

**Changes to legislation:** Dentists Act 1984 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes

# SCHEDULES

## SCHEDULE 1

Sections 1 and 2.

### THE COUNCIL AND COMMITTEES OF THE COUNCIL: SUPPLEMENTARY PROVISIONS

#### PART I

#### THE COUNCIL

#### *[<sup>F1</sup>Constitution*

##### Textual Amendments

- F1** 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**

**F2**<sup>1</sup> .....

##### Textual Amendments

- F2** Sch. 1 paras. 1A, 1B substituted for Sch. 1 para. 1 (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009](#) (S.I. 2009/1182), art. 1(3)(9), **Sch. 1 para. 13** (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)

- [  
**F2**<sup>1</sup>A. (1) The Council shall consist of—  
    (a) registrant members, that is members who are registered dentists or registered dental care professionals; and  
    (b) lay members, that is members who—  
        (i) are not and never have been registered dentists or registered dental care professionals, and  
        (ii) do not hold qualifications which would entitle them to apply for registration as a registered dentist or registered dental care professional.  
(2) The members of the Council shall be appointed by the Privy Council.  
(3) The Privy Council shall ensure that, at any time, at least one member of the Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.  
**F3**(4).....]

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### Textual Amendments

- F2** Sch. 1 paras. 1A, 1B substituted for Sch. 1 para. 1 (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009](#) (S.I. 2009/1182), art. 1(3)(9), **Sch. 1 para. 13** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)
- F3** Sch. 1 para. 1A(4) omitted (31.10.2012) by virtue of [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 20 para. 6(b)**; S.I. 2012/1831, art. 2(3)

### *[F2]Matters for the order of the Privy Council under section 1(2A)*

- 1B. (1) An order under section 1(2A) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the Council;
  - (b) the terms of office for which members of the Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
  - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the Council;
  - (d) the appointment of a chair of the Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
  - (e) deputising arrangements in respect of the chair;
  - (f) the quorum of the Council; and
  - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(2A) must not include any provision which would have the effect that a majority of the members of the Council would be lay members.
- (3) An order under section 1(2A) may include provision with regard to—
- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;
  - (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
  - (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of its members in standing orders, and for those standing orders to provide for—
    - (i) that education and training to be the responsibility of another body, and
    - (ii) those requirements to be set and varied by that body from time to time;
  - (d) the attendance of members of the Council at meetings of the Council; and
  - (e) the effect (if any) of any vacancy in the membership of the Council or any defect in the appointment of a member.
- (4) An order under section 1(2A) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.]

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### *Lay members*

F4<sub>2</sub> .....

#### **Textual Amendments**

**F4** Sch. 1 para. 2 omitted (1.10.2009 in so far as not already in force, 13.5.2009 for specified purposes) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), **Sch. 1 para. 13(3)** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)

F5<sub>2A</sub> .....

#### **Textual Amendments**

**F5** Sch. 1 para. 2A repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), Sch. 8 para. 27(3), **Sch. 9**; S.I. 2006/2603, art. 4(5)(c)(i)(e), Sch.

### *[F6 Members who are registered dentists or registered dental care professionals]*

#### **Textual Amendments**

**F6** Sch. 1 para. 3 heading 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. 47(4)** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)

F7<sub>3</sub> .....

#### **Textual Amendments**

**F7** Sch. 1 para. 3 omitted (1.10.2009 in so far as not already in force, 13.5.2009 for specified purposes) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), **Sch. 1 para. 13(3)** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)

### *Council President*

F8<sub>4</sub> .....]

#### **Textual Amendments**

**F8** Sch. 1 para. 4 omitted (1.10.2009 in so far as not already in force, 13.5.2009 for specified purposes) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), **Sch. 1 para. 13(3)** (with arts. 9, 10); S.I. 2009/1357, art. 2(2)(a)(i)

.....

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- 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.

*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 <sup>F10</sup>... such fees and such travelling, subsistence or other allowances as they may determine.
- [<sup>F11</sup>(2A) The Council shall also have power to pay the members of any of their committees such allowances and expenses as the Council may determine.]
- (3) The powers <sup>F12</sup>... of any of the Council’s committees may be exercised notwithstanding any vacancy.
- (4) No proceedings <sup>F13</sup>... of any of the Council’s committees shall be invalidated by any defect in the appointment of a member <sup>F14</sup>....

**Textual Amendments**

- F10** Words in Sch. 1 para. 6(2) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 6(3)(a)**
- F11** Sch. 1 para. 6(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 7(2)**
- F12** Words in Sch. 1 para. 6(3) omitted (13.5.2009 for specified purposes) by virtue of *The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009* (S.I. 2009/1182), art. 1(3)(9), **Sch. 1 para. 13(4)(a)** (with arts. 9, 10)
- F13** Words in Sch. 1 para. 6(4) omitted (13.5.2009 for specified purposes) by virtue of *The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009* (S.I. 2009/1182), art. 1(3)(9), **Sch. 1 para. 13(4)(b)** (with arts. 9, 10)
- F14** Words in Sch. 1 para. 6(4) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 6(3)(b)**

- [<sup>F157</sup> (1) Subject to section 43B(13) and section 44(12), the Council may, after paying their expenses, allocate any of their income to—
- (a) purposes connected with education or research in relation to—
- (i) the dental profession, or
- (ii) professions complementary to dentistry; or
- (b) any other public purpose connected with either or both of those professions.
- (2) In sub-paragraph (1), “expenses” includes the payments authorised under this Schedule to be made to members of the Council and their committees and the salaries and remuneration of the Council’s officers.]

