



# Dentists Act 1984

## 1984 CHAPTER 24

An Act to consolidate the Dentists Acts 1957 to 1983, with an amendment to give effect to a recommendation of the Law Commission and the Scottish Law Commission. [26th June 1984]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act: power to modify conferred (15.3.2000) by [1999 c. 8, s. 60\(1\)\(2\)\(a\)\(4\)](#), [Sch. 3](#); [S.I. 2000/779](#), [art. 2\(1\)](#)
- C2 A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.
- C3 Act: transitional provisions for effects of [SI 2005/2011 \(31.7.2006\)](#) by [The Dentists Act 1984 \(Amendment\) Order 2005 Transitional Provisions Order of Council 2006 \(S.I. 2006/1671\)](#), [arts. 1-11](#)

### Commencement Information

- II Act partly in force 26.7.1984 and wholly in force 1.1.1985; see s. 55

## PART I

### THE GENERAL DENTAL COUNCIL

#### 1 Constitution and general duties of the Council.

- (1) There shall continue to be a body corporate known as the General Dental Council (in this Act referred to as “the Council”).

[<sup>F1</sup>(1ZA) The over-arching objective of the Council in exercising their functions under this Act is the protection of the public.

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(1ZB) The pursuit by the Council of their over-arching objective involves the pursuit of the following objectives—

- (a) to protect, promote and maintain the health, safety and well-being of the public;
- (b) to promote and maintain public confidence in the professions regulated under this Act; and
- (c) to promote and maintain proper professional standards and conduct for members of those professions.]

[<sup>F2</sup>(1A) When exercising their functions under this Act, the Council shall have proper regard for—

- (a) the interests of persons using or needing the services of registered dentists or registered dental care professionals in the United Kingdom; and
- (b) any differing interests of different categories of registered dentists or registered dental care professionals.]

[<sup>F3</sup>(2) The Council shall, when exercising their functions under this Act, have a general concern—

- (a) to promote high standards of education at all its stages in all aspects of dentistry; <sup>F4</sup>...

<sup>F4</sup>(b) .....

(2A) The Council shall be constituted as provided by order of the Privy Council.

<sup>F5</sup>(2B) .....

(3) Part I of Schedule 1 to this Act shall have effect in relation to the Council [<sup>F6</sup>and, in particular, subsection (2A) above is subject to the provisions of that Part].

**Textual Amendments**

- F1** S. 1(1ZA)(1ZB) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), **Sch. para. 1(2)(a)**; S.I. 2016/906, reg. 2(b)
- F2** S. 1(1A) inserted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(2)(b), **Sch. 1 para. 1(a)** (with arts. 9, 10)
- F3** S. 1(2)-(2B) substituted for s. 1(2)-(2C) (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. 3** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)
- F4** S. 1(2)(b) and preceding word omitted (26.9.2016) by virtue of [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), **Sch. para. 1(2)(b)**; S.I. 2016/906, reg. 2(b)
- F5** S. 1(2B) omitted (1.10.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(9), **Sch. 1 para. 1(b)** (with arts. 9, 10); S.I. 2009/1357, **art. 2(2)(a)(ii)**
- F6** Words in s. 1(3) added (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3926, **art. 1, 3(b)**

**2 Committees of the Council.**

[<sup>F7</sup>(1) There shall continue to be committees of the Council known as—

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- (a) the Professional Conduct Committee; and
  - (b) the Health Committee.
- (2) There shall also be established committees of the Council to be known as—
- (a) the Investigating Committee;
  - (b) the Professional Performance Committee;
  - (c) the Interim Orders Committee; and
  - (d) the Registration Appeals Committee.
- (3) In this Act, “Practice Committee” means the Professional Conduct Committee, the Health Committee or the Professional Performance Committee.]
- (5) . . . . .
- [<sup>F8</sup>(6) The committees of the Council mentioned in this section shall be constituted as provided by [<sup>F9</sup>rules].
- [ Rules made under subsection (6) may provide for the functions of a committee of the
- <sup>F10</sup>(6A) Council mentioned in this section to be exercised by one or more panels comprised of members of the committee and may make provision with regard to the constitution of the panels.]
- <sup>F11</sup>(7) . . . . .
- <sup>F11</sup>(8) . . . . .]

