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Dentists Act 1984

1984 CHAPTER 24

An Act to consolidate the Dentists Acts 1957 to 1983, with an amendment to give effect to a recommendation of the Law Commission and the Scottish Law Commission. [26th June 1984]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act: power to modify conferred (15.3.2000) by 1999 c. 8, s. 60(1)(2)(a)(4), **Sch. 3**; S.I. 2000/779, **art. 2(1)**

C2 **A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.**

Commencement Information

I1 Act partly in force 26.7.1984 and wholly in force 1.1.1985; see s. 55

PART I

THE GENERAL DENTAL COUNCIL

1 Constitution and general duties of the Council.

(1) There shall continue to be a body corporate known as the General Dental Council (in this Act referred to as "the Council").

(2) It shall be the general concern of the Council to promote high standards of dental education at all its stages and high standards of professional conduct among dentists, and the Council shall in particular perform the functions assigned to them by this Act.

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(3) Part I of Schedule 1 to this Act shall have effect in relation to the Council.

2 Committees of the Council.

(1) There shall continue to be committees of the Council known as the Education Committee, the Preliminary Proceedings Committee and the Dental Auxiliaries Committee.

(2) The Disciplinary Committee of the Council shall be known instead as the Professional Conduct Committee.

(3) Part II of Schedule 1 to this Act shall have effect in relation to the committees mentioned in subsections (1) and (2) above.

(4) There shall be established a committee of the Council to be known as the Health Committee, which shall be constituted as Her Majesty may provide by Order in Council.

(5) An Order in Council made under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART II

DENTAL EDUCATION

Degrees and licences in dentistry

3 Power of medical authorities to hold examinations and grant licences in dentistry.

(1) Any medical authority who have power for the time being to grant surgical degrees may, notwithstanding anything in any enactment, charter or other document, hold examinations in dentistry and grant licences certifying the fitness of the holders to practise dentistry; and the holders' names shall be entered on a list of licentiates in dentistry to be kept by the medical authority.

(2) Subsection (1) above is without prejudice to any power to grant a degree or licence in dentistry which a medical authority may possess apart from the provisions of this Act.

(3) In this section "medical authority" means any of the universities or other bodies who choose appointed members of the General Medical Council, . . . [F1]

(4) References in this Act to a dental authority are references to a medical authority who grant degrees, licences or other diplomas in dentistry.

Textual Amendments

F1 Words repealed by S.I. 1987/2047, art. 2(a), **Sch.**

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4 Conduct of examinations for degrees and licences.

(1) For the purpose of any examinations to qualify for a degree or licence in dentistry held by—

(a) any university in England or Wales, Scotland or **[**[F2]Northern Ireland**]**,

(b) the Royal College of Surgeons of Edinburgh,

(c) the Royal College of Physicians and Surgeons of Glasgow, . . . [F3]

(d) . . . . . [F3]

the Council or other governing body of the university or college may appoint a board of examiners.

(2) Each of these boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, of whom at least one half shall be registered dentists; and nothing in any enactment, charter or other document shall make it necessary for them to possess any other qualification.

(3) Persons appointed under this section shall continue in office for such period, and shall conduct the examinations in such manner, as the governing body appointing them may by byelaws or regulations direct.

(4) A casual vacancy in any such board of examiners may be filled by the governing body which appointed the board and the person so appointed—

(a) shall be a registered dentist if the person in whose place he is appointed was a registered dentist, and

(b) shall hold office for such time only as that other person would have held office.

(5) Such reasonable fees shall be paid for a degree or licence awarded after examination by a board of examiners under this section as the governing body by whom they were appointed may by byelaws or regulations direct and the degrees or licences awarded after examination by the board of examiners shall be in such form as that governing body may so direct.

(6) All byelaws and regulations made by a dental authority under this section, and any further byelaws or regulations altering or revoking them, shall be made in such manner, and subject to such approval or confirmation, if any, as in the case of other byelaws or regulations made by that dental authority.

Textual Amendments

F2 Word substituted by S.I. 1987/2047, **art. 2(b)**

F3 Words repealed by S.I. 1987/2047, art. 2(a), **Sch.**

5 Holding of examinations and grant of licences by Royal College of Surgeons of England.

The Royal College of Surgeons of England shall continue to hold examinations, and to appoint a board of examiners in dentistry, and to grant licences certifying the fitness of the holders to practise, subject to and in accordance with the provisions of their charter dated 8th September 1859 and the bye-laws made in pursuance of that charter; and the name of the holder of any licence so granted shall be entered on a list of licentiates in dentistry to kept by the College.

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6 Requirements in relation to admission of candidates to examinations and grant of degrees and licences.

(1) A dental authority shall admit to the examinations held by them to qualify for a degree or licence in dentistry any person desirous of being examined who has complied with the regulations in force (if any) as to education laid down by the dental authority.

(2) Notwithstanding anything in any enactment, charter or other document, a dental authority shall not grant a degree or licence in dentistry to a person who has not attained the age of 21 years.

7 Effect of grant of degree or licence in dentistry.

A degree or licence in dentistry granted by a dental authority shall not confer any right or title to be registered under the [M1]Medical Act 1983, nor to assume any name, title or designation implying that the holder of the degree or licence is by law recognised as a practitioner or licentiate in medicine or general surgery.

Marginal Citations
M1 1983 c. 54.

Supervision of dental education

8 Information to be furnished by dental authorities.

Every dental authority shall from time to time when required by the Council furnish them with such information as the Council may require—
(a) as to the course of study and examinations to be gone through in order to obtain a degree or licence in dentistry, or any additional diploma in dentistry, and
(b) generally as to the conditions laid down for obtaining such a degree, licence or diploma.

9 Supervision of instruction given by dental schools and post-graduate institutions.

(1) The Council may appoint persons to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in those directions, places where instruction is given—
(a) to dental students under the direction of a dental authority, or
(b) to post-graduate students in dentistry under the direction of a dental authority or any other body.

(2) Visitors appointed under this section shall report to the Council as to the sufficiency of the instruction given in the places which they visit and as to any other matters relating to the instruction which may be specified by the Council either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.

(3) On receiving a report of a visitor under this section, the Council shall send a copy of the report to the dental authority or other body under whose direction the instruction in question was given, and on receiving the copy that dental authority or body may, within such period (not being less than one month) as the Council may have specified

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at the time they sent the copy of the report, make to the Council observations on the report or objections to it.

(4) The Council shall, as soon as possible after the end of the period specified under subsection (3) above, send to the Privy Council a copy of the report and of any observations or objections duly made under that subsection, together with the Council's comments on the report and on any such observations and objections.

(5) The Council shall have power to remunerate persons who are not members of the Council for acting as visitors under this section.

10 Supervision of examinations.

(1) Any member of the Council or other person, being a member or person appointed for the purpose by the Council, may be present at any such examinations as are mentioned in section 8(a) above.

(2) The Council shall have power to remunerate persons so appointed who are not members of the Council for being present at the examinations.

11 Remedy where qualifying courses of study or examinations are inadequate.

(1) Where it appears to the Council that the course of study or the examinations to qualify for a degree or licence in dentistry granted by a dental authority is or are not such as to secure the possession by the graduates or licentiates of the requisite knowledge and skill for the efficient practice of dentistry, the Council may make a representation to that effect to the Privy Council; and on any such representation the Privy Council may, if they think fit, order that any degree or licence in dentistry granted by the dental authority after a time specified in the order shall not confer any right to be registered under this Act.

(2) The powers conferred by subsection (1) above upon the Council to make representations and upon the Privy Council to make orders may be exercised in respect of a specifically described degree or licence in dentistry granted by a dental authority.

(3) If an order is made under this section in respect of any degree or licence in dentistry granted by a dental authority, no person shall be entitled to be registered under this Act in respect of any such degree or licence granted after the time mentioned in the order.

(4) The Privy Council may, if it appears to them on a further representation from the Council or otherwise that the dental authority in question has made effectual provision to the satisfaction of the Council for the improvement of the course of study or examinations, revoke an order made under this section, but the revocation shall not entitle a person to be registered in respect of a degree or licence in dentistry granted before the revocation.

(5) Any order of the Privy Council under this section may be made conditionally or unconditionally, and may contain such terms and directions as appear to the Privy Council to be just.

12 Candidates not to be required to adopt or reject particular theories of dentistry.

(1) If it appears to the Council that a dental authority have attempted to impose on any candidate offering himself for examination an obligation to adopt, or to refrain from adopting, the practice of any particular theory of dentistry as a test or condition of

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admitting him to examination or of granting a degree or licence in dentistry, the Council may make a representation to that effect to the Privy Council.

(2) On any such representation the Privy Council may direct the authority to desist from attempting to impose any such obligation, and if the authority do not comply with the direction the Privy Council may order that the authority shall cease to have power to grant degrees or licences in dentistry so long as they continue to attempt to impose any such obligation.

(3) Any order of the Privy Council under this section may be made conditionally or unconditionally, and may contain such terms and directions as appear to the Privy Council to be just.

Functions of Education Committee

13 Functions of Education Committee.

The Council shall refer to their Education Committee for advice on all matters relating to dental education and examinations.

PART III

THE DENTAL PROFESSION

Registration

14 The dentists register and the registrar.

(1) There shall continue to be a register known as the dentists register.

(2) The register shall be kept by a registrar who shall perform such duties in connection with the register as the Council may direct, and in the execution of his duties he shall act on such evidence as in each case appears sufficient.

(3) Any appointment to the office of registrar shall be made by the Council, and any person appointed shall hold office for such period and shall receive such salary as may be fixed by the Council.

(4) The Council may appoint a person to act as assistant registrar who shall be paid such salary or remuneration as the Council may from time to time determine.

(5) The register shall be deemed to be in proper custody when in the custody of the registrar, and shall be of such a public nature as to be admissible as evidence of all matters in it on its mere production from that custody.

(6) A certificate purporting to be a certificate under the hand of the registrar stating—

(a) that any person is or is not, or was or was not at any date, duly registered in the register, or

(b) that any particulars are or are not, or were or were not at any date, contained in the register with respect to any person,

shall be prima facie evidence in all courts of law of the facts stated in the certificate.

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15 Qualification for registration in the dentists register.

(1) Subject to the provisions of this Act the following persons shall be entitled to be registered in the dentists register in accordance with this Act, namely—

(a) any person who is a graduate or licentiate in dentistry of a dental authority;

(b) any person who is a national of **[**[F4]an EEA State**]** and holds an appropriate European diploma; and

(c) any person who holds a recognised overseas diploma.

(2) In subsection (1) above—

"appropriate European diploma" shall be construed in accordance with Schedule 2 to this Act;

"national", in relation to **[**[F4]an EEA State**]**, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;

and in this Act "recognised overseas diploma" means a diploma granted in a country overseas and recognised for the time being by the Council for the purposes of this Act, and does not include an appropriate European diploma.

[[F5](2A) Any person who—

(a) is not a national of an EEA State, but

(b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68[M2] 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,

shall be treated for the purposes of subsection (1)(b) above as if he were such a national.**]**

(3) A person shall not be entitled to be registered in the dentists register under paragraph (a) or (b) of subsection (1) above unless he satisfies the registrar as to the following matters, namely—

(a) his identity;

(b) that he is of good character; and

(c) that he is in good health, both physically and mentally.

(4) A person shall not be entitled to be registered in the dentists register under paragraph (c) of that subsection unless he satisfies the registrar as to the following matters, namely—

(a) his identity;

(b) that he is of good character;

(c) that he has satisfied the Council that he has the requisite knowledge and skill;

(d) that **[**[F6]he—

(i) is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)); or

(ii)**]** has the necessary knowledge of English; and

(e) that he is in good health, both physically and mentally.

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[[F7](4A) In relation to a person who is a national of an EEC State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good character for the purposes of subsection (3)(b)—

(a) a certificate issued by a competent authority in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, attesting that the requirements of that State in relation to good character for taking up the profession of dentistry have been met; or

(b) (where the State does not require proof of good character for taking up of the profession of dentistry) an extract from the judicial record or an equivalent document issued by a competent authority in the State showing that he is of good character.

(4B) In relation to a person who is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good health for the purposes of subsection (3)(c)—

(a) the document required in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, as proof of good health; or

(b) (where the State does not require proof of good health for the taking up of the profession of dentistry) a certificate issued by a competent authority in the State corresponding to the certificates of good health issued by the Council.

(4C) the registrar shall not accept any certificate referred to in subsection (4A) or (4B) if it is presented more than three months after the date on which it was issued.**]**

(5) An applicant for registration under subsection (1)(c)above has the necessary knowledge of English if he has the knowledge which, in the interests of himself and his patients, is necessary for the practice of dentistry in the United Kingdom.

(6) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.