**Textual Amendments**

- F15** Sch. 1 para. 7 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. 47\(7\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

8 (1) The Council may make rules—

- <sup>F16</sup>(a) .....
- (b) for delegating, subject to the provisions of this Act, to committees, including the committees referred to in [<sup>F17</sup>section 2 of this Act], [<sup>F18</sup>or to any officer of the Council,] functions of the Council, and
- (c) [<sup>F19</sup>subject to the provisions of this Act and in particular sub-paragraph (1A),] for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in [<sup>F17</sup>section 2 of this Act] and any sub-committees.

[<sup>F20</sup>(1A) The power conferred by sub-paragraph (1)(c) does not include power to make any rules regulating the proceedings of the committees referred to in section 2 of this Act, in so far as the power to make such rules is specifically conferred by Schedule 3 or 4B to this Act.]

[<sup>F21</sup>(1B) Rules made under sub-paragraph (1)(c) may make provision for a body (including a committee of the Council which is not one of the committees referred to in section 2) to assist the Council in connection with the exercise of any function relating to the appointment of members or particular members of the Council’s committees.

- (1C) Rules made under sub-paragraph (1)(c) by virtue of sub-paragraph (1B) may authorise a body—
  - (a) to appoint committee members on behalf of the Council; or
  - (b) to perform any function relating to tenure of office or suspension or removal from office.]

<sup>F22</sup>(2) .....

[<sup>F23</sup>(2A) Some or all of the members of committees of the Council may be persons who are not members of the Council.]

<sup>F22</sup>(3) .....

(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.

### Textual Amendments

- F16** Sch. 1 para. 8(1)(a) omitted (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), [Sch. 1 para. 13\(5\)\(a\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)
- F17** Words in Sch. 1 para. 8(1)(b)(c) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(a\)](#)
- F18** Words in Sch. 1 para. 8(1)(b) 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. 47\(8\)\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F19** Words in Sch. 1 para. 8(1)(c) 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

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- 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. 47\(8\)\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F20** Sch. 1 para. 8(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. 47\(8\)\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F21** Sch. 1 para. 8(1B)(1C) inserted (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), [Sch. 1 para. 13\(5\)\(b\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)
- F22** Sch. 1 para. 8(2)(3) omitted (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 virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 47\(8\)\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F23** Sch. 1 para. 8(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 7\(1\)\(4\)\(c\)](#)

- [<sup>F24</sup>8A.(1) Subject to any provision made by this Act or by rules under this Act, the Council may regulate its procedures and the procedures of its committees and sub-committees, other than the committees referred to in section 2, by standing orders.
- (2) Standing orders of the Council may make provision with regard to the provisional suspension of a member of the Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(2A).
- (3) Subject to any provision made by this Act, by rules under this Act or by standing orders made by virtue of sub-paragraph (1), each committee and sub-committee of the Council may regulate its own procedures.]

#### Textual Amendments

- F24** Sch. 1 para. 8A inserted (13.5.2009 for specified purposes, 1.10.2009 in so far as not already in force) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(3)(9), [Sch. 1 para. 13\(6\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)

## <sup>F25</sup>PART II

#### Textual Amendments

- F25** Sch. 1 Pt. II (paras. 9-12) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [S.I. 2001/3926](#), [art. 7\(5\)](#)

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## SCHEDULE 2

Section 15(2).

### EUROPEAN DENTAL QUALIFICATIONS

#### PART I

##### APPROPRIATE EUROPEAN DIPLOMAS

[<sup>F26</sup>[<sup>F27</sup>(1)]] In this Schedule—

<sup>F28</sup>  
...

“the reference date”, in relation to a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in Annex V, point 5.3.2 of the Directive.

[<sup>F29</sup>(2)] References in this Schedule to article 34 of the Directive are, in relation to training begun on or before 18 January 2016, to article 34 disregarding the amendments made by [Directive 2013/55/EU](#) of the European Parliament and of the Council of 20 November 2013.]]

##### Textual Amendments

- F26** Sch. 2 para. 1 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 130(2)
- F27** Sch. 2 para. 1 renumbered as Sch. 2 para. 1(1) (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, 52(2)(a) (with reg. 155)
- F28** Words in Sch. 2 para. 1(1) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(a)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Sch. 2 para. 1(2) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, 52(2)(b) (with reg. 155)

[<sup>F30</sup> Subject to [<sup>F31</sup>paragraph 3] below, [<sup>F32</sup>a] diploma in dentistry granted in [<sup>F33</sup>a relevant European State] is an appropriate European diploma for the purposes of section [<sup>F34</sup>15(2ZA)] of this Act [<sup>F35</sup>[<sup>F36</sup>if it] is listed in Annex V, point 5.3.2 of the Directive [<sup>F37</sup>and], it is accompanied, where appropriate, by the certificate listed in relation to that State in the column of Annex V, point 5.3.2 of the Directive entitled “Certificate accompanying the evidence of qualifications”.]]

##### Textual Amendments

- F30** Sch. 2 Pt. 1 para. 2 substituted (1.7.1996) by [S.I. 1996/1496](#), **reg. 3(3)**
- F31** Words in Sch. 2 para. 2 substituted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(b)(i)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Word in Sch. 2 para. 2 substituted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(b)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)



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- F33** Words in sch. 2 para. 2 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 130(3)(a)
- F34** Word in Sch. 2 para. 2 substituted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(b)(iii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in sch. 2 para. 2 inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 130(3)(b)
- F36** Words in Sch. 2 para. 2 substituted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(b)(iv)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F37** Word in Sch. 2 para. 2 inserted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(b)(v)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

[<sup>F38</sup> A diploma listed in Annex V, point 5.3.2 of the Directive granted in a relevant European State before the reference 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 purposes of section [<sup>F39</sup>15(2ZA)]<sup>F40</sup> ...]

