

## SCHEDULES

### SCHEDULE 3

Dentists and dental care professionals

### PART 2

Savings and transitional provision

#### **Pending applications**

**35.**—(1) Where an application for—

- (a) registration in, or restoration to, a register kept under the 1984 Act, or
- (b) entry into a list kept under regulations made under section 26 of the 1984 Act,

is received before exit day, any provision made by or under that Act, or (in the case of an application within paragraph (b)) by the 1998 Regulations, continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

(2) For the purposes of paragraph (1) a list transmitted under section 18(3) of the 1984 Act is to be regarded as an application for registration in the dentists register.

#### **Assessments in relation to specialties**

**36.** Regulation 13 of the 1998 Regulations continues to apply for the purposes of any assessment referred to in paragraph (1)(a)(i) or (b) of that regulation that has begun but not been concluded before exit day.

#### **Visiting dentists: saving of old law for up to one year**

**37.**—(1) Where, immediately before exit 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.

(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 exit day (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(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.

**Status:** This is the original version (as it was originally made).

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

**Visiting dental care professionals: saving of old law for up to one year**

38.—(1) Where—

- (a) a person had, immediately before exit day, the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of relevant dental care services (and section 36Z3(3) of the 1984 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day,

any provision made by or under the 1984 Act continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting dental care professionals from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting dental care professional—

- (a) in respect of a title under which the professional is registered as required by section 36Z3(3), when the person’s name is erased under section 36Z3(6) of the 1984 Act;
- (b) in respect of any other title, when the person’s entitlement ceases by reason of the operation of section 36Z3(5) of the 1984 Act.

(3) In sub-paragraph (1)—

- (a) “relevant dental care services” means services that were “relevant services” within the meaning of section 36Z3(11) of the 1984 Act, as it had effect immediately before exit day;
- (b) the reference to “the provisions relating to visiting dental care professionals from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
The 1984 Act	section 36B(1A)

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
	section 36CA(14)
	section 36E
	section 36F(1) and 1(A)
	section 36L(11)
	section 36Z3
	section 36Z4
	in section 53(1), the definitions of “competent authority”, “exempt person”, “the General Systems Regulations”, and “national”
	Schedule 4A, paragraph 2(1)(i)
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)

### IMI alerts

**39.**—(1) Where an alert has been sent by the General Dental Council before exit day under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of section 29 or (as the case may be) 36S of the 1984 Act (subject to the provisions of that Act) despite the repeal of sections 29(1)(d) and 36S(1)(d).

(2) In disposing of such an appeal, the powers of the relevant court are, instead of those set out in section 29(3) or 36S(6) of the 1984 Act, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and direct the Council to take such steps as the court thinks fit to draw the findings of the court to the attention of the European Commission,

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

### Interpretation of saved provisions

**40.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

- (a) in section 53(1) of the 1984 Act or regulation 2(1) of the 1998 Regulations (whichever is relevant)—

- (i) there were substituted for the definition of “the Directive”—

- (aa) in the case of section 53(1) of the 1984 Act—

- ““the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before exit day;”;

*Status: This is the original version (as it was originally made).*

- (bb) in the case of regulation 2(1) of the 1998 Regulations—
  - ““the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in these Regulations to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before exit day;”;
- (ii) there were inserted at the appropriate place—
  - ““enforceable EU right” means a right recognised and available in domestic law, immediately before exit day, by virtue of section 2(1) of the European Communities Act 1972;”;
- (iii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—
  - (aa) in the case of section 53(1) of the 1984 Act—
    - “(a) a person who, immediately before exit day, was a national of a relevant European State,
    - (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession by virtue of an enforceable EU right, or
    - (c) a person who, immediately before exit day, was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;”;
  - (bb) in the case of regulation 2(1) of the 1998 Regulations—
    - “(a) a person who, immediately before exit day, was a national of a relevant European State,
    - (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of dentistry by virtue of an enforceable EU right, or
    - (c) a person who, immediately before exit day, was not a national of a relevant European State, but at that time was, 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 a relevant European State;”;
- (iv) in the definition of “the General Systems Regulations” (or “General Systems Regulations”), at the end there were inserted—
  - “—
  - (a) in relation to anything done before exit day, as they had effect at that time;
  - (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day;”;
- (v) in the definition of “national”, for “is not” there were substituted “was not, immediately before exit day”;

- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.