

# SCHEDULES

## SCHEDULE 3

Regulation 4

### Dentists and dental care professionals

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule—

“the 1984 Act” means the Dentists Act 1984<sup>(1)</sup>;

“the 1998 Regulations” means the European Primary and Specialist Dental Qualifications Regulations 1998<sup>(2)</sup>.

#### Dentists Act 1984

2. The 1984 Act is amended as follows.

3. In section 12A (degrees and licences)<sup>(3)</sup>, in subsection (2), in the definition of “basic dental training”, for “is to” substitute “would”.

4. In section 14 (dentists register)<sup>(4)</sup>, in subsection (1A)—

(a) for “three” substitute “two”;

(b) at the end of paragraph (a), insert “and”;

(c) omit paragraph (c) and the “and” before it.

5. In section 15 (qualification for registration)<sup>(5)</sup>—

(a) in subsection (1)—

(i) at the end of paragraph (a), insert “and”;

(ii) omit paragraphs (b) and (ba) (including the final “and”);

(b) for subsection (2), substitute—

“(2) In this Act “recognised overseas diploma” means—

(a) a relevant European diploma, or

(b) any other diploma granted in a country overseas that is recognised for the time being by the Council for the purposes of this Act.

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<sup>(1)</sup> 1984 c. 24.

<sup>(2)</sup> S.I. 1998/811.

<sup>(3)</sup> Section 12A was inserted by S.I. 2007/3101.

<sup>(4)</sup> Section 14 was substituted by S.I. 2005/2011 and subsection (1A) was inserted by S.I. 2007/3101.

<sup>(5)</sup> Subsection (1)(b) and (ba) was substituted by S.I. 2007/3101. Subsection (3)(ba) was inserted by 2015/806. Subsections (4A) to (4BD) were substituted by S.I. 2007/3101. Subsection (4C) was inserted by S.I. 1998/811. Relevant amending instruments are S.I. 2007/3101, 2016/1030.

- (2ZA) In this Act “relevant European diploma” means—
- (a) an appropriate European diploma, within the meaning given by Schedule 2, that has not been designated by the Council for the purposes of this paragraph, or
  - (b) a dental qualification that is not an appropriate European diploma but—
    - (i) was granted in a relevant European State, and
    - (ii) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a UK diploma in dentistry (within the meaning given by section 12A(2)).
- (2ZB) The Council—
- (a) may designate a diploma for the purposes of subsection (2ZA)(a) only with the approval of the Privy Council;
  - (b) must maintain and publish a list of the diplomas that are so designated.”;
  - (c) in subsection (3), omit “, (b) or (ba)”;
  - (d) after subsection (4), insert—
 

“(4ZA) Subsection (4)(c) does not apply to a person whose application under this section is made in reliance on a relevant European diploma.”;
  - (e) omit subsections (4A) to (4C).
6. In section 15A (necessary knowledge of English)(6), omit subsections (5) and (7).
  7. In section 16 (overseas diplomas)(7), omit subsections (2A) and (2B).
  8. In section 17 (temporary registration)(8)—
    - (a) omit subsection (3A);
    - (b) in subsection (3B), omit “(except subsection (5))”.
  9. In section 18 (registration procedure)(9), omit subsections (2A) and (2B).
  10. In section 19 (registration regulations)(10)—
    - (a) in subsection (1), for “Subject to subsection (1A), the” substitute “The”;
    - (b) omit subsection (1A).
  11. In section 21A (notification of result of application)(11)—
    - (a) omit subsections (2A) and (2B);
    - (b) in subsection (3), for the words from “application—” to the end substitute “application within the period of three months beginning with the relevant date.”.
  12. In section 26A (indemnity requirements)(12), omit subsection (11).
  13. In section 29 (appeals)(13)—

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(6) Section 15A was inserted by [S.I. 2015/806](#).

(7) Subsections (2A) was inserted by [S.I. 1998/811](#). Subsection (2B) was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#).

(8) Subsection (3A) was inserted by [S.I. 1998/811](#), and subsection (3B) was inserted by [S.I. 2015/806](#). Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#).

(9) Subsections (2A) and (2B) were inserted by [S.I. 2007/3101](#).

(10) Subsection (1A) was inserted by, and subsection (1) was amended by, [S.I. 2007/3101](#).

(11) Section 21A was substituted by [S.I. 2007/3101](#). Subsections (2A) and (2B) were inserted by [S.I. 2015/806](#).

(12) Section 26A was substituted by [S.I. 2014/1887](#).