**Textual Amendments**

- F38** Sch. 2 para. 3 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **130(4)**
- F39** Word in Sch. 2 para. 3 substituted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(c)(i)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Sch. 2 para. 3 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(c)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

<sup>F41</sup>3A .....

**Textual Amendments**

- F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

<sup>F41</sup>4 .....

**Textual Amendments**

- F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para.**



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**27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F415 .....

**Textual Amendments**

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F416 .....

**Textual Amendments**

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F416A. ....

**Textual Amendments**

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F416B. ....

**Textual Amendments**

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F41 7 .....

**Textual Amendments**

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F418. ....

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#### Textual Amendments

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

**F41**9. ....

#### Textual Amendments

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

**F41**10. ....

#### Textual Amendments

**F41** Sch. 2 paras. 3A-10 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 27(d)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

## **F42**PART II

### SCHEDULED EUROPEAN DIPLOMAS

#### Textual Amendments

**F42** Sch. 2 Pt. II omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **130(12)**

.....

## **F43**SCHEDULE 2A

Section 25A

### REGISTRATION APPEALS: DENTISTS REGISTER

#### Textual Amendments

**F43** Sch. 2A 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 \(S.I. 2005/2011\)](#), **Sch. 1** (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

**Changes to legislation:** Dentists Act 1984 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes

1. In this Schedule—

“appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2) <sup>F44</sup> ...;

“person concerned” means a person notified under paragraph 3(1) of an appealable registration decision made in respect of him, or, as the case may be, an applicant in respect of whom an appealable registration decision is treated as having been made by virtue of paragraph 3(2) <sup>F45</sup> ...; and

[<sup>F46</sup>“the requisite period”—

(a) in relation to a decision as to the registration of a specified state professional under section 15(1)(c), means the period of four months beginning with the date when the registrar is first in possession of sufficient information to make the decision;

(b) in relation to any other decision of a kind specified in paragraph 2(1) (a) or a decision of a kind specified in paragraph 2(1)(b), (d), (f), (g) or (i), means the period of three months beginning with the date when the registrar is first in possession of sufficient information to make the decision.]

**Textual Amendments**

**F44** Words in Sch. 2A para. 1 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 28(a)(i)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

**F45** Words in Sch. 2A para. 1 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 28(a)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

**F46** Words in Sch. 2A para. 1 substituted (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. 35(a)**

2. (1) The following decisions are appealable registration decisions for the purposes of this Schedule—

[<sup>F47</sup>(a) a decision not to register a person’s name in the register under subsection (1) (a) <sup>F48</sup>... [<sup>F49</sup>, (c) or (d)] of section 15 (qualification for registration) on the grounds that any of the requirements of that section are not met;

<sup>F50</sup>(aa) .....

<sup>F51</sup>(ab) .....]

[ a decision to require a person to undergo an examination or other assessment under section 15A(6)(a);]

<sup>F52</sup>(ac) (b) a decision not to give a direction for temporary registration under section 17 (temporary registration);

<sup>F53</sup>(ba) .....

<sup>F54</sup>(bb) .....

(c) a decision under section 23(3) (erasure of names of those who have ceased to practise) to erase a person’s name from the register;

(d) a decision under section 23(4) not to restore a person’s name to the register;

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- (e) a decision under section 24(1) (erasure on grounds of error) to erase an entry relating to a person from the register;
  - (f) a decision under section 26A(8)(a), (b) or (c) (insurance) not to register a person's name in the register, not to restore his name to the register or to erase his name from the register;
  - (g) a decision under section 26A(9) not to restore a person's name to the register;
  - (h) a decision under section 34A(2) (professional training and development requirements) to erase a person's name from the register;
  - (i) a decision under section 34A(3) not to restore a person's name to the register;
  - <sup>F55</sup>(j) .....
  - <sup>F56</sup>(k) .....
  - <sup>F57</sup>(l) .....
- (2) A decision is not an appealable registration decision for the purposes of this Schedule if it is a decision taken by reason only that the person failed to—
- (a) pay any fee prescribed by regulations made under section 19; or
  - (b) make an application as required under this Act or any rules made under it.

#### Textual Amendments

- F47** Sch. 2A para. 2(1)(a)-(ab) substituted for Sch. 2A para. 2(1)(a) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **131(b)(i)**
- F48** Word in Sch. 2A para. 2(1)(a) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 28(b)(i)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Sch. 2A para. 2(1)(a) substituted (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. 35(b)**
- F50** Sch. 2A para. 2(1)(aa) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 28(b)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F51** Sch. 2A para. 2(1)(ab) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 28(b)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F52** Sch. 2A para. 2(1)(ac) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **29(3)(a)**; S.I. 2015/1451, art. 5
- F53** Sch. 2A para. 2(1)(ba) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 28(b)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F54** Sch. 2A para. 2(1)(bb) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 28(b)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F55** Sch. 2A para. 2(1)(j) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para.**

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- 28(b)(iii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F56** Sch. 2A para. 2(1)(k) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 28(b)(iii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F57** Sch. 2A para. 2(1)(l) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 28(b)(iii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

### Notification of appealable registration decisions

3. (1) Where an appealable registration decision is made in respect of a person, the registrar shall forthwith serve on that person written notification of—
- (a) the decision;
  - (b) the reasons for the decision; and
  - (c) that person’s right to appeal under paragraph 4.
- (2) Where an applicant has not been served with notification of a decision in respect of an application for registration or restoration of a name mentioned in [F58 paragraphs (a) F59 ..., (b)], (d), (f), (g) [F60 or (i)] of paragraph 2(1) within the requisite period, that omission shall be treated as a decision not to register or, as the case may be, restore the applicant’s name, which is an appealable registration decision for the purposes of this Schedule.

