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*Status: Point in time view as at 14/04/1998.*

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## STATUTORY INSTRUMENTS

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# 1998 No. 811

## DENTISTS

### The European Primary and Specialist Dental Qualifications Regulations 1998

<i>Made</i>	- - - -	<i>17th March 1998</i>
<i>Laid before Parliament</i>		<i>24th March 1998</i>
<i>Coming into force</i>	- -	<i>14th April 1998</i>

The Secretary of State, being designated<sup>M1</sup> for the purposes of, and in exercise of the powers conferred by, section 2(2) of the European Communities Act 1972<sup>M2</sup> and in exercise of all other powers enabling him in that behalf, hereby makes the following Regulations:—

#### Marginal Citations

- M1** See [S.I. 1995/3207](#), which designated the Secretary of State for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the access to, the training for, the pursuit of and the award of qualifications in (amongst other professions) dentistry.
- M2** [1972 c. 68](#). By virtue of the amendment of section 1(2) of the 1972 Act by section 1 of the [European Economic Area Act 1993 \(c. 51\)](#), regulations may be made under section 2(2) to implement obligations of the United Kingdom created or arising by or under the EEA Agreement. The 1972 Act is to be read with the 1993 Act.

## PART I GENERAL

### Citation and commencement

1.—(1) These Regulations may be cited as the European Primary and Specialist Dental Qualifications Regulations 1998.

(2) These Regulations shall come into force on 14th April 1998.

### Interpretation

2.—(1) In these Regulations—

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- “the Act” means the Dentists Act 1984 <sup>M3</sup>;
- “appropriate European diploma” shall be construed in accordance with Part I of Schedule 2 to the Act <sup>M4</sup>;
- “CCST” means Certificate of Completion of Specialist Training in orthodontics or, as the case may be, oral surgery <sup>M5</sup>;
- “dental authority” shall be construed in accordance with section 3(4) of the Act;
- “the Dental Training Directive” means Council Directive No. 78/687/EEC<sup>M6</sup> concerning the co-ordination of provisions in respect of the activities of dental practitioners, as amended by the Accession of Austria, Finland and Sweden Act;
- “EEA” means European Economic Area;
- “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 <sup>M7</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993 <sup>M8</sup>;
- “EEA State” means a State which is a contracting party to the EEA Agreement;
- “GDC” means General Dental Council <sup>M9</sup>;
- “primary qualification” means a qualification held by the persons referred to in section 15(1) of the Act <sup>M10</sup>;
- “the Recognition Directive” means Council Directive No. 78/686/EEC<sup>M11</sup> concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. 81/1057/EEC<sup>M12</sup> the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC<sup>M13</sup> and 90/658/EEC<sup>M14</sup>, the EEA Agreement and the Accession of Austria, Finland and Sweden Act;
- “the register” means the dentists’ register <sup>M15</sup>;
- “registered dentist” means a person registered in the register other than with temporary registration, except in regulations 8(1) and (2) and 12(1), where it has the meaning assigned in the Act <sup>M16</sup>;
- “registrar” means the registrar of the GDC <sup>M17</sup>; and
- “registration number” means the number by which a registered dentist is identified in the register.

(2) In these Regulations, any reference to a consultant in the National Health Service is to a consultant other than a locum consultant (but including an honorary consultant) employed for the purposes of providing any service as part of the health service continued under section 1(1) of the National Health Service Act 1977 <sup>M18</sup>, section 1(1) of the National Health Service (Scotland) Act 1978 <sup>M19</sup> or Article 4 of the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>M20</sup>.

(3) In this regulation—

- (a) “the Accession of Greece Act” means the Act annexed to the Treaty relating to the accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979 <sup>M21</sup>;
- (b) “the Accession of Spain and Portugal Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Community signed at Madrid and Lisbon on 12th June 1985 <sup>M22</sup>; and
- (c) “the Accession of Austria, Finland and Sweden Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th

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June 1994<sup>M23</sup>, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union<sup>M24</sup>.

#### Marginal Citations

- M3** 1984 c. 24.
- M4** Part I of Schedule 2 was amended by [S.I. 1996/1496, regulation 3](#).
- M5** See article 5(1) and (2) of the Recognition Directive under the heading “*in the United Kingdom*”.
- M6** OJ No. L 233, 24.8.1978, p. 10.
- M7** Cm. 2073 and OJ No. L 1, 3.1.1994, p. 3.
- M8** Cm. 2183 and OJ No. L 1, 3.1.1994, p. 572.
- M9** See the [Dentists Act 1984 \(c. 24\), section 1](#).
- M10** [Section 15\(1\)](#) was amended by SI 1996/1496, regulation 2.
- M11** OJ No. L 233, 24.8.1978, p. 1.
- M12** OJ No. L 385, 31.12.1981, p. 25.
- M13** OJ No. L 341, 23.11.1989, p. 19.
- M14** OJ No. L 353, 17.12.1990, p. 73.
- M15** [Section 14\(1\)](#) of the Act provides for the continuation of the register of registered dentists.
- M16** See section 53(1).
- M17** [Section 14\(2\)](#) of the Act provides for the register to be kept by a registrar.
- M18** 1977 c. 49.
- M19** 1978 c. 29.
- M20** [S.I. 1972/1265 \(N.I. 14\)](#).
- M21** OJ No. L 291, 19.11.1979, p. 91.
- M22** OJ No. L 302, 15.11.1985, p. 160.
- M23** OJ No. C 241, 29.8.1994, p. 21. Norway did not ratify the Treaty.
- M24** OJ No. L 1, 1.1.1995, p. 1. See the Annex—Annex I (XI)(D)(III)(3).

