



# Dentists Act 1984

## 1984 CHAPTER 24

### [<sup>F1</sup>PART 3A

#### PROFESSIONS COMPLEMENTARY TO DENTISTRY]

#### *[<sup>F1</sup>Supplementary provisions*

##### Textual Amendments

- F1** S. 36W and cross-heading inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 32](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### **36W. Supplementary provisions relating to fitness to practise cases**

- (1) While a person's registration in the dental care professionals register under a particular title is suspended by virtue of a direction or order under this Part—
  - (a) he shall be treated, except as provided in subsection (2), as not being registered in that register under that title, notwithstanding that his name still appears in that register; but
  - (b) sections 36N, 36O, 36P and 36Q shall continue to apply to him in relation to that title.
- (2) While a person's registration in the dental care professionals register under a particular title is suspended by virtue of a direction or order under this Part, he shall be treated for the purposes of compliance with rules made under section 36Z1 as if his registration were not so suspended.
- (3) Where any such direction as is mentioned in section 36Q(1)(b), (c) or (d), (2)(b) or (d), (3) or (5)(c) is given in relation to a person's registration in the dental care professionals register under a particular title while his registration under that title is subject to conditions or suspended by virtue of a direction under this Part, his

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registration under that title shall continue to be conditional or suspended throughout any period which may intervene between the time when (but for this subsection) his registration under that title would cease to be conditional or suspended, as the case may be, and the time when—

- (a) the direction takes effect in accordance with section 36T;
  - (b) an appeal under section 36S against the decision giving the direction is determined under section 36S(6)(b) or (c); or
  - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) If, on the determination of an appeal under section 36S, a direction extending the current period of suspension or conditional registration for a further period takes effect after the time when (but for subsection (3)) the current period of suspension or conditional registration would have ended, that further period shall be treated as having started to run at that time.
- (5) Subsection (3) is subject to any order made under section 36U(1) or (2).

[ In exercising a function under section 36P, 36Q or 36R, a Practice Committee (or any <sup>F2</sup>(5A) panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.]

- (6) Schedule 4B to this Act (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) shall have effect.]

#### Textual Amendments

**F2** S. 36W(5A) inserted (26.9.2016) by Health and Social Care (Safety and Quality) Act 2015 (c. 28), s. 6(4), Sch. para. 1(6); S.I. 2016/906, reg. 2(b)

### <sup>F3</sup>36X. Recording of suspension or conditional registration etc.

- (1) Where a direction or order under this Part for suspension, conditional registration or variation of or addition to the conditions of registration takes effect in relation to a person, the registrar shall make a note in the dental care professionals register of that fact, of the title in relation to which the direction or order is made, and of the period for which that person's registration is to be suspended or made conditional.
- (2) The registrar shall erase any note made in accordance with subsection (1) from the dental care professionals register at such time as the direction or order ceases (for any reason) to have effect.
- (3) In this section—
  - (a) a reference to a direction or order for suspension includes a reference to a direction or order extending a period of suspension and a direction for indefinite suspension; and
  - (b) a reference to a direction or order for conditional registration includes a reference to a direction or order extending a period of conditional registration.
- (4) Where a direction under section 36I(3) or 36P(7)(a) (direction for erasure from the dental care professionals register) in respect of a person takes effect, the registrar shall

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remove that person's name from registration in that register under the title in relation to which the direction is given.

- (5) Where a decision under section 36I(6)(a) or 36R that a person's name is to be restored to the dental care professionals register under a title takes effect, the registrar shall restore that person's name to that register under the title in relation to which the decision is made.

#### Textual Amendments

- F3** Ss. 36X-36Z2 inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 33](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 36Y. The Council's power to require disclosure of information

- (1) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part, the Council may require a person ("the relevant party") whose fitness to practise as a member of a profession complementary to dentistry is in question, to provide details of any person—
- (a) by whom the relevant party is employed to provide services in, or in relation to, any area of dentistry; or
- (b) with whom he has an arrangement to provide such services.
- (2) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part in respect of a person's fitness to practise as a member of a profession complementary to dentistry, the Council may require any person (except the person in respect of whom the information or document is sought) to supply any information or produce any document in his custody or under his control which appears to the Council relevant to the discharge of those functions.
- (3) Nothing in this section shall require or permit any disclosure of information which is prohibited by any relevant enactment [<sup>F4</sup>or relevant provision of the GDPR].

[<sup>F5</sup>(4) For the purposes of subsection (3)—

“relevant enactment” means any enactment other than—

- (a) this Act, or
- (b) the listed provisions in paragraph 1 of Schedule 11 to the Data Protection Act 2018 (exemptions to Part 4 : disclosures required by law);

“relevant provision of the GDPR” means any provision of the GDPR apart from the listed GDPR provisions in paragraph 1 of Schedule 2 to the Data Protection Act 2018 (GDPR provisions to be adapted or restricted: disclosures required by law).]

- (5) A person shall not be required to supply any information or produce any document under subsection (2) which he could not be compelled to supply or produce in civil proceedings before the relevant court.
- (6) In subsection (5) “the relevant court” means—
- (a) if the person's address in the dental care professionals register is in Scotland or, if he is not registered in that register, he is resident there, the Court of Session;

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- (b) if the person’s address in that register is in Northern Ireland or, if he is not registered in that register, he is resident there, the High Court in Northern Ireland;
  - (c) in any other case, the High Court in England and Wales.
- (7) If a person fails to supply any information or produce any document within 14 days of being required to do so under subsection (1) or (2), the Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.
- (8) In subsection (7) “the relevant court” means the county court or, in Scotland, the sheriff.
- (9) In subsection (8) “the sheriff” means the sheriff in whose sheriffdom is situated the address of the person who fails to supply the information or produce the document; and in this subsection, “address” means, where the person is registered, his address in the dental care professionals register, or, where he is not registered in that register, the address where he resides.
- (10) For the purposes of subsection (4), “enactment” includes—
- (a) a provision of, or an instrument made under, an Act of the Scottish Parliament;
  - (b) a provision of, or an instrument made under, Northern Ireland legislation; and
  - (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).
- [ In this section, “the GDPR” and references to Schedule 2 to the Data Protection Act <sup>F6</sup>(11) 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).]

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- F3** Ss. 36X-36Z2 inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 33](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F4** Words in s. 36Y(3) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 30\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)
- F5** S. 36Y(4) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 30\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)
- F6** S. 36Y(11) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 30\(4\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

### **36Z. Notification and disclosure by the Council**

- (1) As soon as reasonably practicable after an allegation as to a person’s fitness to practise as a member of a profession complementary to dentistry has been referred to the Investigating Committee under section 36N(5)(a), the Council shall inform the following persons of that fact—
- (a) the Secretary of State, the Department of Health, Social Services and Public Safety in Northern Ireland, the Scottish Ministers and the National Assembly for Wales; and
  - (b) any person in the United Kingdom to whom subsection (2) applies.

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- (2) This subsection applies to a person if the Council are aware that he—
- (a) employs the person concerned to provide services in, or in relation to, any area of dentistry; or
  - (b) has an arrangement with the person concerned for that person to provide such services.
- (3) The Council or the registrar may disclose to any person any information relating to a person's fitness to practise as a member of a profession complementary to dentistry, including information relating to an allegation under section 36N, where they consider it to be in the public interest for the information to be disclosed.]

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