F61(3) .....

F62(4) .....

### Textual Amendments

- F58** Words in Sch. 2A para. 3(2) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **131(c)**
- F59** Word in Sch. 2A para. 3(2) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 28(c)(i)(aa)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F60** Words in Sch. 2A para. 3(2) substituted (31.12.2020) by The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 28(c)(i)(bb)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F61** Sch. 2A para. 3(3) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 28(c)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Sch. 2A para. 3(4) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 28(c)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

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*Appeals from an appealable registration decision*

4. (1) A person concerned may appeal to the Registration Appeals Committee against—
  - (a) the appealable registration decision made in respect of him of which he was notified under paragraph 3(1); or
  - (b) the appealable registration decision treated as having been made in respect of him by virtue of paragraph 3(2) <sup>F63</sup>....
- (2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.
- (3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.
- (4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.
- (5) In the case of an appealable registration decision which is a decision to erase a person’s name from the register, where—
  - (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
  - (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,
 that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.
- (6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.
- (7) Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—
  - (a) in paragraph 1—
    - (i) omit sub-paragraph (1), and
    - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
  - (b) references to a Committee shall be read as references to the Registration Appeals Committee;
  - (c) in paragraph 2—
    - (i) omit sub-paragraph (1)(b), and
    - (ii) in sub-paragraph (2)(g) omit “the person (if any) making the allegation and”; and
  - (d) omit paragraph 7.
- (8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—
  - (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against;
  - (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
  - (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.

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- (9) In the case of an appealable registration decision which is a decision to erase a person's name from the register, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—
- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
  - (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
  - (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.
- (10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—
- (a) inform the registrar of, and serve on the person concerned notification of, the Committee's determination on the appeal and of the reasons for that determination; and
  - (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

#### Textual Amendments

- F63** Words in [Sch. 2A para. 4\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 3 para. 28\(d\)](#) (with [reg. 12A](#), [Sch. 3 Pt. 2](#)) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### *Extension of time for appealing*

5. Where—
- (a) any notification of a decision required under paragraph 3(1) to be served on a person is served by sending it to him by post, and
  - (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,
- the registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(3).

#### *Appeals from the Registration Appeals Committee*

6. (1) Where—
- (a) the Registration Appeals Committee determine an appeal under paragraph 4, and
  - (b) they do not determine under paragraph 4(8)(b) to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notification of the determination was served on him under paragraph 4(10), appeal against the determination to the relevant court.



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- (2) On an appeal under this paragraph from the Registration Appeals Committee, the relevant court may—
- (a) dismiss the appeal,
  - (b) allow the appeal and quash the determination appealed against,
  - (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Committee, or
  - (d) remit the case to the Registration Appeals Committee to dispose of in accordance with the directions of the relevant court,
- and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.
- (3) In this paragraph “the relevant court” means—
- (a) where the person concerned is registered in the register, and his address in the register is in Scotland, the sheriff in whose sheriffdom that address is situated;
  - (b) where the person concerned is not registered in the register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
  - (c) in any other case, the county court.]

### [<sup>F64</sup>SCHEDULE 3

Section 33(6)

#### PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE, THE INTERIM ORDERS COMMITTEE AND PRACTICE COMMITTEES: DENTISTS

#### **Textual Amendments**

**F64** Sch. 3 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 \(S.I. 2005/2011\)](#), **Sch. 2** (with **Sch. 7**) (with transitional provisions in [S.I. 2006/1671](#))

#### *Definitions*

1. (1) In this Schedule a “Committee” means—
  - (a) the Professional Conduct Committee;
  - (b) the Professional Performance Committee;
  - (c) the Health Committee; or
  - (d) the Interim Orders Committee.
- (2) A “party” to proceedings means, unless the context otherwise requires—
  - (a) the person to whose registration the proceedings relate; or
  - (b) the Council.

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### *Rules relating to procedure*

2. (1) Subject to the provisions of this paragraph, rules shall make provision as to the procedure to be followed—
  - (a) in proceedings before a Committee under Part 3 of this Act; and
  - (b) by the Investigating Committee in the exercise of their functions under section 27A.
- (2) Rules under sub-paragraph (1)(a) shall include provision—
  - (a) requiring the registrar to serve notification on the person to whose registration the proceedings relate that proceedings are to be brought and outlining the case against him;
  - (b) enabling any party to be heard by a Committee, if the party so requires;
  - (c) enabling any party to be represented before the Committee by counsel or a 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) enabling the registrar to serve notification of the proceedings on any person who in his opinion has an interest in those proceedings, and to provide any person so notified with an opportunity to submit written representations;
  - (e) enabling a Committee, before they hold any hearing, where they consider that it would assist them in performing their functions, to hold a preliminary meeting in private attended by the parties and the parties' representatives and any other person the Committee think appropriate;
  - (f) requiring proceedings before a Committee to be held in public unless and to the extent that the rules provide otherwise;
  - (g) requiring the registrar to serve notification on the person (if any) making the allegation and any other person who in his opinion has an interest in the proceedings, of the Committee's decision and the reasons for the decision; and
  - (h) requiring the registrar to publish, in such manner as may be specified in the rules, such information relating to the case and any decision made by the Committee as may be specified in the rules.
- (3) Each stage in proceedings before a Committee under Part 3 of this Act shall be dealt with expeditiously and a Committee may give directions as to the conduct of the case and the consequences of failure to comply with such directions (which may include the making of an order or refusal of an application if the failure to comply was without reasonable excuse).
- (4) Rules may provide for the Chairman of a Committee to hold the meeting referred to in sub-paragraph (2)(e) or to give the directions mentioned in sub-paragraph (3) and, subject to the agreement of the parties to his acting on behalf of the Committee, to take such action as the Committee would be competent to take at such a meeting.