(13) Subsection (1)(d) was inserted by [S.I. 2016/1030](#). Subsection (1B) was inserted by [S.I. 2005/2011](#). Subsection (3) was substituted by section 31(2)(d) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) and subsection (3)(b) to (d) was substituted by [S.I. 2005/2011](#). Relevant amending instruments is [S.I. 2016/1030](#).

- (a) in subsection (1), omit paragraph (d);
  - (b) in subsection (1B), omit “or regulation 67 of the General System Regulations,”;
  - (c) in subsection (3)—
    - (i) in paragraph (b), omit the words after “against”;
    - (ii) in paragraphs (c) and (d), omit “the Council,”.
- 14.** Omit section 34AA (professional training and development for visiting dentists)(**14**).
- 15.** In section 35 (effect of disqualification in relevant European States)(**15**)—
- (a) in subsection (1), for “15(1)(b) or (ba) above” substitute “15(1)(c) in reliance on a relevant European diploma”;
  - (b) in subsection (3), for the words from “is registered” to “when he is” substitute “has been registered under section 15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before exit day, when he was”;
  - (c) in subsection (5), for “15(1)(b) or (ba)” substitute “15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before exit day,”.
- 16.** Omit section 36 (visiting dentists from relevant European states)(**16**).
- 17.** Omit sections 36ZA (designation of competent authority)(**17**) and 36ZB (fees for certificates)(**18**).
- 18.** In section 36B (dental care professionals register)(**19**), for subsection (1A) substitute—
- “(1A) The dental care professionals register shall contain particulars of persons who under section 36C are entitled to be registered in the dental care professionals register.”.
- 19.** In section 36C (qualifications for registration)(**20**)—
- (a) in subsection (1), for paragraphs (a) and (b) substitute—
    - “(a) of matter A or C, and
    - (b) of matter D.”;
  - (b) omit subsection (3);
  - (c) after subsection (4), insert—
    - “(4A) Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that—
      - (a) was granted in a relevant European State, and
      - (b) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2).”;
  - (d) in subsection (5), for paragraphs (a) and (b) substitute—
    - “(a) shall take into account all that person’s relevant qualifications, and all relevant knowledge or experience, wherever acquired, and

(14) Section 34AA was inserted by [S.I. 2007/3101](#).

(15) Relevant amending instruments are [S.I. 2005/2011](#), [2007/3101](#).

(16) Relevant amending instruments are [S.I. 1996/1496](#), [2007/3101](#).

(17) Section 36ZA was inserted by [S.I. 2007/3101](#) and amended by paragraph 29 of Schedule 19 to the Data Protection Act 2018.

(18) Section 36ZB was inserted by [S.I. 2007/3101](#).

(19) Section 36B was inserted by [S.I. 2005/2011](#). Subsection (1A) was inserted by [S.I. 2007/3101](#).

(20) Section 36C was inserted by [S.I. 2005/2011](#). Subsections (3) and (5)(b) were substituted by, [S.I. 2007/3101](#). Subsections (6A) and (6B) were inserted by [S.I. 2015/806](#). Relevant amending instrument is [S.I. 2006/1718](#).

- (b) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination.”;
- (e) omit subsections (6A) and (6B).
- 20.** In section 36CA (necessary knowledge of English)(**21**)—
- (a) omit subsections (5), (7) and (8);
- (b) in subsection (14)(a), omit “the principal list of”.
- 21.** In section 36E (rules relating to the register)(**22**), in paragraph (a), omit “the principal list of”.
- 22.** In section 36F (registration fees)(**23**)—
- (a) for “Subject to subsection (1A), the” substitute “The”;
- (b) omit subsection (1A).
- 23.** In section 36L (indemnity arrangements)(**24**), omit subsection (11).
- 24.** In section 36S (appeals)(**25**)—
- (a) in subsection (1), omit paragraph (d);
- (b) in subsection (3), omit “or regulation 67 of the General System Regulations,”;
- (c) in subsection (6)—
- (i) in paragraph (b), omit the words after “against”;
- (ii) in paragraphs (c) and (d), omit “the Council,”.
- 25.** Omit sections 36Z3 (visiting dental care professionals from relevant European states)(**26**) and 36Z4 (training and development for visiting professionals)(**27**).
- 26.** In section 53 (interpretation)(**28**), in subsection (1)—
- (a) omit the definitions of “competent authority”, “[Directive 2002/58/EC](#)”, “exempt person”, “the General Systems Regulations”, “IMI”, and “national”;
- (b) for the definition of “the Directive” substitute—
- ““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;”.
- 27.** In Schedule 2 (European Dental Qualifications)(**29**)—
- (a) in paragraph 1(1), omit the definition of “medical qualification”;
- (b) in paragraph 2—
- (i) for “paragraphs 3, 3A and 4” substitute “paragraph 3”;

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(21) Section 36CA was inserted by [S.I. 2015/806](#).

