



Dentists Act 1984

1984 CHAPTER 24

PART IV

RESTRICTIONS ON PRACTICE OF DENTISTRY AND ON CARRYING ON BUSINESS OF DENTISTRY

Restrictions on carrying on the business of dentistry

40 Definition of business of dentistry.

- (1) For the purposes of this Act a person shall be treated as carrying on the business of dentistry if, and only if, he or a partnership of which he is a member receives payment for services rendered in the course of the practice of dentistry by him or by a partner of his, or by an employee of his or of all or any of the partners.
- (2) Notwithstanding subsection (1) above, the receipt of payments—
 - (a) by an authority providing national health services, or
 - [^{F1}(aa) by a person providing primary dental services [^{F2}under section 92 of the National Health Service Act 2006 or under a contract under section 100 of that Act, or under section 50 of the National Health Service (Wales) Act 2006 or under a contract under section 57 of that Act,] or]
 - [^{F3}(ab) by a person (other than one falling within paragraph (a) above) providing personal dental services under [^{F4}section 28C of the National Health Service Act 1977 ^{F5} or] section 17C of the National Health Service (Scotland) Act 1978 ^{F6}, or]
 - [^{F7}(ac) by a person (other than one falling within paragraph (a) above) providing personal dental services under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 ^{F8}, or]
 - (b) by a person providing dental treatment for his employees without a view to profit, or
 - (c) by a person providing dental treatment without a view to profit dental treatment without a view under conditions approved by the Secretary of State or the Department of Health and Social Services for Northern Ireland,

Status: Point in time view as at 01/03/2007. This version of this provision has been superseded.

Changes to legislation: Dentists Act 1984, Section 40 is up to date with all changes known to be in force on or before 28 May 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)

shall not constitute the carrying on of the business of dentistry for the purposes of this Act.

Textual Amendments

- F1** S. 40(2)(aa) inserted (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. 11 para. 50**; S.I. 2005/2925, art. 10(2)(h); S.I. 2006/345, art. 6(2)(k)
- F2** Words in s. 40(2)(aa) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 81** (with Sch. 3 Pt. 1)
- F3** S. 40(2)(ab) inserted (17.7.1998) by S.I. 1998/1546, **art. 2**
- F4** Words in s. 40(2)(ab) 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)
- F5** 1977 c.49. Section 28C was inserted by the [National Health Service \(Primary Care\) Act 1997 \(c.46\)](#) (“the 1997 Act”), section 21(1).
- F6** 1978 c.29. Section 17C was inserted by the 1997 Act, section 21(2).
- F7** S. 40(2)(ac) inserted (1.1.1999) by S.R. 1998/376, **art. 2**
- F8** S.I. 1972/1265 (N.I. 14); Article 15B is inserted by Article 21 of S.I. 1997/1177 (N.I. 7)

Status:

Point in time view as at 01/03/2007. This version of this provision has been superseded.

Changes to legislation:

Dentists Act 1984, Section 40 is up to date with all changes known to be in force on or before 28 May 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.