### *Evidence etc.*

3. Subject to paragraph 4, rules shall make provision regarding the rules of evidence to be observed in any proceedings before a Committee under Part 3 of this Act, including rules as to the admissibility of evidence.
4. (1) For the purpose of proceedings under Part 3 of this Act in England and Wales or in Northern Ireland before a Committee, a Committee may—

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- (a) summon any person to attend a hearing as a witness, to answer any question or to produce any documents in his custody or under his control which relate to any matter in question in the proceedings;
  - (b) require any witness appearing before them to give evidence on oath and for this purpose an oath may be administered in due form; and
  - (c) upon an application by a person summoned to appear before them, set the summons aside.
- (2) No person shall be compelled under sub-paragraph (1)—
- (a) to attend in obedience to a summons if he has been given less than 14 days' notification of the hearing unless he informs the Committee before the hearing that he accepts such notification has been given; or
  - (b) to produce any document which he could not be compelled to produce on the trial of an action.
- (3) For the purposes of any proceedings under Part 3 of this Act in Scotland before a Committee, 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.
5. Where the proceedings relate to a person's conduct, and that conduct has been considered by another body whose functions include overseeing the conduct of members of a health or social care profession, a Committee may adopt as its own findings any finding of fact found by that body and proceed to determine the case without further inquiry.

#### *Costs*

6. (1) In the course of proceedings under Part 3 of this Act, a Committee may make such order as to costs (or, in Scotland, expenses) as they think fit, but may make provision as described in sub-paragraph (2) only if rules allowing such provision have been made under that sub-paragraph.
- (2) Rules may allow a Committee—
- (a) to disallow all or part of the costs (or, in Scotland, expenses) of a representative of a party by reason of that representative's conduct of the proceedings; and
  - (b) to order a representative of a party to meet all or part of the costs (or, in Scotland, expenses) incurred by a party by reason of that representative's conduct of the proceedings.
- (3) A Committee shall have regard to a person's ability to pay when considering the making of an order under this paragraph.

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**Changes to legislation:** *Dentists Act 1984 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes*

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- (4) Any sum required to be paid under an award in respect of costs (or, in Scotland, expenses) shall be recoverable as if it had been adjudged to be paid by an order of a relevant court.
- (5) In sub-paragraph (4) “the relevant court” means—
- (a) where the person to whose registration the proceedings relate is registered in the register, and his address in the register is in Scotland, the sheriff in whose sheriffdom that address is situated;
  - (b) where the person to whose registration the proceedings relate is not registered in the register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
  - (c) in any other case, the county court.

*Reference of cases to the registrar or a different Committee*

7. (1) Rules shall be made enabling a Practice Committee, in the course of proceedings under Part 3 of this Act—
- (a) to refer to another Practice Committee any matter arising which they consider should be dealt with by that other Practice Committee;
  - (b) to take advice, as they consider necessary and appropriate, from another Practice Committee; and
  - (c) to refer to the Interim Orders Committee any allegation before them which they consider should be dealt with by the Interim Orders Committee.
- (2) Rules under sub-paragraph (1)(a) may provide that, where a Practice Committee refer a case to another Practice Committee by virtue of those rules, section 27B is to apply as if the case had originally been referred by the Investigating Committee to that other Practice Committee.]

F65 SCHEDULE 3A

Sections 34A and 34B

.....

**Textual Amendments**

**F65** Sch. 3A repealed (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. 48** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

.....

F66 SCHEDULE 4

Section 36

*Changes to legislation:* Dentists Act 1984 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes

#### Textual Amendments

**F66** Sch. 4 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 29** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

### F67 SCHEDULE 4ZA

Section 36ZA

#### DIRECTIVE 2005/36: FUNCTIONS OF THE COUNCIL UNDER SECTION 36ZA(3)

#### Textual Amendments

**F67** Sch. 4ZA omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 3 para. 30** (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

### F68 SCHEDULE 4A

Section 36J

#### REGISTRATION APPEALS: DENTAL CARE PROFESSIONALS REGISTER

#### Textual Amendments

**F68** Sch. 4A 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), **Sch. 3** (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

1. In this Schedule—
  - “appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2) <sup>F69</sup> ...;
  - “person concerned” means a person notified under paragraph 3(1) of an appealable registration decision made in respect of him, or, as the case may be, an applicant in respect of whom an appealable registration decision is treated as having been made by virtue of paragraph 3(2) <sup>F70</sup> ...; and
  - “the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), <sup>F71</sup> ... (c), (e), (f) or (h), means the period of four months beginning with the date when the registrar is first in possession of sufficient information to make the decision.

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**Textual Amendments**

- F69** Words in Sch. 4A para. 1 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), Sch. 3 para. 31(a)(i) (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in Sch. 4A para. 1 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), Sch. 3 para. 31(a)(ii) (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F71** Word in Sch. 4A para. 1 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), Sch. 3 para. 31(a)(iii) (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