#### Power of direction

3.—(1) Subject to paragraph (2), the Secretary of State may give directions to the GDC in connection with any of its functions which arise from Community obligations and which relate to—

- (a) primary qualifications awarded in the EEA;
- (b) specialist qualifications in orthodontics or oral surgery awarded in the EEA;
- (c) registration under the Act by virtue of any qualifications; or
- (d) entry in a specialist list for orthodontists or oral surgeons;

and it shall be the duty of the GDC to comply with any such directions.

- (2) Directions given under paragraph (1) may be as to matters of administration only.

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## PART II

### SPECIALIST QUALIFICATIONS

#### *The competent authority*

#### **The competent authority**

4.—(1) In relation to specialist dental qualifications in orthodontics and oral surgery, the competent authority in the United Kingdom for the purposes of the Recognition Directive and the Dental Training Directive is the GDC.

(2) Accordingly, in relation to specialist dental qualifications in orthodontics and oral surgery, in addition to the functions conferred upon it elsewhere in these Regulations, the GDC shall as respects the United Kingdom perform the functions—

- (a) of the host member State referred to in the following articles of the Recognition Directive—
  - (i) article 6(1) (requirement to fulfil domestic requirements for specialist training in certain specialties);
  - (ii) article 6(2) (requirement to take into account training already undertaken abroad); and
  - (iii) article 21 (which concerns requiring confirmation of authenticity of foreign diplomas and confirmation that a person has fulfilled the Dental Training Directive’s training requirements); and
- (b) of a competent authority referred to in the following articles of the Recognition Directive—
  - (i) article 6(2) (issue of certificates relating to training in the United Kingdom in certain specialties);
  - (ii) article 6(3) (requirement to verify content and duration of foreign specialist training and to communicate what additional training is required in the United Kingdom);
  - (iii) article 7(2) (issue of certificates there mentioned to specialists whose qualifications were awarded in the United Kingdom or who have practised their specialty in the United Kingdom);
  - (iv) article 7(3) (issue of certificates of fulfilment of the Dental Training Directive training requirements in respect of qualifications which do not conform with the designations set out in the Recognition Directive); and
  - (v) article 21 (function of confirming authenticity of CCSTs and of confirming that a person has fulfilled the Dental Training Directive’s training requirements).
- (3) The GDC is hereby designated as respects the United Kingdom for the purposes set out in this regulation in accordance with—
  - (a) article 22 of the Recognition Directive (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in the Directive); and
  - (b) article 2(3) of the Dental Training Directive (which requires member States to designate the authorities or bodies competent to issue diplomas, certificates or other evidence of formal qualifications referred to in Article 2(1) of the Dental Training Directive).

## **Fees**

5.—(1) Subject to the following paragraphs, the GDC may charge such reasonable fees as it determines to cover the cost of providing services in the course of the performance of any of its functions under or by virtue of Part II of these Regulations.

(2) The GDC may set those fees at levels such that (taken together) the fees also cover the cost of such of its overheads as are reasonably attributable to the performance of all of its functions under or by virtue of Part II of these Regulations; but the fees must not include any element of profit.

(3) The fee charged by the GDC for any particular service must not include more than a reasonable proportion of the total cost of its overheads referred to in paragraph (2).

(4) This regulation does not prevent the GDC, where it has power to do so, from setting any other fee which it has power to charge at a level designed to include costs referred to in this regulation; but any costs recovered that way cannot also be recovered by way of fees under this regulation.

### *Specialist dental training*

## **Certificates of completion of specialist training**

6.—(1) Subject to paragraphs (2), (3) and (4), the GDC shall award a CCST to any person who applies to the GDC for that purpose (and pays any fee determined by the GDC) if the GDC is satisfied that he has satisfactorily completed specialist dental training in orthodontics or (as the case may be) oral surgery approved by the GDC pursuant to regulation 7.

(2) A CCST may be awarded only to a registered dentist.

(3) A period of specialist dental training in a branch of specialised dentistry other than orthodontics counts towards completion of the training required for orthodontics if it is common to both specialties.

(4) A period of specialist dental training in a branch of specialised dentistry other than oral surgery counts towards completion of the training required for oral surgery if it is common to both specialties.

(5) A CCST shall state—

- (a) the date on which it was awarded;
- (b) the specialty in which it was awarded;
- (c) the name of its holder;
- (d) his primary dental qualification; and
- (e) his registration number.

(6) A CCST shall state where the holder's primary dental qualification was awarded and, in the case of a registered dentist whose primary qualification in the United Kingdom was awarded following the completion of a degree, licence or other dental diploma overseas, the CCST shall also state this qualification and the place where it was awarded.

(7) Where more than one year of the training to which the CCST attests took place outside the EEA, the CCST shall make clear that this was so, and shall state the length (in aggregate) of such training.