**Textual Amendments**

- F7** S. 2(1)-(3) substituted for s. 2(1)-(4A) (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. 4\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F8** S. 2(6)-(8) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), [art. 6\(d\)](#)
- F9** Word in s. 2(6) substituted (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. 2\(a\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), [art. 2\(2\)\(a\)\(i\)](#)
- F10** S. 2(6A) 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. 2\(b\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), [art. 2\(2\)\(a\)\(i\)](#)
- F11** S. 2(7)(8) 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. 2\(c\)](#) (with arts. 9, 10); [S.I. 2009/1357](#), [art. 2\(2\)\(a\)\(i\)](#)

**[<sup>F12</sup>2A. The Council’s duty to co-operate**

- (1) In the exercise of their functions, the Council shall co-operate in so far as reasonably practicable with public authorities, and other bodies and persons, falling within subsection (2).

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- (2) Public authorities, bodies and persons fall within this subsection if—
- (a) they are concerned with the employment (whether or not under a contract of service) of registered dentists or registered dental care professionals;
  - (b) they provide, assess or fund education or training for those who are, or seek to become, registered dentists or registered dental care professionals, or they propose to do so;
  - (c) they regulate services in the provision of which registered dentists or registered dental care professionals are engaged;
  - (d) they carry out activities in connection with [<sup>F13</sup>the provision, supervision or management of national health services]; <sup>F14</sup>...
  - <sup>F15</sup>(e) .....
- (3) In carrying out their duty to co-operate under subsection (1), the Council shall have regard to any differing considerations in relation to the practice of dentistry which apply in England, Scotland, Wales and Northern Ireland.

#### Textual Amendments

- F12** Ss. 2A-2D 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. 5](#) (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F13** Words in s. 2A(2)(d) substituted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), [art. 1\(2\)\(b\)](#), [Sch. 1 para. 3\(a\)](#) (with arts. 9, 10)
- F14** Word in s. 2A(2)(e)(i) omitted (14.5.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), [art. 1\(2\)\(b\)](#), [Sch. 1 para. 3\(b\)](#) (with arts. 9, 10)
- F15** S. 2A(2)(e)(ii) omitted (14.5.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), [art. 1\(2\)\(b\)](#), [Sch. 1 para. 3\(b\)](#) (with arts. 9, 10)

#### [<sup>F16</sup>2B. Annual reports, statistical reports and strategic plans

- (1) The Council shall publish, by such date in each year as the Privy Council shall specify—
- (a) a report on the exercise of their functions which includes a description of the arrangements that the Council have put in place to ensure that they adhere to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006);
  - (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the Council have put in place to protect members of the public from persons who are registered dentists or registered dental care professionals and whose fitness to practise is impaired, together with the Council’s observations on the report; and
  - (c) a strategic plan for the Council in respect of such number of years as the Council shall determine.

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- (2) The Council shall submit copies of the reports and the plan published under subsection (1) to the Privy Council and the Privy Council shall lay copies of the reports and the plan before each House of Parliament and before the Scottish Parliament.]