2. (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
  - (a) a decision not to register a person’s name under a particular title in the dental care professionals register under section 36C (qualifications for registration) on the grounds that any of the requirements of that section are not met;
    - <sup>F72</sup>(aa) .....
    - <sup>F73</sup>[ .....
    - <sup>F74</sup>(ab) .....
  - (ac) a decision to require a person to undergo an examination or other assessment under section 36CA(6)(a);]
  - (b) a decision under section 36H(3) (erasure of names of those who have ceased to practise) to erase a person’s name from the dental care professionals register;
  - (c) a decision under section 36H(4) not to restore a person’s name to the dental care professionals register under a particular title;
  - (d) a decision under section 36I(1) (erasure on grounds of error) to erase an entry relating to a person from the dental care professionals register;
  - (e) a decision under [<sup>F75</sup>section 36L(8) or (9)(a)] (insurance) not to register a person’s name in the dental care professionals register, not to restore his name to that register, or to erase his name from registration in that register, under a particular title;
  - (f) a decision under section 36L(10) not to restore a person’s name to the dental care professionals register under a particular title;
  - (g) a decision under section 36Z1(2) (professional training and development requirements) to erase a person’s name from registration in the dental care professionals register under a particular title; and
  - (h) a decision under section 36Z1(3) not to restore a person’s name to the dental care professionals register under a particular title <sup>F76</sup> ...
  - <sup>F76</sup>(i) .....
- (2) A decision is not an appealable registration decision for the purposes of this Schedule if it is a decision taken by reason only that the person failed to—
  - (a) pay any fee prescribed by regulations made under section 36F; or
  - (b) make an application as required under this Act or any rules made under it.

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#### Textual Amendments

- F72** Sch. 4A para. 2(1)(aa) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 31(b)(i)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F73** Sch. 4A para. 2(1)(ab) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 31(b)(i)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F74** Sch. 4A para. 2(1)(ab)(ac) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **31(3)**; S.I. 2015/1451, art. 5
- F75** Words in Sch. 4A para. 2(1)(e) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 6**
- F76** Sch. 4A para. 2(1)(i) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 31(b)(ii)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

#### *Notification of appealable registration decisions*

3. (1) Where an appealable registration decision is made in respect of a person, the registrar shall forthwith serve on that person written notification of—
- (a) the decision;
  - (b) the reasons for the decision; and
  - (c) that person’s right to appeal under paragraph 4.
- (2) Where an applicant has not been served with notification of a decision in respect of an application for registration or restoration of a name mentioned in paragraphs (a), (c), (e), (f) or (h) of paragraph 2(1) within the requisite period, that omission shall be treated as a decision not to register or, as the case may be, restore the applicant’s name, which is an appealable registration decision for the purposes of this Schedule.

<sup>F77</sup>(3) .....

<sup>F78</sup>(4) .....

#### Textual Amendments

- F77** Sch. 4A para. 3(3) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 31(c)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F78** Sch. 4A para. 3(4) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 3 para. 31(c)** (with reg. 12A, Sch. 3 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

#### *Appeals from an appealable registration decision*

4. (1) A person concerned may appeal to the Registration Appeals Committee against—



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- (a) the appealable registration decision made in respect of him of which he was notified under paragraph 3(1); or
  - (b) the appealable registration decision treated as having been made in respect of him by virtue of paragraph 3(2) <sup>F79</sup>....
- (2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.
- (3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.
- (4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.
- (5) In the case of an appealable registration decision which is a decision to erase a person's name from registration in the dental care professionals register under a particular title, where—
  - (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
  - (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.
- (6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.
- (7) Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—
  - (a) in paragraph 1—
    - (i) omit sub-paragraph (1), and
    - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
  - (b) references to a Committee shall be read as references to the Registration Appeals Committee;
  - (c) in paragraph 2—
    - (i) omit sub-paragraph (1)(b), and
    - (ii) in sub-paragraph (2)(g), omit “the person (if any) making the allegation and”; and
  - (d) omit paragraph 7.
- (8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—
  - (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against;
  - (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
  - (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.

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- (9) In the case of an appealable registration decision which is a decision to erase a person's name from registration in the dental care professionals register under a particular title, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—
- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
  - (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
  - (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.
- (10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—
- (a) inform the registrar of, and serve on the person concerned notification of, the Committee's determination on the appeal and of the reasons for that determination; and
  - (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

#### **Textual Amendments**

**F79** Words in [Sch. 4A para. 4\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 3 para. 31\(d\)](#) (with reg. 12A, Sch. 3 Pt. 2) (as amended by [S.I. 2020/1394](#), regs. 4, 11(4)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

#### *Extension of time for appealing*

5. Where—
- (a) any notification of a decision required under paragraph 3(1) to be served on a person is served by sending it to him by post, and
  - (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,
- the registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(3).

#### *Appeals from the Registration Appeals Committee*

6. Where—
- (a) the Registration Appeals Committee determine an appeal under paragraph 4, and
  - (b) they do not determine under paragraph 4(8)(b) to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notification of the determination was served on him under paragraph 4(10), appeal against the determination to the relevant court.

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- (2) On an appeal under this paragraph from the Registration Appeals Committee, the relevant court may—
- (a) dismiss the appeal,
  - (b) allow the appeal and quash the determination appealed against,
  - (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Committee, or
  - (d) remit the case to the Registration Appeals Committee to dispose of in accordance with the directions of the relevant court,
- and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.
- (3) In this paragraph “the relevant court” means—
- (a) where the person concerned is registered in the dental care professionals register, and his address in that register is in Scotland, the sheriff in whose sheriffdom that address is situated;
  - (b) where the person concerned is not registered in that register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
  - (c) in any other case, the county court.]

[<sup>F80</sup>SCHEDULE 4B

Section 36W(6)

PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE, THE INTERIM ORDERS  
COMMITTEE AND PRACTICE COMMITTEES: DENTAL CARE PROFESSIONALS

**Textual Amendments**

**F80** Sch. 4B 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 \(S.I. 2005/2011\)](#), **Sch. 4** (with **Sch. 7**) (with transitional provisions in [S.I. 2006/1671](#))

*Definitions*

1. (1) In this Schedule a “Committee” means—
  - (a) the Professional Conduct Committee;
  - (b) the Professional Performance Committee;
  - (c) the Health Committee; or
  - (d) the Interim Orders Committee.
- (2) A “party” to proceedings means, unless the context otherwise requires—
  - (a) the person to whose registration the proceedings relate; or
  - (b) the Council.

