para. 1(1)(b) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(2\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F3** Words in Sch. 1 para. 1(2) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(2\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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- F4** Words in Sch. 1 para. 1(5) substituted (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), **Sch. 8 para. 27(2)**; S.I. 2006/2603, art. 4(5)(c)(i)(e), Sch.
- F5** Words in Sch. 1 para. 1(5) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 47(2)(c)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

Lay members

- 2 (1) An ^{F6}order of the Privy 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 ^{F7}the Privy Council] to be necessary or expedient in relation to the lay membership of the Council.
- ^{F8}(2) The lay members shall be appointed by the Privy Council.
- (3) The lay members must include at least one person from each of England, Scotland, Wales and Northern Ireland.
- (4) A person is from England, Scotland, Wales or Northern Ireland (as the case may be) if he lives or works there or mainly lives or works there.]

Textual Amendments

- F6** Words in Sch. 1 para. 2(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 47(3)(a)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F7** Words in Sch. 1 para. 2(1)(c) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 47(3)(b)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F8** Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) (19.10.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 12 para. 3(3)**; S.I. 2004/2626, art. 2

^{F9}2A

Textual Amendments

- F9** Sch. 1 para. 2A repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 8 para. 27\(3\)](#), **Sch. 9**; S.I. 2006/2603, art. 4(5)(c)(i)(e), Sch.

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[^{F10}Members who are registered dentists or registered dental care professionals]

Textual Amendments

F10 Sch. 1 para. 3 heading substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(4\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

3 (1) An [^{F11}order of the Privy 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

[^{F12}(c) any other matter which appears to the Privy Council to be necessary or expedient in relation to the categories of members of the Council mentioned in paragraph 1(1)(a) and (b).]

[^{F13}(1A) An order under section 1(2A) shall in particular provide that a member who at the time of his election was a registered dentist or registered dental care professional is to be removed from office if he ceases to be registered in the register or (as the case may be) the dental care professionals register.]

(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.

^{F14}(3)

(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.

^{F15}(6)

Textual Amendments

F11 Words in Sch. 1 para. 3(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(a\)\(i\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

F12 Sch. 1 para. 3(1)(c) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(a\)\(ii\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

F13 Sch. 1 para. 3(1A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

F14 Sch. 1 para. 3(3) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005,

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- 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F15** Sch. 1 para. 3(6) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(5\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

Council President

- 4 (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.
- ^{F16}(5)]

Textual Amendments

- F16** Sch. 1 para. 4(5) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(6\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

- 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.

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 ^{F18}... such fees and such travelling, subsistence or other allowances as they may determine.
- [^{F19}(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 ^{F20}....

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Textual Amendments

- F18** 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\(3\)\(a\)](#)
- F19** 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\(2\)](#)
- F20** 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\(3\)\(b\)](#)

- ^{F217} (1) Subject to section 43B(13) and section 44(12), the Council may, after paying their expenses, allocate any of their income to—
- (a) purposes connected with education or research in relation to—
 - (i) the dental profession, or
 - (ii) professions complementary to dentistry; or
 - (b) any other public purpose connected with either or both of those professions.
- (2) In sub-paragraph (1), “expenses” includes the payments authorised under this Schedule to be made to members of the Council and their committees and the salaries and remuneration of the Council’s officers.]

Textual Amendments

- F21** Sch. 1 para. 7 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(7\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

- 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 ^{F22}section 2 of this Act], ^{F23}or to any officer of the Council,] functions of the Council, and
 - (c) ^{F24}subject to the provisions of this Act and in particular sub-paragraph (1A),] for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in ^{F22}section 2 of this Act] and any sub-committees.
- ^{F25}(1A) The power conferred by sub-paragraph (1)(c) does not include power to make any rules regulating the proceedings of the committees referred to in section 2 of this Act, in so far as the power to make such rules is specifically conferred by Schedule 3 or 4B to this Act.]
- ^{F26}(2)
- ^{F27}(2A) Some or all of the members of committees of the Council may be persons who are not members of the Council.]
- ^{F26}(3)
- (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.

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Textual Amendments

- F22** 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\(1\)\(4\)\(a\)](#)
- F23** Words in Sch. 1 para. 8(1)(b) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F24** Words in Sch. 1 para. 8(1)(c) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F25** Sch. 1 para. 8(1A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F26** Sch. 1 para. 8(2)(3) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F27** 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\(1\)\(4\)\(c\)](#)

^{F28}PART II

Textual Amendments

- F28** 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

^{F29}1 (1) In this Part of this Schedule—

“Community Council Directive No. [78/686/EEC](#)” means Community Council Directive No. [78/686/EEC](#)^{M1} concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners in 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 [^{F30}, the

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Accession of Austria, Finland and Sweden Act, Directive 2001/19/ EC^{F31}, the Swiss Agreement and the Act of Accession 2003]];

“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 [^{F32}, Directive 2001/19/ EC and the Act of Accession 2003];

“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; ^{F33} ...

[in the case of Switzerland, 1st June 2002; ^{F35}...]

^{F34}(da)

[in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 1st May 2004;]

^{F36}(db)

- (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;

“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^{M7}, 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.

[^{F37}“the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.]

[^{F38}“the Act of Accession 2003” means the Act annexed to the Treaty relating to the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the Adjustments to the Treaties on which the European Union is founded signed at Athens on 16th April 2003.]]

