
 S T A T U T O R Y I N S T R U M E N T S

1980 No. 703

DENTAL PROFESSION

**The Dental Qualifications (EEC Recognition)
Order 1980**
Laid before Parliament in draft

Made - - - - 21st May 1980

Coming into Operation 1st June 1980

At the Court at Buckingham Palace, the 21st day of May 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Dental Qualifications (EEC Recognition) Order 1980 and shall come into operation on 1st June 1980.

Interpretation

2. In this Order—

“the Dental Training Directive” means Community Council Directive No. 78/687/EEC concerning the co-ordination of provisions in respect of activities of dental practitioners(b);

“diploma” has the same meaning as in the Dentists Act 1957(c);

“the Disciplinary Committee” means the Disciplinary Committee of the General Dental Council;

“national”, in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession(d) is not to benefit from Community provisions relating to the free movement of persons and services;

“the registrar” means the registrar appointed by the General Dental Council under section 16(5) of the Dentists Act 1957; and

“the Recognition Directive” means Community Council Directive No. 78/686/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry(e).

(a) 1972 c. 68.

(d) See Cmnd. 5179-I, p. 247.

(b) O.J. No. L. 233/10 24.8.78.

(e) O.J. No. L. 233/1 24.8.78.

(c) 1957 c. 28.

Recognition of European Community qualifications in dentistry

3.—(1) After section 2 of the Dentists Act 1957 (right to registration in the dentists register by virtue of United Kingdom qualifications) there shall be inserted the following sections—

“Qualification for registration in dentists register: European diplomas.

2A.—(1) Subject to the provisions of this Act and any Order in Council under section 2(2) of the European Communities Act 1972 a person who is a national of a member State and holds a recognised European diploma in dentistry, that is to say—

- (a) any scheduled European diploma in dentistry granted in a member State on or after the date on which that State implemented the Dental Training Directive; or
- (b) any European diploma in dentistry granted in a member State before that State implemented the Dental Training Directive,

shall be entitled to be registered in the dentists register in accordance with the provisions of this Act.

(2) A person holding a scheduled European diploma granted in a member State before it implemented the Dental Training Directive shall not be entitled to be registered by virtue of that diploma unless, either—

- (a) he satisfies the registrar (by means of a certificate of the competent authority of that State or otherwise) that the diploma guarantees that his training satisfies the requirements laid down by that Directive; or
- (b) he produces to the registrar a certificate of the competent authority of any member State that he has lawfully practised dentistry for at least 3 consecutive years during the 5 years preceding the date of the certificate.

(3) A person holding a European diploma granted in a member State before it implemented the Dental Training Directive which is not a scheduled European diploma shall not be entitled to be registered by virtue of that diploma unless he produces to the registrar such a certificate as is required by subsection (2)(b) above in a case to which that paragraph applies.

(4) For the purposes of this section a member State is to be regarded as having implemented the Dental Training Directive on the date notified to the Commission as that on which it did so.

(5) In this section—

“competent authority” means an authority or body designated by a member State in accordance with Community Council Directive No. 78/686/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry;

“the Dental Training Directive” means Community Council Directive No. 78/687/EEC concerning the co-ordination of provisions in respect of activities of dental practitioners;

“national”, in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not

to benefit from Community provisions relating to the free movement of persons and services; and

“scheduled European diploma” means a qualification specified in Schedule 1A to this Act.

Requirement
of linguistic
knowledge.

2B.—(1) A national of a member State who applies to be registered under section 2 or 2A of this Act must, on or after registration, satisfy the registrar that he has the necessary knowledge of English, that is, the knowledge which, in the interests of himself and his patients, is necessary to the practice of dentistry in the United Kingdom.

(2) For the purposes of this section the General Dental Council may provide facilities for testing the knowledge of English of applicants for registration.

