



Dentists Act 1984

1984 CHAPTER 24

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) [^{F1}Subject to subsection (1A), 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.
- [^{F2}(1A) For the purposes of this Act, the practice of dentistry shall be deemed not to include the performance of any medical task by a person who—
- (a) is qualified to carry out such a task; and
 - (b) is a member of a profession regulated by a regulatory body (other than the Council) listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.]
- [^{F3}(2) Dental work to which subsection (2A) or (2B) applies shall not be 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) a registered dentist; or
 - (b) a registered dental care professional of a kind authorised in rules under this section to carry out such supervision.
- (2A) This subsection applies to dental work if it is undertaken—
- (a) by a person recognised by a dental authority as a student of dentistry or by a medical authority as a medical student; and

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- (b) as part of a course of instruction or training approved by that authority for students of that kind or as part of an examination so approved.
- (2B) This subsection applies to dental work if it is undertaken by a person as part of—
 - (a) a course of instruction or training which he is following in order to qualify for registration in the dental care professionals register under a particular title or titles; or
 - (b) an examination which he must pass in order to satisfy the requirements for registration in that register under a particular title or titles.]
- [^{F4}(2C) Subsection (2) does not have effect in relation to dental work that is done by a person as part of an adaptation period specified in relation to the person by the Council under section 15ZA or 36C(4E).]
- [^{F5}(3) In this section “medical authority” means [^{F6}a body or combination of bodies included in the list maintained under section 4(1)] of the Medical Act 1983 (qualifying examinations and primary United Kingdom qualifications) which is entitled to hold qualifying examinations for the purpose of granting one or more primary United Kingdom medical qualifications.]

Textual Amendments

- F1** Words in s. 37(1) substituted (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. 34\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F2** S. 37(1A) 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. 34\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F3** S. 37(2)-(2B) substituted for s. 37(2) (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. 34\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F4** S. 37(2C) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 32](#)
- F5** S. 37(3) substituted (17.12.2002) by [S.I. 2002/3135](#), arts. 1(2)(j), 16(1), [Sch. 1 para. 11](#)
- F6** Words in s. 37(3) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), [Sch. 5 para. 1](#); [S.I. 2008/2556](#), art. 2(1)(b)

38 Prohibition on practice of dentistry by laymen.

- (1) [^{F7}A person who is not [^{F8}a registered dentist or a registered dental care professional]] shall not practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry.
- [^{F9}(1A) A specified state professional undertaking an adaptation period specified in relation to the person by the Council under section 15ZA or 36C(4E) does not contravene subsection (1) by practising dentistry or by holding out as regards practising or being prepared to practise dentistry if the practising of dentistry is done as part of the

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adaptation period or (as the case may be) the holding out relates only to the practising of dentistry as part of the adaptation period.]

- (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.
- (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

- F7** Words in s. 38(1) substituted (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. 35](#) (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F8** Words in s. 38(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [127](#)
- F9** [S. 38\(1A\)](#) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 33](#)

39 Prohibition on use of practitioners' titles by laymen.

[^{F10}(1) A person shall not take or use the title of dentist, dental surgeon or dental practitioner, either alone or in combination with any other word, unless he is a registered dentist
^{F11}....]

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

[^{F12}(2A) A person who is not a registered dental care professional shall not take or use any title specified in regulations under section 36A(2), either alone or in combination with any other word.

- (2B) No person shall take or use any title or description implying that he is a registered dental care professional unless he is a registered dental care professional.]

- (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

- F10** S. 39(1) substituted (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,

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21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 36(a)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

F11 Words in [s. 39\(1\)](#) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), [regs. 1\(2\)](#), **128**

F12 [S. 39\(2A\)\(2B\)](#) 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. 36(b)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

Modifications etc. (not altering text)

C1 [S. 39\(2A\)](#) excluded (31.7.2006) by [The General Dental Council \(Professions Complementary to Dentistry\) Regulations Order of Council 2006 \(S.I. 2006/1440\)](#), [reg. 1\(1\)](#), **Sch. reg. 5**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(2)(h)(i) inserted by [S.I. 2009/1182 Sch. 1 para. 7](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 27(2)(ba) inserted by [S.I. 2015/806 art. 17](#)
- s. 27A(5)(aa) inserted by [S.I. 2015/806 art. 18\(3\)](#)
- s. 27BA inserted by [S.I. 2015/806 art. 19](#)
- s. 36N(2)(h)(i) inserted by [S.I. 2009/1182 Sch. 1 para. 8](#) (This effect comes into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 36N(2)(ba) inserted by [S.I. 2015/806 art. 24](#)
- s. 36O(5)(aa) inserted by [S.I. 2015/806 art. 25\(3\)](#)
- s. 36PA inserted by [S.I. 2015/806 art. 26](#)