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Textual Amendments

- F29** Sch. 2 Pt. I para. 1 substituted (1.7.1996) by [S.I. 1996/1496](#), **reg. 3(2)**
- F30** Words in Sch. 2 para. 1(1) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), **reg. 6(6)(a)(i)**
- F31** Words in Sch. 2 para. 1(1) substituted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2)**, 11(3)(a)(i)
- F32** Words in Sch. 2 para. 1(1) substituted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2)**, 11(3)(a)(ii)
- F33** Word in Sch. 2 para. 1(1) omitted (31.12.2003) by virtue of [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), **reg. 6(6)(a)(iii)**
- F34** Words in Sch. 2 para. 1(1) inserted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), **reg. 6(6)(a)(iii)**
- F35** Word in Sch. 2 para. 1(1) omitted (18.8.2004) by virtue of [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2)**, 11(3)(a)(iii)
- F36** Words in Sch. 2 para. 1(1) inserted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2)**, 11(3)(a)(iii)
- F37** Words in Sch. 2 para. 1(2) added (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), **reg. 6(6)(b)**
- F38** Words in Sch. 2 para. 1(2) inserted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), **regs. 1(2)**, 11(3)(b)

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. C241, 29.8.94, p.21. Norway did not ratify the Treaty.

[^{F392} 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

- F39** 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 [^{F40}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

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- (b) produces to the registrar a certificate of the competent authority of [^{F40}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

F40 Words in Sch. 2 Pt. I para. 3 substituted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(4\)](#)

- [^{F41}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

F41 Sch. 2 Pt. I para. 3A inserted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(5\)](#)

- 4 A diploma granted in [^{F42}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) [^{F43}or 3A]above.

Textual Amendments

F42 Words in Sch. 2 Pt. I para. 4 substituted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(6\)\(a\)](#)

F43 Words in Sch. 2 Pt. I para. 4 inserted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(6\)\(b\)](#)

- [^{F44}5 (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.]

Status: Point in time view as at 01/03/2007.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 19 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)

Textual Amendments

F44 Sch. 2 Pt. I para. 5 substituted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(7\)](#)

[^{F45}6 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

F45 Sch. 2 Pt. I para. 6 substituted (1.7.1996) by [S.I. 1996/1496](#) , [reg. 3\(7\)](#)

[^{F46}6A.(1) A diploma in medicine awarded in Italy to a person who began medical training at a university on or after 28th January 1980 but not later than 31st December 1984 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where, subject to sub-paragraph (2) below, that person produces to the registrar a certificate issued by the competent authority in Italy certifying that—

- (a) he has passed the specialist aptitude test set by that competent authority which demonstrates that he possesses a level of knowledge and skills comparable to those of a person holding the qualification listed for Italy in Part II of this Schedule;
- (b) he has effectively, lawfully and principally practised dentistry in Italy for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (c) he is authorised to practise dentistry under the same conditions as a holder of the qualification listed for Italy in Part II of this Schedule.

(2) A person shall be excepted from satisfying the requirement referred to in sub-paragraph (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 Italy as being equivalent to the training referred to in Article 1 of the Dental Training Directive.]

Textual Amendments

F46 Sch. 2 para. 6A inserted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#) , [regs. 1\(1\)\(c\)](#) , [6\(6\)\(c\)](#)

^{F47}[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
- (b) he is authorised to practise dentistry throughout the territory of Germany under the same conditions as holders of the German scheduled European diploma.]

Status: Point in time view as at 01/03/2007.

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Textual Amendments

F47 Sch. 2 Pt. I para. 7 inserted (1.7.1996) by [S.I. 1996/1496](#), [reg. 3\(7\)](#)

- ^{F48}8. (1) A diploma in dentistry which—
- (a) is evidence of training that commenced before the date specified in column (a) of the table below in the territory specified in the corresponding entry in column (b) of that table; or
 - (b) was awarded by the state (or former state) specified in column (b) of that table before the date specified in the corresponding entry in column (a) of that table,
- is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar the certificates specified in sub-paragraph (2).
- (2) The certificates specified for the purposes of sub-paragraph (1) are—
- (a) a certificate of the competent authority of the EEA State specified in the corresponding entry in column (c) of the table stating that he has effectively and lawfully practised dentistry in that EEA State for at least three consecutive years during the five years preceding the date of issue of the certificate; and
 - (b) a certificate from the competent authority of that EEA State stating that that diploma has, on its territory, the same legal validity as regards access to and practice of the dental profession as the scheduled European diploma specified in relation to that State.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia

Textual Amendments

F48 Sch. 2 paras. 8-10 added (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), [regs. 1\(2\), 11\(3\)\(c\)](#)

9. A diploma in medicine awarded in the Czech Republic or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European Diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of the competent authority of the Czech Republic certifying that he—
- (a) has—
 - (i) effectively, lawfully and principally been engaged, in the Czech Republic, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate, or

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- (ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and
- (b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to the Czech Republic.

Textual Amendments

F48 Sch. 2 paras. 8-10 added (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **11(3)(c)**

10. A diploma in medicine awarded in Slovakia or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of the competent authority of Slovakia certifying that he—
- (a) has—
 - (i) effectively, lawfully and principally been engaged, in Slovakia, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate, or
 - (ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and
 - (b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to Slovakia.]

Textual Amendments

F48 Sch. 2 paras. 8-10 added (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **11(3)(c)**

[^{F49}PART II

SCHEDULED EUROPEAN DIPLOMAS

Textual Amendments

F49 Sch. 2 Pt. 2 substituted (31.12.2003) by the [European Qualifications \(health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), 6(7), **Sch. 2 Pt. 1**

Status: Point in time view as at 01/03/2007.

