



# Dentists Act 1984

## 1984 CHAPTER 24

### 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 [<sup>F1</sup>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 [<sup>F1</sup>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.

[<sup>F2</sup>(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<sup>F3</sup> 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 he has the necessary knowledge of English; and
- (e) that he is in good health, both physically and mentally.

(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.

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- (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.

[<sup>F4</sup>(7) In this Act—

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 <sup>F5</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993 <sup>F6</sup>;

“EEA State” means a State which is a contracting party to the EEA Agreement.]

#### Textual Amendments

- F1** Words in s. 15(1)(b)(2) substituted (1.7.1996) by S.I. 1996/1496, reg. 2(1)  
**F2** S. 15(2A) inserted (1.7.1996) by S.I. 1996/1496, reg. 2(2)  
**F3** 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).  
**F4** S. 15(7) inserted (1.7.1996) by S.I. 1996/1496, reg. 2(3)  
**F5** Cm 2073 and O.J. No. L1, 3.1.94, p.3.  
**F6** 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.
- (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—
- 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
  - 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.

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- (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.

## **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;
  - (d) that he 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.
- (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.

### *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.
- [<sup>F7</sup>(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

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- (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

F7 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.
- (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,

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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.

VALID FROM 14/04/1998

**[<sup>F8</sup>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

**F8** 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.

(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.

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### *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.

#### **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.

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### *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)—
  - (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,



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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 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—

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- (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).
- (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;

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- (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 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.

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- (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
  - (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

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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.
- (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.

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

VALID FROM 29/10/2001

### *F<sup>9</sup> Professional training and development requirements*

#### **Textual Amendments**

- F9** 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** <sup>F10</sup> **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.

#### **Textual Amendments**

- F10** 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

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### **34B** <sup>F11</sup> **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**

**F11** 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 [<sup>F12</sup>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.
- (2) A disqualifying decision in [<sup>F12</sup>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

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- (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

**F12** 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 [<sup>F13</sup>EEA States] to render dental services during a visit to the United Kingdom, without being registered under this Act) shall have effect.

#### Textual Amendments

**F13** Words in s. 36 substituted (1.7.1996) by S.I. 1996/1496, reg. 6(2)



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