
STATUTORY INSTRUMENTS

2005 No. 2011

The Dentists Act 1984 (Amendment) Order 2005

PART 3

Fitness to practise, proceedings and appeals

Insertion of sections 33A to 33C

25. After section 33 insert—

“Recording of suspension or conditional registration etc.

33A.—(1) Where a direction or order under this Part for suspension, conditional registration or variation of or addition to the conditions of registration takes effect in relation to a person, the registrar shall make a note in the register of that fact and of the period for which that person’s registration is to be suspended or made conditional.

(2) The registrar shall erase that note from the register at such time as the direction or order ceases (for any reason) to have effect.

(3) In this section—

- (a) a reference to a direction or order for suspension includes a reference to a direction or order extending a period of suspension and a direction for indefinite suspension; and
- (b) a reference to a direction or order for conditional registration includes a reference to a direction or order extending a period of conditional registration.

(4) Where a direction under section 24(3) or 27B(6)(a) (direction for erasure from the register) in respect of a person takes effect, the registrar shall remove that person’s name from the register.

(5) Where a decision under section 24(6)(a) or 28 that a person’s name is to be restored to the register takes effect, the registrar shall restore that person’s name to the register.

The Council’s power to require disclosure of information

33B.—(1) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part, the Council may require a person (“the relevant party”) whose fitness to practise as a dentist is in question, to provide details of any person—

- (a) by whom the relevant party is employed to provide services in, or in relation to, any area of dentistry; or
- (b) with whom he has an arrangement to provide such services.

(2) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part in respect of a person’s fitness to practise as a dentist, the Council may require any person (except the person in respect of whom the information or document

is sought) to supply any information or produce any document in his custody or under his control which appears to the Council relevant to the discharge of those functions.

(3) Nothing in this section shall require or permit any disclosure of information which is prohibited by any relevant enactment.

(4) For the purposes of subsection (3), “relevant enactment” means any enactment other than—

- (a) this Act; or
- (b) the non-disclosure provisions within the meaning of Part 4 of the Data Protection Act 1998 (see section 27 of that Act).

(5) A person shall not be required to supply any information or produce any document under subsection (2) which he could not be compelled to supply or produce in civil proceedings before the relevant court.

(6) In subsection (5) “the relevant court” means—

- (a) if the person’s address in the register is in Scotland or, if he is not registered in the register, he is resident there, the Court of Session;
- (b) if the person’s address in the register is in Northern Ireland or, if he is not registered in the register, he is resident there, the High Court in Northern Ireland;
- (c) in any other case, the High Court in England and Wales.

(7) If a person fails to supply any information or produce any document within 14 days of being required to do so under subsection (1) or (2), the Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.

(8) In subsection (7), “the relevant court” means the county court or, in Scotland, the sheriff.

(9) In subsection (8), “the sheriff” means the sheriff in whose sheriffdom is situated the address of the person who fails to supply the information or produce the document; and in this subsection, “address” means, where the person is registered, his address in the register, or, where he is not registered in the register, the address where he resides.

(10) For the purposes of subsection (4), “enactment” includes—

- (a) a provision of, or an instrument made under, an Act of the Scottish Parliament;
- (b) a provision of, or an instrument made under, Northern Ireland legislation; and
- (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).

Notification and disclosure by the Council

33C.—(1) As soon as reasonably practicable after an allegation as to a person’s fitness to practise as a dentist has been referred to the Investigating Committee under section 27(5) (a), the Council shall inform the following persons of that fact—

- (a) the Secretary of State, the Department of Health, Social Services and Public Safety in Northern Ireland, the Scottish Ministers and the National Assembly for Wales; and
- (b) any person in the United Kingdom to whom subsection (2) applies.

(2) This subsection applies to a person if the Council are aware that he—

- (a) employs the person concerned to provide services in, or in relation to, any area of dentistry; or

- (b) has an arrangement with the person concerned for that person to provide such services.
- (3) The Council or the registrar may disclose to any person any information relating to a person's fitness to practise as a dentist, including information relating to an allegation under section 27, where they consider it to be in the public interest for the information to be disclosed.”.