#### Textual Amendments

- F12** Ss. 2A-2D 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. 5](#) (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F16** [S. 2B](#) substituted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), [art. 1\(2\)\(b\)](#), [Sch. 1 para. 4](#) (with [arts. 9, 10](#))

## 2C. Accounts

- (1) The Council shall—
- keep accounts, and
  - prepare a statement of accounts in respect of each calendar year, in such form as the Privy Council may determine in writing.
- (2) The Council shall appoint an auditor to audit each statement of accounts prepared in accordance with subsection (1)(b), and the auditor must prepare a report on each statement of accounts.
- (3) The auditor appointed must be eligible for appointment as a <sup>F17</sup>statutory auditor under Part 42 of the Companies Act 2006].
- (4) The Council shall, as soon as reasonably practicable after the end of each calendar year—
- publish the statement of accounts for that year, together with the auditor's report on it; and
  - send a copy of the statement of accounts and the report to the <sup>F18</sup>Privy Council, the Comptroller and Auditor General and the Auditor General for Scotland].
- (5) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts received under subsection (4) and for these purposes may inspect accounts kept by the Council in accordance with subsection (1)(a).
- (6) The Comptroller and Auditor General shall send a copy of each report prepared by him under subsection (5) to the Council and the Privy Council.
- (7) The Privy Council shall, as soon as reasonably practicable after the end of each calendar year, lay before each House of Parliament and the Scottish Parliament a copy of—
- the statement of accounts for that year as certified by the Comptroller and Auditor General;
  - the auditor's report for that year; and
  - the report of the Comptroller and Auditor General for that year.

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#### Textual Amendments

- F12** Ss. 2A-2D 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. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F17** Words in s. 2C(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 3\(a\)](#) (with arts. 6, 11, 12)
- F18** Words in s. 2C(4)(b) substituted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(2)(b), [Sch. 1 para. 5](#) (with arts. 9, 10)

## 2D. Complaints

- (1) The Council may incur expenditure for the purposes of investigating and resolving dental complaints.
- (2) In this section “dental complaints” means complaints made by users of the services of registered dentists or the services of registered dental care professionals about—
  - (a) the dental services provided by a registered dentist, a registered dental care professional or a body corporate carrying on the business of dentistry; or
  - (b) the goods or materials provided to persons, or the facilities provided for persons, using those dental services.
- (3) The Council may also incur expenditure for the purposes of assisting the parties to the dental complaint in reaching a satisfactory resolution of that complaint.]

#### Textual Amendments

- F12** Ss. 2A-2D 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. 5](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## [<sup>F19</sup>2E. Registration of members’ private interests

- (1) The Council must establish and maintain a system for the declaration and registration of private interests of their members.
- (2) The Council must publish entries recorded in the register of members’ private interests.]

#### Textual Amendments

- F19** [S. 2E](#) inserted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(2)(b), [Sch. 1 para. 6](#) (with arts. 9, 10)

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## PART II

### DENTAL EDUCATION

#### *Degrees and licences in dentistry*

### 3 Power of medical authorities to hold examinations and grant licences in dentistry.

- (1) Any medical authority who have power for the time being to grant surgical degrees may, notwithstanding anything in any enactment, charter or other document, hold examinations in dentistry and grant licences certifying the fitness of the holders to practise dentistry; and the holders' names shall be entered on a list of licentiates in dentistry to be kept by the medical authority.
- (2) Subsection (1) above is without prejudice to any power to grant a degree or licence in dentistry which a medical authority may possess apart from the provisions of this Act.
- (3) In this section “medical authority” means any of the universities or other bodies who choose appointed members of the General Medical Council, <sup>F20</sup>...
- (4) References in this Act to a dental authority are references to a medical authority who grant degrees, licences or other diplomas in dentistry.

#### Textual Amendments

**F20** Words repealed by S.I. 1987/2047, art. 2(a), Sch.

#### Modifications etc. (not altering text)

- C4** S. 3(3) modified (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), arts. 1(2)(a), **5**
- C5** S. 3(3) applied (with modifications) (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), arts. 1(2)(a), **7(4)** (with arts. 9, 10)

### 4 Conduct of examinations for degrees and licences.

- (1) For the purpose of any examinations to qualify for a degree or licence in dentistry held by—
  - (a) any university in England or Wales, Scotland or [<sup>F21</sup>Northern Ireland],
  - (b) the Royal College of Surgeons of Edinburgh,
  - (c) the Royal College of Physicians and Surgeons of Glasgow, . . . <sup>F22</sup>
  - (d) . . . . . <sup>F22</sup>the Council or other governing body of the university or college may appoint a board of examiners.
- (2) Each of these boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, of whom at least one half shall be registered dentists; and nothing in any enactment, charter or other document shall make it necessary for them to possess any other qualification.