## **Minimum requirements of specialist dental training**

7.—(1) The GDC shall not approve specialist dental training intended to lead to the award of a CCST unless it complies with the requirements of this regulation; and the GDC may withdraw any such approval if it is satisfied that the training no longer complies with those requirements.

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(2) The training must constitute an entire course of training in the specialty in question and must, subject to paragraph (3)—

- (a) comprise theoretical and practical instruction;
- (b) be full-time training;
- (c) be supervised by the GDC;
- (d) be of at least three years' duration;
- (e) be in a university centre, in a treatment, teaching and research centre, or (where the GDC is satisfied that it is appropriate) in a health establishment approved for this purpose by the GDC; and
- (f) involve the personal participation of the person training to be a specialist in the activity and in the responsibilities of the establishments concerned.

(3) Part-time specialist dental training is permitted, under conditions approved by the GDC, where training on a full-time basis would not be practicable for well-founded reasons; and accordingly the GDC may approve part-time training which satisfies—

- (a) the conditions referred to above in this paragraph;
- (b) the conditions set out in sub-paragraphs (a), (c), (e) and (f) of paragraph (2); and
- (c) the following conditions—
  - (i) the standard of training must not be lower than that of full-time training; and
  - (ii) the total length of training in the specialty in question must not be less than that of full-time training in the same specialty.

(4) The curriculum and any other requirements relating to the training for the specialty, as they have effect from time to time, must be published.

#### *Distinctive titles and specialist lists*

**8.—**(1) Paragraph (2) applies where the GDC is of the opinion that orthodontics or (as the case may be) oral surgery has become so distinctive that it would be for the convenience of the public or of the dental profession that registered dentists qualified to practise, or practising, in that branch of dentistry should use a distinctive title, and it decides to make regulations—

- (a) under section 26(3) <sup>M25</sup> of the Act so as to prescribe a title for that specialty; or
- (b) to prescribe such a title and also to provide for the matters specified in section 26(4)(a) and (b) of the Act in relation to that title.

(2) Where this paragraph applies, the GDC shall secure that the regulations mentioned in paragraph (1) provide that a registered dentist is entitled to use the title prescribed for a specialty and (if appropriate) to have his name entered in the list for that specialty only if he—

- (a) either holds a CCST awarded by the GDC under regulation 6 in the specialty in question, or is an eligible specialist as specified in regulation 9 or an existing specialist as specified in regulation 12; and
- (b) pays any fee determined by the GDC on application for entry in the appropriate list.

(3) Where the GDC exercises its powers under section 26(4) of the Act so as to provide for a specialist list in orthodontics or oral surgery, it must tell anyone who asks it (and pays any fee determined by the GDC) whether or not a particular person's name is entered in the list in question, and must do so in writing if required, stating the date on which that person's name was entered in the list and his registration number.

(4) For the purposes of paragraph (3), the GDC shall be deemed to have satisfied a requirement that it gives information in writing if it transmits the information to the person requiring it by facsimile or other electronic means.

#### Marginal Citations

**M25** Section 26(3) of the Act provides for the GDC, if it is of the opinion that any branch of dentistry has become so distinctive that it would be for the convenience of the public or of the dental profession that registered dentists qualified to practise, or practising, in that branch of dentistry should use a distinctive title, to make regulations prescribing appropriate titles and conditions under which they may be used. By section 26(4), such regulations may also provide for a list to be kept by the GDC of registered dentists who are qualified to use the distinctive title and for such a dentist to have his name entered in the list.

#### Eligible specialists

9.—(1) A person is an eligible specialist for the purposes of regulation 8(2) if he holds a recognised specialist dental qualification (as specified in regulation 10) and—

- (a) is a national of an EEA State; or
- (b) is not a national of an EEA State, but is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68<sup>M26</sup> or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State.

(2) A person is also an eligible specialist for the purposes of regulation 8(2) if he does not fall within paragraph (1), but—

- (a) he has specialist dental qualifications awarded outside the United Kingdom in orthodontics or (as the case may be) oral surgery, and satisfies the GDC that those qualifications are equivalent to a CCST in the specialty in question; or
- (b) he has knowledge of, and experience in, orthodontics or (as the case may be) oral surgery derived from academic or research work, and satisfies the GDC that that knowledge and experience is equivalent to the knowledge and experience which he might reasonably be expected to have acquired if he had undertaken the training required for the award of a CCST.

(3) In the case of a person falling within paragraph (2) who is as described in sub-paragraph (a) or (b) of paragraph (1) and—

- (a) has specialist qualifications in orthodontics or (as the case may be) oral surgery awarded outside the EEA which have been accepted by another EEA State as qualifying him to practise as a specialist in that State; or
- (b) has acquired specialist dental experience and knowledge in an EEA State,

the GDC shall, when considering whether it is satisfied as mentioned in paragraph (2)(a) or (b), take account of that acceptance and of that dental experience and knowledge.

(4) A person is also an eligible specialist in oral surgery for the purposes of regulation 8(2) if he is an oral and maxillo-facial surgeon and his name is entered in the specialist register kept by the General Medical Council<sup>M27</sup> in respect of that specialty<sup>M28</sup> and—

- (a) if his specialist qualification in oral and maxillo-facial surgery was awarded in an EEA State other than the United Kingdom, he satisfies the GDC that his training in oral and maxillo-facial surgery included elements which taken together satisfy the requirements of the Dental Training Directive for training in oral surgery; and

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- (b) in any other case, he satisfies the GDC that his training in oral and maxillo-facial surgery included elements which taken together are equivalent to the training required for the award of a CCST in oral surgery.