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Country	Title of qualification	Awarding body		Certificate accompanying qualification
Austria	Bescheid über die Verleihung des akademischen Grades “Doktor der Zahnheilkunde”	Medizinische Fakultät der Universität		
Belgium	— Diploma van tandarts — Diplôme de licencié en science dentaire	1.	De universiteiten/ les universités	
		2.	De bevoegde Examencommissie van de Vlaamse Gemeenschap/ le Jury compétent d'enseignement de la Communauté française	
[^{F50} Cyprus	Πιστοποιητικό Συγγραφής Οδοντίατρου	Οδοντιατρικό Συμβούλιο]		
[^{F50} Czech Republic	Diplom o ukončení studia ve studijnním programu zubní lékařství (doktor zubního lékařství, Dr.med.Dent.)	Lékařská fakulta univerzity v České republice	Vysvědčení o státní rigorózní zkoušce]	
Denmark	Bevis for tandlægeeksamen (odontologisk kandidatexamen)	Tandlægehøjskolerne, Sundhedsvidenskabeligtandlæge, udstedt af universitetsfakultet	Autorisation som Sundhedsstyrelsen	
[^{F50} Estonia	Diplom hambaarstiteaduse õppekava läbimise kohta	Tartu Ülikool]		
Finland	Hammaslääketieteen lisensiaatin tutkinto/ odontologie licentiatexamen	1.	Helsingin yliopisto/ Helsingfors universitet	Terveysturvakeskuksen oikeusturvakeskuksen käytännön palvelun
		2.	Oulun yliopisto	hyväksymisestä/ Beslut av Rättsskyddscentralen för hälsovården om

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
		3. Turun yliopisto	godkännande av praktisk tjänstgöring
France	Diplôme d'Etat de docteur en chirurgie dentaire	Universités	
Germany	Zeugnis über die Zahnärztliche Prüfung	Zuständige Behörden	
Greece	Πτυχίο Οδοντιατρικής	Πανεπιστήμιο	
[^{F50} Hungary]	Fogorvos oklevél (doctor medicinae dentariae, abbrev.: dr.med.dent.)	Egyetem]	
Iceland	Próf frá tannlæknadeild Háskóla Íslands	Tannlæknadeild Háskóla Íslands	
Ireland	Bachelor in Dental Science (B.Dent.Sc)/ Bachelor of Dental Surgery (BDS)/ Licentiate in Dental Surgery (LDS)	Universities/Royal College of Surgeons in Ireland	
Italy	Diploma di laurea in Odontoiatria e Protesi Dentaria	Università	Diploma di abilitazione all'esercizio dell'odontoiatria e protesi dentaria
[^{F50} Latvia]	Zobārsta diploms	Universitātes tipa augstskola	Rezidenta diploms par zobārsta pēcdiploma izglītības programmas pabeigšanu, ko izsniedz universitātes tipa augstskola un "Sertifikāts"— kompetentas iestādes izsniegts dokuments, kas apliecina, ka persona ir nokārtojusi sertifikācijas eksāmenu zobārstniecībā]
Liechtenstein	The diplomas, certificates and other		Certificate on the completed practical

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
	titles awarded in another EEA State and listed in this Part of Schedule 2		training issued by the competent authorities
[^{F50} Lithuania	Aukštojo mokslo diplomas, nurodantis suteiktą gydytojo odontologo kvalifikaciją	Universitetas	Internatūros pažymėjimas, nurodantis suteiktą gydytojo odontologo profesinę kvalifikaciją]
Luxembourg	Diplôme d'Etat de docteur en médecine dentaire	Jury d'examen d'Etat	
[^{F50} Malta	Lawrja fil-Kirurgija Dentali	Università 'ta' Malta]	
Netherlands	Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen	Faculteit Tandheelkunde	
Norway	Vitnemål for fullført grad <i>candidata/candidatus odontologiae</i> , short form: <i>cand. odont.</i>	Odontologisk universitetsfakultet	
[^{F50} Poland	Dyplom ukończenia studiów wyższych z tytułem "lekarz dentyista"	1. Akademia Medyczna, 2. Uniwersytet Medyczny, 3. Collegium Medicum Uniwersytetu Jagiellońskiego	Lekarsko—Dentystyczny Egzamin Państwowy]
Portugal	Carta de curso de licenciatura em medicina dentária	Faculdade/Institutos Superiores	
[^{F50} Slovakia	Vysokoškolský diplom o udelení akademického titulu "doktor zubného lekárstva" ("MDDr.")	Vysoká škola]	
[^{F50} Slovenia	Diploma, s katero se podeljuje strokovni naslov "doktor dentaine medicine/	Univerza	Potr o opravljenem strokovnem izpitu za poklic zobozdravik/zobozdravnica]

Status: Point in time view as at 01/03/2007.

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
	doctorica dentalne medicine"		
Spain	Título de Licenciado en Odontología	El rector de una Universidad	
Sweden	Tandläkarexamen	Universitetet i Umeå Universitetet i Göteborg Karolinska Institutet Malmö Högskola	Endast för examensbevis som erhållits före den 1 juli 1995, ett utbildningsbevis som utfärdats av Socialstyrelsen
Switzerland	Titulaire du diplôme fédéral de médecin-dentiste, eidgenössisch diplomierter Zahnarzt, titolare di diploma federale di medico-dentista	The Département fédéral de l'intérieur]	

Textual Amendments

F50 Sch. 2 Pt. 2 table: entries inserted (18.8.2004) by [European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **11(3)(d)**

[^{F51}SCHEDULE 2A

Section 25A

REGISTRATION APPEALS: DENTISTS REGISTER

Textual Amendments

F51 Sch. 2A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **Sch. 1** (with **Sch. 7**) (with transitional provisions in [S.I. 2006/1671](#))

- In this Schedule—
 - “appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2);
 - “person concerned” means a person notified under paragraph 3(1) of an appealable registration decision made in respect of him, or, as the case may

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be, an applicant in respect of whom an appealable registration decision is treated as having been made by virtue of paragraph 3(2); and

“the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), (b), (d), (f), (g), (i) or (j), means the period of three months beginning with the date when the registrar is first in possession of sufficient information to make the decision.

