
STATUTORY INSTRUMENTS

2005 No. 2011

The Dentists Act 1984 (Amendment) Order 2005

PART 4

Professions Complementary to Dentistry

Insertion of sections 36X to 36Z2

33. After section 36W insert—

“Recording of suspension or conditional registration etc.

36X.—(1) Where a direction or order under this Part for suspension, conditional registration or variation of or addition to the conditions of registration takes effect in relation to a person, the registrar shall make a note in the dental care professionals register of that fact, of the title in relation to which the direction or order is made, and of the period for which that person’s registration is to be suspended or made conditional.

(2) The registrar shall erase any note made in accordance with subsection (1) from the dental care professionals register at such time as the direction or order ceases (for any reason) to have effect.

(3) In this section—

- (a) a reference to a direction or order for suspension includes a reference to a direction or order extending a period of suspension and a direction for indefinite suspension; and
- (b) a reference to a direction or order for conditional registration includes a reference to a direction or order extending a period of conditional registration.

(4) Where a direction under section 36I(3) or 36P(7)(a) (direction for erasure from the dental care professionals register) in respect of a person takes effect, the registrar shall remove that person’s name from registration in that register under the title in relation to which the direction is given.

(5) Where a decision under section 36I(6)(a) or 36R that a person’s name is to be restored to the dental care professionals register under a title takes effect, the registrar shall restore that person’s name to that register under the title in relation to which the decision is made.

The Council’s power to require disclosure of information

36Y.—(1) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part, the Council may require a person (“the relevant party”) whose fitness to practise as a member of a profession complementary to dentistry is in question, to provide details of any person—

- (a) by whom the relevant party is employed to provide services in, or in relation to, any area of dentistry; or

(b) with whom he has an arrangement to provide such services.

(2) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part in respect of a person's fitness to practise as a member of a profession complementary to dentistry, the Council may require any person (except the person in respect of whom the information or document is sought) to supply any information or produce any document in his custody or under his control which appears to the Council relevant to the discharge of those functions.

(3) Nothing in this section shall require or permit any disclosure of information which is prohibited by any relevant enactment.

(4) For the purposes of subsection (3), "relevant enactment" means any enactment other than—

- (a) this Act; or
- (b) the non-disclosure provisions within the meaning of Part 4 of the Data Protection Act 1998 (see section 27 of that Act).

(5) A person shall not be required to supply any information or produce any document under subsection (2) which he could not be compelled to supply or produce in civil proceedings before the relevant court.

(6) In subsection (5) "the relevant court" means—

- (a) if the person's address in the dental care professionals register is in Scotland or, if he is not registered in that register, he is resident there, the Court of Session;
- (b) if the person's address in that register is in Northern Ireland or, if he is not registered in that register, he is resident there, the High Court in Northern Ireland;
- (c) in any other case, the High Court in England and Wales.

(7) If a person fails to supply any information or produce any document within 14 days of being required to do so under subsection (1) or (2), the Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.

(8) In subsection (7) "the relevant court" means the county court or, in Scotland, the sheriff.

(9) In subsection (8) "the sheriff" means the sheriff in whose sheriffdom is situated the address of the person who fails to supply the information or produce the document; and in this subsection, "address" means, where the person is registered, his address in the dental care professionals register, or, where he is not registered in that register, the address where he resides.

(10) For the purposes of subsection (4), "enactment" includes—

- (a) a provision of, or an instrument made under, an Act of the Scottish Parliament;
- (b) a provision of, or an instrument made under, Northern Ireland legislation; and
- (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).

Notification and disclosure by the Council

36Z.—(1) As soon as reasonably practicable after an allegation as to a person's fitness to practise as a member of a profession complementary to dentistry has been referred to the Investigating Committee under section 36N(5)(a), the Council shall inform the following persons of that fact—

- (a) the Secretary of State, the Department of Health, Social Services and Public Safety in Northern Ireland, the Scottish Ministers and the National Assembly for Wales; and
 - (b) any person in the United Kingdom to whom subsection (2) applies.
- (2) This subsection applies to a person if the Council are aware that he—
- (a) employs the person concerned to provide services in, or in relation to, any area of dentistry; or
 - (b) has an arrangement with the person concerned for that person to provide such services.
- (3) The Council or the registrar may disclose to any person any information relating to a person's fitness to practise as a member of a profession complementary to dentistry, including information relating to an allegation under section 36N, where they consider it to be in the public interest for the information to be disclosed.

Professional training and development requirements

Professional training and development requirements

36Z1.—(1) In relation to each profession, or class of members of a profession, specified in regulations under section 36A(2), rules shall require registered dental care professionals to undertake such professional training and development as may be specified in the rules.

(2) Where a person is registered in the dental care professionals register under a title applying to a particular profession, or class of members of a profession, and it appears to the registrar that the person has failed to comply with the requirements of rules under subsection (1) relating to that profession or class, the registrar may erase that person's name from registration in that register under that title.

(3) Where, under subsection (2), a person's name has been erased from registration under a particular title, that name shall be restored to the dental care professionals register under that title on that person's application if he satisfies the registrar—

- (a) of Matter D within the meaning of section 36C; and
- (b) that he meets the requirements of—
 - (i) section 36L, and
 - (ii) any rules made under section 36Z2 which apply to his case.

(4) Rules shall specify the procedures to be followed before the registrar—

- (a) may, under subsection (2), erase a person's name from registration in the dental care professionals register under a title; or
- (b) may, under subsection (3), make a decision whether or not to restore a person's name to that register under a title.

(5) Where, in the course of proceedings under this Part, it appears to the Investigating Committee, a Practice Committee or the Interim Orders Committee that a person to whose registration the proceedings relate may be failing to meet the requirements of rules made under subsection (1), that Committee may refer the question of whether he is failing to meet them to the registrar.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Restoration of names to the dental care professionals register: professional training and development

36Z2.—(1) Rules shall specify the requirements as to professional training and development to be met by a person who seeks the restoration of his name to the dental care professionals register under a particular title following its erasure from registration under that title under any provision of this Part.

(2) Rules under this section must not require a person to do anything which amounts to the practice of dentistry.”.