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- (3) Persons appointed under this section shall continue in office for such period, and shall conduct the examinations in such manner, as the governing body appointing them may by byelaws or regulations direct.
- (4) A casual vacancy in any such board of examiners may be filled by the governing body which appointed the board and the person so appointed—
  - (a) shall be a registered dentist if the person in whose place he is appointed was a registered dentist, and
  - (b) shall hold office for such time only as that other person would have held office.
- (5) Such reasonable fees shall be paid for a degree or licence awarded after examination by a board of examiners under this section as the governing body by whom they were appointed may by byelaws or regulations direct and the degrees or licences awarded after examination by the board of examiners shall be in such form as that governing body may so direct.
- (6) All byelaws and regulations made by a dental authority under this section, and any further byelaws or regulations altering or revoking them, shall be made in such manner, and subject to such approval or confirmation, if any, as in the case of other byelaws or regulations made by that dental authority.

#### **Textual Amendments**

- F21** Word substituted by [S.I. 1987/2047, art. 2\(b\)](#)  
**F22** Words repealed by [S.I. 1987/2047, art. 2\(a\), Sch.](#)

## **5 Holding of examinations and grant of licences by Royal College of Surgeons of England.**

The Royal College of Surgeons of England shall continue to hold examinations, and to appoint a board of examiners in dentistry, and to grant licences certifying the fitness of the holders to practise, subject to and in accordance with the provisions of their charter dated 8th September 1859 and the bye-laws made in pursuance of that charter; and the name of the holder of any licence so granted shall be entered on a list of licentiates in dentistry to kept by the College.

## **6 Requirements in relation to admission of candidates to examinations and grant of degrees and licences.**

- (1) A dental authority shall admit to the examinations held by them to qualify for a degree or licence in dentistry any person desirous of being examined who has complied with the regulations in force (if any) as to education laid down by the dental authority.
- (2) Notwithstanding anything in any enactment, charter or other document, a dental authority shall not grant a degree or licence in dentistry to a person who has not attained the age of 21 years.

## **7 Effect of grant of degree or licence in dentistry.**

A degree or licence in dentistry granted by a dental authority shall not confer any right or title to be registered under the <sup>M1</sup>Medical Act 1983, nor to assume any name, title



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or designation implying that the holder of the degree or licence is by law recognised as a practitioner or licentiate in medicine or general surgery.

**Marginal Citations**

M1 1983 c. 54.

*Supervision of dental education*

**8 Information to be furnished by dental authorities.**

Every dental authority shall from time to time when required by the Council furnish them with such information as the Council may require—

- (a) as to the course of study and examinations to be gone through in order to obtain a degree or licence in dentistry, or any additional diploma in dentistry, and
- (b) generally as to the conditions laid down for obtaining such a degree, licence or diploma.

**9 Supervision of instruction given by dental schools and post-graduate institutions.**

(1) The Council may appoint persons to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in those directions, places where instruction is given—

- (a) to dental students under the direction of a dental authority, or
- (b) to post-graduate students in dentistry under the direction of a dental authority or any other body.

(2) Visitors appointed under this section shall report to the Council as to the sufficiency of the instruction given in the places which they visit and as to any other matters relating to the instruction which may be specified by the Council either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.

(3) On receiving a report of a visitor under this section, the Council shall send a copy of the report to the dental authority or other body under whose direction the instruction in question was given, and on receiving the copy that dental authority or body may, within such period (not being less than one month) as the Council may have specified at the time they sent the copy of the report, make to the Council observations on the report or objections to it.