[[F8](7) In this Act—

"the EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 [M3] as adjusted by the Protocol signed at Brussels on 17th March 1993 [M4];

"EEA State" means a State which is a contracting party to the EEA Agreement.**]**

Textual Amendments

F4 Words in s. 15(1)(b)(2) substituted (1.7.1996) by S.I. 1996/1496, **reg. 2(1)**

F5 S. 15(2A) inserted (1.7.1996) by S.I. 1996/1496, **reg. 2(2)**

F6 Word in s. 20(4)(d) substituted and (i)(ii) inserted (14.4.1998) by 1998/811, reg. 20(1)

F7 S. 15(4A)-(4C) inserted (14.4.1998) by S.I. 1998/811, **reg. 19**

F8 S. 15(7) inserted (1.7.1996) by S.I. 1996/1496, **reg. 2(3)**

Marginal Citations

M2 O.J. No. L257, 19.10.68 p.1. (amended by Council Regulation (EEC) No. 312/76 O.J. No. L39, 14.2.76, p.2).

M3 Cm 2073 and O.J. No. L1, 3.1.94, p.3.

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M4 Cm 2183 and O.J. No. L1, 3.1.94, p.572.

16 Supplementary provisions as to registration of holders of overseas diplomas.

(1) Except in a case falling within subsection (2) below the Council shall for the purpose of satisfying themselves that a person has the requisite knowledge and skill as mentioned in section 15(4)(c) above, and in addition to such other requirements as they may impose on him, require him to sit for examinations held by a dental authority, or a group of dental authorities, under arrangements made by the Council.

(2) If the diploma held by the person in question is of a kind recognised for the time being by the Council as furnishing such guarantees of that person's possessing the requisite knowledge and skill as warrant dispensing with further inquiry, he shall be taken to have satisfied the Council that he has the requisite knowledge and skill.

[[F9](2A) In deciding for the purposes of section 15(4)(c) whether a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill, the Council—

(a) shall take into account any dental qualifications awarded outside the EEA which have been accepted by another EEA State as qualifying him to practise as a dentist in that State;

(b) shall take into account any professional dental experience or knowledge that he has acquired in another EEA State; and

(c) may treat a qualification which is not of a kind recognised for the time being by the Council as furnishing sufficient guarantees that he has the requisite knowledge and skill as if it were such a qualification.**]**

(3) For the purpose of satisfying themselves that it is appropriate to recognise under subsection (2) above any diploma granted by an overseas institution, the Council may appoint persons to visit that institution and to attend the examinations to be taken in order to obtain the diploma; and the persons so appointed shall report to the Council as to the sufficiency of the instruction given in the institution and as to the adequacy of the examinations concerned for testing the knowledge and skill of those taking them.

(4) The Council may—

(a) make regulations as to the examinations to be held for the purposes of this section and may include in the regulations provisions for withdrawing the right to sit for any such examinations from a person who has not first paid the fee prescribed by the regulations for sitting for the examinations or from a person who has previously failed to pass such examinations on such number of occasions as may be prescribed by the regulations; and

(b) appoint persons to attend any such examinations who shall report to the Council as to the adequacy of the examinations for testing the knowledge and skill of those taking them.

(5) The Council shall have power to remunerate persons who are not members of the Council for acting as visitors under subsection (3) or (4)(b) above.

(6) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.

(7) Regulations under subsection (4)(a) above shall not come into force until approved by order of the Privy Council.

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Textual Amendments

F9 S. 16(2A) inserted (14.4.1998) by S.I. 1998/811, **reg. 20(2)**

17 Temporary registration.

(1) Where the Council, with a view to permitting any person holding a recognised overseas diploma temporarily to practise dentistry in a particular post in a hospital or other institution, give a direction that he be registered as respects practice in that post in that hospital or institution for such period as may be specified in the direction, that person shall be entitled to be registered in the dentists register in accordance with this Act subject to the entry against his name of the restrictions specified in the direction.

(2) No direction shall be given under this section unless the persons concerned has satisfied the registrar as to the following matters, namely—

(a) his identity;

(b) that he is of good character;

(c) that he has the requisite knowledge and skill for the efficient practice of dentistry in the post in question;

[[F10](d) that he—

(i) is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)); or

(ii) has the necessary knowledge of English; and**]**

(e) that he is in good health, both physically and mentally.

(3) An applicant for registration under this section has the necessary knowledge of English if he has the knowledge which, in the interests of himself and his patients, is necessary for the practice of dentistry in the United Kingdom.

[[F11](3A) In deciding for the purposes of subsection (2)(c) whether a person who is a national of an EEA State (or a person who is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill for the efficient practice of dentistry in the post in question, the Council shall take into account any professional dental experience or knowledge that he has acquired in another EEA State, and any acceptance by such a State of his right to practise as a dentist in that State.**]**

(4) Registration under this section shall not make it lawful for a person to practise dentistry otherwise than subject to the restrictions specified in the relevant direction nor constitute him a registered dentist for the purposes of Schedule 1 to this Act.

(5) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.

Textual Amendments

F10 S. 17(2)(d) substituted (14.4.1998) by S.I. 1998/811, **reg. 20(3)(a)**

F11 S. 17(3A) inserted (14.4.1998) by S.I. 1998/811, **reg. 20(3)(b)**

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Procedure for registration

18 Procedure for registration.

(1) Subject to section 17 above and subsection (3) below, any right to registration shall be conditional on the making of an application supported by such evidence as is required by subsection (2) below.

[[F12](2) Any person applying to be registered shall produce or send to the registrar—

(a) the document conferring or evidencing his licence or other qualification;

(b) a statement of his name and address and the other particulars (if any) required for registration; and

(c) in the case of an application made by virtue of subsection (2A) of section 15 above, evidence of the enforceable Community right on which he relies.**]**

(3) A dental authority may from time to time transmit to the registrar certified lists of the persons who are graduates or licentiates of that body in dentistry, stating the qualifications and places of residence of the persons included in the lists; and on receiving any such lists the registrar shall, subject to the provisions of this Act, duly register those persons.

Textual Amendments

F12 S. 18(2) substituted (1.7.1996) by S.I. 1996/1496, **reg. 2(4)**

19 Regulations with respect to the register.

(1) The Council may make regulations with respect to the form and keeping of the register and the making of entries and erasures in it, and in particular—

(a) prescribing a fee to be charged on the entry of a name in the register or on the restoration of any entry to the register;

(b) prescribing a fee to be charged in respect of the retention in the register of the name of a person first registered after 28th July 1921 in any year subsequent to the year in which that person was first registered;

(c) providing for the registration in and removal from the register in prescribed circumstances of additional diplomas held by a registered dentist and prescribing a fee to be charged in respect of the registration;

(d) authorising the registrar (notwithstanding anything in this Act) to refuse to make in or restore to the register any entry until a fee prescribed by regulations under this section has been paid.

(2) Regulations under this section may authorise the registrar to erase from the register the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under subsection (1)(b) above; and where a person's name is so erased, that name may be restored to the register on that person's application if he satisfies the registrar as to the matters specified in paragraphs (a) to (c) of section 15(3) above.

(3) Regulations under this section prescribing fees may provide for the charging of different fees in different classes of cases.

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(4) Regulations under this section prescribing fees or authorising the registrar to erase a person's name for non-payment of a fee shall not come into force until approved by order of the Privy Council.

20 Selection of proper abbreviations of overseas diplomas.

Where—

(a) the name of a person entitled to be registered by virtue of a recognised overseas diploma is entered in the register, or

(b) an additional diploma granted in a country overseas is entered against a person's name in the register,

the registrar shall enter that diploma in such abbreviated form as the registrar, after consultation with the President of the Council, may select as being convenient but not capable of being mistaken for the abbreviated form of any other diploma.

21 Notification of reasons for refusal of application for registration etc.

Where the registrar refuses—

(a) an application for registration under any provision of section 15(1) above, or

(b) an application for a direction to be given under section 17 above, or

(c) an application to be restored to the register under section 19(2) above,

he shall notify the applicant in writing of his reasons for refusing the application; and any such notification may be sent by post.

[F13 21A

(1) Where a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) applies for registration under section 15(1)(b), the registrar shall notify him of the result of his application—

(a) within three months of the date when the registrar received all documents (or any remaining documents) that he needed to determine the application; or

(b) within such longer period as is allowed by article 13 of Community Council Directive No. 78/686/EEC.

(2) The notification may be sent by post.

(3) In subsection (1)(b), "Community Council Directive No. 78/686/EEC" has the meaning given to it in Schedule 2, Part I, paragraph 1.**]**

Textual Amendments

F13 S. 21A inserted (14.4.1998) by S.I. 1998/811, **reg. 21(1)**

Publication of the register

22 Publication of the register.

(1) The Council shall cause a correct copy of the register at least once a year to be printed under their direction, published and sold, and subject to subsection (2) below any such copy shall be admissible in evidence.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Dentists Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Regulations under section 19 above may provide for the inclusion in any such copy of the register of honours or distinctions accorded to a person in the register, but it shall not be admissible as evidence of those honours or distinctions; and regulations so made shall require an indication to be given in the copy of the register that the honours or distinctions do not form part of the register itself.

Erasures and alterations in the register

23 Erasure of names of deceased persons and of those who have ceased to practise.

(1) The registrar shall erase from the register the name of every deceased person; and on registering the death of a registered dentist a registrar of births and deaths shall, without charge to the recipient, send forthwith by post to the registrar of the dentists register a copy certified under his hand of the entry in the register of deaths relating to the death.

(2) If a registered dentist has ceased to practise, the registrar may with his consent erase his name from the register.

(3) The registrar may send by post to a registered dentist a notice inquiring whether he has ceased to practise or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, he may erase the dentist's name from the register.

(4) Where a person's name has been erased from the register under subsection (3) above or at his request, then, unless the original entry of his name was incorrectly or fraudulently made, the name may be restored to the register on his application if he satisfies the registrar as to the matters specified in paragraphs (a) to (c) of section 15(3) above.

(5) Where the registrar refuses any application under subsection (4) above he shall notify the applicant in writing of his reasons for refusing the application; and any such notification may be sent by post.

24 Erasure on grounds of fraud or error.

(1) The Council shall cause to be erased from the register any entry which has been incorrectly or fraudulently made; but where a question arises whether an entry is fraudulent it shall be referred to and determined by the Professional Conduct Committee.

(2) Where a person's name has been erased on the ground that it was entered fraudulently that name shall not again be entered in the register except on an application in that behalf to the Council and on any such application the Council may, if they think fit, direct that the person shall not be registered, or shall not be registered until the expiration of such period as may be specified in the direction.

(3) The Council shall refer any application under subsection (2) above to the Professional Conduct Committee for determination by them.

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25 Alteration of names and addresses.

The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any registered person.

Use of titles and descriptions

26 Use of titles and descriptions.

(1) A registered dentist shall by virtue of being registered be entitled to take and use the description of dentist, dental surgeon or dental practitioner.

(2) A registered dentist shall not take or use, or affix to or use in connection with his premises, any title or description reasonably calculated to suggest that he possesses any professional status or qualification other than a professional status or qualification which he in fact possesses and which is indicated by particulars entered in the register in respect of him.

(3) If the Council are of opinion that any branch of dentistry has become so distinctive that it would be for the convenience of the public or of the dental profession that registered dentists qualified to practise, or practising, in that branch of dentistry should use a distinctive title, they may by regulations prescribe appropriate titles and conditions under which they may be used; and the use of a prescribed title under the prescribed conditions shall not constitute a contravention of subsection (2) above.

(4) In the case of any prescribed title regulations under subsection (3) above may provide—

(a) for a list to be kept by the Council of the names of registered dentists who are qualified under such regulations to use that title; and

(b) for any registered dentist who is so qualified to be entitled to have his name entered in the list;

and where regulations so provide as aforesaid nothing in that subsection shall permit that title to be used by any such dentist unless his name has been entered in the list.

(5) If an abbreviated form of a diploma granted in a country overseas is under section 20 above entered against a person's name in the dentists register, that person shall not take or use, or affix to or use in connection with his premises, any other abbreviation of that diploma.

(6) Any person who contravenes subsection (2) or (5) above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale.

(7) The Council shall cause a correct copy of any list for the time being kept by them in pursuance of subsection (4) above to be appended to any copy of the dentists register printed, published and sold in accordance with section 22 above.

Professional conduct and fitness to practise

27 Erasure or suspension of registration for crime or misconduct.

(1) Where the Professional Conduct Committee are satisfied that a registered dentist (whether before or after registration)—

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(a) has been convicted in the United Kingdom of a criminal offence or has been convicted elsewhere of an offence which, if committed in England and Wales, would constitute a criminal offence, or

(b) has been guilty of serious professional misconduct,

they may, if they think fit, determine that his name shall be erased from the register or that his registration in it shall be suspended for such period not exceeding twelve months as may be specified in their determination.

(2) It shall be the function of the Preliminary Proceedings Committee to decide whether the case of a person alleged to have been convicted as mentioned in subsection (1) above or to have been guilty of any such misconduct as is there mentioned ought to be referred to the Professional Conduct Committee to be dealt with by them in accordance with this section.

(3) If after the Preliminary Proceedings Committee have referred the case of any such person to the Professional Conduct Committee, but before the Professional Conduct Committee have opened their inquiry into the case, it appears to the Professional Conduct Committee that the question whether an inquiry should be held needs further consideration, they may refer the case back to the Preliminary Proceedings Committee for consideration of that question but, subject to that, it shall be the duty of the Professional Conduct Committee to hold an inquiry into any case referred to them under this section.

