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STATUTORY INSTRUMENTS

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**2001 No. 3926**

The Dentists Act 1984 (Amendment) Order 2001

PART IV

PROFESSIONAL TRAINING AND DEVELOPMENT

**Insertion of new sections 34A and 34B**

**8.** After section 34 insert—

*“Professional training and development requirements*

**Professional training and development requirements**

**34A.**—(1) The Council shall make rules requiring registered dentists to undertake professional training and development of descriptions specified in the rules.

(2) If it appears to the registrar that a registered dentist has failed to comply with the requirements of rules made under subsection (1) above, the registrar may erase the dentist’s name from the register.

(3) The Council shall make rules as to the procedures to be followed before the registrar may erase a registered dentist’s name from the register under this section.

(4) Rules made under subsection (3) above shall provide for an appeal to the Continuing Professional Development Committee from a decision of the registrar to erase a registered dentist’s name from the register.

(5) Schedule 3A (which provides for the procedures before the Continuing Professional Development Committee) shall apply in relation to such an appeal.

(6) Rules made under subsections (1) and (3) above shall not come into force until approved by order of the Privy Council.

(7) The registrar shall not erase a person’s name from the register under this section—

(a) until the end of the period during which he may appeal to the Continuing Professional Development Committee by virtue of rules made under subsection (3) above, or

(b) if he does appeal to that Committee, until the appeal process (including any appeal to Her Majesty in Council) has been exhausted.

(8) The registrar shall serve on a registered dentist a notice of his decision to erase him from the register under this section and the reasons for it.

**Restoration of name to the register: professional training and development**

**34B.**—(1) The Council shall make rules providing for requirements as to professional training and development to be met by a person who seeks the restoration of his name to the register following its erasure under any provision of this Act.

(2) The rules—

- (a) may make different provision for different cases and circumstances; but
- (b) may not require a person to do anything which amounts to the practice of dentistry.

(3) If a person whose name has been erased from the register under section 34A above (whether or not following an appeal) satisfies the registrar—

- (a) that he has met the requirements provided for by the rules in relation to his case or circumstances; and
- (b) as to the matters specified in paragraphs (a) to (c) of section 15(3) above,

the registrar shall restore his name to the register.

(4) The Council shall make rules as to the procedures to be followed before the registrar may make a decision whether or not to restore a person’s name to the register under this section.

(5) The registrar shall serve on such a person a notice of his decision and the reasons for it.

(6) Rules under subsection (4) above shall provide for an appeal to the Continuing Professional Development Committee from a decision of the registrar not to restore a person’s name to the register under this section and Schedule 3A shall apply in relation to such an appeal.

(7) Rules made under subsection (1) or (4) above shall not come into force until approved by order of the Privy Council.”.

**Insertion of new Schedule 3A**

**9.** After Schedule 3 insert—

“SCHEDULE 3A

Sections 34A and 34B

CONTINUING PROFESSIONAL DEVELOPMENT CASES

*Procedure*

**1.** A person who wishes to appeal to the Continuing Professional Development Committee must give them written notice of appeal within the period of 28 days beginning with the day on which he is served with notice of the registrar’s decision to erase his name from the register under section 34A of this Act or not to restore his name to the register under section 34B of this Act.

**2.**—(1) The Council shall make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Continuing Professional Development Committee.

The Council shall in particular make rules—

- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
- (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;

- (c) for enabling any party to the proceedings to be represented by counsel or solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
- (d) for requiring proceedings be held in public unless the person to whose registration the proceedings relate requests otherwise.

(2) Before making rules under this paragraph the Council shall consult such bodies of persons representing dentists as appear to the Council requisite to be consulted.

(3) Paragraphs 4 and 5(1) to (4) of Schedule 3 to this Act shall apply in relation to proceedings before the Continuing Professional Development Committee as they apply to proceedings before the Professional Conduct Committee and the Health Committee.

(4) Rules under this paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument.

**3.—**(1) Where the Continuing Professional Development Committee determine under this Schedule that—

- (a) a person's name shall be erased from the register or not restored to it, the Committee shall serve on him a notice of the determination and of his right to appeal against it under section 29 of this Act;
- (b) a person's name shall remain on the register, they shall serve a notice on him accordingly,

and shall in either case notify the registrar of their determination.

(2) Where the Continuing Professional Development Committee determine that a person's name shall be erased from the register, they shall direct the registrar accordingly.

#### *References to other committees*

**4.** Where, in the course of proceedings relating to a registered dentist before the Continuing Professional Development Committee, it appears to the Committee that—

- (a) the fitness of the registered dentist to practise may be seriously impaired by reason of his physical or mental condition;
- (b) he may have been convicted as mentioned in section 27(1)(a) of this Act; or
- (c) he may have been guilty of serious professional misconduct,

they may refer the matter to the Preliminary Proceedings Committee or to the Health Committee, whichever is appropriate.

#### *Notices*

**5.** Any notice required to be served on a person under section 34A or 34B of this Act or under paragraph 3 of this Schedule may be served by being sent, by a postal service which provides for the delivery of the notice by post to that person's address in the register, or to his last known address if that address differs from his address in the register and it appears to the registrar that such service will be more effective or if he has no address in the register."