(4) The Council shall, as soon as possible after the end of the period specified under subsection (3) above, send to the Privy Council a copy of the report and of any observations or objections duly made under that subsection, together with the Council's comments on the report and on any such observations and objections.

(5) The Council shall have power to remunerate persons who are not members of the Council for acting as visitors under this section.

**10 Supervision of examinations.**

(1) Any member of the Council or other person, being a member or person appointed for the purpose by the Council, may be present at any such examinations as are mentioned in section 8(a) above.

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- (2) The Council shall have power to remunerate persons so appointed who are not members of the Council for being present at the examinations.

## **11 Remedy where qualifying courses of study or examinations are inadequate.**

- (1) Where it appears to the Council that the course of study or the examinations to qualify for a degree or licence in dentistry granted by a dental authority is or are not such as to secure the possession by the graduates or licentiates of the requisite knowledge and skill for the efficient practice of dentistry, the Council may make a representation to that effect to the Privy Council; and on any such representation the Privy Council may, if they think fit, order that any degree or licence in dentistry granted by the dental authority after a time specified in the order shall not confer any right to be registered under this Act.
- (2) The powers conferred by subsection (1) above upon the Council to make representations and upon the Privy Council to make orders may be exercised in respect of a specifically described degree or licence in dentistry granted by a dental authority.
- (3) If an order is made under this section in respect of any degree or licence in dentistry granted by a dental authority, no person shall be entitled to be registered under this Act in respect of any such degree or licence granted after the time mentioned in the order.
- (4) The Privy Council may, if it appears to them on a further representation from the Council or otherwise that the dental authority in question has made effectual provision to the satisfaction of the Council for the improvement of the course of study or examinations, revoke an order made under this section, but the revocation shall not entitle a person to be registered in respect of a degree or licence in dentistry granted before the revocation.
- (5) Any order of the Privy Council under this section may be made conditionally or unconditionally, and may contain such terms and directions as appear to the Privy Council to be just.

## **12 Candidates not to be required to adopt or reject particular theories of dentistry.**

- (1) If it appears to the Council that a dental authority have attempted to impose on any candidate offering himself for examination an obligation to adopt, or to refrain from adopting, the practice of any particular theory of dentistry as a test or condition of admitting him to examination or of granting a degree or licence in dentistry, the Council may make a representation to that effect to the Privy Council.
- (2) On any such representation the Privy Council may direct the authority to desist from attempting to impose any such obligation, and if the authority do not comply with the direction the Privy Council may order that the authority shall cease to have power to grant degrees or licences in dentistry so long as they continue to attempt to impose any such obligation.
- (3) Any order of the Privy Council under this section may be made conditionally or unconditionally, and may contain such terms and directions as appear to the Privy Council to be just.

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[<sup>F23</sup>12A. Degrees and licences in dentistry

(1) A dental authority may grant a UK diploma in dentistry to a person only if the authority is satisfied that the person has successfully completed basic dental training.

(2) In this section—

“basic dental training” means dental training that meets, or under article 22(a) of the Directive (part-time training) [<sup>F24</sup>would] be treated as meeting, the requirements of article 34 of the Directive (basic dental training);

“UK diploma in dentistry” means—

- (a) a degree in dentistry that gives its holder the qualification of Bachelor of Dental Surgery (whether abbreviated as BDS or B.Ch.D.), or
- (b) a licence in dentistry that gives its holder the qualification of Licentiate in Dental Surgery.]

**Textual Amendments**

**F23** S. 12A inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **110**

**F24** Word in s. 12A(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. 3** (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)

*Functions of Education Committee*

[<sup>F25</sup>13 .....