2. (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
 - (a) a decision not to register a person’s name in the register under section 15 (qualification for registration) on the grounds that any of the requirements of that section are not met;
 - (b) a decision not to give a direction for temporary registration under section 17 (temporary registration);
 - (c) a decision under section 23(3) (erasure of names of those who have ceased to practise) to erase a person’s name from the register;
 - (d) a decision under section 23(4) not to restore a person’s name to the register;
 - (e) a decision under section 24(1) (erasure on grounds of error) to erase an entry relating to a person from the register;
 - (f) a decision under section 26A(8)(a), (b) or (c) (insurance) not to register a person’s name in the register, not to restore his name to the register or to erase his name from the register;
 - (g) a decision under section 26A(9) not to restore a person’s name to the register;
 - (h) a decision under section 34A(2) (professional training and development requirements) to erase a person’s name from the register;
 - (i) a decision under section 34A(3) not to restore a person’s name to the register;
 - (j) a decision not to register a person’s name in the register on the grounds that section 35(1) is satisfied (effect on registration of disqualification in another EEA state); and
 - (k) a decision under section 35(3) to erase a person’s name from the register.
- (2) A decision is not an appealable registration decision for the purposes of this Schedule if it is a decision taken by reason only that the person failed to—
 - (a) pay any fee prescribed by regulations made under section 19; or
 - (b) make an application as required under this Act or any rules made under it.

Notification of appealable registration decisions

3. (1) Where an appealable registration decision is made in respect of a person, the registrar shall forthwith serve on that person written notification of—
 - (a) the decision;
 - (b) the reasons for the decision; and
 - (c) that person’s right to appeal under paragraph 4.
- (2) Where an applicant has not been served with notification of a decision in respect of an application for registration or restoration of a name mentioned in paragraphs (a), (b), (d), (f), (g), (i) or (j) of paragraph 2(1) within the requisite period, that omission shall be treated as a decision not to register or, as the case may be, restore the applicant’s name, which is an appealable registration decision for the purposes of this Schedule.

Status: Point in time view as at 01/03/2007.

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Appeals from an appealable registration decision

4. (1) A person concerned may appeal to the Registration Appeals Committee against—
 - (a) the appealable registration decision made in respect of him of which he was notified under paragraph 3(1); or
 - (b) the appealable registration decision treated as having been made in respect of him by virtue of paragraph 3(2).
- (2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.
- (3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.
- (4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.
- (5) In the case of an appealable registration decision which is a decision to erase a person’s name from the register, where—
 - (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
 - (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,
 that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.
- (6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.
- (7) Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—
 - (a) in paragraph 1—
 - (i) omit sub-paragraph (1), and
 - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
 - (b) references to a Committee shall be read as references to the Registration Appeals Committee;
 - (c) in paragraph 2—
 - (i) omit sub-paragraph (1)(b), and
 - (ii) in sub-paragraph (2)(g) omit “the person (if any) making the allegation and”;
 - (d) omit paragraph 7.
- (8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—
 - (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against;
 - (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
 - (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.

Status: Point in time view as at 01/03/2007.

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- (9) In the case of an appealable registration decision which is a decision to erase a person's name from the register, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—
- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
 - (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
 - (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.
- (10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—
- (a) inform the registrar of, and serve on the person concerned notification of, the Committee's determination on the appeal and of the reasons for that determination; and
 - (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

Extension of time for appealing

5. Where—
- (a) any notification of a decision required under paragraph 3(1) to be served on a person is served by sending it to him by post, and
 - (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,
- the registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(3).

Appeals from the Registration Appeals Committee

6. (1) Where—
- (a) the Registration Appeals Committee determine an appeal under paragraph 4, and
 - (b) they do not determine under paragraph 4(8)(b) to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notification of the determination was served on him under paragraph 4(10), appeal against the determination to the relevant court.
- (2) On an appeal under this paragraph from the Registration Appeals Committee, the relevant court may—
- (a) dismiss the appeal,
 - (b) allow the appeal and quash the determination appealed against,
 - (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Committee, or
 - (d) remit the case to the Registration Appeals Committee to dispose of in accordance with the directions of the relevant court,

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and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.

- (3) In this paragraph “the relevant court” means—
- (a) where the person concerned is registered in the register, and his address in the register is in Scotland, the sheriff in whose sheriffdom that address is situated;
 - (b) where the person concerned is not registered in the register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
 - (c) in any other case, the county court.]

[^{F52}SCHEDULE 3

Section 33(6)

PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE, THE INTERIM ORDERS COMMITTEE AND PRACTICE COMMITTEES: DENTISTS

Textual Amendments

F52 Sch. 3 substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **Sch. 2** (with **Sch. 7**) (with transitional provisions in [S.I. 2006/1671](#))

Definitions

1. (1) In this Schedule a “Committee” means—
 - (a) the Professional Conduct Committee;
 - (b) the Professional Performance Committee;
 - (c) the Health Committee; or
 - (d) the Interim Orders Committee.
- (2) A “party” to proceedings means, unless the context otherwise requires—
 - (a) the person to whose registration the proceedings relate; or
 - (b) the Council.

