
STATUTORY INSTRUMENTS

1998 No. 811

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

PART II

SPECIALIST QUALIFICATIONS

The competent authority

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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.

(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)(1) 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.

(1) 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.

(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.

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⁽²⁾ 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⁽³⁾ in respect of that specialty⁽⁴⁾ and—

(2) 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).

(3) See the Medical Act 1983 (c. 54), section 1.

- (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
- (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.

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—

(4) See S.I. 1995/3208, which makes provision for the specialist medical register.

- (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.

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(5) 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.

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.

(5) 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.).

Revocation and saving

15.—(1) The Dental Qualifications (EEC Recognition) Order 1980⁽⁶⁾ 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.

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