**Textual Amendments**

**F25** S. 13 omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [S.I. 2001/3926](#), **art. 5(2)(b)**

**PART III**

THE DENTAL PROFESSION

*Registration*

[<sup>F26</sup>14 **The dentists register and the registrar**

(1) There shall continue to be a register known as the dentists register (referred to in this Act as “the register”).

[<sup>F27</sup>(1A) The register shall consist of [<sup>F28</sup>two] lists, namely—

- (a) the principal list, which shall contain particulars of persons who under section 15 are entitled to be registered in the register; [<sup>F29</sup>and]

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- (b) the list of temporary registrants, which shall contain particulars of persons who under section 17 are directed to be registered in the register; <sup>F30</sup> ...
- <sup>F30</sup>(c) .....]
- (2) The register shall be kept by a registrar appointed by the Council.
- (3) Any person appointed to the office of registrar shall hold the office for such period and shall receive such salary as may be fixed by the Council.
- (4) The registrar shall perform such duties in connection with the register as the Council may direct, and in the execution of his duties he shall act on such evidence as in each case appears to him sufficient.
- (5) The registrar may delegate, either generally or specifically, any of his functions to any of the Council's officers.
- (6) A certificate purporting to be signed by the registrar, certifying that a person—
- (a) is registered in the register,
  - (b) is not registered in the register,
  - (c) was registered in the register at a specified date or during a specified period,
  - (d) was not registered in the register at a specified date or during a specified period, or
  - (e) has never been registered in the register,
- shall be evidence (and in Scotland sufficient evidence) of the matters certified.]

#### Textual Amendments

- F26** S. 14 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. 6** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F27** S. 14(1A) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **111**
- F28** Word in s. 14(1A) 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. 4(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** Word in s. 14(1A)(a) 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. 4(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)
- F30** S. 14(1A)(c) and word 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. 4(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)

## 15 Qualification for registration in the dentists register.

- (1) Subject to the provisions of this Act the following persons shall be entitled to be registered in the dentists register in accordance with this Act, namely—
- (a) any person who is a graduate or licentiate in dentistry of a dental authority; <sup>F31</sup> ...

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- <sup>F32</sup>(b) .....
- <sup>F33</sup>(ba) .....
- <sup>F34</sup>(c) any person who—
  - (i) holds an overseas diploma in dentistry, and
  - (ii) has satisfied the Council that the person has the requisite knowledge and skill (see sections 16A (requisite knowledge and skill: holders of overseas diplomas) and 16B (requisite knowledge and skill: recognition of [<sup>F35</sup>overseas diplomas]); and]]
- <sup>F36</sup>(d) any person who—
  - (i) holds a specified state qualification in dentistry that is not a relevant European diploma, and
  - (ii) has met the requirement specified in relation to that person under section 15ZA.]

<sup>F37</sup>(1A) Subsection (1)(c)(ii) does not apply to a person whose application under this section is made in reliance on a relevant European diploma.]

<sup>F38</sup>(1B) Subsection (1)(c)(ii) does not apply to a person who is entitled to be registered under subsection (1)(d).]

- <sup>F39</sup>(2) [<sup>F40</sup>In this Act “overseas diploma” means—
- (a) a relevant European diploma, or
  - (b) any other diploma granted in a country overseas.]

- (2ZA) In this Act “relevant European diploma” means—
- (a) an appropriate European diploma, within the meaning given by Schedule 2, that has not been designated by the Council for the purposes of this paragraph, or
  - (b) a dental qualification that is not an appropriate European diploma but—
    - (i) was granted in a relevant European State, and
    - (ii) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a UK diploma in dentistry <sup>F41</sup>....

- (2ZB) The Council—
- (a) may designate a diploma for the purposes of subsection (2ZA)(a) only with the approval of the Privy Council;
  - (b) must maintain and publish a list of the diplomas that are so designated.]

<sup>F42</sup>(2A) .....

<sup>F43</sup>(2B) The Council may determine that a specified state qualification in dentistry does not meet the standard in subsection (2ZA)(b)(ii) only where one or more of Conditions 1 to 3 are met.