#### Marginal Citations

- M26** OJ No. L 257, 19.10.1968, p. 1 (amended by Council Regulation (EEC) No. 312/76 OJ No. L 39, 14.2.1976, p.2.).
- M27** See the [Medical Act 1983 \(c. 54\)](#), [section 1](#).
- M28** See [S.I. 1995/3208](#), which makes provision for the specialist medical register.

### Recognised specialist dental qualifications

**10.**—(1) The following are recognised specialist dental qualifications for the purposes of regulation 9(1)—

- (a) a qualification which is listed in article 5(1) (orthodontics) or (as the case may be) article 5(2) (oral surgery) of the Recognition Directive (which sets out the names of specialist qualifications in EEA States) granted in an EEA State other than the United Kingdom (these names are set out in Schedule 1);
- (b) a qualification in orthodontics or (as the case may be) oral surgery granted in an EEA State other than the United Kingdom which does not satisfy all the minimum training requirements laid down by articles 2 and 3 of the Dental Training Directive and was awarded following training begun before the relevant date, accompanied by a certificate from the competent authority in the EEA State in which the qualification was awarded or in which its holder has subsequently become established, stating that the holder has been engaged in the practice of his specialty for at least the period required by article 7(2) of the Recognition Directive (qualifications not satisfying the minimum training requirements);
- (c) a qualification in orthodontics or (as the case may be) oral surgery—
- (i) which has been obtained at any time in an EEA State other than the United Kingdom,
  - (ii) which does not conform with the designations set out in article 5(1) or (2) of the Recognition Directive (which sets out the specialist dental qualifications awarded in EEA States), and
  - (iii) evidence of which is accompanied by a certificate of the competent authorities of that State to the effect that the qualification was awarded following training in accordance with the provisions of articles 2 and 3 of the Dental Training Directive (which set out minimum standards of training for specialist dental qualifications) and is treated by that State as if it were a qualification set out under the heading relating to that State in article 5(1) or (2) of the Recognition Directive; and
- (d) subject to compliance with paragraph (2), any qualification which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic.
- (2) This paragraph is complied with where—
- (a) the holder of the qualification referred to in paragraph (1)(d) produces to the Registrar a certificate of the competent authorities of Germany certifying that he has practised his specialty in Germany for at least the period referred to in article 7a(2) of the Recognition Directive (training in former German Democratic Republic); and
  - (b) he is authorised to practise his specialty throughout the territory of Germany under the same conditions as holders of the German qualification listed in article 5(1) or (2) of the Recognition Directive.



- (3) In paragraph (1)(b), “the relevant date” means—
- (a) 28th January 1980, in the case of a qualification granted in Denmark, France, Germany, Ireland or the Netherlands;
  - (b) 1st January 1981, in the case of a qualification granted in Greece;
  - (c) 1st January 1994, in the case of a qualification granted in Finland, Norway or Sweden; or
  - (d) in the case of any other EEA State, the date notified by that State to the Commission as that on which it implemented the Dental Training Directive.

### **Appointment as a consultant in the National Health Service**

**11.**—(1) Paragraph (2) shall not apply until the expiry of the period of two years beginning with the date on which regulations made by the GDC under section 26(4) of the Act come into force in relation to the specialty in question.

(2) Subject to paragraph (1), a person may not take up appointment as a consultant in the National Health Service in oral surgery or orthodontics unless his name is included in any list for the specialty in question kept pursuant to regulations made by the GDC under section 26(4) of the Act.

### *Transitional provisions*

### **Existing specialists**

**12.**—(1) A registered dentist is an existing specialist for the purposes of regulation 8(2) if he applies to the Registrar, within the period referred to in paragraph (2), for his name to be entered in any list of orthodontists or (as the case may be) oral surgeons kept pursuant to regulations made under section 26(4) of the Act (paying any fee determined by the GDC) and satisfies him that he falls within paragraph (3).

(2) An application under paragraph (1) shall be made before the expiry of the period of two years beginning with the date on which the regulations mentioned in that paragraph come into force in relation to the specialty in question, unless the applicant satisfies the Registrar that there was good reason for not applying by then.

- (3) A person falls within this paragraph if—
- (a) he is, or has been, a consultant in the National Health Service in the specialty in question; or
  - (b) he has been accredited in the specialty in question before the date on which the regulations referred to in paragraph (1) come into force in relation to that specialty; or
  - (c) he has satisfied the GDC that—
    - (i) he has been trained in the United Kingdom in the appropriate specialty and that training complied with the requirements relating to training in that specialty current in the United Kingdom at the time he undertook it;
    - (ii) he has qualifications awarded in the United Kingdom in such a specialty that are equivalent to a CCST in that specialty; or
    - (iii) he has acquired experience in that specialty which has given him a level of expertise equivalent to the level of expertise he might reasonably be expected to have attained if he had a CCST in that specialty.