(3) Subject to subsection (4) below, if the applicant does not, on being registered, satisfy the registrar under this section, then—

(a) the registration shall lapse at the end of the period of six months beginning with the date of registration unless, in that period, he satisfies the registrar that he has the necessary knowledge of English; and

(b) while his registration is liable to lapse, the date on which it is liable to do so shall be entered against his name in the dentists register.

(4) The registrar may extend the period referred to in subsection (3) above (by not more than another six months) if it appears to him that there are grounds for doing so in a particular case.

(5) A person whose registration has lapsed under this section and who applies to be registered under section 2 or 2A of this Act is not entitled to be so registered unless, at the time of his application, he satisfies the registrar that he has the necessary knowledge of English.”

(2) In section 16(1) of that Act (the dentists register), at the end of paragraph (a) there shall be added the words “or as holding some recognised European diploma”.

(3) In section 50(1) (definitions), there shall be inserted at the appropriate place in alphabetical order the following definition—

“‘recognised European diploma’ means such a diploma as is referred to in section 2A(1) of this Act”.

(4) After Schedule 1 to that Act there shall be inserted the following Schedule—

“SCHEDULE 1A

EUROPEAN DENTAL QUALIFICATIONS

Belgium

“Diplôme légal de licencié en science dentaire/wettelijk diploma van licentiaat in de tandheelkunde” (the official diploma of graduate in dental science), awarded by the university faculties of medicine, or by the Central Board or by the State boards of university examiners.

Denmark

“Bevis for tandlægeeksamen (kandidateksamen)” (official diploma certifying that the holder has passed the examination in dentistry), issued by schools of dentistry together with the document issued by the ‘Sundhedsstyrelsen’ (State Board of Health) certifying that he has worked as an assistant for the required length of time.

France

1. “Diplôme d’État de chirurgien-dentiste” (State diploma of dental surgeon), awarded until 1973 by the university faculties of medicine or the university joint faculties of medicine and pharmacy.

2. “Diplôme d’État de docteur en chirurgie dentaire” (State diploma of doctor of dental surgery), awarded by the universities.

Germany

1. “Zeugnis über die zahnärztliche Staatsprüfung” (the State examination certificate in dentistry), awarded by the competent authorities.

2. The certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8 May 1945 by the competent authorities of the German Democratic Republic are recognised as equivalent to those listed in sub-paragraph 1 above.

Republic of Ireland

The diploma of:

- Bachelor in Dental Science (B.Dent.Sc.),
- Bachelor of Dental Surgery (BDS), or
- Licentiate in Dental Surgery (LDS),

awarded by the universities or the Royal College of Surgeons in Ireland.

Italy

The diploma the title of which will be notified by Italy to the member States and to the Commission in accordance with Community Council Directive No. 78/686/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry.

Luxembourg

“Diplôme d’État de docteur en médecine dentaire” (State diploma of doctor of dental medicine), issued by the State Board of Examiners.

The Netherlands

“Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen” (university certificate certifying success in the dental surgeon’s examination).”

Effect of disqualification in another member State on registration in United Kingdom

4.—(1) A person who is subject to a disqualifying decision in a member State in which he is or has been established in dental practice shall not be entitled to be registered under section 2A of the Dentists Act 1957.

(2) A disqualifying decision in a member State in respect of a person is a decision made by responsible authorities in that State and—

- (a) expressed to be made on the grounds that he has committed a criminal offence or has misconducted himself in a professional respect, and

(b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a dental practitioner, or that he is prohibited from practising there.

(3) If a person is registered under the said section 2A when he is subject to a disqualifying decision the registrar, on being satisfied that the person was at that time and still is subject to the decision, shall remove his name from the register.

(4) If, by reason of his being subject to a disqualifying decision, a person is refused registration or has his name erased from the register by the registrar under the foregoing provisions of this Article then—

(a) the registrar shall, on request, state in writing the grounds for the refusal or erasure;

(b) the person may appeal by giving notice in writing to the General Dental Council; and

(c) any such appeal shall be referred to and determined by the Disciplinary Committee who shall direct the registrar whether the person is or is not entitled to be registered or should or should not have his name erased from the register, as the case may be;

and sections 27 and 28 of the Dentists Act 1957 (procedure and evidence and assessors in disciplinary cases) shall apply in relation to appeals under this Article as they apply in relation to disciplinary cases under that Act save that the Council shall have power to make rules with respect to all or any of the matters specified in section 27 but shall not be required to do so and separate rules may be made by virtue of this paragraph as respects proceedings thereunder.