(2C) Condition 1 is met where there exists a substantial difference between the level of knowledge and skill demonstrated by the specified state qualification and the level of knowledge and skill demonstrated by a UK diploma in dentistry.

(2D) Condition 2 is met where the professional activities to which a UK diploma in dentistry relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

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(2E) Condition 3 is met where requiring an applicant to take an aptitude test or to complete an adaptation period, or to do both, would amount to requiring the applicant to acquire a UK diploma in dentistry.]

(3) A person shall not be entitled to be registered in the dentists register <sup>F44</sup>... unless he satisfies the registrar as to the following matters, namely—

- (a) his identity;
- (b) that he is of good character; and
- [<sup>F45</sup>(ba) that he has the necessary knowledge of English;]
- (c) that he is in good health, both physically and mentally.

- <sup>F46</sup>(4) .....
- <sup>F47</sup>(4ZA) .....
- <sup>F48</sup>(4A) .....
- <sup>F48</sup>(4B) .....
- <sup>F48</sup>(4BA) .....
- <sup>F48</sup>(4BB) .....
- <sup>F48</sup>(4BC) .....
- <sup>F48</sup>(4BD) .....
- <sup>F48</sup>(4C) .....
- <sup>F49</sup>(5) .....
- <sup>F50</sup>(6) .....
- <sup>F51</sup>(7) .....
- [<sup>F52</sup>(8) In this section—

“adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered dentist;

“aptitude test” means an assessment with the aim of determining whether a person has the requisite knowledge and skill;

“UK diploma in dentistry” has the meaning given by section 12A(2).]

**Textual Amendments**

- F31** Word in s. 15(1) omitted (1.12.2023) by virtue of [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 19(a)**
- F32** S. 15(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. 5(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)
- F33** S. 15(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.**

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- 5(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)
- F34** S. 15(1)(c) substituted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 2(a)**
- F35** Words in s. 15(1)(c) 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. 19(b)**
- F36** S. 15(1)(d) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 19(c)**
- F37** S. 15(1A) inserted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 2(b)**
- F38** S. 15(1B) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 19(d)**
- F39** S. 15(2)-(2ZB) substituted for s. 15(2) (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. 5(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)
- F40** S. 15(2) substituted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 2(c)**
- F41** Words in s. 15(2ZA)(b)(ii) omitted (1.12.2023) by virtue of The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 19(e)**
- F42** S. 15(2A) omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **112(c)**
- F43** S. 15(2B)-(2E) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 19(f)**
- F44** Words in s. 15(3) omitted (8.3.2023) by virtue of The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 2(d)**
- F45** S. 15(3)(ba) inserted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **12(2)**; S.I. 2015/1451, art. 5
- F46** S. 15(4) omitted (8.3.2023) by virtue of The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 2(e)**
- F47** S. 15(4ZA) omitted (8.3.2023) by virtue of The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 2(e)**
- F48** S. 15(4A)-(4C) 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. 5(e)** (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** S. 15(5) omitted (1.4.2016) by virtue of The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **12(4)**; S.I. 2015/1451, art. 5
- F50** S. 15(6) omitted (8.3.2023) by virtue of The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 2(e)**
- F51** S. 15(7) omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **112(h)**



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**F52** S. 15(8) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 19\(g\)](#)

**[<sup>F53</sup>15ZA Section 15: further provision relating to specified state professionals**

- (1) The Council must specify in relation to a person who applies to be registered in the dentists register under section 15(1)(d) what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.
- (2) Subsection (1) does not apply if the specified state qualification held by the person is determined not to meet the standard in section 15(2ZA)(b)(ii) because Condition 3 is met in relation to it (see section 15(2E)).
- (3) Where the Council specify under this section an aptitude test or adaptation period, or both, in relation to a person, the aptitude test or the adaptation period, or the aptitude test and adaptation period together, must be proportionate to the difference sought to be addressed.
- (4) The Council must give a person their reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.
- (5) If the Council specify aptitude tests in relation to persons under this section, the Council must ensure that such tests are scheduled with reasonable frequency and at least once a year.
- (6) In this section, “adaptation period” and “aptitude test” have the same meaning as in section 15.]