(22) Section 36E was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2007/3101](#).

(23) Section 36F was inserted by [S.I. 2005/2011](#). Subsection (1A) was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#).

(24) Section 36L was substituted by [S.I. 2014/1887](#).

(25) Section 36S was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2016/1030](#).

(26) Section 36Z3 was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(27) Section 36Z4 was inserted by [S.I. 2007/3101](#).

(28) The definitions of “competent authority”, “the Directive”, “exempt person”, “the General Systems Regulations”, “national”, and “relevant European State” were inserted by [S.I. 2007/3101](#). The definitions of “[Directive 2002/58/EC](#)” and “IMI” were inserted by, and “the General Systems Regulations” was substituted by, [S.I. 2016/1030](#). Relevant amending instrument is [S.I. 2011/1043](#).

(29) Relevant amending instruments are [S.I. 1996/1496](#), [2003/3148](#), [2004/1947](#), [2007/3101](#), [2013/3036](#), [2016/1030](#).

- (ii) for “any” substitute “a”;
  - (iii) for “15(1)(b)” substitute “15(2ZA)”;
  - (iv) for “, provided that, where the diploma” substitute “if it”;
  - (v) after “Directive”, where it first occurs, insert “and”;
  - (c) in paragraph 3—
    - (i) for “15(1)(b)” substitute “15(2ZA)”;
    - (ii) omit the words from “unless” to the end;
  - (d) omit paragraphs 3A to 10.
- 28.** In Schedule 2A (registration appeals)(**30**)—
- (a) in paragraph 1—
    - (i) in the definition of “appealable registration decision”, omit “and (4)”;
    - (ii) in the definition of “person concerned”, omit “or (4)”;
    - (iii) in the definition of “the requisite period”—
      - (aa) omit “(ba),”;
      - (bb) for “, (i) or (j)” substitute “or (i)”;
      - (cc) omit the words after “the decision”, where it first appears;
  - (b) in paragraph 2(1)—
    - (i) in paragraph (a), omit “, (b)”;
    - (ii) omit paragraphs (aa), (ab), (ba) and (bb);
    - (iii) omit paragraphs (j), (k) and (l);
  - (c) in paragraph 3—
    - (i) in sub-paragraph (2)—
      - (aa) omit “, (aa)”;
      - (bb) for “, (i) or (j)” substitute “or (i)”;
    - (ii) omit sub-paragraphs (3) and (4);
  - (d) in paragraph 4(1)(b), omit “or (4)”.
- 29.** Omit Schedule 4 (visiting dentists from relevant European states)(**31**).
- 30.** Omit Schedule 4ZA (designation of competent authority)(**32**).
- 31.** In Schedule 4A (registration appeals)(**33**)—
- (a) in paragraph 1—
    - (i) in the definition of “appealable registration decision”, omit “and (4)”;
    - (ii) in the definition of “person concerned”, omit “or (4)”;
    - (iii) in the definition of “the requisite period”, omit “(ab),”;
  - (b) in paragraph 2(1)—
    - (i) omit paragraphs (aa) and (ab);

(30) Schedule 2A was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#).

(31) Schedule 4 was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(32) Schedule 4ZA was inserted by [S.I. 2007/3101](#). Relevant amending instruments are Schedule 19 to the Data Protection Act 2018, [S.I. 2016/1030](#).

(33) Schedule 4A was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#).

- (ii) omit paragraph (i) and the “and” before it;
- (c) in paragraph 3, omit sub-paragraphs (3) and (4);
- (d) in paragraph 4(1)(b), omit “or (4)”.

## European Primary and Specialist Dental Qualifications Regulations 1998

- 32.**—(1) The 1998 Regulations are amended as follows.
- (2) In regulation 2 (interpretation)(**34**), in paragraph (1)—
    - (a) for the definition of “the Directive” substitute—
 