Rules relating to procedure

2. (1) Subject to the provisions of this paragraph, rules shall make provision as to the procedure to be followed—
 - (a) in proceedings before a Committee under Part 3 of this Act; and
 - (b) by the Investigating Committee in the exercise of their functions under section 27A.
- (2) Rules under sub-paragraph (1)(a) shall include provision—
 - (a) requiring the registrar to serve notification on the person to whose registration the proceedings relate that proceedings are to be brought and outlining the case against him;

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- (b) enabling any party to be heard by a Committee, if the party so requires;
 - (c) enabling any party to be represented before the Committee by counsel or a 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) enabling the registrar to serve notification of the proceedings on any person who in his opinion has an interest in those proceedings, and to provide any person so notified with an opportunity to submit written representations;
 - (e) enabling a Committee, before they hold any hearing, where they consider that it would assist them in performing their functions, to hold a preliminary meeting in private attended by the parties and the parties' representatives and any other person the Committee think appropriate;
 - (f) requiring proceedings before a Committee to be held in public unless and to the extent that the rules provide otherwise;
 - (g) requiring the registrar to serve notification on the person (if any) making the allegation and any other person who in his opinion has an interest in the proceedings, of the Committee's decision and the reasons for the decision; and
 - (h) requiring the registrar to publish, in such manner as may be specified in the rules, such information relating to the case and any decision made by the Committee as may be specified in the rules.
- (3) Each stage in proceedings before a Committee under Part 3 of this Act shall be dealt with expeditiously and a Committee may give directions as to the conduct of the case and the consequences of failure to comply with such directions (which may include the making of an order or refusal of an application if the failure to comply was without reasonable excuse).
- (4) Rules may provide for the Chairman of a Committee to hold the meeting referred to in sub-paragraph (2)(e) or to give the directions mentioned in sub-paragraph (3) and, subject to the agreement of the parties to his acting on behalf of the Committee, to take such action as the Committee would be competent to take at such a meeting.

Evidence etc.

3. Subject to paragraph 4, rules shall make provision regarding the rules of evidence to be observed in any proceedings before a Committee under Part 3 of this Act, including rules as to the admissibility of evidence.
4. (1) For the purpose of proceedings under Part 3 of this Act in England and Wales or in Northern Ireland before a Committee, a Committee may—
- (a) summon any person to attend a hearing as a witness, to answer any question or to produce any documents in his custody or under his control which relate to any matter in question in the proceedings;
 - (b) require any witness appearing before them to give evidence on oath and for this purpose an oath may be administered in due form; and
 - (c) upon an application by a person summoned to appear before them, set the summons aside.
- (2) No person shall be compelled under sub-paragraph (1)—
- (a) to attend in obedience to a summons if he has been given less than 14 days' notification of the hearing unless he informs the Committee before the hearing that he accepts such notification has been given; or

Status: Point in time view as at 01/03/2007.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 19 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)

- (b) to produce any document which he could not be compelled to produce on the trial of an action.
- (3) For the purposes of any proceedings under Part 3 of this Act in Scotland before a Committee, 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.
- 5. Where the proceedings relate to a person's conduct, and that conduct has been considered by another body whose functions include overseeing the conduct of members of a health or social care profession, a Committee may adopt as its own findings any finding of fact found by that body and proceed to determine the case without further inquiry.

Costs

- 6. (1) In the course of proceedings under Part 3 of this Act, a Committee may make such order as to costs (or, in Scotland, expenses) as they think fit, but may make provision as described in sub-paragraph (2) only if rules allowing such provision have been made under that sub-paragraph.
- (2) Rules may allow a Committee—
 - (a) to disallow all or part of the costs (or, in Scotland, expenses) of a representative of a party by reason of that representative's conduct of the proceedings; and
 - (b) to order a representative of a party to meet all or part of the costs (or, in Scotland, expenses) incurred by a party by reason of that representative's conduct of the proceedings.
- (3) A Committee shall have regard to a person's ability to pay when considering the making of an order under this paragraph.
- (4) Any sum required to be paid under an award in respect of costs (or, in Scotland, expenses) shall be recoverable as if it had been adjudged to be paid by an order of a relevant court.
- (5) In sub-paragraph (4) "the relevant court" means—
 - (a) where the person to whose registration the proceedings relate is registered in the register, and his address in the register is in Scotland, the sheriff in whose sheriffdom that address is situated;
 - (b) where the person to whose registration the proceedings relate is not registered in the register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
 - (c) in any other case, the county court.

Status: Point in time view as at 01/03/2007.

Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 19 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)

Reference of cases to the registrar or a different Committee

7. (1) Rules shall be made enabling a Practice Committee, in the course of proceedings under Part 3 of this Act—
- (a) to refer to another Practice Committee any matter arising which they consider should be dealt with by that other Practice Committee;
 - (b) to take advice, as they consider necessary and appropriate, from another Practice Committee; and
 - (c) to refer to the Interim Orders Committee any allegation before them which they consider should be dealt with by the Interim Orders Committee.
- (2) Rules under sub-paragraph (1)(a) may provide that, where a Practice Committee refer a case to another Practice Committee by virtue of those rules, section 27B is to apply as if the case had originally been referred by the Investigating Committee to that other Practice Committee.]

^{F53}SCHEDULE 3A

Sections 34A and 34B

Textual Amendments

F53 Sch. 3A repealed (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 48** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

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.
- ^{F54}(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](#)^{F55} 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.]

Status: Point in time view as at 01/03/2007.

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(3) In this Schedule—

“national”, in relation to [^{F56}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

[^{F57}“the Recognition Directive” has the meaning which “Community Council Directive No.78/686/EEC” has in Schedule 2 to this Act.]

