
STATUTORY INSTRUMENTS

2003 No. 3148

**The European Qualifications (Health
Care Professions) Regulations 2003**

DENTISTS

Amendment of Dentists Act

- 6.—(1) The Dentists Act is amended in accordance with this regulation.
- (2) In section 15 (qualification for registration in the dentists register)—
- (a) in subsection (4A), for “EEC” substitute “EEA”;
 - (b) in subsection (7), in the definition of—
 - (i) “the EEA Agreement”, after “1993”, add “and as amended, so far as relevant to this Act, by Decision of the EEA Joint Committee No. 84/2002 of 25th June 2002”,
 - (ii) “EEA State”, after “Agreement”, add “or Switzerland”.
- (3) In section 16 (supplementary provisions as to registration of holders of overseas diplomas), in subsection (2A) for paragraphs (a) and (b) substitute—
- “(a) shall take into account all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision;
 - (b) if the person holds a dental qualification granted outside the EEA which has been accepted by another EEA State as qualifying him to practise as a dentist in that State, shall take that acceptance into account; and”.
- (4) In section 17 (temporary registration), in subsection (3A)—
- (a) for “any professional dental experience or knowledge that he has acquired in another EEA State”, substitute “all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision”; and
 - (b) for “such a State”, substitute “another EEA State”.
- (5) In section 21A (notification of result of application for registration by an EEA national), in subsection (1), after “for registration under section 15(1)(b)”, insert “or (c)”.
- (6) In Schedule 2 (European dental qualifications), Part I (appropriate European diplomas) is amended as follows—
- (a) in paragraph 1(1), in the definition of—
 - (i) “Community Council Directive No [78/686/EEC](#)”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act, Directive [2001/19/EC](#) and the Swiss Agreement”,
 - (ii) “the Dental Training Directive”, after “Act”, add “and Directive [2001/19/EC](#)”,
 - (iii) “the implementation date”, omit “and” the end of paragraph (d) and after paragraph (d) insert—
 - “(da) in the case of Switzerland, 1st June 2002; and”;

- (b) in paragraph 1(2), after the definition of “the Accession of Austria, Finland and Sweden Act”, add the following definition—

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”;

- (c) after paragraph 6, insert—

“**6A.**—(1) A diploma in medicine awarded in Italy to a person who began medical training at a university on or after 28th January 1980 but not later than 31st December 1984 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where, subject to sub-paragraph (2) below, that person produces to the registrar a certificate issued by the competent authority in Italy certifying that—

- (a) he has passed the specialist aptitude test set by that competent authority which demonstrates that he possesses a level of knowledge and skills comparable to those of a person holding the qualification listed for Italy in Part II of this Schedule;
- (b) he has effectively, lawfully and principally practised dentistry in Italy for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (c) he is authorised to practise dentistry under the same conditions as a holder of the qualification listed for Italy in Part II of this Schedule.

(2) A person shall be excepted from satisfying the requirement referred to in sub-paragraph (1)(a) above if he satisfies the registrar that he has successfully completed three years of study which are certified by the competent authority of Italy as being equivalent to the training referred to in Article 1 of the Dental Training Directive.”.

- (7) For Part II of Schedule 2 (scheduled European diplomas), substitute the Part II of that Schedule set out in Part I of Schedule 2 to these Regulations.

Amendment of European Primary and Specialist Dental Qualifications Regulations 1998

7.—(1) The European Primary and Specialist Dental Qualifications Regulations 1998(1) are amended in accordance with this regulation.

- (2) In regulation 2 (interpretation), in paragraph (1)—

- (a) in the definition of—

““the Dental Training Directive”, after “Act”, add “and Directive [2001/19/EC](#)”;

“EEA”, after “Area”, add “and shall be read as including Switzerland”;

“EEA Agreement”, after “1993”, add “and as amended by Decision of the EEA Joint Committee No. 84/2002 of 25th June 2002(2)”;

“EEA State”, after “Agreement”, add “or Switzerland”;

“the Recognition Directive”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act, Directive [2001/19/EC](#) and the Swiss Agreement””; and

- (b) after the definition of “EEA State”, insert—

““exempt person” means a person—

(1) S.I.1998/811.

