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STATUTORY INSTRUMENTS

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**2005 No. 2011**

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

**PART 6**

Further amendments

**Insertion of sections 50A to 50D**

**43.** After section 50 insert—

**“Service of notifications**

**50A.—**(1) A notification under this Act which is required to be served on any person may be served, subject to subsections (4) and (6), by—

- (a) delivering it to that person personally;
- (b) leaving it at that person’s proper address;
- (c) sending it by a registered post service; or
- (d) sending it by a postal service which provides for the delivery of the notification by post to be recorded.

(2) For the purposes of this section and of section 7 of the Interpretation Act 1978 (which defines “service by post”) in its application to this section, the proper address of an individual (except in the cases mentioned in subsection (3)) is—

- (a) his address in the dentists register or the dental care professionals register (or, if he is not registered, the address which would have been shown if he were registered); or
- (b) his last known address, if that differs from the address mentioned in paragraph (a) and it appears to the person serving the notification that the notification is more likely to reach him at that address.

(3) The cases referred to in subsection (2) are those where a notification is required to be served—

- (a) under section 27A(7) or section 36O(7), or in accordance with rules made under paragraph 2(2)(g) of Schedule 3 or paragraph 2(2)(g) of Schedule 4B, on a person making an allegation,
- (b) under section 43B(10) on a person who is a director or former director of a body corporate, or
- (c) in accordance with rules made under paragraph 2(2)(d) or (g) of Schedule 3 or paragraph 2(2)(d) or (g) of Schedule 4B on a person who may have an interest in certain proceedings,

and in such cases, for the purposes mentioned in subsection (2), the person’s proper address is the address where he resides.

(4) A notification which is required to be served on a body corporate shall be duly served if it is served on an officer, secretary or clerk of that body.

(5) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a body corporate, or of an officer, secretary or clerk of that body, is—

(a) that body's address as specified in the list maintained by the Council under section 43A; or

(b) the address of that body's registered or principal office if—

(i) it appears to the person serving the notification that the notification is more likely to reach the body corporate or its officer, secretary or clerk at that address, or

(ii) there is no address specified in relation to that body in that list.

(6) Rules may provide for a notification which is required to be served on any person under this Act to be served by an electronic communication.

(7) Rules under subsection (6) shall secure that a notification cannot be served on a person by an electronic communication unless—

(a) the person consents in writing to the receipt of notifications under this Act by electronic communication; and

(b) the communication is sent to the number or address specified by that person when giving consent.

(8) In this section, "electronic communication" has the same meaning as in the Electronic Communications Act 2000.

(9) References in this section to serving a notification include references to sending a notification.

### **Publication of information**

**50B.**—(1) Subject to subsection (2), any information or guidance which is to be published by the registrar, the Council or a Practice Committee in accordance with any provision of this Act may be published in such form and manner as the registrar, the Council or the Practice Committee (as the case may be) consider appropriate, including in electronic form.

(2) Information required to be published under rules under paragraph 2(2)(h) of Schedule 3 to this Act or paragraph 2(2)(h) of Schedule 4B to this Act shall be published in such manner as may be determined by those rules, and not by this section.

### **Rules**

**50C.**—(1) Any power in this Act to make rules shall be exercisable by the Council.

(2) Rules made under this Act shall not come into force until approved by the Privy Council, except in the case of rules made under—

section 36B(4) (dental care professionals register);

section 36D(6) and (7) (education and training for members of professions complementary to dentistry);

section 36E (rules relating to the dental care professionals register);

section 43A(5) and (6) (provision of information by bodies corporate); and

paragraphs 4(2) and 8(1)(a) and (b) of Schedule 1 (the Council: supplementary provisions).

(3) The approval of the Privy Council shall be given by order made by the Privy Council.

(4) The Privy Council may approve rules as submitted to them, or subject to such modifications as appear to them to be requisite.

(5) Any power to make rules under this Act may be exercised—

(a) so as to make different provision with respect to different cases or different classes of case or different provision in respect of the same case or class of case for different purposes of this Act; and

(b) either in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions.

(6) Any power to make rules under this Act includes power to make any incidental, consequential, saving, transitional, transitory or supplementary provision which the Council consider necessary or expedient.

#### **Rules: consultation requirements**

**50D.**—(1) Before making rules under Schedule 3 or 4B, the Council shall consult—

(a) such persons to whom subsection (2) applies as the Council consider appropriate;

(b) the bodies within subsection (4); and

(c) such bodies to which subsection (5) applies as the Council consider appropriate.

(2) This subsection applies to persons who appear to the Council to be representative of one or more of the following—

(a) users of the services of registered dentists;

(b) users of the services of registered dental care professionals;

(c) registered dentists;

(d) registered dental care professionals;

(e) employers of registered dentists; and

(f) employers of registered dental care professionals.

(3) The Council shall exercise their function under subsection (1)(a) so that the persons consulted are, taken together, representative of all the categories of person mentioned in subsection (2)(a) to (f).

(4) The bodies within this subsection are—

(a) Primary Care Trusts in England;

(b) Local Health Boards in Wales;

(c) Health Boards in Scotland; and

(d) Health and Social Services Boards in Northern Ireland.

(5) This subsection applies to bodies which make arrangements, for the provision of dental services, with one or both of the following—

(a) registered dentists,

(b) registered dental care professionals,

but are not within subsection (4).

(6) Subsection (1) does not apply in relation to rules made under Schedule 3 as applied (with modifications) by section 44A (supplementary provisions relating to financial

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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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penalties in relation to bodies corporate), but before making such rules the Council shall consult—

- (a) the bodies corporate which carry on the business of dentistry; and
- (b) such organisations appearing to the Council to be representative of users of the services of those bodies corporate as the Council consider appropriate.”.