Textual Amendments

- F54** Sch. 4 para. 1(2)(2A) substituted for Sch. 4 para. 1(2) (1.7.1996) by [S.I. 1996/1496, reg. 5\(2\)](#)
- F55** 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).
- F56** Words in Sch. 4 para. 1(3) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(3\)\(a\)](#)
- F57** 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 [^{F58}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 [^{F58}an EEA State] other than the United Kingdom, and
 - (ii) that he holds a diploma in dentistry which [^{F58}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) [^{F59}and the certificates to be provided under paragraph (b)] may be provided after the services have been rendered, but, if so, [^{F60}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

- F58** Words in Sch. 4 para. 2(1)(b) substituted (1.7.1996) by [S.I. 1996/1496, reg. 5\(4\)](#)
- F59** Words in Sch. 4 para. 2(2)(a) inserted (14.4.1998) by [S.I. 1998/811, reg. 21\(2\)\(a\)](#)
- F60** Words in Sch. 4 para. 2(2)(a) substituted (14.4.1998) by [S.I. 1998/811, reg. 21\(2\)](#)

Status: Point in time view as at 01/03/2007.

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List of EEC practitioners

- 3 (1) The registrar shall continue to keep a list known as the list of visiting [^{F61}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 [^{F61}EEA practitioners].
- (3) Subject to paragraph 4 below, that entry shall have effect for the period specified in the list against the entry, being the period which appears to the registrar to be appropriate having regard to the particulars given in the declaration referred to in paragraph 2(1)(a) above.

Textual Amendments

F61 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 [^{F62}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 [^{F62}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

F62 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 [^{F63}EEA practitioners]—
- (a) has been convicted of a criminal offence, whether in [^{F63}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.

Status: Point in time view as at 01/03/2007.

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- (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

F63 Words in Sch. 4 para. 5(1) substituted (1.7.1996) by [S.I. 1996/1496](#), [reg. 5\(6\)](#)

[^{F64}SCHEDULE 4A

Section 36J

REGISTRATION APPEALS: DENTAL CARE PROFESSIONALS REGISTER

Textual Amendments

F64 Sch. 4A inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [Sch. 3](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

1. In this Schedule—
 - “appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2);
 - “person concerned” means a person notified under paragraph 3(1) of an appealable registration decision made in respect of him, or, as the case may be, an applicant in respect of whom an appealable registration decision is treated as having been made by virtue of paragraph 3(2); and
 - “the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), (c), (e), (f) or (h), means the period of four months beginning with the date when the registrar is first in possession of sufficient information to make the decision.
2. (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
 - (a) a decision not to register a person’s name under a particular title in the dental care professionals register under section 36C (qualifications for registration) on the grounds that any of the requirements of that section are not met;
 - (b) a decision under section 36H(3) (erasure of names of those who have ceased to practise) to erase a person’s name from the dental care professionals register;
 - (c) a decision under section 36H(4) not to restore a person’s name to the dental care professionals register under a particular title;
 - (d) a decision under section 36I(1) (erasure on grounds of error) to erase an entry relating to a person from the dental care professionals register;

Status: Point in time view as at 01/03/2007.

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- (e) a decision under section 36L(9)(a), (b) or (c) (insurance) not to register a person's name in the dental care professionals register, not to restore his name to that register, or to erase his name from registration in that register, under a particular title;
 - (f) a decision under section 36L(10) not to restore a person's name to the dental care professionals register under a particular title;
 - (g) a decision under section 36Z1(2) (professional training and development requirements) to erase a person's name from registration in the dental care professionals register under a particular title; and
 - (h) a decision under section 36Z1(3) not to restore a person's name to the dental care professionals register under a particular title.
- (2) A decision is not an appealable registration decision for the purposes of this Schedule if it is a decision taken by reason only that the person failed to—
- (a) pay any fee prescribed by regulations made under section 36F; or
 - (b) make an application as required under this Act or any rules made under it.

Notification of appealable registration decisions

3. (1) Where an appealable registration decision is made in respect of a person, the registrar shall forthwith serve on that person written notification of—
- (a) the decision;
 - (b) the reasons for the decision; and
 - (c) that person's right to appeal under paragraph 4.
- (2) Where an applicant has not been served with notification of a decision in respect of an application for registration or restoration of a name mentioned in paragraphs (a), (c), (e), (f) or (h) of paragraph 2(1) within the requisite period, that omission shall be treated as a decision not to register or, as the case may be, restore the applicant's name, which is an appealable registration decision for the purposes of this Schedule.

Appeals from an appealable registration decision

4. (1) A person concerned may appeal to the Registration Appeals Committee against—
- (a) the appealable registration decision made in respect of him of which he was notified under paragraph 3(1); or
 - (b) the appealable registration decision treated as having been made in respect of him by virtue of paragraph 3(2).
- (2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.
- (3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.
- (4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.
- (5) In the case of an appealable registration decision which is a decision to erase a person's name from registration in the dental care professionals register under a particular title, where—

Status: Point in time view as at 01/03/2007.

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- (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
 - (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,
- that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.
- (6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.
- (7) Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—
- (a) in paragraph 1—
 - (i) omit sub-paragraph (1), and
 - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
 - (b) references to a Committee shall be read as references to the Registration Appeals Committee;
 - (c) in paragraph 2—
 - (i) omit sub-paragraph (1)(b), and
 - (ii) in sub-paragraph (2)(g), omit “the person (if any) making the allegation and”;
 - (d) omit paragraph 7.
- (8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against;
 - (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
 - (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.
- (9) In the case of an appealable registration decision which is a decision to erase a person’s name from registration in the dental care professionals register under a particular title, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—
- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
 - (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
 - (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.
- (10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—

Status: Point in time view as at 01/03/2007.