(4) In paragraph (3)(b), “accredited” refers to the former practice whereby certain Royal Colleges and Faculties acknowledged the satisfactory completion of a period of specialist training in dentistry, to a level previously determined by that body, by granting an application for accreditation made by the person who had completed the training.

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## *Other specialities*

### **Other specialities**

**13.**—(1) If the GDC exercises its powers under section 26(3) and (4) of the Act so as to prescribe specialist titles or provide for specialist lists in any branch of dentistry other than orthodontics or oral surgery, it shall secure as regards a person to whom this paragraph applies that—

- (a) any specialist qualification of his in the branch of dentistry in question awarded outside the EEA which has been accepted by another EEA State as qualifying him to practise as a specialist in that branch of dentistry in that State; and
- (b) any specialist dental experience and knowledge of his in that branch of dentistry acquired in an EEA State,

are taken into account in assessing his entitlement to use the specialist title in question or to have his name entered in any specialist list relating to that branch of dentistry or in assessing what (if any) further training he must undergo for the purpose of obtaining a qualification in that branch of dentistry.

(2) Paragraph (1) applies to a person who—

- (a) is a national of an EEA State; or
- (b) is not a national of an EEA State, but is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68<sup>M29</sup> or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State.

(3) If the GDC exercises its powers under subsection (3) of section 26 of the Act in relation to both oral surgery and surgical dentistry, it shall do so in such a way as to secure that any registered dentist who is entitled to use the title prescribed for oral surgery (an “oral surgeon”) is also entitled to use the title prescribed for surgical dentistry; and if the GDC also exercises its powers by virtue of subsection (4) of that section in relation to surgical dentistry, it shall do so in such a way as to secure that an oral surgeon is entitled to have his name entered in the list of surgical dentists.

#### **Marginal Citations**

**M29** OJ No. L 257, 19.10.1968, p. 1. (amended by Council Regulation (EEC) No. 312/76 OJ No. L 39, 14.2.1976, p. 2.).

## *Miscellaneous*

### **Appeals**

**14.**—(1) The GDC shall secure that—

- (a) a person to whom it refuses to award a CCST;
- (b) a person who fails to satisfy the GDC that he is an eligible specialist in accordance with regulation 9(2), (3) or (4); and
- (c) a person who fails to satisfy the GDC as to the matters referred to in regulation 12(3)(c);

has the right to appeal against its decision to a panel of independent persons (in this regulation referred to as an “appeal panel”) which shall be convened by the GDC as soon as practicable to reconsider the question and determine whether or not the appellant should be awarded a CCST or should so satisfy the GDC (as the case may be).

(2) The GDC shall determine and publish the procedure governing its selection of the members of appeal panels and the conduct of appeals.

(3) The GDC shall secure that an appeal panel gives reasons for its determination.

### **Revocation and saving**

**15.**—(1) The Dental Qualifications (EEC Recognition) Order 1980 <sup>M30</sup> is hereby revoked.

(2) Subject to paragraph (3), the revocation of article 5(1) of that Order does not prevent the GDC from awarding a certificate of completion of specialist training to any person whose application for one had been received by the GDC before these Regulations came into force; and any such application may be dealt with as if paragraph (1) had not come into force.

(3) An application to which paragraph (2) refers must be dealt with before the end of the period of three months beginning with the date on which these Regulations come into force.

#### **Marginal Citations**

**M30** *S.I. 1980/703*. Articles 3, 4, 6 and 7 of the Order were revoked by the Dentists Act 1984, Schedule 6, Part II.

## **PART III**

### **PRIMARY QUALIFICATIONS**

#### **The competent authorities**

**16.**—(1) Subject to paragraph (5), in relation to primary qualifications awarded in the United Kingdom, to appropriate European diplomas, and to registration under the Act by virtue of such qualifications or diplomas, the GDC shall be the competent authority in the United Kingdom for the purposes of the Recognition Directive.

(2) Accordingly, in relation to such qualifications or diplomas and to persons registered or seeking registration under the Act by virtue of them, the GDC shall as respects the United Kingdom perform (in addition to any functions provided for elsewhere) the following functions conferred by the Recognition Directive (the relevant article of that Directive being referred to in brackets where it is not otherwise mentioned)—

- (a) the function of issuing in respect of practice in the United Kingdom the certificate of effective and lawful practice referred to in article 7(1);
- (b) where the United Kingdom is the host State, the function of providing, where the GDC thinks fit, the information referred to in the first paragraph of articles 9(3) and 10(2);
- (c) where the GDC receives such information, the function of verifying the accuracy of the facts, of deciding on the nature and the extent of the investigation to be made and of informing the host State of action taken (as mentioned in the second paragraph of articles 9(3) and 10(2)), such information to be provided within the period of three months beginning with the date on which the request for information was received (as mentioned in article 13(2));
- (d) the function of receiving or (as the case may be) forwarding the information referred to in article 10(1);
- (e) the function of ensuring the confidentiality of information forwarded under articles 9 and 10 (articles 9(4) and 10(3));