(4) Where the Professional Conduct Committee determine under this section that a person's name shall be erased from the register or that his registration shall be suspended, the registrar shall serve on him a notification of the determination and of his right to appeal against it under section 29 below.

(5) Where a dental authority in exercise of a power conferred by law strike the name of a person who is a registered dentist off a list of their graduates or licentiates in dentistry and notify to the Council the fact of the striking off—

(a) the registrar shall retain a record of that fact; and

(b) if the dental authority notify to the council the findings of fact on which the decision to strike off the name was based, then for the purpose of any inquiry under this Act as to whether that person has been guilty of serious professional misconduct the findings may, if the body holding the inquiry think fit, be treated as conclusive of the facts found.

28 Powers of Health Committee.

(1) Where the fitness of a registered dentist to practise is judged by the Health Committee to be seriously impaired by reason of his physical or mental condition, the Committee may, if they think fit, direct—

(a) that his registration in the register shall be suspended for such period not exceeding twelve months as may be specified in the direction; or

(b) that his registration shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee think fit to impose for the protection of the public or in his own interests.

(2) Where a registered dentist whose registration is for the time being conditional on his compliance with requirements imposed under this section is judged by the Health Committee to have failed to comply with any of those requirements, the Committee

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may, if they think fit, direct that his registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.

(3) Where the Health Committee have given a direction for suspension under subsection (1)(a) or (2) above, they may subsequently—

(a) direct that the current period of suspension shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction;

(b) direct that the registration of the person whose registration is suspended shall, as from the expiry of the current period of suspension, be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee have power to impose under subsection (1)(b) above;

but the Committee shall not extend any period of suspension under this section by more than twelve months at a time.

(4) Where the Health Committee have given a direction for conditional registration under this section, the Committee may subsequently revoke that direction or do one or more of the following things, namely—

(a) revoke any of the requirements imposed by that direction;

(b) direct that any of those requirements shall be varied in such manner as may be specified in the direction;

(c) direct that the current period of conditional registration shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction;

but the Committee shall not extend any period of conditional registration under this section by more than twelve months at a time.

(5) Where the Health Committee give any direction under this section the registrar shall forthwith serve on the person to whom it applies a notification of the direction and of his right to appeal against it under section 29 below; and where the Committee under subsection (4) above revoke any direction or requirement of a direction the registrar shall forthwith serve on the person to whom the direction applied or, as the case may be, applies a notification of the revocation.

29 Appeals.

(1) Where a person is notified—

(a) under subsection (4) of section 27 above that a determination has been made in respect of him under that section, or

(b) under subsection (5) of section 28 above that a direction has been given in respect of him under that section,

he may, within twenty-eight days from the service of the notification, appeal to Her Majesty in Council against that determination or, on any question of law, against that direction.

(2) An appeal under this section from the Professional Conduct Committee or the Health Committee shall be made in accordance with such rules as Her Majesty may by Order in Council provide in relation to that Committee for the purposes of this section; and the Judicial Committee Act 1833 shall apply in relation to each of those Committees as it applies in relation to a court falling within section 3 of that Act (appeals to Her Majesty in Council to be referred to the Judicial Committee of the Privy Council).

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(3) Without prejudice to the application of that Act, on an appeal under this section the Judicial Committee may, in their report, recommend to Her Majesty in Council—
  (a) that the appeal be dismissed;
  (b) that the appeal be allowed and that the determination or direction appealed against be quashed;
  (c) that such other determination or direction as the Professional Conduct Committee or (as the case may be) the Health Committee could have made or given be substituted for the determination or direction appealed against; or
  (d) that the case be remitted to the Professional Conduct Committee or the Health Committee to dispose of the case under section 27 or 28 above in accordance with the directions of the Judicial Committee.

(4) The Council may appear as respondent on any appeal under this section; and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party to it, whether they appear on the hearing of the appeal or not.

30 Time when determinations and directions normally take effect and orders for immediate suspension.

(1) Where no appeal is brought against any determination or direction under section 27 or 28 above within the period mentioned in section 29(1) above, the determination or direction shall take effect at the expiry of that period.

(2) Where an appeal is so brought against any such determination or direction, then (subject to section 31(2) below) the determination or direction shall not take effect until such time as the appeal is dismissed or withdrawn or is struck out for want of prosecution.

(3) If—
  (a) the Professional Conduct Committee on making any determination in respect of a person under section 27 above, or
  (b) the Health Committee on giving a direction for suspension in respect of a person under section 28(1) or (2) above,

are satisfied that it is necessary for the protection of members of the public, or that it would be in the best interests of that person, to do so, they may order that his registration in the register shall be suspended forthwith; and in that event his registration in the register shall be suspended by virtue of this subsection from the time when the order is made until the time when the period for bringing an appeal against the said determination or direction under section 29 above expires or, if such an appeal is brought, the appeal is determined or withdrawn or is struck out for want of prosecution.

(4) Where the Professional Conduct Committee or the Health Committee make an order under subsection (3) above the registrar shall forthwith serve on the person to whom it applies a notification of the order and of his right to make an application under subsection (6) below.

(5) If when an order is made under subsection (3) above the person to whom it applies is neither present nor represented at the proceedings, that subsection shall have effect as if, for the reference to the time when the order is made, there were substituted a

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reference to the time when notification of the order is served under subsection (4) above.

(6) A person whose registration in the register has been suspended under subsection (3) above may apply to the court for an order terminating the suspension, and the decision of the court on any such application shall be final.

(7) In subsection (6) above "the court"—

(a) in the case of a person whose address in the register is in Scotland, means the Court of Session;

(b) in the case of a person whose address in the register is in Northern Ireland, means the High Court in Northern Ireland; and

(c) in the case of any other person, means the High Court in England and Wales.

31 Special provisions where directions replace, or extend periods under, previous directions.

(1) Where any such direction as is mentioned in section 28(2), (3) or (4)(c) above is given while a person's registration is subject to conditions or suspended by virtue of a direction under this Act, his registration shall continue to be conditional or suspended throughout any period which may intervene between the time when (but for this subsection) his registration would cease to be conditional or suspended, as the case may be, and the time when—

(a) the period for bringing an appeal against the direction under section 29 above expires; or

(b) if such an appeal is brought, the appeal is determined or withdrawn or is struck out for want of prosecution.

(2) If, however. on the determination of any appeal under section 29 above any such direction as is mentioned in section 28(2), (3) or (4)(c) above takes effect after the time when (but for subsection (1) above) the current period of conditional registration or suspension referred to in the said provision of section 28 would have ended, the period for which that direction is to have effect shall be treated as having started to run at that time.

32 Orders for interim suspension.

(1) Where the Preliminary Proceedings Committee ("the Committee")—

(a) decide that the case of a person who is alleged to have been convicted as mentioned in section 27(1) above, or to have been guilty of any such misconduct as is there mentioned, ought to be referred to the Professional Conduct Committee under that section, and

(b) are satisfied that it is necessary for the protection of members of the public to make an order under this section in respect of that person,

they may order that his registration in the register shall be suspended in accordance with the following provisions of this section pending the determination of his case by the Professional Conduct Committee.

(2) The Committee may make any such order notwithstanding—

(a) in the case of a person alleged to have been convicted as aforesaid, that any proceedings by way of appeal are pending in respect of the conviction in question; or

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(b) in the case of a person alleged to have been guilty of any such misconduct as aforesaid, that any criminal charge has been, or might be, brought in respect of the alleged misconduct.

(3) No order shall be made under this section in respect of a person unless he has been afforded an opportunity of appearing before the Committee and of being heard on the question whether such an order should be made in his case; and for the purposes of this subsection a person may be represented before the Committee by counsel or a solicitor, or (if rules under paragraph 8 of Schedule 1 to this Act so provide and he so elects) by a person of such other description as may be specified in the rules.

(4) Where the Committee make an order under this section the registrar shall forthwith serve on the person to whom it applies a notification of the order and of his right to make an application for the termination of the order under subsection (8) below; and the registration of that person in the register shall be suspended by virtue of this section from the time when the notification is so served until such time as the order is revoked under subsection (5) or (6) below.

(5) Any order under this section shall be reviewed by the Committee not later than three months after the date of its making and subsequently at intervals of not more than three months; and where the Committee on any such review are satisfied that the continuation in force of the order is not necessary for the protection of members of the public they shall revoke the order.

(6) Where the case of a person to whom an order under this section applies is determined by the Professional Conduct Committee under section 27 above, the Professional Conduct Committee shall revoke the order either forthwith or, if they make an order for immediate suspension taking effect under section 30(5) above, as from the time when that order so takes effect.

(7) Where an order under this section is revoked under subsection (5) or (6) above the registrar shall forthwith serve on the person concerned a notification of the revocation of the order.

(8) Subsections (6) and (7) of section 30 above shall have effect in relation to an order under this section as they have effect in relation to an order of the Professional Conduct Committee under subsection (3) of that section.

33 Supplementary provisions relating to professional conduct and health cases.

(1) While a person's registration in the register is suspended by virtue of a determination, direction or order under this Part of this Act, he shall be treated as not being registered in the register, notwithstanding that his name still appears in it.

(2) Schedule 3 to this Act (which contains supplementary provisions relating to professional conduct and health cases) shall have effect.

34 Restoration of name erased under s. 27.

(1) Where a person's name has been erased from the register in consequence of a determination under section 27 above, the name of that person shall not again be entered in the register except by direction of the Council; and the Council may, subject to subsection (2) below, direct that the name of that person shall be restored to the register.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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(2) An application for the restoration of a name to the register shall not be made to the Council—
  (a) within ten months from the date of erasure, or
  (b) within ten months from a previous application.

(3) The Council shall refer any application under this section to the Professional Conduct Committee for determination by them.

VALID FROM 29/10/2001

[F14 Professional training and development requirements

Textual Amendments

F14 Ss. 34A, 34B and preceding cross-heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 8**

34A [F15] Professional training and development requirements

(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.

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Textual Amendments

F15 Ss. 34A, 34B and preceding cross-heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 8**

34B [F16] Restoration of name to the register: professional training and development

(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.**]**

Textual Amendments

F16 Ss. 34A, 34B and preceding cross-heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 8**

Effect of disqualification in another member State

35 Effect on registration of disqualification in another member State.

(1) A person who is subject to a disqualifying decision in **[**[F17]an EEA State**]** in which he is or has been established in dental practice shall not be entitled to be registered under section 15(1)(b) above.

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(2) A disqualifying decision in **[**[F17]an EEA State**]** in respect of a person is a decision made by responsible authorities in that State and—

(a) expressed to be made on the grounds that he has committed a criminal offence or has misconducted himself in a professional respect, and

(b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a dental practitioner, or that he is prohibited from practising there.

(3) If a person is registered under section 15(1)(b) above when he is subject to a disqualifying decision the registrar, on being satisfied that the person was at that time and still is subject to the decision, shall remove his name from the register.

(4) If, by reason of his being subject to a disqualifying decision, a person is refused registration or has his name erased from the register by the registrar under the foregoing provisions of this section then—

(a) the registrar shall, on request, state in writing the grounds for the refusal or erasure;

(b) the person may appeal by giving notice in writing to the Council; and

(c) any such appeal shall be referred to and determined by the Professional Conduct Committee who shall direct the registrar whether the person is or is not entitled to be registered or should or should not have his name erased from the register, as the case may be;

and paragraphs 2 and 5 of Schedule 3 to this Act shall apply to appeals under this section as they apply in relation to proceedings of the Professional Conduct Committee under section 27 above, except that the Council shall have power to make rules with respect to all or any of the matters mentioned in paragraph 2(2) but shall not be required to do so and separate rules may be made by virtue of this subsection as respects proceedings under it.

(5) If a person who has been registered under section 15(1)(b) above becomes subject to a disqualifying decision his case shall stand referred to the Professional Conduct Committee as the case of a person alleged to have been convicted as mentioned in subsection (1) of section 27 above or to have been guilty of any such misconduct as is there mentioned; and the Committee, on being satisfied that he is subject to the disqualifying decision, may exercise their powers under that subsection on the assumption that the criminal offence or professional misconduct on the grounds of which the disqualifying decision was made constitutes such conduct as, under paragraph (a) or (b) of that subsection, justifies the exercise of their powers under that subsection.

Textual Amendments

F17 Words in s. 35(1)(2) substituted (1.7.1996) by S.I. 1996/1496, **reg. 6(1)**

Visiting EEC practitioners

36 Visiting EEC practitioners.

Schedule 4 to this Act (which makes provision for persons established in dental practice in other **[**[F18]EEA States**]** to render dental services during a visit to the United Kingdom, without being registered under this Act) shall have effect.

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Textual Amendments

F18 Words in s. 36 substituted (1.7.1996) by S.I. 1996/1496, **reg. 6(2)**

PART IV

RESTRICTIONS ON PRACTICE OF DENTISTRY AND ON CARRYING ON BUSINESS OF DENTISTRY

The practice of dentistry

37 Definition of practice of dentistry.

(1) For the purposes of this Act, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists; and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to or for the purpose of or in connection with the fitting, insertion or fixing of dentures, artificial teeth or other dental appliances shall be deemed to have practised dentistry within the meaning of this Act.

