



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

41 Restriction on individuals.

^{F1}(1) Subject to the provisions of this section, an individual who is not a registered dentist shall not carry on the business of dentistry unless—

- (a) he was engaged in carrying on the business of dentistry on 21st July 1955; or
- (b) he falls within a class of registered dental care professionals prescribed in rules under this section.

(1A) For the purposes of this section, an “authorised dental care professional” means an individual who falls within subsection (1)(b).

(1B) Any individual who contravenes this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The exemption conferred by subsection (1)(a) on persons who were carrying on the business of dentistry on the date there mentioned shall not extend to any person who has at any time ceased to be a registered dentist in consequence of a Practice Committee giving a direction under section 27B or 27C or making an order under section 30(1) for the erasure of his name from the register, or for the suspension of his registration, following a relevant determination that his fitness to practise as a dentist is impaired.

(2A) For the purposes of subsection (2), a “relevant determination” that a person’s fitness to practise is impaired is a determination which is based solely on one or more of the grounds mentioned in paragraph (a), (d), (e), (f) or (g) of subsection (2) of section 27 (misconduct etc.).

Changes to legislation: Dentists Act 1984, Section 41 is up to date with all changes known to be in force on or before 19 March 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) View outstanding changes

- (3) This section shall not operate to prevent a person from carrying on the business of dentistry during any period for which—
- (a) his registration in the register is suspended by virtue of a direction given by a Practice Committee under section 27B or 27C, or an order made by a Practice Committee under section 30(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of section 27 (adverse physical or mental health), that his fitness to practise is impaired, or
 - (b) his registration in the dental care professionals register is suspended by virtue of a direction given by a Practice Committee under section 36P or 36Q, or an order made by a Practice Committee under section 36U(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of section 36N (adverse physical or mental health), that his fitness to practise is impaired,
- and subsections (4) and (6) shall apply in relation to a person whose registration is so suspended as they apply in relation to a registered dentist or an authorised dental care professional.]
- (4) Where a registered dentist or [^{F2}authorised dental care professional] who died after 3rd July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his personal representatives or [^{F3}his surviving spouse or his surviving civil partner] or any of his children, or trustees on behalf of [^{F3}his surviving spouse or his surviving civil partner] or any of his children, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with his death.
- (5) Where a registered dentist ^{F4}... who died before 4th July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his widow, or trustees on behalf of his widow, from carrying on the business of dentistry in continuance of that business or practice at any time during her life.
- (6) Where a registered dentist or [^{F5}authorised dental care professional] becomes bankrupt at a time when he is carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his trustee in bankruptcy, or in Northern Ireland the official assignee, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with the bankruptcy.
- [^{F6}(7) Rules made under subsection (1)(b) shall not be amended or revoked in such a way that any class of registered dental care professionals prescribed in those rules ceases thereafter to be prescribed.]

Textual Amendments

- F1** S. 41(1)-(3) substituted for s. 41(1)-(3) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 37\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F2** Words in s. 41(4) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 37\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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- F3** Words in s. 41(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\), Sch. 27 para. 89](#); [S.I. 2005/3175, art. 2\(2\)](#)
- F4** Words in s. 41(5) omitted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\), art. 37\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F5** Words in s. 41(6) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\), art. 37\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F6** S. 41(7) added (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\), art. 37\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 41(2A) words substituted by [S.I. 2009/1182 Sch. 1 para. 9](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(2)(h)(i) inserted by [S.I. 2009/1182 Sch. 1 para. 7](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 27(2)(ba) inserted by [S.I. 2015/806 art. 17](#)
- s. 27A(5)(aa) inserted by [S.I. 2015/806 art. 18\(3\)](#)
- s. 27BA inserted by [S.I. 2015/806 art. 19](#)
- s. 36N(2)(h)(i) inserted by [S.I. 2009/1182 Sch. 1 para. 8](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 36N(2)(ba) inserted by [S.I. 2015/806 art. 24](#)
- s. 36O(5)(aa) inserted by [S.I. 2015/806 art. 25\(3\)](#)
- s. 36PA inserted by [S.I. 2015/806 art. 26](#)