



# Dentists Act 1984

## 1984 CHAPTER 24

### PART V

#### DENTAL AUXILIARIES

#### **45 Establishment by Council of classes of dental auxiliaries**

- (1) Subject to the provisions of this section and section 46 below, the Council may by statutory instrument make regulations for the establishment of classes of dental auxiliaries to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry.
- (2) Regulations under this section may in particular make provision as respects any class so established—
  - (a) for prescribing the qualifications for becoming a member of that class;
  - (b) for prescribing the dental work which a member of that class may undertake and the conditions, if any, under which he may undertake it;
  - (c) for the establishment of a roll or record for that class.
- (3) The regulations shall be so framed as to secure that provisions in the regulations as to the arrangements to be made for training persons to become members of a class of dental auxiliaries do not materially impair the facilities for the training of dental students.
- (4) Regulations under this section may make provision for the appointment of persons to visit places providing courses of instruction approved by the Council under the regulations or to attend examinations so approved by them, and for the remuneration of such persons.
- (5) If, after regulations have been made under this section establishing a class of dental auxiliaries, the Council propose to make further regulations varying the provisions relating to that class or abolishing that class, the further regulations shall be so framed as to secure that a person belonging to that class at the time when the further regulations are made is still permitted to do any dental work of a kind which he was previously permitted to do.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The Council need not comply with subsection (5) above in framing the regulations if they are satisfied that reasonable steps have been taken to give each of the persons belonging to the class in question particulars of their proposals with an opportunity of raising objections and none of those persons has maintained any objection to those proposals.
- (7) Where a roll or record is established for a class of dental auxiliaries, regulations under this section may, in particular, provide for—
  - (a) prescribing a fee to be charged when a person's name is entered in the roll or record,
  - (b) prescribing a fee to be charged in respect of the retention of a person's name in the roll or record in any year subsequent to the year in which that person's name was first recorded, and
  - (c) authorising the person in charge of the roll or record to erase from the roll or record the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under paragraph (b) above.
- (8) Section 38 above shall not operate to prevent a person doing anything which he is permitted to do by regulations under this section; and the prohibition contained in that section on a person holding himself out as practising or being prepared to practise dentistry shall not apply to a person for the time being permitted by regulations under this section to practise dentistry of any particular kind.
- (9) The Council shall not make any regulations under this section unless a draft of those regulations, which has been approved by the Privy Council, has been laid before and approved by a resolution of each House of Parliament.

#### **46      Restrictions on employment of dental auxiliaries**

- (1) Regulations under section 45 above shall not permit a dental auxiliary of any class to undertake—
  - (a) the extraction of teeth other than deciduous teeth, or
  - (b) except in the course of the provision of national health services, the filling of teeth or the extraction of deciduous teeth, or
  - (c) the fitting, insertion or fixing of dentures or artificial teeth.
- (2) Regulations under section 45 above shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by a dental auxiliary in the course of the provision of national health services is carried out under the direction of a registered dentist; and it shall be the duty of the Council to secure, either by provision in the said regulations or otherwise, that, so long as they think it advisable, such work is only carried out after the registered dentist has examined the patient and has indicated to the dental auxiliary the course of treatment to be provided for the patient.
- (3) Regulations under that section shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by a dental auxiliary otherwise than in the course of providing national health services is carried out under the direct personal supervision of a registered dentist.
- (4) Her Majesty may by Order in Council—
  - (a) provide that subsection (1)(b) above shall cease to have effect in relation to any class of dental auxiliaries specified in the Order;

- (b) repeal, in subsection (2) above, the words " in the course of the provision of national health services " and subsection (3) above.
- (5) An Order in Council under subsection (4) above shall not be made unless a draft of the Order has been laid before and approved by a resolution of each House of Parliament.

#### **47 Use of titles and descriptions**

- (1) Regulations under section 45 above may authorise members of a class of dental auxiliaries established by the regulations to use a title indicating their membership; and any person who wilfully uses that title when he is not authorised under the regulations to use that title shall be liable, on summary conviction, to a fine not exceeding the third level on the standard scale.
- (2) Any member of a class of dental auxiliaries who uses any title or description reasonably calculated to suggest that he possesses any status or qualification connected with dentistry other than a status or qualification which he in fact possesses and which is indicated by particulars entered in the roll or record of the class in respect of him shall be liable, on summary conviction, to a fine not exceeding the third level on the standard scale.
- (3) Where in the case of any class of dental auxiliaries regulations under section 45 above do not provide for a roll or record of the class in which particulars of status and qualifications may be entered, subsection (2) above shall have effect as if the words " and which is indicated by particulars entered in the roll or record of the class in respect of him " were omitted.

#### **48 Functions of Dental Auxiliaries Committee**

- (1) The Council shall refer to the Dental Auxiliaries Committee ("the Committee") all matters connected with ancillary dental services.
- (2) Regulations under section 45 above may provide for entrusting to the Committee the duty of enforcing standards of conduct among dental auxiliaries and for enabling the Committee to withdraw from a person not conforming to those standards the right to undertake dental work as a dental auxiliary of all or any classes.
- (3) In relation to any decision of the Committee under regulations made by virtue of subsection (2) above that a person's name shall be erased from a roll or record established pursuant to section 45(2) above, sections 29 and 30(1) and (2) above shall, with the necessary modifications, apply as they apply in relation to a determination of the Professional Conduct Committee that a person's name shall be erased from the register.
- (4) References to the Committee in subsection (3) above include references to a sub-committee of the Committee.