(2) Dental work shall not treated for the purposes of this Act as amounting to the practice of dentistry if it is undertaken under the direct personal supervision of a registered dentist—

(a) by a person recognised by a dental authority as a student of dentistry, or by a person recognised by a medical authority as a medical student, as part of a course of instruction approved by that authority for students of that kind, or as part of an examination so approved, or

(b) by any person as part of a course in instruction which he is following in order to qualify for membership of a class of dental auxiliaries or as part of examinations which must be passed in order to qualify for membership of a class of dental auxiliaries;

but, subject to that, a person who undertakes dental work in the course of his studies (whether or not under the supervision of a registered dentist) shall be treated for the purposes of this Act as practising dentistry if he would have been treated for those purposes as practising dentistry if he had undertaken that work in the course of earning his livelihood.

(3) In this section "medical authority" means one of the universities and other bodies who choose appointed members of the General Medical Council.

38 Prohibition on practice of dentistry by laymen.

(1) A person who is not a registered dentist, a visiting **[**[F19]EEA practitioner**]** entered in the list of such practitioners, or a registered medical practitioner shall not practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry.

(2) Any person who acts in contravention of subsection (1) above shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Dentists Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Summary proceedings for an offence under this section may be brought within the period of six months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this subsection more than two years after the commission of the offence.

(4) For the purposes of subsection (3) above a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as is mentioned in that subsection came to his knowledge shall be conclusive evidence of that date, and any certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.

Textual Amendments

F19 Words in s. 38(1) substituted (1.7.1996) by S.I. 1996/1496, **reg. 6(3)**

39 Prohibition on use of practitioners' titles by laymen.

(1) A person who is not a registered dentist, a visiting **[**[F20]EEA practitioner**]** entered in the list of such practitioners or a registered medical practitioner shall not take or use the title of dentist, dental surgeon or dental practitioner, either alone or in combination with any other word.

(2) No person shall take or use any title or description implying that he is a registered dentist unless he is a registered dentist.

(3) Any person who acts in contravention of this section shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

Textual Amendments

F20 Words in s. 39(1) substituted (1.7.1996) by S.I. 1996/1496, **reg. 6(3)**

Restrictions on carrying on the business of dentistry

40 Definition of business of dentistry.

(1) For the purposes of this Act a person shall be treated as carrying on the business of dentistry if, and only if, he or a partnership of which he is a member receives payment for services rendered in the course of the practice of dentistry by him or by a partner of his, or by an employee of his or of all or any of the partners.

(2) Notwithstanding subsection (1) above, the receipt of payments—

(a) by an authority providing national health services, or

(b) by a person providing dental treatment for his employees without a view to profit, or

(c) by a person providing dental treatment without a view to profit dental treatment without a view under conditions approved by the Secretary of State or the Department of Health and Social Services for Northern Ireland,

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shall not constitute the carrying on of the business of dentistry for the purposes of this Act.

41 Restriction on individuals.

(1) Subject to the provisions of this section, an individual who is not a registered dentist or a registered medical practitioner shall not carry on the business of dentistry unless he was engaged in carrying on the business of dentistry on 21st July 1955, and any individual who contravenes this section shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

(2) The exemption conferred by subsection (1) above 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 his name being erased from the register, or his registration in it being suspended, under section 27 above.

(3) This section shall not operate to prevent a person from carrying on the business of dentistry during any period for which his registration in the register is suspended by virtue of a direction under Part III of this Act or by virtue of an order under section 30(3)(b) or section 32 above and subsections (4) and (6) below shall apply in relation to a person whose registration is so suspended as they apply in relation to a registered dentist.

(4) Where a registered dentist or registered medical practitioner who died after 3rd July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his personal representatives or his widow or any of his children, or trustees on behalf of his widow or any of his children, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with his death.

(5) Where a registered dentist or a registered medical practitioner who died before 4th July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his widow, or trustees on behalf of his widow, from carrying on the business of dentistry in continuance of that business or practice at any time during her life.

(6) Where a registered dentist or registered medical practitioner becomes bankrupt at a time when he is carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his trustee in bankruptcy, or in Northern Ireland the official assignee, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with the bankruptcy.

42 Restriction on bodies corporate

(1) No body corporate, other than one exempted under section 43 below, shall carry on the business of dentistry.

(2) Any body corporate contravening this section shall be liable on summary conviction to a fine not exceeding the third level on the standard scale.

(3) Where a body corporate is convicted of an offence under this section, every director and manager of the body shall, unless he proves that the offence was committed without his knowledge, be guilty of the like offence.

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43 Bodies corporate entitled to carry on business of dentistry.

(1) A body corporate may, subject to the following provisions of this Part of this Act, carry on the business of dentistry if—

(a) it was carrying on the business of dentistry on 21st July 1955, and

(b) it carries on no business other than dentistry or some business ancillary to the business of dentistry, and

(c) a majority of the directors are registered dentists, and

(d) all its operating staff are either registered dentists or dental auxiliaries.

(2) Paragraph (a) of subsection (1) above shall not apply—

(a) to a society registered under the [M5]Industrial and Provident Societies Act 1965 or the [M6]Industrial and Provident Societies Act (Northern Ireland) 1969, or

(b) to a body corporate coming into existence on the reconstruction of a body corporate carrying on business on the date mentioned in that paragraph, or coming into existence on the amalgamation of two or more such bodies.

(3) Paragraph (b) of subsection (1) above shall not apply to a body corporate which was carrying on the business of dentistry before 28th July 1921 so as to prevent it from carrying on any business which that body was at that date lawfully entitled to carry on.

(4) Every body corporate carrying on the business of dentistry shall in every year transmit to the registrar a statement in the prescribed form containing the names and addresses of all persons who are its directors or managers or who perform dental operations in connection with its business, and if any such body corporate fails to do so, it shall be deemed to be carrying on the business of dentistry in contravention of the provisions of section 42 above.

(5) If a body corporate exempted by this section ceases at any time to carry on the business of dentistry, the exemption conferred by this section shall not extend to that body on any subsequent occasion when it carries on the business of dentistry.

(6) Nothing in this section shall prevent a body corporate from carrying on the business of dentistry in the circumstances mentioned in subsections (4), (5) and (6) of section 41 above, and subsection (4) above shall not apply in those circumstances.

(7) In this section "prescribed" means prescribed by regulations made by the Council.

Modifications etc. (not altering text)

C3 S. 43 applied (with modifications) (30.6.1999) by 1999 c. ii, **s. 9**

Marginal Citations

M5 1965 c. 12.

M6 1969 c. 24. (N.I.).

44 Withdrawal of privilege from body corporate.

(1) Where—

(a) a body corporate has been convicted of an offence under section 42 above, or

(b) the name of a director of a body corporate has been erased from the register under section 27 above, or

(c) a director of a body corporate has been convicted under section 38 or 41 above.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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the Professional Conduct Committee may, subject to subsection (3) below, direct that the exemption conferred by section 43 above shall cease to extend to that body corporate as from such date as the Committee may specify.

(2) Where—

(a) the name of a member of the operating staff of a body corporate has been erased from the register under section 27 above, and

(b) in the opinion of the Professional Conduct Committee the act or omission constituting the offence or serious professional misconduct on account of which his name was erased was instigated or connived at by a director of the body corporate, or, if the act or omission was a continuing act or omission, a director of the body corporate had, or reasonably ought to have had, knowledge of its continuance,

the Committee may, subject to subsection (3) below, direct that the exemption conferred by section 43 above shall cease to extend to that body corporate as from such date as the Committee may specify.

(3) The Professional Conduct Committee shall not take a case into consideration under subsection (1) or (2) above while proceedings by way of appeal are pending which may result in that subsection being rendered inapplicable in that case, nor during the period in which any such proceedings may be brought.

(4) Where the Professional Conduct Committee determine under subsection (1) or (2) above that the exemption conferred by section 43 above shall cease to extend to a body corporate, the Committee shall notify the body corporate of their determination and that body may, within twenty-eight days of the notification, in accordance with such rules as Her Majesty may by Order in Council provide for the purposes of this section, appeal to Her Majesty in Council—

(a) in the case of a determination under subsection (1) above, on the ground that, notwithstanding the conviction or (as the case may be) the erasure of the name, the Committee's decision was unjustified;

(b) in the case of a determination under subsection (2) above, on the ground that the opinion of the Committee as to the matters referred to in paragraph (b) of that subsection was incorrect or that, although that opinion was correct, the Committee's decision was unjustified.

(5) The provisions of sections 29 and 30(1)

and (2) above shall, with the necessary modifications, apply for the purposes of subsection (4) above as they apply in relation to an appeal under section 29 against a determination of the Professional Conduct Committee.

(6) References in this section to the erasure of the name, or to the conviction, of a director of a body corporate include references to the erasure of the name, or to the conviction, of any person who was a director of a body corporate at the time of the offence or misconduct leading to the erasure or conviction.

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PART V

DENTAL AUXILIARIES

45 Establishment by Council of classes of dental auxiliaries.

(1) Subject to the provisions of this section and section 46 below, the Council may by statutory instrument make regulations for the establishment of classes of dental auxiliaries to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry.

(2) Regulations under this section may in particular make provision as respects any class so established—

(a) for prescribing the qualifications for becoming a member of that class;

(b) for prescribing the dental work which a member of that class may undertake and the conditions, if any, under which he may undertake it;

(c) for the establishment of a roll or record for that class.

(3) The regulations shall be so framed as to secure that provisions in the regulations as to the arrangements to be made for training persons to become members of a class of dental auxiliaries do not materially impair the facilities for the training of dental students.

(4) Regulations under this section may make provision for the appointment of persons to visit places providing courses of instruction approved by the Council under the regulations or to attend examinations so approved by them, and for the remunertion of such persons.

(5) If, after regulations have been made under this section establishing a class of dental auxiliaries, the Council propose to make further regulations varying the provisions relating to that class or abolishing that class, the further regulations shall be so framed as to secure that a person belonging to that class at the time when the further regulations are made is still permitted to do any dental work of a kind which he was previously permitted to do.

(6) The Council need not comply with subsection (5) above in framing the regulations if they are satisfied that reasonable steps have been taken to give each of the persons belonging to the class in question particulars of their proposals with an opportunity of raising objections and none of those persons has maintained any objection to those proposals.

(7) Where a roll or record is established for a class of dental auxiliaries, regulations under this section may, in particular, provide for—

(a) prescribing a fee to be charged when a person's name is entered in the roll or record.

(b) prescribing a fee to be charged in respect of the retention of a person's name in the roll or record in any year subsequent to the year in which that person's name was first recorded, and

(c) authorising the person in charge of the roll or record to erase from the roll or record the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under paragraph (b) above.

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(8) Section 38 above shall not operate to prevent a person doing anything which he is permitted to do by regulations under this section; and the prohibition contained in that section on a person holding himself out as practising or being prepared to practise dentistry shall not apply to a person for the time being permitted by regulations under this section to practise dentistry of any particular kind.

(9) The Council shall not make any regulations under this section unless a draft of those regulations, which has been approved by the Privy Council, has been laid before and approved by a resolution of each House of Parliament.

Subordinate Legislation Made

P1 S. 45: power previously exercised by S.I. 1985/1850, 1986/887.

P2 S. 45(1)(2)(3)(7): s. 45(1) (with ss. 45(2)(3)(7) and 46(1)(2)) power exercised by S.I. 1991/1706.

46 Restrictions on employment of dental auxiliaries.

(1) Regulations under section 45 above shall not permit a dental auxiliary of any class to undertake—

(a) the extraction of teeth other than deciduous teeth, or

(b) except in the course of the provision of national health services, the filling of teeth or the extraction of deciduous teeth, or

(c) the fitting, insertion or fixing of dentures or artificial teeth.

(2) Regulations under section 45 above shall be so framed as to secure that dental work amounting the practice of dentistry carried out by a dental auxiliary [F21] . . . is carried out under the direction of a registered dentist; and it shall be the duty of the Council to secure, either by provision in the said regulations or otherwise, that, so long as they think it advisable, such work is only carried out after the registered dentist has examined the patient and has indicated to the dental auxiliary the course of treatment to be provided for the patient.

[F22](3) . . . . . .

(4) Her Majesty may by Order in Council—

(a) provide that subsection (1)(b) above shall cease to have effect in relation to any class of dental auxiliaries specified in the Order;

(b) repeal, in subsection (2) above, the words "in the course of the provision of national health services" and subsection (3) above.

(5) An Order in Council under subsection (4) above shall not be made unless a draft of the Order has been laid before and approved by a resolution of each House of Parliament.

Subordinate Legislation Made

P3 S. 46: power previously exercised by S.I. 1986/887.

P4 S. 46(1)(2): s. 45(1)(with ss. 45(2)(3)(7) and 46(1)(2)) power exercised by S.I. 1991/1706.

P5 S. 46(4)(b) power exercised by S.I.1991/1705.

Textual Amendments

F21 Words in s. 46(2) repealed by S.I.1991/1705, **art. 2(a)**.