““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;”;
    - (b) omit the definitions of “[Directive 2002/58/EC](#)”, “exempt person”, “the GDPR”, “General Systems Regulations”, “IMI” and “national”.
  - (3) In regulation 3 (power of direction in relation to EU obligations)(**35**), in paragraph (1), after “arise from” insert “retained”.
  - (4) Omit regulation 4 (designation of competent authority)(**36**).
  - (5) In regulation 7 (minimum requirements for specialist training)(**37**)—
    - (a) in paragraph (1), for “is to” substitute “would”;
    - (b) in paragraph (2), for “can” substitute “would”.
  - (6) In regulation 8 (distinctive titles and specialist lists)(**38**)—
    - (a) in paragraph (2)—
      - (i) at the end of sub-paragraph (b), insert “or”;
      - (ii) omit sub-paragraphs (c) and (e) (and the “or” before sub-paragraph (e));
    - (b) omit paragraphs (2A) and (2B).
  - (7) In regulation 9 (eligible specialists)(**39**)—
    - (a) in paragraph (1)—
      - (i) omit sub-paragraph (a) (including “and”);
      - (ii) in sub-paragraph (b), for “recognised” substitute “relevant European”;
    - (b) in paragraph (2), for “Subject to paragraph (2A), a” substitute “A”;
    - (c) omit paragraphs (2A) and (3);
    - (d) in paragraph (4)—
      - (i) omit sub-paragraph (a);
      - (ii) in sub-paragraph (b), omit “in any other case,”.
  - (8) Omit regulation 9A (applications by nationals of relevant European States etc.)(**40**).

**(34)** Paragraph (1) was amended by [S.I. 2004/1947](#), [2007/3101](#), [2011/1043](#), [2016/1030](#), Schedule 19 to the Data Protection Act 2018. There are other amending instruments but none is relevant.

**(35)** Regulation 3 was amended by [S.I. 2007/3101](#), [2011/1043](#).

**(36)** Regulation 4 was substituted by [S.I. 2007/3101](#).

**(37)** Paragraph (1) and (2) were substituted by [S.I. 2007/3101](#).

**(38)** Paragraph (2) to (2B) were substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

**(39)** Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#).

**(40)** Regulation 9A was inserted by [S.I. 2007/3101](#).

- (9) In regulation 10 (recognised European qualifications)(41)—
- (a) in the heading, for “Recognised” substitute “Relevant European”;
  - (b) before paragraph (1), insert—
    - “(A1) In regulation 9(1), “relevant European specialist dental qualification” means an appropriate European specialist dental qualification, within the meaning of paragraph (1), that has not been designated by the GDC for the purposes of this paragraph.
    - (B1) The GDC—
      - (a) may designate a qualification for the purposes of paragraph (A1) only with the approval of the Privy Council;
      - (b) must maintain and publish a list of the qualifications that are so designated.”;
  - (c) in paragraph (1)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “recognised” substitute “appropriate European”;
      - (bb) for “regulation 9(1)” substitute “paragraph (A1)”;
    - (ii) in sub-paragraph (a)(ii), omit “other than the United Kingdom”;
    - (iii) omit sub-paragraphs (aa) to (e);
  - (d) omit paragraph (2).
- (10) Omit regulation 13 (access to other specialities by nationals of relevant European States etc.)(42).
- (11) In regulation 14 (appeals to panel)(43), in paragraph (1), omit sub-paragraphs (ba) to (bc).
- (12) Omit Schedule A1 (competent authority functions)(44).

### **General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015**

- 33.** In the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015(45), in rule 1(2) (interpretation)—
- (a) in the definitions of “dental care professional” and “dentist”, omit the words from “other” to the end;
  - (b) in the definition of “register”, in paragraphs (a) and (b), omit the words from “in relation” to the end.

### **General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017**

- 34.** In the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017(46), in rule 1(3) (interpretation), in the definition of “practitioner”, omit the words from “other” to the end.

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(41) Relevant amending instruments are [S.I. 2004/1947](#), [2007/3101](#), [2013/3036](#).

(42) Regulation 13 was substituted by [S.I. 2003/3148](#). Relevant amending instrument is [S.I. 2007/3101](#).

(43) Relevant amending instrument is [S.I. 2007/3101](#).

(44) Schedule A1 was inserted by [S.I. 2007/3101](#). Relevant amendments made by Schedule 19 to the Data Protection Act 2018. Relevant amending instrument is [S.I. 2016/1030](#).

(45) As set out in the Schedule to the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules Order of Council 2015 ([S.I. 2015/1758](#)). Relevant amending instrument is [S.I. 2007/3101](#).

(46) As set out in the Schedule to the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council 2017 ([S.I. 2017/966](#)).

## 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.

<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”



<i>Act or instrument</i>	<i>Provision relating to visiting dentists</i>
	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)
	section 36CA(14)
	section 36E
	section 36F(1) and 1(A)
	section 36L(11)
	section 36Z3
	section 36Z4

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
	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;”;

- (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.