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### *Rules relating to procedure*

2. (1) Subject to the provisions of this paragraph, rules shall make provision as to the procedure to be followed—
  - (a) in proceedings before a Committee under Part 3A of this Act; and
  - (b) by the Investigating Committee in the exercise of their functions under section 36O.
- (2) Rules under sub-paragraph (1)(a) shall include provision—
  - (a) requiring the registrar to serve notification on the person to whose registration the proceedings relate that proceedings are to be brought and outlining the case against him;
  - (b) enabling any party to be heard by a Committee, if the party so requires;
  - (c) enabling any party to be represented before the Committee by counsel or a 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) enabling the registrar to serve notification of the proceedings on any person who in his opinion has an interest in those proceedings, and to provide any person so notified with an opportunity to submit written representations;
  - (e) enabling a Committee, before they hold any hearing, where they consider that it would assist them in performing their functions, to hold a preliminary meeting in private attended by the parties and the parties' representatives and any other person the Committee think appropriate;
  - (f) requiring proceedings before a Committee to be held in public unless and to the extent that the rules provide otherwise;
  - (g) requiring the registrar to serve notification on the person (if any) making the allegation and any other person who in his opinion has an interest in the proceedings, of the Committee's decision and the reasons for the decision; and
  - (h) requiring the registrar to publish, in such manner as may be specified in the rules, such information relating to the case and any decision made by the Committee as may be specified in the rules.
- (3) Each stage in proceedings before a Committee under Part 3A of this Act shall be dealt with expeditiously and a Committee may give directions as to the conduct of the case and the consequences of failure to comply with such directions (which may include the making of an order or refusal of an application if the failure to comply was without reasonable excuse).
- (4) Rules may provide for the Chairman of a Committee to hold the meeting referred to in sub-paragraph (2)(e) or to give the directions mentioned in sub-paragraph (3) and, subject to the agreement of the parties to his acting on behalf of the Committee, to take such action as the Committee would be competent to take at such a meeting.

### *Evidence etc.*

3. Subject to paragraph 4, rules shall make provision regarding the rules of evidence to be observed in any proceedings before a Committee under Part 3A of this Act, including rules as to the admissibility of evidence.
4. (1) For the purpose of proceedings under Part 3A of this Act in England and Wales or in Northern Ireland before a Committee, a Committee may—

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- (a) summon any person to attend a hearing as a witness, to answer any question or to produce any documents in his custody or under his control which relate to any matter in question in the proceedings;
  - (b) require any witness appearing before them to give evidence on oath and for this purpose an oath may be administered in due form; and
  - (c) upon an application by a person summoned to appear before them, set the summons aside.
- (2) No person shall be compelled under sub-paragraph (1)—
- (a) to attend in obedience to a summons if he has been given less than 14 days' notification of the hearing unless he informs the Committee before the hearing that he accepts such notification has been given; or
  - (b) to produce any document which he could not be compelled to produce on the trial of an action.
- (3) For the purposes of any proceedings under Part 3A of this Act in Scotland before a Committee, 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.
5. Where the proceedings relate to a person's conduct, and that conduct has been considered by another body whose functions include overseeing the conduct of members of a health or social care profession, a Committee may adopt as its own findings any finding of fact found by that body and proceed to determine the case without further inquiry.

#### Costs

6. (1) In the course of proceedings under Part 3A of this Act, a Committee may make such order as to costs (or, in Scotland, expenses) as they think fit, but may make provision as described in sub-paragraph (2) only if rules allowing such provision have been made under that sub-paragraph.
- (2) Rules may allow a Committee—
- (a) to disallow all or part of the costs (or, in Scotland, expenses) of a representative of a party by reason of that representative's conduct of the proceedings; and
  - (b) to order a representative of a party to meet all or part of the costs (or, in Scotland, expenses) incurred by a party by reason of that representative's conduct of the proceedings.
- (3) A Committee shall have regard to a person's ability to pay when considering the making of an order under this paragraph.

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- (4) Any sum required to be paid under an award in respect of costs (or, in Scotland, expenses) shall be recoverable as if it had been adjudged to be paid by an order of a relevant court.
- (5) In sub-paragraph (4) “the relevant court” means—
- (a) where the person to whose registration the proceedings relate is registered in the dental care professionals register, and his address in that register is in Scotland, the sheriff in whose sheriffdom that address is situated;
  - (b) where the person to whose registration the proceedings relate is not registered in that register, but his address would (if he were to be registered) be in Scotland, the sheriff in whose sheriffdom that address is situated; and
  - (c) in any other case, the county court.

*Reference of cases to the registrar or a different Committee*

7. (1) Rules shall be made enabling a Practice Committee, in the course of proceedings under Part 3A of this Act—
- (a) to refer to another Practice Committee any matter arising which they consider should be dealt with by that other Practice Committee;
  - (b) to take advice, as they consider necessary and appropriate, from another Practice Committee; and
  - (c) to refer to the Interim Orders Committee any allegation before them which they consider should be dealt with by the Interim Orders Committee.
- (2) Rules under sub-paragraph (1)(a) may provide that, where a Practice Committee refer a case to another Practice Committee by virtue of those rules, section 36P is to apply as if the case had originally been referred by the Investigating Committee to that other Practice Committee.]