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- (a) inform the registrar of, and serve on the person concerned notification of, the Committee’s determination on the appeal and of the reasons for that determination; and
- (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

Extension of time for appealing

5. Where—
- (a) any notification of a decision required under paragraph 3(1) to be served on a person is served by sending it to him by post, and
 - (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,
- the registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(3).

Appeals from the Registration Appeals Committee

6. Where—
- (a) the Registration Appeals Committee determine an appeal under paragraph 4, and
 - (b) they do not determine under paragraph 4(8)(b) to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notification of the determination was served on him under paragraph 4(10), appeal against the determination to the relevant court.
- (2) On an appeal under this paragraph from the Registration Appeals Committee, the relevant court may—
- (a) dismiss the appeal,
 - (b) allow the appeal and quash the determination appealed against,
 - (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Committee, or
 - (d) remit the case to the Registration Appeals Committee to dispose of in accordance with the directions of the relevant court,
- and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.
- (3) In this paragraph “the relevant court” means—
- (a) where the person concerned is registered in the dental care professionals register, and his address in that register is in Scotland, the sheriff in whose sheriffdom that address is situated;
 - (b) where the person concerned is not registered in that register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
 - (c) in any other case, the county court.]

Status: Point in time view as at 01/03/2007.

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[^{F65}SCHEDULE 4B

Section 36W(6)

PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE, THE INTERIM ORDERS COMMITTEE AND PRACTICE COMMITTEES: DENTAL CARE PROFESSIONALS

Textual Amendments

F65 Sch. 4B inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [Sch. 4](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

Definitions

1. (1) In this Schedule a “Committee” means—
 - (a) the Professional Conduct Committee;
 - (b) the Professional Performance Committee;
 - (c) the Health Committee; or
 - (d) the Interim Orders Committee.
- (2) A “party” to proceedings means, unless the context otherwise requires—
 - (a) the person to whose registration the proceedings relate; or
 - (b) the Council.

Rules relating to procedure

2. (1) Subject to the provisions of this paragraph, rules shall make provision as to the procedure to be followed—
 - (a) in proceedings before a Committee under Part 3A of this Act; and
 - (b) by the Investigating Committee in the exercise of their functions under section 36O.
- (2) Rules under sub-paragraph (1)(a) shall include provision—
 - (a) requiring the registrar to serve notification on the person to whose registration the proceedings relate that proceedings are to be brought and outlining the case against him;
 - (b) enabling any party to be heard by a Committee, if the party so requires;
 - (c) enabling any party to be represented before the Committee by counsel or a 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) enabling the registrar to serve notification of the proceedings on any person who in his opinion has an interest in those proceedings, and to provide any person so notified with an opportunity to submit written representations;
 - (e) enabling a Committee, before they hold any hearing, where they consider that it would assist them in performing their functions, to hold a preliminary meeting in private attended by the parties and the parties' representatives and any other person the Committee think appropriate;
 - (f) requiring proceedings before a Committee to be held in public unless and to the extent that the rules provide otherwise;

Status: Point in time view as at 01/03/2007.

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- (g) requiring the registrar to serve notification on the person (if any) making the allegation and any other person who in his opinion has an interest in the proceedings, of the Committee's decision and the reasons for the decision; and
 - (h) requiring the registrar to publish, in such manner as may be specified in the rules, such information relating to the case and any decision made by the Committee as may be specified in the rules.
- (3) Each stage in proceedings before a Committee under Part 3A of this Act shall be dealt with expeditiously and a Committee may give directions as to the conduct of the case and the consequences of failure to comply with such directions (which may include the making of an order or refusal of an application if the failure to comply was without reasonable excuse).
- (4) Rules may provide for the Chairman of a Committee to hold the meeting referred to in sub-paragraph (2)(e) or to give the directions mentioned in sub-paragraph (3) and, subject to the agreement of the parties to his acting on behalf of the Committee, to take such action as the Committee would be competent to take at such a meeting.

Evidence etc.

3. Subject to paragraph 4, rules shall make provision regarding the rules of evidence to be observed in any proceedings before a Committee under Part 3A of this Act, including rules as to the admissibility of evidence.
4. (1) For the purpose of proceedings under Part 3A of this Act in England and Wales or in Northern Ireland before a Committee, a Committee may—
- (a) summon any person to attend a hearing as a witness, to answer any question or to produce any documents in his custody or under his control which relate to any matter in question in the proceedings;
 - (b) require any witness appearing before them to give evidence on oath and for this purpose an oath may be administered in due form; and
 - (c) upon an application by a person summoned to appear before them, set the summons aside.
- (2) No person shall be compelled under sub-paragraph (1)—
- (a) to attend in obedience to a summons if he has been given less than 14 days' notification of the hearing unless he informs the Committee before the hearing that he accepts such notification has been given; or
 - (b) to produce any document which he could not be compelled to produce on the trial of an action.
- (3) For the purposes of any proceedings under Part 3A of this Act in Scotland before a Committee, 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.

Status: Point in time view as at 01/03/2007.

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5. Where the proceedings relate to a person's conduct, and that conduct has been considered by another body whose functions include overseeing the conduct of members of a health or social care profession, a Committee may adopt as its own findings any finding of fact found by that body and proceed to determine the case without further inquiry.

