



Dentists Act 1984

1984 CHAPTER 24

PART III

THE DENTAL PROFESSION

Professional conduct and fitness to practise

29 Appeals.

- [^{F1}(1) The following decisions are appealable decisions for the purposes of this section—
- (a) a decision of the Professional Conduct Committee under section 24—
 - (i) giving a direction for erasure of a person's name from the register under subsection (3) of that section, or
 - (ii) refusing an application to restore a person's name to the register, or refusing to restore his name until the end of a specified period, under subsection (6) of that section;
 - (b) a decision of a Practice Committee under section 27B or 27C giving a direction for erasure, for suspension, for conditional registration or for varying or adding to the conditions imposed by a direction for conditional registration;^{F2} ...
 - (c) a decision of the Professional Conduct Committee under section 28—
 - (i) refusing to grant an application to restore a person's name to the register,
 - (ii) giving a direction for conditional registration under subsection (6)(b) of that section, or
 - (iii) giving a direction under subsection (9) of that section suspending indefinitely the right to make further applications under that section.
 - ^{F3}(d)

(1A) In subsection (1)—

- (a) a reference to a direction for suspension includes a reference to a direction extending a period of suspension and a direction for indefinite suspension; and

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- (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.

(1B) Subject to subsection (1C), a person in respect of whom an appealable decision has been made may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 24(7), 27B(8), 27C(6) or 28(7), (8) or (10), ^{F4}... appeal against the decision to the relevant court.

(1C) Where—

- (a) any notification of a decision required to be served on a person under any of the provisions specified in subsection (1B) 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 period of time within which an appeal under this section may be brought.

(1D) In subsection (1B) “the relevant court”—

- (a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session;
- (b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court in Northern Ireland; and
- (c) in the case of any other person, means the High Court in England and Wales.]

^{F5}(2)

[^{F6}(3) On an appeal under this section, the court may—

- (a) dismiss the appeal,
- [^{F7}(b) allow the appeal and quash the decision appealed against ^{F8}...,
- (c) substitute for the decision appealed against any other decision which could have been made by ^{F9}... the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
- (d) remit the case to ^{F10}... the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to dispose of the case under section 24, 27B, 27C or 28 in accordance with the directions of the court,]

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.]

- (4) The Council may appear as respondent on any appeal under this section; and for the purpose of [^{F11}any order as to costs (or, in Scotland, expenses) in relation to] any such appeal the Council shall be deemed to be a party to it, whether they appear on the hearing of the appeal or not.

Textual Amendments

- F1** S. 29(1)-(1D) substituted for s. 29(1)(1A) (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. 19\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F2** Word in s. 29(1)(b) omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), [regs. 1, 48\(2\)](#) (with [reg. 155](#))

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- F3** S. 29(1)(d) 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. 13(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)
- F4** Words in s. 29(1B) 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. 13(b)** (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)
- F5** S. 29(2) repealed (1.4.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 31(2)(c), 42(3), **Sch. 9 Pt. 2** (with s. 31(7)(8)); S.I. 2003/833, art. 3(a)(c) (with art. 4)
- F6** S. 29(3) substituted (1.4.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 31(2)(d)**, 42(3) (with s. 31(7)(8)); S.I. 2003/833, art. 3(a) (with art. 4)
- F7** S. 29(3)(b)-(d) 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. 19(b)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F8** Words in s. 29(3)(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. 13(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)
- F9** Words in s. 29(3)(c) 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. 13(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)
- F10** Words in s. 29(3)(d) 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. 13(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)
- F11** Words in s. 29(4) substituted (1.4.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 42(3), **Sch. 8 para. 16**; S.I. 2003/833, art. 3(b) (with art. 4)

Modifications etc. (not altering text)

- C1** S. 29 modified (temp.) (1.4.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 31(8)**, 42(3); S.I. 2003/833, art. 3(a) (with art. 4)

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

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

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

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