F22 S. 46(3) repealed by S.I. 1991/1705, **art.2(b)**

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Modifications etc. (not altering text)

C4 S. 46(1)(b) amended (23.5.2002) by S.I. 2002/1399, **art. 2**

47 Use of titles and descriptions.

(1) Regulations under section 45 above may authorise members of a class of dental auxiliaries established by the regulations to use a title indicating their membership; and any person who wilfully uses that title when he is not authorised under the regulations to use that title shall be liable, on summary conviction, to a fine not exceeding the third level on the standard scale.

(2) Any member of a class of dental auxiliaries who uses any title or description reasonably calculated to suggest that he possesses any status or qualification connected with dentistry other than a status or qualification which he in fact possesses and which is indicted by particulars entered in the roll or record of the class in respect of him shall be liable, on summary conviction, to a fine not exceeding the third level on the standard scale.

(3) Where in the case of any class of dental auxiliaries regulations under section 45 above do not provide for a roll or record of the class in which particulars of status and qualifications may be entered, subsection (2) above shall have effect as if the words "and which is indicated by particulars entered in the roll or record of the class in respect of him" were omitted.

48 Functions of Dental Auxiliaries Committee.

(1) The Council shall refer to the Dental Auxiliaries Committee ("the Committee") all matters connected with ancillary dental services.

(2) Regulations under section 45 above provide for entrusting to the Committee the duty of enforcing standards of conduct among dental auxiliaries and for enabling the Committee to withdraw from a person not conforming to those standards the right to undertake dental work as a dental auxiliary of all or any classes.

(3) In relation to any decision of the Committee under regulations made by virtue of subsection (2) above that a person's name shall be erased from a roll or record establised pursuant to section 45(2) above, sections 29 and 30(1) and (2) above shall, with the necessary modifications, apply as they apply in relation to a determination of the Professional Conduct Committee that a person's name shall be erased from the register.

(4) References to the Committee in subsection (3) above include references to a sub-committee of the Committee.

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PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Termination of the 1927 Agreement

49 Termination of the 1927 Agreement with the Republic of Ireland.

(1) If Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland agree to terminate the Agreement with respect to the registration and control of dentists set out in Part II of the Schedule to the [M7]Medical and Dentists Acts Amendment Act 1927, Her Majesty may by Order in Council—

(a) effect such repeals in that Act and this Act, and

(b) make such modifications of this Act,

as appear to Her to be necessary or expedient in consequence of, or in connection with, the termination of the said Agreement.

(2) An Order in Council under this section may—

(a) appoint different days for different repeals or modifications to take effect under the Order; and

(b) contain such transitional and saving provisions as appear to Her Majesty to be necessary or expedient.

(3) An Order in Council under this section which repeals any provision by virtue of which a university or other body in the Republic of Ireland is a dental authority shall include provision preserving the right to registration or continued registration in the register of persons who, immediately before the coming into force of the Order, are entitled to be or are registered under section 15(1)(a) above in virtue of a qualification awarded by that university or body.

(4) An Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M7 1927 c. 39.

Supplementary

50 Evidence etc. in certain proceedings under this Act.

(1) For the purposes of any relevant proceedings before the Professional Conduct Committee or the Dental Auxiliaries Committee in England and Wales or Northern Ireland, the Committee may adminster oaths, and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) Section 36 of the [M8]Supreme Court Act 1981 and section 67 of the [M9]Judicature (Northern Ireland) Act 1978 (subpoena issued by High Court to run throughout United Kingdom) shall apply in relation to any such proceedings in England and Wales and

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in Northern Ireland respectively as they apply in relation to causes or matters in the High Court.

(3) For the purposes of any relevant proceedings before the Professional Conduct Committee or the Dental Auxiliaries Committee in Scotland, the Committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that Court—

(a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;

(b) to grant warrant for the recovery of documents; and

(c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

(4) In this section "relevant proceedings"—

(a) in relation to the Professional Conduct Committee, means proceedings relating either to the restoration of a person's name to the register or to the withdrawal from a body corporate of the right to carry on the business of dentistry, and

(b) in relation to the Dental Auxiliaries Committee, means proceedings under regulations made by virtue of section 48(2) above and relating to the erasure of a person's name from any roll or record established pursuant to section 45(2) above;

and references to the Dental Auxiliaries Committee include a sub-committee of that Committee.

(5) In relation to any relevant proceedings before the Professional Conduct Committee or the Dental Auxiliaries Committee, "party" means, unless the context otherwise requires—

(a) in a case relating to the restoration of a person's name to the register, that person,

(b) in a case relating to the withdrawal from a body corporate of a right to carry on the business of dentistry, that body corporate and any director of that body corporate,

(c) in a case relating to the erasure of a person's name from a roll or record, that person, and

(d) in any case, any person on whose complaint the proceedings are brought or any solicitor appointed by the Council to represent them at the proceedings.

Marginal Citations

M8 1981 c. 54.

M9 1978 c. 23.

51 Exercise of powers conferred on Privy Council.

The powers conferred by this Act on the Privy council (other than those conferred on the Judicial Committee in relation to the hearing of appeals) shall be exercisable by any two or more members of the Privy Council.

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52 Regulations and other documents.

(1) The [M10]Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made by the Council under this Act in like manner as if the regulations had been made by a Minister of the Crown.

(2) Prima facie evidence of any document issued by the Council may be given in all legal proceedings by the production of a copy or extract purporting to be certified to be a true copy or extract by the registrar or some other officer of the Council authorised to give a certificate for the purposes of this subsection.

(3) No proof shall be required of the handwriting or official position or authority of any person certifying in pursuance of this section to the truth of any copy of, or extract from, any regulations or other document.

Marginal Citations
M10 1946 c. 36.

53 Interpretation.

(1) In this Act—

"the Council" means the General Dental Council;

"dental authority" shall be construed in accordance with section 3(4) above;

"diploma" means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place (whether within or without Her Majesty's dominions);

[[F23]"the EEA Agreement" and "EEA State" have the meanings given by section 15(7) above;**]**

"recognised overseas diploma" has the meaning given by section 15(2) above.

"the register" means the dentists register;

"registered dentist" means (subject to section 17(4) above) a person for the time being registered in the register;

"the registrar" means the person for the time being appointed under section 14(3) above;

[[F24]"visiting EEA practitioner entered in the list of such practitioners" means a person entered in the list of EEA practitioners under Schedule 4 to this Act**]**

(2) In this Act references to the practice of dentistry shall be construed in accordance with section 37 above, and references to carrying on the business of dentistry shall be construed in accordance with section 40 above.

(3) References in this Act to the provision of national health services are references to the provision of—

(a) services under sections 2, 3 and 5(1)(a) of and Schedule 1 to the [M11]National Health Service Act 1977 or sections 36, 38 or 39 of the [M12]National Health Service (Scotland) Act 1978 or Article 5, 8 or 9 of the [M13]Health and Personal Social Services (Northern Ireland) Order 1972; and

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(b) services at health centres provided under the said sections 2, 3 or 36 or the said Article 5.

[F25](4) . . . . . .

Textual Amendments

F23 Definition in s. 53(1) inserted (1.7.1996) by S.I. 1996/1496, **reg. 6(4)(a)**

F24 Definition in s. 53(1) substituted (1.7.1996) by S.I. 1996/1496, **reg. 6(4)(b)**

F25 S. 53(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**.

Marginal Citations

M11 1977 c. 49.

M12 1978 c. 29.

M13 S.I. 1972/1265 (N.I. 14).

54 Consequential amendments, repeals and revocations.

(1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the consequential amendments specified in that Schedule.

(2) The enactments mentioned in Part I of Schedule 6 to this Act are hereby repealed to the extent specified in the third column.

(3) The instruments mentioned in Part II of that Schedule are hereby revoked to the extent specified in the third column.

55 Commencement, transitional provisions and savings.

(1) Subject to subsections (2) and (3) below, the foregoing provisions of this Act shall come into force on 1st October 1984; and references to the commencement of this Act shall be construed as references to the beginning of that day.

(2) The following provisions of this Act, namely—

(a) section 49, and

(b) section 54(2) and Part I of Schedule 6 so far as they repeal section 29 of the [M14]Dentists Act 1983,

shall come into force at the end of the period of one month beginning with the day on which this Act is passed.

(3) The following provisions of this Act, namely—

(a) sections 2(4) and (5), 28 and 31, paragraph 8(2) of Schedule 1, and paragraphs 3, 6 and 9(3) of Schedule 3, and

(b) sections 29, 30 and 33 and any provisions of Schedule 3 not mentioned in paragraph (a) above, so far as those sections and provisions relate to proceedings before the Health Committee or to any direction or order given or made by that Committee,

shall come into force on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for, or for different purposes of, different provisions.

(4) The transitional and saving provisions contained in Schedule 7 to this Act shall have effect (but without prejudice to sections 16 and 17 of the [M15]Interpretation Act 1978,

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which relate to repeals); and Her Majesty may by Order in Council provide for such further transitional and saving provisions to have effect in connection with the coming into force under subsection (3) above of any provision of this Act as appear to Her Majesty to be necessary or expedient.

(5) Her Majesty may by Order in Council, in connection with the coming into force under subsection (1) above of any provision of this Act in so far as it reproduces the effect of any provision of the [M16]Dentists Act 1983 specified in subsection (2) of section 34 of that Act, make provision corresponding to that which could have been made under subsection (4) of that section in connection with the coming into force under that section of the provision so specified.

Modifications etc. (not altering text)

C5 S. 55(3) : power of appointment conferred by section 55(3) fully exercised: 1.1.1985 appointed by S.I. 1984/1815

Marginal Citations

M14 1983 c. 38.
M15 1978 c. 30.
M16 1983 c. 38.

56 Short title and extent.

(1) This Act may be cited as the Dentists Act 1984.

(2) This Act extends to Northern Ireland.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Dentists Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Sections 1 and 2.

THE COUNCIL AND COMMITTEES OF THE COUNCIL: SUPPLEMENTARY PROVISIONS

PART I

THE COUNCIL

Constitution

1 (1) The Council shall consist of the President and twenty-nine other members, together with the members nominated under this Part of this Schedule by the authorities who are for the time being dental authorities.

(2) Of those twenty-nine members of the Council—

(a) eighteen shall be elected by registered dentists from among themselves;

(b) four shall be the persons who are for the time being the chief dental officers of each of the **[**[F26]Department of Health**]**, the Welsh Office and the Department of Health and Social Services for Northern Ireland and the chief dental officer to the Secretary of State for Scotland;

(c) six, who shall not be registered dentists and of whom three shall be chosen for England and one for each of Scotland, Wales and Northern Ireland, shall be nominated by Her Majesty on the advice of Her Privy Council; and

(d) one shall be elected in accordance with paragraph 12(9) below;

and of the remaining members, all of whom shall be registered dentists, the University of London (so long as it is a dental authority) shall nominate two, and every other authority which is for the time being a dental authority shall nominate one.

(3) In addition there shall be three persons nominated by the General Medical Council from among members of that Council who shall act and vote as members of the General Dental Council in connection with dental education and examinations, but who, except as otherwise expressly provided by this sub-paragraph or any other provision of this Act, shall not be treated as members of the General Dental Council for the purposes of this Act.

Textual Amendments

F26 Words substituted by S.I. 1988/1843, art. 5(4), **Sch. 3 para. 3**

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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Election and nomination of members

2 (1) The period for which those elected as members of the Council shall hold office shall end with 30th September 1986, and at the end of that day, and at the end of each succeeding period of five years, all the persons who are then elected members of the Council shall retire together, and elections shall be held accordingly before the end of each of the said periods.

(2) An election shall be held to fill a casual vacancy among the elected members, if and only if, the vacancy occurs more than twelve months before the beginning of the following five-year period.

(3) Of the elected members—

(a) fourteen shall be elected by the dentists whose addresses in the register are in England, the Isle of Man or the Channel Islands;

(b) one shall be elected by the dentists whose addresses in the register are in Wales;

(c) two shall be elected by the dentists whose addresses in the register are in Scotland; and

(d) one shall be elected by the dentists whose addresses in the register are in **[**[F27]Northern Ireland**]**.

(4) Elections under this paragraph shall be conducted in accordance with rules made by the Council which shall include provision—

(a) for nominations being made by registered dentists;

(b) for the use of voting papers and for voting by post.

Textual Amendments

F27 Word substituted by S.I. 1987/2047, **art. 2(b)**

[F28]*Registered dentist and dental auxiliary members*

Textual Amendments

F28 Sch. 1 Pt. I paras. 1-4 and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for Sch. 1 Pt. I paras. 1-5 and cross-headings by S.I. 2001/3926, **art. 4**

3 (1) The period for which those nominated as members of the Council shall hold office shall end with 30th September 1989, and at the end of that day, and at the end of each succeeding period of five years, all the persons who are then nominated members of the Council shall retire together; and nominations shall be made accordingly before the end of each of the said periods.

(2) A nomination shall be made to fill a casual vacancy among the nominated members whenever it occurs.

(3) In this paragraph references to nominated members include members nominated by the General Medical Council for the limited purposes set out in paragraph 1(3) above.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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(4) Where in the course of one of the periods referred to in sub-paragraph (1) above an authority becomes for the first time a dental authority, the right of that authority to nominate a member of the Council shall be postponed until the end of that period.