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- (f) the function of supplying the certificates referred to in the second and third indents of article 15(3) in the case of a person established in the United Kingdom, and of withdrawing the former in the circumstances referred to in article 15(5); and
  - (g) the function of requiring, in the event of justified doubts, confirmation of authenticity of diplomas, certificates and other evidence of formal qualifications granted by another EEA State and confirmation that a national of an EEC State seeking registration under the Act by virtue of an appropriate European diploma has fulfilled the Dental Training Directive's training requirements (article 21).
- (3) In addition, in relation to primary qualifications awarded in the United Kingdom and to registration under the Act, the GDC shall as respects the United Kingdom have the functions of a competent authority referred to in the following articles of the Recognition Directive—
- (a) article 7(3) (issue of certificates of fulfilment of the Dental Training Directive training requirements in respect of qualifications which do not conform with the designations set out in the Recognition Directive;)
  - (b) article 9(1) (issue of certificates of good character);
  - (c) article 21 (function of confirming authenticity of qualifications and of confirming that a person has fulfilled the Dental Training Directive's training requirements).
- (4) The GDC is hereby designated as respects the United Kingdom for the purposes set out in this regulation in accordance with article 22 of the Recognition Directive (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in that Directive).
- (5) The dental authorities are hereby designated as respects the United Kingdom for the award of the diplomas of Bachelor of Dental Surgery (BDS or B.Ch.D) and Licentiate in Dental Surgery (LDS) in accordance with article 22 of the Recognition Directive (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in that Directive).

### **Fees**

17. The GDC may charge such reasonable fees as it determines to cover the cost of providing certificates in the course of the performance of the functions specified in paragraphs (2)(a) and (f) and (3)(a) and (b) of regulation 16, but the fees must not include any element of profit.

### **Minimum requirements of primary dental training**

18. No dental authority shall grant a degree or licence or other diploma in dentistry unless it meets at least the minimum dental training requirements set out in Schedule 2 to these Regulations.

### **Evidence of good character and of good health**

19. In section 15 of the Act (qualification for registration in the dentists register) there are inserted after subsection (4) the following subsections—

“(4A) In relation to a person who is a national of an EEC State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good character for the purposes of subsection (3)(b)—

- (a) a certificate issued by a competent authority in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, attesting that the requirements of that State in relation to good character for taking up the profession of dentistry have been met; or

- (b) (where the State does not require proof of good character for taking up of the profession of dentistry) an extract from the judicial record or an equivalent document issued by a competent authority in the State showing that he is of good character.
- (4B) In relation to a person who is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good health for the purposes of subsection (3)(c)—
  - (a) the document required in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, as proof of good health; or
  - (b) (where the State does not require proof of good health for the taking up of the profession of dentistry) a certificate issued by a competent authority in the State corresponding to the certificates of good health issued by the Council.
- (4C) the registrar shall not accept any certificate referred to in subsection (4A) or (4B) if it is presented more than three months after the date on which it was issued.”.

### Holders of overseas diplomas

**20.**—(1) In section 15 of the Act (qualification for registration in the dentists register), in subsection (4)(d) for “he” there is substituted—

“he—

- (i) is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)); or
- (ii)”.

(2) In section 16 of the Act (supplementary provisions as to registration of holders of overseas diplomas) there is inserted after subsection (2) the following subsection—

“(2A) In deciding for the purposes of section 15(4)(c) whether a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill, the Council—

- (a) shall take into account any dental qualifications awarded outside the EEA which have been accepted by another EEA State as qualifying him to practise as a dentist in that State;
- (b) shall take into account any professional dental experience or knowledge that he has acquired in another EEA State; and
- (c) may treat a qualification which is not of a kind recognised for the time being by the Council as furnishing sufficient guarantees that he has the requisite knowledge and skill as if it were such a qualification.”.

(3) In section 17 of the Act (temporary registration)—

- (a) for subsection (2)(d) there is substituted—

“(d) that he—

- (i) is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)); or

(ii) has the necessary knowledge of English; and”;

- (b) after subsection (3) there is inserted—

“(3A) In deciding for the purposes of subsection (2)(c) whether a person who is a national of an EEA State (or a person who is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill for the efficient practice of dentistry in the post in question, the Council shall take into account any professional dental

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experience or knowledge that he has acquired in another EEA State, and any acceptance by such a State of his right to practise as a dentist in that State.”.

### **Minor amendments to the Act**

**21.**—(1) After section 21 of the Act (notification of reasons for refusal of application for registration etc), there is inserted—

(1) Where a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) applies for registration under section 15(1)(b), the registrar shall notify him of the result of his application—

- (a) within three months of the date when the registrar received all documents (or any remaining documents) that he needed to determine the application; or
- (b) within such longer period as is allowed by article 13 of Community Council Directive No. [78/686/EEC](#).

(2) The notification may be sent by post.

(3) In subsection (1)(b), “Community Council Directive No. [78/686/EEC](#)” has the meaning given to it in Schedule 2, Part I, paragraph 1.”.

(2) In paragraph 2(2)(a) of Schedule 4 to the Act (declaration and certificates to be provided by visiting EEA practitioners)—

- (a) after the words “under paragraph (a)” there are inserted the words “ and the certificates to be provided under paragraph (b) ”; and
- (b) for the words “it shall be provided” there are substituted the words “ they shall be provided ”.

17th March 1998

*Frank Dobson*  
One of Her Majesty’s Principal Secretaries of  
State (Department of Health)

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## SCHEDULE 1

Regulation 10.