(5) If a person who has been registered under the said section 2A becomes subject to a disqualifying decision his case shall stand referred as a disciplinary case to the Disciplinary Committee and the Committee, on being satisfied that he is subject to the disqualifying decision, may exercise their powers under section 25(1) of the Dentists Act 1957 (erasure from the register for certain criminal offences or professional misconduct) on the assumption that the criminal offence or professional misconduct on the grounds of which the disqualifying decision was made constitutes such conduct as, under paragraph (a) or (b) of that subsection, justifies the exercise of their powers under that subsection.

United Kingdom specialist qualifications

5.—(1) The General Dental Council is the authority competent for the purposes of the Dental Training Directive to issue to or in respect of the nationals of member States certificates of completion of specialist training in the United Kingdom in orthodontics or in oral surgery which satisfies the requirements laid down by that Directive.

(2) The General Dental Council is the authority competent to certify, in the case of a national of a member State who holds a specialist qualification granted in the United Kingdom before the date on which the United Kingdom implemented the Dental Training Directive the training for which does not satisfy the requirements laid down by that Directive, that he has practised in the specialty concerned for the period shown in the certificate.

Rights of practitioners established in other member States to render dental services in the United Kingdom

6.—(1) This Article has effect for the purpose of enabling a person to whom it applies that is to say a national of a member State who is established in

dental practice in a member State other than the United Kingdom, to render dental services during a visit to the United Kingdom without being registered under the Dentists Act 1957.

(2) A person to whom this Article applies who intends to render dental services as mentioned in paragraph (1) above shall provide the registrar with—

- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
- (b) a certificate or certificates issued by the authority or body designated by the member State concerned as competent for the purposes of Article 15(3) of the Recognition Directive (provision of services) showing—
 - (i) that he is lawfully practising dentistry in a member State other than the United Kingdom, and
 - (ii) that he holds a diploma in dentistry which member States are required by that Directive to recognise.

(3) For the purposes of paragraph (2) above—

- (a) in an urgent case the declaration to be provided under sub-paragraph (a) may be provided after the services have been rendered, but, if so, it shall be provided as soon as possible thereafter and in any event not more than 15 days after the date on which the practitioner has rendered the services, and
- (b) every certificate to be provided under sub-paragraph (b) shall bear a date not less recent than 12 months prior to the date on which the certificate was provided.

(4) Where a person to whom this Article applies complies with the requirements of paragraph (2) above the registrar shall, subject to paragraph (6) below forthwith enter his name together with particulars of any diplomas held by him in a list, to be known as the list of visiting EEC practitioners to be kept by the registrar under this Article and, subject to that paragraph the entry shall have effect for the period specified in the list against that entry, being the period which appears to the registrar to be appropriate having regard to the particulars given in the declaration referred to in paragraph (2)(a) above.

(5) The following Acts shall have effect subject to the amendments specified in this paragraph, that is to say—

- (a) in sections 34(1) and 35(1) of the Dentists Act 1957 (prohibition on practice of dentistry and use of practitioners' titles by persons who are not registered dentists) after the words "not a registered dentist" there shall be inserted the words "a visiting EEC practitioner entered in the list of such practitioners" and at the end of section 50(1) (definitions) there shall be added the following—

"visiting EEC practitioner entered in the list of such practitioners' means a person entered in the list of visiting EEC practitioners under Article 6 of the Dental Qualifications (EEC Recognition) Order 1980.";

- (b) in section 132(1) of the Medicines Act 1968(a) (definitions for purposes of that Act) in the definition of "dentist", after the words "Dentists Act 1957", there shall be inserted the words "or entered in the list of visiting EEC practitioners under Article 6 of the Dental Qualifications (EEC Recognition) Order 1980";