[<sup>F81</sup>SCHEDULE 4C

Section 49A

ADVISERS

**Textual Amendments**

**F81** Sch. 4C 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 \(S.I. 2005/2011\)](#), [Sch. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*Legal advisers*

1. (1) The Council shall appoint persons to be legal advisers.
- (2) Legal advisers shall have the general function of giving advice to—
- (a) the registrar,
  - (b) the Council,
  - (c) the Investigating Committee,

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- (d) the Professional Conduct Committee,
- (e) the Professional Performance Committee,
- (f) the Interim Orders Committee,
- (g) the Health Committee, and
- (h) the Registration Appeals Committee,

on questions of law arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.

- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a legal adviser.
- (4) Legal advisers shall have such other functions as may be conferred on them by rules, and in particular provision may be made, in relation to any proceedings—
  - (a) requiring a legal adviser, when advising the Council or any of their committees, to do so in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or, where advice is given in private, requiring every such party or person to be notified of the advice given by a legal adviser; or
  - (b) requiring every party, or person representing a party, to the proceedings to be notified in any case where a legal adviser's advice is not accepted by the person or body in receipt of the advice.
- (5) To be qualified for appointment as a legal adviser under this paragraph, a person must—
  - (a) have a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
  - (b) be an advocate or solicitor in Scotland of at least ten years' standing; or
  - (c) be a member of the Bar of Northern Ireland or [<sup>F82</sup>solicitor of the Court of Judicature of Northern Ireland] of at least ten years' standing.
- (6) The Council may pay such fees, allowances or expenses to persons appointed as legal advisers as the Council may determine.

#### Textual Amendments

**F82** Words in Sch. 4C para. 1(5)(c) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 5; S.I. 2009/1604, art. 2\(d\)](#)

#### Medical advisers

- 2. (1) The Council may appoint registered medical practitioners to be medical advisers.
- (2) Medical advisers shall have the general function of giving advice to—
  - (a) the registrar,
  - (b) the Council,
  - (c) the Investigating Committee,
  - (d) the Professional Conduct Committee,
  - (e) the Professional Performance Committee,
  - (f) the Interim Orders Committee,
  - (g) the Health Committee, and



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- (h) the Registration Appeals Committee,  
on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a medical adviser.
- (4) Medical advisers shall also have such other functions as may be conferred on them by rules.
- (5) The Council may pay such fees, allowances or expenses to persons appointed as medical advisers as the Council may determine.

*Professional advisers*

- 3. (1) The Council may appoint persons registered in either the dentists register or the dental care professionals register to be professional advisers.
- (2) Professional advisers shall have the general function of giving advice to—
  - (a) the registrar,
  - (b) the Council,
  - (c) the Investigating Committee,
  - (d) the Professional Conduct Committee,
  - (e) the Professional Performance Committee,
  - (f) the Interim Orders Committee,
  - (g) the Health Committee, and
  - (h) the Registration Appeals Committee,
 on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.
- (3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a professional adviser.
- (4) Professional advisers shall also have such other functions as may be conferred on them by rules.
- (5) The Council may pay such fees, allowances or expenses to persons appointed as professional advisers as the Council may determine.]

SCHEDULE 5

Section 54(1).

CONSEQUENTIAL AMENDMENTS

1 ..... F83

**Textual Amendments**

**F83** Sch. 5 para. 1 repealed by S.I. 1987/2047, art. 2(a), Sch.

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#### MEDICINES ACT 1968 (C. 67)

- 2 In section 132(1), in the definition of “dentist”, for the words from “<sup>M1</sup>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

**M1** 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 [<sup>F84</sup>In section 35(3) (added by section 15 of the <sup>M2</sup>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 ”.]

#### Textual Amendments

**F84** Sch. 5 para. 8 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(d)

#### Marginal Citations

**M2** 1983 c. 41.

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F85<sup>9</sup> .....

**Textual Amendments**

**F85** Sch. 5 para. 9 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F86<sup>10</sup> .....

**Textual Amendments**

**F86** Sch. 5 para. 10 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F87<sup>11</sup> .....

**Textual Amendments**

**F87** 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)

F88<sup>16</sup> .....

**Textual Amendments**

**F88** Sch. 5 para. 16 repealed (1.9.1994) by [1994 c. 23](#), ss. 100(2), 101(1), [Sch. 15](#)

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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.

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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 <sup>M3</sup>Dentists Act 1983 shall have effect as if held or made for the purposes of Schedule 1 to this Act.

**Marginal Citations**

**M3** 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 immediately 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 <sup>M4</sup>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**

**M4** 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.

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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 <sup>M5</sup>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 <sup>M6</sup>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**

**M5** 1957 c. 28.

**M6** 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 dentistry 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.

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- (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 <sup>M7</sup>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.

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**Marginal Citations**

**M7** [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 <sup>M8</sup>Dentists Act 1956.

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**Marginal Citations**

**M8** [1956 c. 29](#).

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**Changes and effects yet to be applied to :**

- s. 27(2)(f) word omitted 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)(g) words inserted by [2008 c. 14 Sch. 10 para. 7](#)
- s. 27A(4)(a)(i) words inserted by [S.I. 2015/806 art. 18\(2\)](#)
- s. 36N(2)(f) word omitted 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)(g) words inserted by [2008 c. 14 Sch. 10 para. 9](#)
- s. 36O(4)(a)(i) words inserted by [S.I. 2015/806 art. 25\(2\)](#)
- s. 40(2)(aa) words substituted by [2022 c. 31 Sch. 3 para. 42](#)
- s. 41(2A) words substituted by [S.I. 2009/1182 Sch. 1 para. 9](#) (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. 50D(1) words inserted by [S.I. 2015/806 art. 27](#)
- s. 53(3)(a)(i) words substituted by [2022 c. 31 Sch. 3 para. 43](#)
- Sch. 5 para. 12 repealed by [2005 asp 13 sch. 3](#)

**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](#)