### SPECIALIST DENTAL QUALIFICATIONS AWARDED IN EEA STATES OTHER THAN THE UNITED KINGDOM IN ORTHODONTICS AND ORAL SURGERY

#### PART I ORTHODONTICS

##### **Denmark**

“Bevis for tilladelse til at betegne sig som specialtandlæge i ortodonti” (certificate awarding the right to use the title of dental practitioner specializing in orthodontics) issued by the “Sundhedsstyrelsen” (State Board of Health).

##### **Finland**

“Todistus erikoishammaslääkäarin oikeudesta oikomishoidon alalla/bevis om specialisttandläkarrättigheten inom området tandreglering” (certificate of orthodontics) issued by the competent authorities.

##### **France**

“Le titre de spécialiste en orthodontie” (the title of orthodontic specialist), issued by the authority recognised competent for this purpose.

##### **Germany**

“Fachzahnärztliche Anerkennung für Kieferorthopädie” (certificate of orthodontist) issued by the “Landeszahnärztekammern” (Chamber of Dental Practitioners of the “Länder”).

##### **Greece**

“Τίτλος #οζήζΟοow™"a™®"#ήζ©"ο"#ό™□™az"□zO®qoοou™"#ήζ” (title attesting to completion of specific orthodontic training) awarded by the competent authority recognised for that purpose.

##### **Ireland**

Certificate of specialist dentist in orthodontics, issued by the competent authority recognised for this purpose by the competent minister.

##### **The Netherlands**

“Getuigschrift van erkenning en inschrijving als orthodontist in het Specialistenregister” (certificate showing that the person concerned is officially recognised and that his name is entered as a orthodontist in the specialists’ orthodontist register), issued by the “Specialisten-Registratiecommissie (SRC)” (Specialists Registration Board).

##### **Norway**

“Bevis for gjennomgått spesialistutdanning ikjeveortopedi” (certificate of specialist studies in orthodontics) awarded by university faculty of dentistry.

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### **Sweden**

“Bevis om specialistkompetens i tandreglering” (certificate awarding the right to use the title of dental practitioner specializing in orthodontics) issued by the National Board of Health and Welfare.

## **PART II**

### **ORAL SURGERY**

### **Denmark**

“Bevis for tilladelse til at betegne sig som specialtandlæge i hospitalsodontologi” (certificate conferring the right to use the title of dental practitioner specialized in hospital odontology), issued by the “Sundhedsstyrelsen” (State Board of Health).

### **Finland**

“Todistus erikoishammaslääkäriin oikeudesta suukirurgian (hammas- ja suukirurgian) alalla/bevis om specialisttandläkarrättigheten inom området oralkirurgi (tand- och munkirurgi)” (certificate of oral or dental and oral surgery) issued by the competent authorities.

### **Germany**

“Fachzahnärztliche Anerkennung für Oralchirurgie/Mundchirurgie” (certificate of oral surgery), issued by the “Landeszahnärztekammern” (Chamber of Dental Practitioners of the “Länder”).

### **Ireland**

Certificate of specialist dentist in oral surgery, issued by the competent authority recognised for this purpose by the competent Minister.

### **The Netherlands**

“Getuigschrift van erkenning en inschrijving als kaakchirurg in het Specialistenregister” (certificate showing that the person concerned is officially recognised and that his name is entered as an oral surgeon in the specialists’ register), issued by the “Specialisten-Registratiecommissie (SRC)” (Specialists Registration Board).

### **Norway**

“Bevis for gjennomgått spesialistutdanning i oralkirurgi” (certificate of specialist studies in oral surgery) awarded by a university faculty of dentistry.

### **Sweden**

“Bevis om specialistkompetens i tandsystemets kirurgiska sjukdomar” (certificate awarding the right to use the title of dental practitioner specialising in oral surgery) issued by the National Board of Health and Welfare.



## SCHEDULE 2

Regulation 18

### MINIMUM TRAINING REQUIREMENTS FOR TRAINING LEADING TO THE AWARD OF PRIMARY DENTAL QUALIFICATIONS IN THE UNITED KINGDOM—TEXT OF ARTICLE 1 OF AND THE ANNEX TO THE DENTAL TRAINING DIRECTIVE

“1. The Member States shall require persons wishing to take up and pursue a dental profession under the titles referred to in Article 1 of Directive 78/686/EEC to hold a diploma, certificate or other evidence of formal qualifications referred to in Article 3 of the same Directive which guarantees that during his complete training period the person concerned has acquired:

- (a) adequate knowledge of the sciences on which dentistry is based and a good understanding of scientific methods, including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data;
- (b) adequate knowledge of the constitution, physiology and behaviour of healthy and sick persons as well as the influence of the natural and social environment on the state of health of the human being, in so far as these factors affect dentistry;
- (c) adequate knowledge of the structure and function of the teeth, mouth, jaws and associated tissues, both healthy and diseased, and their relationship to the general state of health and to the physical and social well-being of the patient;
- (d) adequate knowledge of clinical disciplines and methods, providing the dentist with a coherent picture of anomalies, lesions and diseases of the teeth, mouth, jaws and associated tissues and of preventive, diagnostic and therapeutic dentistry;
- (e) suitable clinical experience under appropriate supervision.

This training shall provide him with the skills necessary for carrying out all activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues.