- (c) in section 37(1) of the Misuse of Drugs Act 1971^(a) (definitions for purposes of that Act), in the definition “dentist”, after the words “Dentists Act 1957” there shall be inserted the words “or entered in the list of visiting EEC practitioners under Article 6 of the Dental Qualifications (EEC Recognition) Order 1980”;
- (d) in section 11(2) of the Poisons Act 1972^(b) (definitions for purposes of that Act), in the definition of “dentist”, after the words “Dentists Act 1957” there shall be inserted the words “or entered in the list of visiting EEC practitioners under Article 6 of the Dental Qualifications (EEC Recognition) Order 1980”.
- (6) A person to whom this Article applies shall not be entitled to have his name included in the list of visiting EEC practitioners if—
- (a) he is subject to a disqualifying decision (within Article 4 above) taken in relation to him in a member State; or
- (b) he is subject to a prohibition imposed on him by the Disciplinary Committee under Article 7 below;

and any entry in the list relating to a practitioner shall not have effect or shall cease to have effect if he is or becomes subject to such a decision or prohibition or if he becomes established in dental practice in the United Kingdom or renders, save in cases of urgency, dental services in the United Kingdom which fall outside those specified in the declaration made by him under paragraph (2)(a) above.

Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom

7.—(1) If a person who is or has been entered in the list of visiting EEC practitioners—

- (a) has been convicted of a criminal offence, whether in a member State or elsewhere; or
- (b) has been guilty of any infamous or disgraceful conduct in a professional respect,

the Disciplinary Committee may, if they think fit but subject to paragraph (2) below, impose on him a prohibition in respect of the rendering of dental services in the United Kingdom in the future.

(2) No prohibition shall be imposed under this Article on the grounds of conviction of a criminal offence which does not, either from the trivial nature of the offence or from the circumstances under which it is committed, disqualify a person for practising dentistry.

(3) A prohibition imposed under this Article shall be for an indefinite period.

(4) A person may apply to the General Dental Council for termination of a prohibition imposed on him under this Article and the Council may, on any such application, terminate the prohibition; but no application shall be made under this paragraph—

- (a) earlier than 10 months from the date on which the prohibition was imposed; or

^(a) 1971 c. 38.

^(b) 1972 c. 66.

(b) in the period of 10 months following a decision made on an earlier application.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order which is made under the European Communities Act 1972, and comes into operation on 1st June 1980 affects nationals of member States. It amends the Dentists Act 1957 taking into account provisions of the European Communities Council Directives (EEC) relating to the right of establishment of dentists and their freedom to provide dental services.

Article 2 identifies the Directives and contains other definitions.

Article 3 inserts new sections 2A and 2B and a new Schedule 1A into the Dentists Act 1957, it also amends sections 16(1) and 50 of that Act. The new section 2A and the amendments to sections 16(1) and 50 give dentists with defined qualifications the right to be registered under the new section 2A and to have their qualifications registered. The new Schedule 1A lists the European Dental Qualifications giving right to registration. The new section 2B provides that the registration of any national of a member State under section 2 or 2A of the 1957 Act shall lapse if after a given period that person fails to satisfy the registrar that his knowledge of English is sufficient for the practice of dentistry in the United Kingdom.

Article 4 relates to the effect of disqualification in another member State on registration in the United Kingdom.

Article 5 declares the General Dental Council to be the competent authority for certifying matters relating to United Kingdom specialist qualifications.

Article 6 relates to the rendering of dental services in the United Kingdom temporarily by a person who is established in dental practice in another member State. Subject to the provision of a prior declaration as to the services to be rendered and proof of qualification and establishment in the other member State such a person may practise dentistry in the United Kingdom without being registered and is given certain other privileges relevant to the temporary provision of dental services in the United Kingdom.

Article 7 contains disciplinary provisions relating to persons rendering dental services while visiting the United Kingdom.