Costs

6. (1) In the course of proceedings under Part 3A of this Act, a Committee may make such order as to costs (or, in Scotland, expenses) as they think fit, but may make provision as described in sub-paragraph (2) only if rules allowing such provision have been made under that sub-paragraph.
- (2) Rules may allow a Committee—
- (a) to disallow all or part of the costs (or, in Scotland, expenses) of a representative of a party by reason of that representative's conduct of the proceedings; and
 - (b) to order a representative of a party to meet all or part of the costs (or, in Scotland, expenses) incurred by a party by reason of that representative's conduct of the proceedings.
- (3) A Committee shall have regard to a person's ability to pay when considering the making of an order under this paragraph.
- (4) Any sum required to be paid under an award in respect of costs (or, in Scotland, expenses) shall be recoverable as if it had been adjudged to be paid by an order of a relevant court.
- (5) In sub-paragraph (4) "the relevant court" means—
- (a) where the person to whose registration the proceedings relate is registered in the dental care professionals register, and his address in that register is in Scotland, the sheriff in whose sheriffdom that address is situated;
 - (b) where the person to whose registration the proceedings relate is not registered in that register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
 - (c) in any other case, the county court.

Reference of cases to the registrar or a different Committee

7. (1) Rules shall be made enabling a Practice Committee, in the course of proceedings under Part 3A of this Act—
- (a) to refer to another Practice Committee any matter arising which they consider should be dealt with by that other Practice Committee;
 - (b) to take advice, as they consider necessary and appropriate, from another Practice Committee; and
 - (c) to refer to the Interim Orders Committee any allegation before them which they consider should be dealt with by the Interim Orders Committee.
- (2) Rules under sub-paragraph (1)(a) may provide that, where a Practice Committee refer a case to another Practice Committee by virtue of those rules, section 36P is to apply as if the case had originally been referred by the Investigating Committee to that other Practice Committee.]

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^{F66}SCHEDULE 4C

Section 49A

ADVISERS

Textual Amendments

F66 Sch. 4C inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [Sch. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

Legal advisers

1. (1) The Council shall appoint persons to be legal advisers.
 - (2) Legal advisers shall have the general function of giving advice to—
 - (a) the registrar,
 - (b) the Council,
 - (c) the Investigating Committee,
 - (d) the Professional Conduct Committee,
 - (e) the Professional Performance Committee,
 - (f) the Interim Orders Committee,
 - (g) the Health Committee, and
 - (h) the Registration Appeals Committee,on questions of law arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
 - (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a legal adviser.
 - (4) Legal advisers shall have such other functions as may be conferred on them by rules, and in particular provision may be made, in relation to any proceedings—
 - (a) requiring a legal adviser, when advising the Council or any of their committees, to do so in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or, where advice is given in private, requiring every such party or person to be notified of the advice given by a legal adviser; or
 - (b) requiring every party, or person representing a party, to the proceedings to be notified in any case where a legal adviser's advice is not accepted by the person or body in receipt of the advice.
 - (5) To be qualified for appointment as a legal adviser under this paragraph, a person must—
 - (a) have a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) be an advocate or solicitor in Scotland of at least ten years' standing; or
 - (c) be a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least ten years' standing.
 - (6) The Council may pay such fees, allowances or expenses to persons appointed as legal advisers as the Council may determine.

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Medical advisers

2. (1) The Council may appoint registered medical practitioners to be medical advisers.
- (2) Medical advisers shall have the general function of giving advice to—
 - (a) the registrar,
 - (b) the Council,
 - (c) the Investigating Committee,
 - (d) the Professional Conduct Committee,
 - (e) the Professional Performance Committee,
 - (f) the Interim Orders Committee,
 - (g) the Health Committee, and
 - (h) the Registration Appeals Committee,on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a medical adviser.
- (4) Medical advisers shall also have such other functions as may be conferred on them by rules.
- (5) The Council may pay such fees, allowances or expenses to persons appointed as medical advisers as the Council may determine.

Professional advisers

3. (1) The Council may appoint persons registered in either the dentists register or the dental care professionals register to be professional advisers.
- (2) Professional advisers shall have the general function of giving advice to—
 - (a) the registrar,
 - (b) the Council,
 - (c) the Investigating Committee,
 - (d) the Professional Conduct Committee,
 - (e) the Professional Performance Committee,
 - (f) the Interim Orders Committee,
 - (g) the Health Committee, and
 - (h) the Registration Appeals Committee,on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a professional adviser.
- (4) Professional advisers shall also have such other functions as may be conferred on them by rules.
- (5) The Council may pay such fees, allowances or expenses to persons appointed as professional advisers as the Council may determine.]

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SCHEDULE 5

Section 54(1).

CONSEQUENTIAL AMENDMENTS

1 F67

Textual Amendments

F67 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 “^{M8}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

M8 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 [^{F68}In section 35(3) (added by section 15 of the ^{M9}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 ”.]

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Textual Amendments

F68 Sch. 5 para. 8 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(d)

Marginal Citations

M9 1983 c. 41.

F69

Textual Amendments

F69 Sch. 5 para. 9 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F70₁₀

Textual Amendments

F70 Sch. 5 para. 10 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F71₁₁

Textual Amendments

F71 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.

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VALUE ADDED TAX ACT 1983 (C. 55)

F72 16

Textual Amendments

F72 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.
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.

Status: Point in time view as at 01/03/2007.

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S.I. 1982 No. 1076. The Medical, Nursing, Dental Article 4.
 and Veterinary Qualifications
 (EEC Recognition) Order
 1982.

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.](#)

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.](#)

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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.

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,

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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.

Marginal Citations

M15 [1956 c. 29](#).

Status:

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