[F29]*Council President*

Textual Amendments

F29 Sch. 1 Pt. I paras. 1-4 and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for Sch. 1 Pt. I paras. 1-5 and cross-headings by S.I. 2001/3926, **art. 4**

4 (1) The Council shall elect a registered dentist as President from among the persons who are for the time being members of the Council.

(2) If the President when he takes office is an elected or nominated member of the Council he shall thereupon cease to be such a member, and the Council shall accordingly take the appropriate steps to fill the vacancy so created.

(3) The period for which the President shall hold office shall be the period for which a nominated member of the Council taking office at the same time as the President would hold office.

[F30]5 A person shall not be disqualified for being elected or nominated as a member of the Council or for being elected as President of the Council by reason of having already served as a member or, as the case may be, as President.

Textual Amendments

F30 Sch. 1 Pt. I paras. 1-4 and cross-headings substituted (coming into force in accordance with art. 1(2) of the amending S.I.) for Sch. 1 Pt. I paras. 1-5 and cross-headings by S.I. 2001/3926, **art. 4**

General powers of Council

6 (1) Subject to the following provisions of this Part of this Schedule, the Council shall have power to do any thing which in their opinion is calculated to facilitate the proper discharge of their functions.

(2) The Council shall, in particular, have power to pay to their members (including those nominated by the General Medical Council) such fees and such travelling, subsistence or other allowances as they may determine.

(3) The powers of the Council and of any of the Council's committees may be exercised notwithstanding any vacancy.

(4) No proceedings of the Council or of any of the Council's committees shall be invalidated by any defect in the appointment of a member, and no proceedings of the Council shall be invalid by reason of any member nominated by the General Medical Council having acted or voted in a manner not permitted by paragraph 1(3) above.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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7 (1) The Council may, after paying their expenses, including the payments authorised under this Schedule to be made to their members and the salaries or remuneration of their officers, allocate any money received by them (whether by way of fees or otherwise) to purposes connected with dental education and research or any other public purposes connected with the profession of dentistry in such manner as they may think fit.

(2) The Council shall keep accounts of all sums received or paid by them under this Act, and the accounts shall be audited in the manner prescribed by regulations made by the Privy Council and shall be published annually and laid before Parliament.

8 (1) The Council may make rules—

(a) for regulating the proceedings (including quorum) of the Council,

(b) for delegating, subject to the provisions of this Act, to committees, including the committees referred to in Part II of this Schedule, functions of the Council, and

(c) subject as aforesaid, for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in Part II of this Schedule and any sub-committees.

(2) Without prejudice to the generality of sub-paragraph (1) above, rules may be made under that sub-paragraph with respect to the appointment of members to, and the proceedings (including quorum) of, the Health Committee referred to in section 2(4) of this Act.

(3) The power conferred by sub-paragraph (1) above shall also include power to make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Professional Conduct Committee (other than proceedings under section 27 of this Act); but rules under this sub-paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument, and before making any such rules the Council shall consult such bodies of persons representing dentists as appear to the Council requisite to be consulted.

(4) Nothing in this paragraph shall authorise the Council to delegate any power of making rules or regulations under any other provision of this Act.

PART II

COMMITTEES OF THE COUNCIL

The Education Committee

9 (1) The Education Committee shall consist of—

(a) the President,

(b) at least eight other members of the Council (who shall all be registered dentists), and

(c) those persons who are only members of the Council for the limited purposes set out in paragraph 1(3) above.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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(2) The Committee shall appoint a registered dentist to be chairman from among the members of the Committee.

The Preliminary Proceedings Committee

10 The Preliminary Proceedings Committee shall consist of the President and five other members of the Council of whom one shall be a person who is not a registered dentist, but the President may appoint for the consideration of any particular case one or two members of the Council to be additional members of the Committee, notwithstanding that the membership of the Committee is thereby raised to seven or eight.

The Professional Conduct Committee

11 (1) The Professional Conduct Committee shall consist of the President and ten other members of the Council of whom at least—
(a) five shall be elected members of the Council, and
(b) two shall be neither elected members nor registered dentists.

(2) A member of the Preliminary Proceedings Committee (other than the President of the Council) shall not at the same time be a member of the Professional Conduct Committee.

(3) At any meeting of the Professional Conduct Committee the President of the Council, or in his absence such member of the Committee as the Committee may choose, shall be chairman.

(4) All acts of the Professional Conduct Committee shall be decided by a majority of the members present at any meeting.

(5) The quorum for a meeting of the Professional Conduct Committee shall be seven, of whom at least—
(a) two shall be elected members of the Council, and
(b) one shall be neither an elected member nor a registered dentist.

The Dental Auxiliaries Committee

12 (1) The Dental Auxiliaries Committee shall consist of—
(a) the President;
(b) at least eight (but not more than ten) other members of the Council, being either elected or nominated members or persons within paragraph 1(2)(b) above; and
(c) nine persons not within paragraph (a) or (b) of this sub-paragraph.

(2) At least two of the members referred to in sub-paragraph (1)(b) above shall not be registered dentists.

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(3) Three of the nine members referred to in sub-paragraph (1)(c) above shall be appointed by the Secretaries of State respectively concerned with health in England and Wales and Scotland and the head of the Department of Health and Social Services for Northern Ireland acting jointly, and two of the three so appointed shall be registered dentists who are or have been employed in the course of the provision of national health services.

(4) The three members so appointed and their successors shall retire together at the end of successive three-year periods, and an appointment made in the course of one of those periods to fill a casual vacancy shall be for the remainder of that period.

(5) The other six of the nine members referred to in sub-paragraph (1)(c) above shall be elected by members of all the classes of dental auxiliaries established by regulations under this Act in such manner and at such intervals as may be provided by rules made by the Council.

(6) The Council shall pay to members of the Committee who are not members of the council allowances and fees at the same rates as in the case of those who are members of the Council.

(7) The chairman of the Committee shall be chosen by the Committee from among the members of the Committee who are registered dentists.

(8) The Committee may appoint a sub-committee, which shall consist of not more than nine members, to deal with disciplinary questions connected with members of a class of dental auxiliaries.

(9) The member of the Council referred to in paragraph 1(2)(d) above shall be elected by the Committee from among its members who have been elected under sub-paragraph (5) above; and a person so elected shall cease to be a member of the Council if he ceases to be a member of the Committee or when the term of office of elected members of the Council next expires in accordance with paragraph 2(1) above, whichever first occurs.

SCHEDULE 2

Section 15(2).

EUROPEAN DENTAL QUALIFICATIONS

PART I

APPROPRIATE EUROPEAN DIPLOMAS

[F31 (1) In this Part of this Schedule—

"Community Council Directive No. 78/686/EEC" means Community Council Directive No. 78/686/EEC[M17] concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners in dentistry, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. 81/1057/EEC[M18], the Accession of Spain and Portugal Act, Council Directives Nos.89/594/EEC[M19] and 90/658/EEC [M20], the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

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"competent authority" means an authority or body designated by an EEA State in accordance with Community Council Directive No. 78/686/EEC;

"the Dental Training Directive" means Community Council Directive No. 78/687/EEC[M21] concerning the co-ordination of provisions in respect of activities of dental practitioners as amended by the Accession of Austria, Finland and Sweden Act;

"the implementation date" means—

(a) in the case of Greece, 1st January 1981;
(b) in the case of Portugal, 1st January 1986;
(c) in the case of Finland, Iceland, Norway and Sweden, 1st January 1994;
(d) in the case of Liechtenstein, 1st May 1995; and
(e) in the case of any other EEA State, the date notified by the State to the Commission as that on which it implemented the Dental Training Directive;

"scheduled European diploma" means a diploma specified in Part II of this Schedule.

(2) For the purposes of this paragraph—

"the Accession of Greece Act" means the Act annexed to the Treaty relating to the accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979 [M22];

"the Accession of Spain and Portugal Act" means the Act annexed to the Treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Community signed at Madrid and Lisbon on 12th June 1985 [M23];

"the Accession of Austria, Finland and Sweden Act" means the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994 [M24], as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union [M25].**]**

Textual Amendments

F31 Sch. 2 Pt. I para. 1 substituted (1.7.1996) by S.I. 1996/1496, **reg. 3(2)**

Marginal Citations

M17 O.J. No. L233, 24.8.78, p.1.
M18 O.J. No. L385, 31.12.81, p.25.
M19 O.J. No. L341, 23.11.89, p.19.
M20 O.J. No. L353, 17.12.90, p.73.
M21 O.J. No. L233, 24.8.78, p.10.
M22 O.J. No. L291, 19.11.79, p.91.
M23 O.J. No. L302, 15.11.85, p.160.
M24 O.J. C241, 29.8.94, p.21. Norway did not ratify the Treaty.
M25 O.J. No. L1, 1.1.95, p.1. See the Annex-Annex I (XI)(D)(III)(3).

[[F32]2 Subject to paragraphs 3, 3A and 4 below, any diploma in dentistry granted in an EEA State is an appropriate European diploma for the purposes of section 15(1)(b) of this Act.**]**

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Textual Amendments

F32 Sch. 2 Pt. I para. 2 substituted (1.7.1996) by S.I. 1996/1496 , **reg. 3(3)**

3 A scheduled European diploma granted in **[**[F33]an EEA State**]** before the implementation date or on or after that date where training of which the diploma is evidence was commenced by the holder before that date is not an appropriate European diploma for the said purposes unless the holder either—

(a) satisfies the registrar (by means of a certificate of the competent authority of that State or otherwise) that the diploma guarantees that his training satisfies the requirements laid down by the Dental Training Directive; or

(b) produces to the registrar a certificate of the competent authority of **[**[F33]any EEA State**]** that he has lawfully practised dentistry for at least three consecutive years during the five years preceding the date of the certificate.

Textual Amendments

F33 Words in Sch. 2 Pt. I para. 3 substituted (1.7.1996) by S.I. 1996/1496, **reg. 3(4)**

[[F34]3A A diploma granted in an EEA State on or after the implementation date which is not evidence of training commenced by the holder before that date (not being a scheduled European diploma) is not an appropriate European diploma for the said purposes unless the holder produces to the registrar a certificate issued by the competent authority of the EEA State certifying that the diploma—

(a) was awarded following training which satisfies the requirements laid down by the Dental Training Directive; and

(b) is treated by that EEA State as if it were a scheduled European diploma.**]**

Textual Amendments

F34 Sch. 2 Pt. I para. 3A inserted (1.7.1996) by S.I. 1996/1496 , **reg. 3(5)**

4 A diploma granted in **[**[F35]an EEA State**]** before the implementation date or on or after that date where training of which that diploma is evidence was commenced by the holder before that date (and not being, in either case, a scheduled European diploma) is not an appropriate European diploma for the said purposes unless the holder produces to the registrar such a certificate as is mentioned in paragraph 3(b) **[**[F36]or 3A**]**above.

Textual Amendments

F35 Words in Sch. 2 Pt. I para. 4 substituted (1.7.1996) by S.I. 1996/1496, **reg. 3(6)(a)**

F36 Words in Sch. 2 Pt. I para. 4 inserted (1.7.1996) by S.I. 1996/1496 , **reg. 3(6)(b)**

[[F37]5 (1) Subject to paragraph 6 below, on or after the date notified to the Commission by Italy, Spain or Austria as that on which that State implemented Community Council Directive No. 78/686/EEC, a diploma in medicine awarded in the State to a person who began medical training at a university before the relevant date is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where that person

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produces to the registrar a certificate issued by the competent authority of the State certifying that—

(a) he has effectively, lawfully and principally practised dentistry in the State for at least three consecutive years during the five years preceding the date of issue of the certificate; and

(b) he is authorised to practise dentistry under the same conditions as holders of the State's scheduled European diploma.

(2) In this paragraph "the relevant date" means—

(a) 28th January 1980 in relation to Italy;

(b) 1st January 1986 in relation to Spain; and

(c) 1st January 1994 in relation to Austria.**]**

Textual Amendments

F37 Sch. 2 Pt. I para. 5 substituted (1.7.1996) by S.I. 1996/1496 , **reg. 3(7)**

[[F38]6 A person shall be excepted from satisfying the requirement referred to in paragraph 5(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 the State concerned as being equivalent to the training referred to in Article 1 of the Dental Training Directive.**]**

Textual Amendments

F38 Sch. 2 Pt. I para. 6 substituted (1.7.1996) by S.I. 1996/1496, **reg. 3(7)**

[[F39]7 A diploma in dentistry which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if—

(a) the holder produces to the registrar a certificate of the competent authority of Germany certifying that he has effectively and lawfully practised dentistry in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate; and

(b) he is authorised to practise dentistry throughout the territory of Germany under the same conditions as holders of the German scheduled European diploma.**]**

Textual Amendments

F39 Sch. 2 Pt. I para. 7 inserted (1.7.1996) by S.I. 1996/1496 , **reg. 3(7)**

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PART II

SCHEDULED EUROPEAN DIPLOMAS

[F40 *Austria*

Textual Amendments
F40 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, **reg. 4(2)**

The diploma the title of which will be notified by Austria to EEA States and to the Commission in accordance with Community Council Directive No. 78/686/EEC.**]**

Belgium

"Diplôme légal de licencié en science dentaire/wettelijk diploma van licentiaat in de tandheelkunde" (the official diploma of graduate in dental science), awarded by the university faculties of medicine, or by the Central Board or by the State boards of university examiners.

