



National Health Service Reform and Health Care Professions Act 2002

2002 CHAPTER 17

PART 2

[^{F1}HEALTH AND SOCIAL CARE PROFESSIONS ETC.]

Appeals

31 Dentists

(1) The Dentists Act 1984 (c. 24) is amended as follows.

(2) In section 29 (appeals)—

- (a) in subsection (1), for the words from “to Her” to the end there is substituted “against that determination or direction to the relevant court.”,
- (b) after subsection (1) there is inserted—

“(1A) In subsection (1), “the relevant court”—

- (a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session,
 - (b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland, and
 - (c) in the case of any other person, means the High Court of Justice in England and Wales.”,
- (c) subsection (2) is omitted, and
- (d) for subsection (3) there is substituted—

“(3) On an appeal under this section, the court may—

- (a) dismiss the appeal,

Changes to legislation: There are currently no known outstanding effects for the National Health Service Reform and Health Care Professions Act 2002, Section 31. (See end of Document for details)

- (b) allow the appeal and quash the determination or direction appealed against,
 - (c) (in the case of an appeal against a determination under section 27 above or a direction under section 28 above) substitute for the determination or direction appealed against any other determination or direction which could have been made or given by the Professional Conduct Committee or (as the case may be) the Health Committee, or
 - (d) remit the case to the Professional Conduct Committee, the Health Committee or the Continuing Professional Development Committee to dispose of the case under section 27 or 28 above or Schedule 3A to this Act in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.”
- (3) In section 44 (withdrawal of privilege from body corporate)—
 - (a) in subsection (4)—
 - (i) after “days” there is inserted “ from service ”, and
 - (ii) for the words from “in accordance” to “Majesty in Council” there is substituted “ appeal to the relevant court ”, and
 - (b) after subsection (4) there is inserted—
 - “(4A) In subsection (4), “the relevant court”—
 - (a) where the registered office of the body corporate is in Northern Ireland, means the High Court of Justice in Northern Ireland,
 - (b) where the registered office of the body corporate is in Scotland, means the Court of Session,
 - (c) where the registered office of the body corporate is in any other place, means the High Court of Justice in England and Wales.”
- (4) In section 51, the words from “(other” to “appeals)” are omitted.
- (5) In section 34A (professional training and development requirements), in subsection (7)(b), for “to Her Majesty in Council” there is substituted “ under section 29 above to the relevant court ”.
- (6) Subsection (5) has effect—
 - (a) upon the coming into force of this section, if that happens after the coming into force of article 8 of the Dentists Act 1984 (Amendment) Order 2001 (S.I. 2001/3926) (“the Dentists Order”) so far as that article effects the insertion into the Dentists Act 1984 (c. 24) of the new section 34A(7)(b),
 - (b) otherwise, immediately after the coming into force to that extent of that article.
- (7) If this section comes into force before article 10(3) of the Dentists Order—
 - (a) paragraphs (b), (c) and (d) of article 10(3) of that Order are revoked upon the coming into force of this section, and
 - (b) until the coming into force of the remainder of article 10(3) of that Order, section 29 of the Dentists Act 1984 (c. 24) (as amended by this section) is to be read with the modifications set out in subsection (8).

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- (8) The modifications are that section 29 is to be read as if—
- (a) in each of paragraphs (a) and (b) of subsection (1A), the words “(or if he were registered would be)” were omitted,
 - (b) in paragraph (c) of subsection (3), the words “(in the case of an appeal against a determination under section 27 above or a direction under section 28 above)” were omitted, and
 - (c) in paragraph (d) of subsection (3)—
 - (i) for the words “, the Health Committee or the Continuing Professional Development Committee” there were substituted “ or the Health Committee ”, and
 - (ii) the words “or Schedule 3A to this Act” were omitted.

Changes to legislation:

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