



Dentists Act 1984

1984 CHAPTER 24

[^{F1}PART 3A

PROFESSIONS COMPLEMENTARY TO DENTISTRY]

[^{F1}Supplementary provisions]

[^{F1}36Y. The Council's power to require disclosure of information

- (1) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part, the Council may require a person (“the relevant party”) whose fitness to practise as a member of a profession complementary to dentistry is in question, to provide details of any person—
 - (a) by whom the relevant party is employed to provide services in, or in relation to, any area of dentistry; or
 - (b) with whom he has an arrangement to provide such services.
- (2) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part in respect of a person's fitness to practise as a member of a profession complementary to dentistry, the Council may require any person (except the person in respect of whom the information or document is sought) to supply any information or produce any document in his custody or under his control which appears to the Council relevant to the discharge of those functions.
- (3) Nothing in this section shall require or permit any disclosure of information which is prohibited by any relevant enactment [^{F2}or relevant provision of the [^{F3}UK GDPR]].
- [^{F4}(4) For the purposes of subsection (3)—

“relevant enactment” means any enactment other than—

 - (a) this Act, or
 - (b) the listed provisions in paragraph 1 of Schedule 11 to the Data Protection Act 2018 (exemptions to Part 4 : disclosures required by law);

“relevant provision of [^{F5}the UK GDPR]” means any provision of [^{F5}the UK GDPR] apart from the listed GDPR provisions in paragraph 1 of Schedule 2

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to the Data Protection Act 2018 ([^{F6}UK GDPR provisions] to be adapted or restricted: disclosures required by law).]

- (5) A person shall not be required to supply any information or produce any document under subsection (2) which he could not be compelled to supply or produce in civil proceedings before the relevant court.
- (6) In subsection (5) “the relevant court” means—
- (a) if the person’s address in the dental care professionals register is in Scotland or, if he is not registered in that register, he is resident there, the Court of Session;
 - (b) if the person’s address in that register is in Northern Ireland or, if he is not registered in that register, he is resident there, the High Court in Northern Ireland;
 - (c) in any other case, the High Court in England and Wales.
- (7) If a person fails to supply any information or produce any document within 14 days of being required to do so under subsection (1) or (2), the Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.
- (8) In subsection (7) “the relevant court” means the county court or, in Scotland, the sheriff.
- (9) In subsection (8) “the sheriff” means the sheriff in whose sheriffdom is situated the address of the person who fails to supply the information or produce the document; and in this subsection, “address” means, where the person is registered, his address in the dental care professionals register, or, where he is not registered in that register, the address where he resides.
- (10) For the purposes of subsection (4), “enactment” includes—
- (a) a provision of, or an instrument made under, an Act of the Scottish Parliament;
 - (b) a provision of, or an instrument made under, Northern Ireland legislation; and
 - (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).

^{F7}(11)]

Textual Amendments

- F1** Ss. 36X-36Z2 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. 33** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)
- F2** Words in s. 36Y(3) inserted (25.5.2018) by **Data Protection Act 2018** (c. 12), s. 212(1), **Sch. 19 para. 30(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F3** Words in s. 36Y(3) substituted (31.12.2020) by **The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019** (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(2)** (with **Sch. 3 para. 112**); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 36Y(4) substituted (25.5.2018) by **Data Protection Act 2018** (c. 12), s. 212(1), **Sch. 19 para. 30(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F5** Words in s. 36Y(4) substituted (31.12.2020) by **The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019** (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(3)(a)** (with **Sch. 3 para. 112**); 2020 c. 1, Sch. 5 para. 1(1)

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- F6** Words in s. 36Y(4) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(3)(b)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 36Y(11) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(4)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(2)(h)(i) inserted by [S.I. 2009/1182 Sch. 1 para. 7](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 27(2)(ba) inserted by [S.I. 2015/806 art. 17](#)
- s. 27A(5)(aa) inserted by [S.I. 2015/806 art. 18\(3\)](#)
- s. 27BA inserted by [S.I. 2015/806 art. 19](#)
- s. 36N(2)(h)(i) inserted by [S.I. 2009/1182 Sch. 1 para. 8](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 36N(2)(ba) inserted by [S.I. 2015/806 art. 24](#)
- s. 36O(5)(aa) inserted by [S.I. 2015/806 art. 25\(3\)](#)
- s. 36PA inserted by [S.I. 2015/806 art. 26](#)