Denmark

"Bevis for tandlaegeeksamen (kandidateksamen)" (official diploma certifying that the holder has passed the examination in dentistry), issued by schools of dentistry together with the document issued by the "Sundhedsstyrelsen" (State Board of Health) certifying that he has worked as an assistant for the required length of time.

[F41 *Finland*

Textual Amendments
F41 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, **reg. 4(3)**

"Todistus hammaslääketieteen lisensiaatin tutkinnosta/bevis om odontologi licentiat examen" (certificate of the degree of licentiate in dentistry) awarded by a university faculty of medicine and a certificate of practical training issued by the National Board of Medico-Legal Affairs.**]**

France

1 "Diplôme d'État de chirurgien-dentiste" (State diploma of dental surgeon), awarded until 1973 by the university faculties of medicine or the university joint faculties of medicine and pharmacy.

2 "Diplôme d'État de docteur en chirurgie dentaire" (State diploma of doctor of dental surgery), awarded by the universities.

Germany

1 "Zeugnis über die zahnärztliche Staatsprüfung" (the State examination certificate in dentistry), awarded by the competent authorities.

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[F42]2 . . . . . .

Textual Amendments

F42 Sch. 2 Pt. II: In the entry relating to Germany para. 2 omitted (1.7.1996) by virtue of S.I. 1996/1496, **reg. 4(4)**

Greece

"ptuxío sdontiatrikής toú Panpiothmíou"(degree in dentistry of a University).

[[F43]Iceland

Textual Amendments

F43 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, **reg. 4(5)**

"Próffrá tannlæaknadeild Háskóla Íslands" (diploma from the dental faculty of the University of Iceland).**]**

Republic of Ireland

The diploma of:

—Bachelor in Dental Science (B.Dent. Sc.),

—Bachelor of Dental Surgery (BDS), or

—Licentiate in Dental Surgery (LDS),

awarded by the universities or the Royal College of Surgeons in Ireland.

Italy

[[F44]"Diploma di Laurea in Odontoiatria e Protesi Dentaria" accompanied by a "Diploma di Abilitazione all" esercizio dell' Odontoiatria e Protesi Dentaria' issued by the State Examining Commission.**]**

Textual Amendments

F44 Sch. 2 Pt. II: entry in relation to Italy substituted (1.7.1996) by S.I. 1996/1496, **reg. 4(6)**

Textual Amendments

F44 Sch. 2 Pt. II: entry in relation to Italy substituted (1.7.1996) by S.I. 1996/1496, **reg. 4(6)**

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[F45 Liechtenstein

Textual Amendments
F45 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, **reg. 4(7)**

Any diploma which—

(a) has been awarded in any EEA State to which Community Council Directive No. 78/686/EEC applies;

(b) is listed elsewhere in this Part of this Schedule; and

(c) is accompanied by a certificate, issued by the competent authority in that EEA State, as to the completion of practical training.**]**

Luxembourg

"Diplôme d'État de docteur en médecine dentaire" (State diploma of doctor of dental medicine), issued by the State Board of Examiners.

The Netherlands

"Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen" (university certificate certifying success in the dental surgeon's examination).

[F46 Norway

Textual Amendments
F46 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, **reg. 4(8)**

"Bevis for bestått odontologisk embetseksamen" (diploma of the degree cand. odont.) awarded by a university faculty of dentistry.**]**

[F47 Portugal

Textual Amendments
F47 Para. added by S.I. 1986/23, **art. 3(2)**

"Carta de curso de licenciatura em medicina dentaÁria" (diploma conferring official recognition of completion of studies in dentistry) awarded by an establishment of higher education.**]**

[F48 Spain

Textual Amendments
F48 Para. added by S.I. 1986/23, **art. 3(2)**

[F49"Título de Licenciado en Odontología" awarded by the rector of a university.**]]**

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Textual Amendments

F49 Sch. 2 Pt. II: entry in relation to Spain substituted (1.7.1996) by S.I. 1996/1496, **reg. 4(9)**

Textual Amendments

F49 Sch. 2 Pt. II: entry in relation to Spain substituted (1.7.1996) by S.I. 1996/1496, **reg. 4(9)**

[F50 Sweden

Textual Amendments

F50 Entry in Sch. 2 Pt. II inserted (1.7.1996) by S.I. 1996/1496, **reg. 4(10)**

"Tandläkarexamen" (university diploma in dentistry) awarded by schools of dentistry and a certificate of practical training issued by the National Board of Health and Welfare.**]**

SCHEDULE 3

Section 33.

PROFESSIONAL CONDUCT AND HEALTH CASES

Preliminary

1 (1) This Schedule applies to proceedings before the Professional Conduct Committee under section 27 of this Act and to proceedings before the Health Committee under this Act, and references in this Schedule to proceedings before those Committees shall be construed accordingly.

(2) In relation to any such proceedings "party" means, unless the context otherwise requires—

(a) the person to whose registration the proceedings relate,

(b) a person on whose complaint the proceedings are brought, or

(c) a solicitor appointed by the Council to represent them at the proceedings.

(3) In this Schedule "the principal sections" means sections 27 to 32 above.

Rules of procedure

2 (1) Subject to the provisions of this paragraph, the Council shall make rules—

(a) as to the procedure to be followed and rules of evidence to be observed in proceedings before the Professional Conduct Committee; and

(b) as to the procedure to be followed and rules of evidence to be observed in proceedings before the Health Committee.

(2) 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;

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(b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee in question;

(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 before the Professional Conduct Committee to be held in public except so far as may be provided by the rules;

(e) for requiring, in cases where it is alleged that a registered dentist has been guilty of serious professional misconduct, that where the Professional Conduct Committee judge that the allegation has not been proved they shall record a finding that the dentist is not guilty of such misconduct in respect of the matters to which the allegation relates.

(3) 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.

(4) Rules under this paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument, and the Privy Council may approve such rules either as submitted to them or subject to such modifications as appear to them requisite; but where the Privy Council propose to approve any rules subject to modifications they shall notify to the Council the modifications they propose to make and consider any observations of the Council on the modifications.

Preliminary proceedings in health cases

3 (1) Rules under paragraph 2(1)(b) above shall make provision for requiring that before any case is considered by the Health Committee (otherwise than under the following provisions of this paragraph) it shall have been considered by a member of the Council appointed for the purpose by the Council and have been referred by that person to the Committee.

(2) Where in the course of any proceedings under section 27 of this Act it appears to the Preliminary Proceedings Committee or to the Professional Conduct Committee that the fitness of a registered dentist to practise may be seriously impaired by reason of his physical or mental condition, that Committee may (notwithstanding anything in section 27) refer the question whether it is so impaired to the Health Committee for that question to be determined by them.

(3) If on a reference under sub-paragraph (2) above the Health Committee determine that the fitness of the dentist to practise is not seriously impaired by reason of his physical or mental condition, the Health Committee shall certify their opinion to the Committee that made the reference.

(4) If on a reference under sub-paragraph (2) above the Health Committee determine that the fitness of the dentist to practise is seriously impaired by reason of his physical or mental condition the Health Committee shall—

(a) certify their opinion to the Committee that made the reference, and

(b) proceed to dispose of the case under section 28 of this Act,

and on the Health Committee so certifying, any functions which would otherwise be exercisable by any committee in relation to that person under section 27 of this Act shall cease to be so exercisable.

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VALID FROM 29/10/2001

[F51 Referrals to the registrar

Textual Amendments

F51 Sch. 3 para. 3A and preceding cross-heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 10(6)**

F52 3A Where, in the course of any proceedings under section 27 or 28 of this Act it appears to the Preliminary Proceedings Committee, the Professional Conduct Committee or the Health Committee that a dentist may be failing to meet the requirements of the rules made under section 34A of this Act, that Committee may refer the question of whether he is failing to meet them to the registrar.**]**

Textual Amendments

F52 Sch. 3 para. 3A and preceding cross-heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 10(6)**

Evidence etc.

4 (1) For the purposes of any proceedings before the Professional Conduct Committee or the Health Committee in England and Wales or Northern Ireland—

(a) the Committee may administer oaths; and

(b) any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum;

but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) Section 36 of the M26 Supreme Court Act 1981 and section 67 of the M27 Judicature (Northern Ireland) Act 1978 (subpoena issued by High Court to run throughout United Kingdom) shall apply in relation to any such proceedings in England and Wales and in Northern Ireland respectively as they apply in relation to causes or matters in the High Court.

(3) For the purposes of any proceedings before the Professional Conduct Committee or the Health Committee in Scotland, the Committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court—

(a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;

(b) to grant warrant for the recovery of documents; and

(c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

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Marginal Citations

M26 1981 c. 54.

M27 1978 c. 23.

Legal assessors

5 (1) For the purpose of advising the Professional Conduct Committee and the Health Committee respectively on questions of law arising in proceedings before them, there shall in all such proceedings be an assessor to the Committee, appointed by the Council, who shall be

[[F53](a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.**]**

(2) The Lord Chancellor may by statutory instrument make rules as to the functions of assessors appointed under this paragraph to advise the Professional Conduct Committee and as to the functions of those so appointed to advise the Health Committee; and in particular rules under this sub-paragraph may contain such provisions as appear to the Lord Chancellor expedient for securing—

(a) that where an assessor advises the Professional Conduct Committee or (as the case may be) the Health Committee on any question of law as to evidence, procedure or any other matter specified in the rules, he shall do so in the presence of every party to the proceedings, or every person representing such a party, who appears at the proceedings or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person shall be informed what advice the assessor has tendered;

(b) that every such party or person as is mentioned in paragraph (a) above shall be informed if in any case the Committee do not accept the advice of the assessor on any such question as is there mentioned,

and such incidental and supplementary provisions as appear to the Lord Chancellor expedient.

(3) Subject to the provisions of this paragraph, an assessor under this paragraph may be appointed to advise the Professional Conduct Committee or the Health Committee either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(4) The Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.

(5) The preceding provisions of this paragraph shall apply in relation to proceedings before the Preliminary Proceedings Committee under section 32 of this Act as they apply in relation to proceedings before the Professional Conduct Committee, but with the omission of the words "or class of proceedings" in sub-paragraph (3).

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F53 Sch. 3 para. 5(1)(a)(b)(c) substituted for words commencing "a barrister" to the end by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 56**

Medical examiners and assessors

6 Rules under paragraph 2(1)(b) above shall make provision for the appointment of medical examiners and medical assessors to assist the Health Committee in proceedings before them, and for the remuneration of such persons.

Service of notifications by registrar

7 (1) Any notification required by the principal sections to be served on a person by the registrar may be served by post in a registered letter, or (in a case to which sub-paragraph (2) below applies) by the recorded delivery service, addressed to that person at his address in the register, or at 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.

(2) This sub-paragraph applies to any notification required to be served in connection with any determination or order of the Professional Conduct Committee.

Recording of suspension or imposition of conditions

8 (1) Where a determination, direction or order for suspension or a direction for conditional registration takes effect in relation to any person in accordance with the principal sections, 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 subject to conditions by virtue of the determination, direction or order.

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

(3) Any reference in this paragraph to a direction for suspension or for conditional registration includes a reference to a direction extending a period of suspension or conditional registration.

F54 9 . . . . . .

Textual Amendments

F54 Sch. 3 para. 9 repealed by S.I. 1987/2047, art. 2(a), **Sch.**

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 29/10/2001

[F55SCHEDULE 3A

Sections 34A and 34B

CONTINUING PROFESSIONAL DEVELOPMENT CASES

Textual Amendments

F55 Sch. 3A inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 9**

. . . . . .

SCHEDULE 4

Section 36.

VISITING EEC PRACTITIONERS

Preliminary

1 (1) This Schedule has effect for the purpose of enabling a person to whom it applies to render dental services during a visit to the United Kingdom without being registered under this Act.

[F56(2) This Schedule applies to any national of an EEA State who is established in dental practice in an EEA State other than the United Kingdom.

(2A) Any person who—

(a) is not a national of an EEA State, but

(b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68[F57] 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,

shall be treated for the purposes of sub-paragraph (2) above as if he were such a national.]

(3) In this Schedule—

"national", in relation to [F58an EEA State], means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services; and

[F59"the Recognition Directive" has the meaning which "Community Council Directive No. 78/686/EEC" has in Schedule 2 to this Act.]

