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STATUTORY INSTRUMENTS

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**2005 No. 2011**

**The Dentists Act 1984 (Amendment) Order 2005**

**PART 5**

**The Practice of Dentistry and Carrying on the Business of Dentistry**

**Amendment of section 41**

**37.** In section 41 (restriction on individuals)—

(a) for subsections (1) to (3) substitute—

“(1) Subject to the provisions of this section, an individual who is not a registered dentist shall not carry on the business of dentistry unless—

- (a) he was engaged in carrying on the business of dentistry on 21<sup>st</sup> July 1955; or
- (b) he falls within a class of registered dental care professionals prescribed in rules under this section.

(1A) For the purposes of this section, an “authorised dental care professional” means an individual who falls within subsection (1)(b).

(1B) Any individual who contravenes this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The exemption conferred by subsection (1)(a) on persons who were carrying on the business of dentistry on the date there mentioned shall not extend to any person who has at any time ceased to be a registered dentist in consequence of a Practice Committee giving a direction under section 27B or 27C or making an order under section 30(1) for the erasure of his name from the register, or for the suspension of his registration, following a relevant determination that his fitness to practise as a dentist is impaired.

(2A) For the purposes of subsection (2), a “relevant determination” that a person’s fitness to practise is impaired is a determination which is based solely on one or more of the grounds mentioned in paragraph (a), (d), (e), (f) or (g) of subsection (2) of section 27 (misconduct etc.).

(3) This section shall not operate to prevent a person from carrying on the business of dentistry during any period for which—

- (a) his registration in the register is suspended by virtue of a direction given by a Practice Committee under section 27B or 27C, or an order made by a Practice Committee under section 30(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of section 27 (adverse physical or mental health), that his fitness to practise is impaired, or
- (b) his registration in the dental care professionals register is suspended by virtue of a direction given by a Practice Committee under section 36P or 36Q, or an order made by a Practice Committee under section 36U(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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section 36N (adverse physical or mental health), that his fitness to practise is impaired,

and subsections (4) and (6) shall apply in relation to a person whose registration is so suspended as they apply in relation to a registered dentist or an authorised dental care professional.”;

- (b) in both subsection (4) and (6), for “registered medical practitioner” substitute “authorised dental care professional”;
- (c) in subsection (5), omit “or a registered medical practitioner”; and
- (d) after subsection (6) add—

“(7) Rules made under subsection (1)(b) shall not be amended or revoked in such a way that any class of registered dental care professionals prescribed in those rules ceases thereafter to be prescribed.”.