2. A complete period of dental training of this kind shall comprise at least a five-year full time course of theoretical and practical instruction given in a university, in a higher-education institution recognised as having equivalent status or under the supervision of a university and shall include the subjects listed in the Annex.

3. In order to be accepted for such training, the candidate must have a diploma or a certificate which entitles him to be admitted for the course of study concerned to the universities of a Member State or to the higher education institutions recognised as having equivalent status.

4. [.....]

## Annex

### STUDY PROGRAMME FOR DENTAL PRACTITIONERS

The programme of studies leading to a diploma, certificate or other evidence of formal qualifications in dentistry shall include at least the following subjects. One or more of these subjects may be taught in the context of the other disciplines or in conjunction therewith.

*Basic subjects*

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- (a) chemistry,
  - physics,
  - biology.

*Medico-biological subjects and general medical subjects*

- (b) anatomy,
  - embryology,
  - histology, including cytology,
  - physiology,
  - biochemistry (or physiological chemistry),
  - pathological anatomy,
  - general pathology,
  - pharmacology,
  - microbiology,
  - hygiene,
  - preventive medicine and epidemiology,
  - radiology,
  - physiotherapy,
  - general surgery,
  - general medicine, including paediatrics,
  - oto-rhino-laryngology,
  - dermato-venereology,
  - general psychology—psychopathology—neuropathology,
  - anaesthetics.

*Subjects directly related to dentistry*

- (c) prosthodontics,
  - dental materials and equipment,
  - conservative dentistry,
  - preventive dentistry,
  - anaesthetics and sedation in dentistry,
  - special surgery,
  - special pathology,
  - clinical practice,
  - paedodontics,
  - orthodontics,
  - periodontics,
  - dental radiology,
  - dental occlusion and function of the jaw,
  - professional organisation, ethics and legislation,
  - social aspects of dental practice.”

## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about training for specialist dental qualifications and the recognition in the United Kingdom of specialist dental qualifications awarded elsewhere. They also make provision in respect of primary dental qualifications and registration by virtue of those qualifications. The Regulations implement European obligations relating to the training of dentists and specialist dentists, contained in Council Directive [78/687/EEC](#) (OJ No. L 233, 24.8.1978, p.10) (“the Dental Training Directive”) and mutual recognition of dentists’ qualifications, contained in Council Directive [78/686/EEC](#) (OJ No. L 233, 24.8.1978, p.1) (“the Recognition Directive”). They include provision relating to a person who is not a national of a member State of the European Economic Area (“EEA”), but who is entitled to be treated no less favourably than an EEA national by virtue of a right conferred by article 11 of Council Regulation ([EEC](#)) [No. 1612/68](#) (OJ No. L 257, 19.10.1968, p.1) or any other enforceable Community right (such as those derived from articles 48 and 52 of the Treaty of Rome).

Part I of the Regulations provides for the coming into force of the Regulations and for the interpretation of certain terms. It empowers the Secretary of State to give directions to the General Dental Council (“the GDC”), which is the supervisory body for the dental profession by virtue of the Dentists Act 1984, as regards matters of administration relating to certain obligations arising under European Community law.

Part II deals with specialist dental qualifications. Regulation 4 designates the GDC as the competent authority for the United Kingdom in relation to specified functions under the Recognition Directive and the Dental Training Directive. The GDC is empowered, under regulation 5, to charge fees to cover the cost of providing services in relation to its functions under Part II of the Regulations. Regulation 6 provides for the issue by the GDC of Certificates of Completion of Specialist Training to those who complete approved specialist training, and regulation 7 imposes minimum requirements which training must satisfy before it can be approved for this purpose.

Regulation 8 provides that if the GDC makes regulations concerning the use of a distinctive title by orthodontists or oral surgeons and the establishment of a list of specialists in either of these branches of dentistry, those regulations must provide that a person is only entitled to use a prescribed title, or to have his name entered in a specialist list, if he meets certain requirements. It requires the GDC to tell anyone who asks it whether a person’s name is entered in a specialist list. Regulations 9 and 10 define the persons who will be entitled to automatic inclusion in a specialist list and the specialist dental qualifications which are entitled to automatic recognition for that purpose. Regulation 12 makes transitional provision for entry in a specialist list for a person who is already a consultant or is otherwise an existing specialist within the meaning of the regulation. Regulation 11 imposes certain requirements for appointment as a consultant in the National Health Service. Regulation 13 makes provision which is to apply if the GDC makes regulations recognising dental specialties other than orthodontics and oral surgery.

Regulation 14 requires the GDC to establish an appeal mechanism against its decisions and to determine and publish the procedure governing its selection of the members of appeal panels and the conduct of appeals. Regulation 15 revokes, with savings, the Dental Qualifications (EEC Recognition) Order 1980.

Part III of the Regulations concerns primary dental qualifications. Regulation 16 prescribes the GDC as the competent authority for the United Kingdom in respect of certain functions under the Recognition Directive; regulation 17 empowers it to charge fees in respect of certain of those functions. Regulation 18 and Schedule 2 set out the minimum requirements for primary dental training in the United Kingdom.

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Regulations 19, 20 and 21 amend the provisions of the Dentists Act 1984. They make provision relating to evidence of good character and good health; holders of overseas diplomas; and notification of the reasons for refusal of an application for registration.

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