Textual Amendments

F56 Sch. 4 para. 1(2)(2A) substituted for Sch. 4 para. 1(2) (1.7.1996) by S.I. 1996/1496, **reg. 5(2)**

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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F57 O.J. No. L257, 19.10.68 p.1. (amended by Council Regulation (EEC) No. 312/76 O.J. No. L39, 14.2.76, p.2.).
F58 Words in Sch. 4 para. 1(3) substituted (1.7.1996) by S.I. 1996/1496, **reg. 5(3)(a)**
F59 Definition in Sch. 4 para. 1(3) substituted (1.7.1996) by S.I. 1996/1496, **reg. 5(3)(b)**

Declarations and certificates to be provided by visiting EEC practitioners

2 (1) A person to whom this Schedule applies who intends to render dental services as mentioned in paragraph 1(1) above shall provide the registrar with—

(a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and

(b) a certificate or certificates issued by the authority or body designated by **[**[F60]the EEA State**]** concerned as competent for the purposes of Article 15(3) of the Recognition Directive (provision of services) showing—

(i) that he is lawfully practising dentistry in **[**[F60]an EEA State**]**other than the United Kingdom, and

(ii) that he holds a diploma in dentistry which **[**[F60]EEA States**]** are required by that Directive to recognise.

(2) For the purposes of sub-paragraph (1) above—

(a) in an urgent case the declaration to be provided under paragraph (a) **[**[F61]and the certificates to be provided under paragraph (b)**]** may be provided after the services have been rendered, but, if so, **[**[F62]they shall be provided**]** as soon as possible thereafter and in any event not more than fifteen days after the date on which the practitioner has rendered the services, and

(b) every certificate to be provided under paragraph (b) shall bear a date not less recent than twelve months prior to the date on which the certificate was provided.

Textual Amendments
F60 Words in Sch. 4 para. 2(1)(b) substituted (1.7.1996) by S.I. 1996/1496, **reg. 5(4)**
F61 Words in Sch. 4 para. 2(2)(a) inserted (14.4.1998) by S.I. 1998/811, **reg. 21(2)(a)**
F62 Words in Sch. 4 para. 2(2)(a) substituted (14.4.1998) by S.I. 1998/811, **reg. 21(2)**

List of EEC practitioners

3 (1) The registrar shall continue to keep a list known as the list of visiting **[**[F63]EEA practitioners**]**.

(2) Where a person to whom this Schedule applies complies with the requirements of paragraph 2(1) above, the registrar shall, subject to paragraph 4 below, enter his name, together with particulars of any diplomas held by him, in the list of **[**[F63]EEA practitioners**]**.

(3) Subject to paragraph 4 below, that entry shall have effect for the period specified in the list against the entry, being the period which appears to the registrar to be appropriate having regard to the particulars given in the declaration referred to in paragraph 2(1)(a) above.

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Textual Amendments

F63 Words in Sch. 4 para. 3(1)(2) substituted (1.7.1996) by S.I. 1996/1496, **reg. 5(5)**

Persons not entitled to be included in the list of visiting EEC practitioners

4 A person to whom this Schedule applies shall not be entitled to have his name included in the list of visiting **[**[F64]EEA practitioners**]** if—

(a) he is subject to a disqualifying decision (within the meaning of section 35 of this Act) taken in relation to him in **[**[F64]an EEA State**]**; or

(b) he is subject to a prohibition imposed on him under paragraph 5 below;

and any entry in the list relating to a practitioner shall not have effect or shall cease to have effect if he is or becomes subject to such a decision or prohibition or if he becomes established in dental practice in the United Kingdom or renders, save in cases of urgency, dental services in the United Kingdom which fall outside those specified in the declaration made by him under paragraph 2(1)(a) above.

Textual Amendments

F64 Words in Sch. 4 para. 4 substituted (1.7.1996) by S.I. 1996/1496, **reg. 5(6)**

Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom

5 (1) If a person who is or has been entered in the list of visiting **[**[F65]EEA practitioners**]**—

(a) has been convicted of a criminal offence, whether in **[**[F65]an EEA State**]** or elsewhere, or

(b) has been guilty of any serious professional misconduct,

the Professional Conduct Committee may, if they think fit, impose on him a prohibition in respect of the rendering of dental services in the United Kingdom in the future.

(2) A prohibition imposed under this paragraph shall be for an indefinite period.

(3) A person may apply to the Council for termination of a prohibition imposed on him under this paragraph and the Council may, on any such application, terminate the prohibition; but no application shall be made under this paragraph—

(a) earlier than ten months from the date on which the prohibition was imposed; or

(b) in the period of ten months following a decision made on an earlier application.

Textual Amendments

F65 Words in Sch. 4 para. 5(1) substituted (1.7.1996) by S.I. 1996/1496, **reg. 5(6)**

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SCHEDULE 5

Section 54(1).

CONSEQUENTIAL AMENDMENTS

1 . . . . . [F66]

Textual Amendments

F66 Sch. 5 para. 1 repealed by S.I. 1987/2047, art. 2(a), **Sch.**

MEDICINES ACT 1968 (C. 67)

2 In section 132(1), in the definition of "dentist", for the words from " [M28]Dentists Act 1957" onwards substitute " Dentists Act 1984 or entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ".

Marginal Citations

M28 1957 c. 28.

MISUSE OF DRUGS ACT 1971 (C. 38)

3 In section 37(1), in the definition of "dentist", for the words from "Dentists Act 1957" onwards substitute " Dentists Act 1984 or entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ".

POISONS ACT 1972 (C. 66)

4 In section 11(2), in the definition of "dentist", for the words from "Dentists Act 1957" onwards substitute " Dentists Act 1984 or a person entered in the list of visiting EEC practitioners under Schedule 4 to that Act; ".

HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972 (S.I.1972/1265 (N.I.14))

5 In Article 2(2), in the definition of "dental practitioner", for "1957" substitute " 1984 ".

FAIR TRADING ACT 1973 (C. 41)

6 In paragraph 3 of Schedule 4, for "1957" substitute "1984".

RESTRICTIVE TRADE PRACTICES ACT 1976 (C. 34)

7 In paragraph 3 of Schedule 1, for "1957" substitute " 1984 ".

NATIONAL HEALTH SERVICE ACT 1977 (C. 49)

8 In section 35(3) (added by section 15 of the [M29]Health and Social Services and Social Security Adjudications Act 1983)—

(a) for "Part II of the Dentists Act 1983" substitute " section 32 of the Dentists Act 1984 "; and

(b) for "order under Part III of" substitute " an order of the Health Committee under ".

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Marginal Citations
M29 1983 c. 41.

9 In section 128(1), in the definition of "dental practitioner", for "1957" substitute " 1984 ".

10 In paragraph 10(2A) of Schedule 5 (inserted by the said section 15) there shall be made the same amendments as are specified in paragraph 8 above, and for "section 33(1) of the [M30]Dentists Act 1957" substitute " the Dentists Act 1984 ".

Marginal Citations
M30 1957 c. 28.

[F67]11 . . . . . .

Textual Amendments
F67 Sch. 5 para. 11 repealed (1.4.1996) by 1995 c. 17, ss. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978 (C. 29)

12 In section 25(4) (added by section 16 of the Health and Social Services and Social Security Adjudications Act 1983)—

(a) for "Part II of the Dentists Act 1983" substitute " section 32 of the Dentists Act 1984 "; and

(b) for "order under Part III of" substitute " an order of the Health Committee under ".

13 In section 108(1), in the definition of "dental practitioner", for "1957" substitute " 1984 ".

14 In paragraph 6A of Schedule 1 (inserted by the said section 16) there shall be made the same amendments as are specified in paragraph 12 above, and for "section 33(1) of the Dentists Act 1957" substitute " the Dentists Act 1984 ".

MEDICAL ACT 1983 (C. 54)

15 In paragraph 4 of Schedule 6, for "Articles 2(d) and" "those Articles" substitute " Article " and " that Article " respectively.

VALUE ADDED TAX ACT 1983 (C. 55)

[F68]16 . . . . . .

Textual Amendments
F68 Sch. 5 para. 16 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 6

Section 54(2), (3).

REPEALS AND REVOCATIONS

PART I

Chapter	Short title	Extent of repeal
1957 c. 28	The Dentists Act 1957.	The whole Act.
1973 c. 31.	The Dentists (Amendment) Act 1973.	The whole Act.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In Schedule 4, paragraph 80.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, paragraphs 8 to 10.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, paragraphs 11 to 13.
1977 c. 49.	The National Health Service Act 1977.	In Schedule 15, paragraph 18.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 10.
1983 c. 38.	The Dentists Act 1983.	The whole Act.
1983 c. 54.	The Medical Act 1983.	In Schedule 5, paragraphs 1 and 19.

PART II

Number	Title	Extent of revocation
S.I. 1980 No. 703.	The Dental Qualifications (EEC Recognition) Order 1980.	Articles 3, 4, 6 and 7.
S.I. 1980 No. 1721.	The Medical, Nursing and Dental Qualifications (EEC Recognition) (Greek Qualifications) Order 1980.	Article 6.
S.I. 1982 No. 1076.	The Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982.	Article 4.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 7

TRANSITIONAL PROVISIONS AND SAVINGS

General

1 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

Elections and nominations

2 Any election or nomination held or made before the commencement of this Act for the purposes of paragraph 1 of Schedule 4 to the [M31]Dentists Act 1983 shall have effect as if held or made for the purposes of Schedule 1 to this Act.

Marginal Citations
M31 1983 c. 38.

Registration

3 (1) Nothing in the repeals made by this Act shall affect the continued registration in the register of any person who was duly registered in it immediatly before the commencement of this Act; and where any such person was so registered under, or in pursuance of a direction under, any provision of the [M32]Dentists Act 1957 his registration shall have effect as if effected under, or in pursuance of a direction under, the corresponding provision of this Act.

(2) Without prejudice to sub-paragraph (1) above, in section 35 of this Act—

(a) subsection (3) extends to a person who was registered under section 2A of that Act when he was subject to a disqualifying decision within the meaning of section 35, and

(b) subsection (5) extends to a person whose registration was effected under the said section 2A.

Marginal Citations
M32 1957 c. 28.

Adaptation of references in enactments etc.

4 (1) In any enactment or instrument passed or made before the commencement of this Act for any reference to the Disciplinary Committee of the Council there shall be substituted a reference to the Professional Conduct Committee.

(2) In any enactment or instrument passed or made before 1st January 1984 for any reference to ancillary dental workers, an ancillary dental worker or the ancillary Dental Workers Committee there shall be substituted a reference to dental auxiliaries, a dental auxiliary or the Dental Auxiliaries Committee, respectively.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
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Proceedings pending before Disciplinary Committee

5 For the purpose of the hearing and determination of any case or matter referred to the Disciplinary Committee before the commencement of this Act, paragraph 12 of Schedule 1 to the Dentists Act 1957 shall, notwithstanding the repeals made by this Act, apply in relation to the constitution and quorum of the Professional Conduct Committee as it applied in relation to the constitution and quorum of the Disciplinary Committee immediately before that commencement.

6 For the purposes of—

(a) any case referred to the Disciplinary Committee under section 26 of the [M33]Dentists Act 1957 before the commencement of this Act, and any appeal or other proceedings arising out of any such case (including proceedings under section 44 of this Act),

(b) any case referred to that committee under Article 7 of the [M34]Dental Qualifications (EEC Recognition) Order 1980 before that commencement,

this Act, and any rules made under paragraph 2 of Schedule 3 to this Act (and any rules made on or after 13th May 1983 and having effect as if made under that paragraph) shall have effect with the substitution for any reference to serious professional misconduct of a reference to infamous or disgraceful conduct in a professional respect.

Marginal Citations

M33 1957 c. 28.

M34 S.I. 1980/703.

Rules of procedure

7 Any rules made by the Council before the commencement of this Act under section 27 of the Dentists Act 1957 and expressed to come into force at or after that commencement shall have effect as if made under paragraph 2 of Schedule 3 to this Act, and subparagraph (4) of that paragraph shall apply to any such rules accordingly.

Restrictions on carrying on the business of dentistry

8 Except in the case of a body corporate which—

(a) ceased to carry on the business of dentisty before 1st January 1984, but

(b) was again carrying on the business of dentistry on that date and had not ceased to carry on that business before the commencement of this Act,

section 43(5) of this Act applies to a body corporate ceasing to carry on the business of dentistry before that commencement as well as to one ceasing to do so thereafter.

9 (1) Any reference in section 41(2) or 44 of this Act to an erasure or conviction under any provision of this Act includes a reference to an erasure or conviction under the corresponding provision of the Dentists Act 1957 or under the corresponding provision of any enactment repealed by that Act.

(2) But a body corporate shall not be liable under section 44 to be deprived of the right to carry on the business of dentistry in consequence of any erasure or conviction which took place before 4th July 1956.

Status: *Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Dentists Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Notwithstanding the reproduction in sub-paragraph (1) above, in so far as it provides for subsection (6) of section 44 to have effect in relation to convictions taking place before 1st January 1984, of the effect of Article 2(2) of the [M35]Dentists Act 1983 (Transitional Provisions) Order 1983, any question as to the validity of the provisions of that sub-paragraph, in so far as it so provides, shall be determined as if those provisions were contained in a statutory instrument made under the power under which Article 2(2) was made.

Marginal Citations
M35 S.I. 1983/1520.

Documents issued by Dental Board

10 The reference in section 52(2) of this Act to any document issued by the Council shall include any document issued by the Dental Board dissolved in pursuance of the [M36]Dentists Act 1956.

Marginal Citations
M36 1956 c. 29.

Status:
Point in time view as at 14/04/1998. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:
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