(2) O.J. No. L 266, 3.10.2002, p.36. The Agreement has been amended by other Decisions not relevant to these Regulations.

- (a) who is a national of an EEA State who is exercising an enforceable Community right; 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 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) In regulation 2(3), omit “and” the end of sub-paragraph (b), and after sub-paragraph (c) add—
“; and
- (d) “the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”.
- (4) In paragraph (2) of regulation 4 (the competent authority)—
 - (a) in sub-paragraph (a)(ii), for the words “training already undertaken abroad”, substitute “additional training already undertaken and professional experience etc. already acquired”;
 - (b) for sub-paragraph (b)(ii), substitute—
 - “(b) (ii) article 6(3) (requirement to assess content and duration of training, to take into account professional experience etc. and to communicate what additional training is required);”;
 - (c) after sub-paragraph (b)(ii), insert—
 - “(iia) article 6(4) (requirement to give a decision within four months of receipt of an application together with full supporting documentation);”.
- (5) In regulation 9 (eligible specialists)—
 - (a) for paragraph (3), substitute—
 - “(3) In the case of a person falling within paragraph (2) who is an exempt person the GDC shall, when considering whether it is satisfied as mentioned in paragraph (2)(a) or (b), take into account—
 - (a) all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to its determination; and
 - (b) where the person 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, that acceptance.”; and
 - (b) after paragraph (4), add—
 - “(5) In the case of an exempt person, the GDC shall, within the specified period, give the applicant notice—
 - (a) of its decision as to whether it is satisfied that he is an eligible specialist in accordance with paragraph (2), (3) or (4); and
 - (b) where it is not so satisfied, of the reasons for its decision and of the applicant’s right to appeal under regulation 14(1)(b).
 - (6) Failure to notify an applicant who is an exempt person of a decision within the specified period shall be treated as a decision from which an applicant may appeal under regulation 14(1)(b).
 - (7) In paragraphs (5) and (6), “the specified period” means—

- (a) the period of three months beginning with the date on which the GDC receives the application together with full supporting documentation; or
 - (b) such longer period as is permitted by article 13 of the Recognition Directive.”.
- (6) In regulation 10 (recognised specialist dental qualifications)—
- (a) in paragraph (1)(a), for “article 5(1) (orthodontics) or (as the case may be) article 5(2) (oral surgery) of”, substitute “Annex B, Part 1 (orthodontics) or (as the case may be) Annex B, Part 2 (oral surgery) to”;
 - (b) in paragraph (1)(c)(ii) and (iii) and paragraph (2)(b), for “article 5(1) or (2) of”, substitute “Annex B, Part 1 or Part 2, to”;
 - (c) in paragraph (3), omit “or” at the end of sub-paragraph (c), and after sub-paragraph (c) insert—
 - “(ca) 1st June 2002, in the case of Switzerland; or”.
- (7) For regulation 13 (other specialties), substitute—
- “**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 that—
- (a) in assessing the entitlement of an exempt person—
 - (i) to use the specialist title in question; or
 - (ii) to have his name entered in any specialist list relating to that branch of dentistry; or
 - (b) in assessing what (if any) further training he must undergo for the purpose of obtaining a qualification in that branch of dentistry,
- it takes into account the matters mentioned in paragraph (2).
- (2) The matters are—
- (a) if a specialist qualification in the branch of dentistry in question awarded to that person outside the EEA has been accepted by another EEA State as qualifying him to practise as a specialist in that State, that acceptance; and
 - (b) all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to its determination.”.

(8) In regulation 16(2)(g) (the competent authorities), for “EEC” substitute “EEA”.

(9) For Schedule 1 (specialist dental qualifications awarded in EEA States other than the United Kingdom in orthodontics and oral surgery), substitute the Schedule 1 set out in Schedule 2, Part II to these Regulations.

(10) In Schedule 2 (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), in paragraph 1 for “Article 3 of” substitute “Annex A to”.