

SCHEDULES

SCHEDULE 3

Dentists and dental care professionals

PART 2

Savings and transitional provision

Visiting dentists: saving of old law for up to [F¹five years]

37.—(1) Where, immediately before [F²IP completion day]—

- (a) a visiting dentist was entitled under paragraph 4 or 7 of Schedule 4 to the 1984 Act to provide occasional dental services, or
- (b) the registrar was in receipt of the required documents (within the meaning of paragraph 5 of that Schedule) from a dentist seeking to acquire that entitlement,

any provision made by or under the Act, or by the 1998 Regulations, continues to apply in relation to the dentist without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting dentists from relevant European states [F³(but subject, in the case of a Swiss visiting dentist, to the modifications to the 1984 Act and the 1998 Regulations specified in sub-paragraphs (4) and (5))].

(2) But a visiting dentist's entitlement does not continue (or further continue) under paragraph 7 of Schedule 4 to the 1984 Act on or after [F⁴IP completion day] (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

[F⁵(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting dentist.

(2B) But a Swiss visiting dentist's entitlement does not continue (or further continue) under paragraph 7 of Schedule 4 to the 1984 Act on or after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph, “Swiss visiting dentist” means a visiting dentist who—

- (a) is a national of the United Kingdom or a Swiss national, or
- (b) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of dentistry, no less favourably than a national of the United Kingdom or Switzerland.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting dentists from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting dentists</i>
The 1984 Act	section 14(1A)
	section 19(1) and (1A)

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 37. (See end of Document for details)

	section 26A(11)
	section 34AA
	section 36
	in section 53(1), the definitions of “the Directive”, “exempt person”, “the General Systems Regulations”, and “national”
	Schedule 2A, paragraph 2(1)(l)
	Schedule 4
The 1998 Regulations	regulation 8(2)(e), (2A) and (2B)
	regulation 14(1)(bc)
General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015	rule 1(2)
General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017	rule 1(3)

[^{F6}(4) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

- (a) section 34AA(4) is to be read as if, for the words from “the relevant” to the end, there were substituted “Switzerland”;
- (b) section 53(1) is to be read as if—
 - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
 - (ii) the definitions of “exempt person” and “national” were omitted;
- (c) Schedule 4 is to be read as if—
 - (i) for paragraph 1 there were substituted—

“1.—(1) This Schedule applies to a Swiss visiting dentist who is lawfully established in dental practice in Switzerland.

(2) In this Schedule, “Swiss visiting dentist” has the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

(ii) in paragraph 2—

(aa) before sub-paragraph (a), there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;”;

(bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting dentist”;

(cc) in sub-paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland; and”;

(dd) in sub-paragraph (c), after “basis” there were inserted—

“—

- (i) on the basis of one or more existing contracts, and
- (ii) for a period not exceeding 90 days in total in any calendar year.”;
- (iii) in paragraph 5(2)—
 - (aa) in paragraph (b), for “a relevant European State”, there were substituted “the United Kingdom or Switzerland”;
 - (bb) in paragraph (c), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist”;
- (iv) in paragraph 7(6), after paragraph (a), there were inserted—
 - “(aa) contains details of the existing contract or contracts on the basis of which the occasional dental services will continue to be provided;
 - (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
 - (ac) if the practitioner is not a national of the United Kingdom or a Swiss national, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist.”;
- (v) in paragraph 8(6), after paragraph (a), there were inserted—
 - “(aa) ceases to have a valid contract to provide occasional [^{F7}dental] services, because the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional dental services, is terminated or otherwise expires; or”.

(5) The modification to the 1998 Regulations mentioned in sub-paragraph (1) is that regulation 8(2)(e) is to be read as if for “an exempt person” there were substituted “a Swiss visiting dentist (within the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019).]

Textual Amendments

- F1** Words in Sch. 3 para. 37 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\), regs. 1\(2\), 11\(7\)\(a\)](#)
- F2** Words in Sch. 3 para. 37(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\), regs. 1\(2\), 11\(7\)\(b\)\(i\)](#)
- F3** Words in Sch. 3 para. 37(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\), regs. 1\(2\), 11\(7\)\(b\)\(ii\)](#)
- F4** Words in Sch. 3 para. 37(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\), regs. 1\(2\), 11\(7\)\(c\)](#)
- F5** Sch. 3 para. 37(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\), regs. 1\(2\), 11\(7\)\(d\)](#)
- F6** Sch. 3 para. 37(4)(5) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\), regs. 1\(2\), 11\(7\)\(e\)](#)

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 37. (See end of Document for details)

F7 Word in Sch. 3 para. 37(4)(c)(v) substituted (24.2.2022) by The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022 (S.I. 2022/82), regs. 1(2), **3(4)(a)**

Commencement Information

I1 Sch. 3 para. 37 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 37.