**Textual Amendments**

**F53** S. 15ZA inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 20](#)

**[<sup>F54</sup>15A. Supplementary provisions as to the necessary knowledge of English**

- (1) The Council must publish guidance about—
  - (a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under section 15(3)(ba) or (4)(d) that the applicant has the necessary knowledge of English; and
  - (b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in paragraph (a).
- (2) The registrar must have regard to the guidance published under subsection (1) in determining whether the registrar is satisfied as mentioned in subsection (1)(a).
- (3) Subsections (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant’s application, the registrar is not satisfied under section 15(3)(ba) or (4)(d) that the applicant has the necessary knowledge of English.

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(4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.

[ Where the applicant is applying in reliance on a specified state qualification, the registrar may not request more evidence, information or documents than is necessary to demonstrate to the registrar that the applicant has the necessary knowledge of English.]

<sup>F56</sup>(5) . . . . .

(6) The registrar may require the applicant—

- (a) to undergo an examination or other assessment; and
- (b) to provide information in respect of that examination or assessment, within such period as the registrar may specify.

[ Where the registrar requires an applicant who makes an application in reliance on a specified state qualification to undergo an examination or other assessment, the examination or assessment must be proportionate to the knowledge of English referred to in section 15(3)(ba).]

<sup>F58</sup>(7) . . . . .

(8) Guidance published under subsection (1) may make different provision in relation to different cases or classes of case.

(9) The Council must keep guidance published under subsection (1) under review and may vary or withdraw it whenever they consider it appropriate to do so.

(10) If the Council vary any guidance published under subsection (1) they must publish the guidance as varied.

(11) Before publishing any guidance under subsection (1), or varying or withdrawing it, the Council must consult the persons and bodies mentioned in section 26B(5)(a) to (c).

(12) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance published under subsection (1) to any person.

(13) In this section—

- (a) references to an applicant are references to a person applying for registration in the dentists register, and
- (b) references to guidance published under subsection (1) include references to guidance published by virtue of subsection (10).]

#### Textual Amendments

**F54** S. 15A inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **13**; S.I. 2015/1451, art. 5

**F55** S. 15A(4A) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 21(a)**

**F56** S. 15A(5) 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. 6** (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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- F57** S. 15A(6A) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 21(b)**
- F58** S. 15A(7) 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. 6** (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>F59</sup>16 Supplementary provisions as to registration of holders of overseas diplomas.**

.....

**Textual Amendments**

- F59** S. 16 omitted (8.3.2023) by virtue of The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 3(1)**

**[<sup>F60</sup>16A. Requisite knowledge and skill: holders of overseas diplomas**

- (1) Rules may make provision for the purpose of determining whether a person who holds an overseas diploma in dentistry has the requisite knowledge and skill mentioned in section 15(1)(c)(ii).
- (2) Rules made by virtue of subsection (1) may (in particular) make provision—
  - (a) requiring the person to undertake an assessment;
  - (b) imposing such other requirements on the person as the Council considers appropriate;
  - (c) enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining whether the person has the requisite knowledge and skill.

**Textual Amendments**

- F60** Ss. 16A, 16B inserted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 3(2)**

**16B. Requisite knowledge and skill: recognition of overseas diplomas**

- (1) The Council may recognise an overseas diploma of a particular kind as furnishing such guarantees as to the knowledge and skill of the person who holds the diploma that no further enquiry into the knowledge and skill of that person is necessary.
- (2) A person who holds an overseas diploma recognised by the Council for the time being in accordance with subsection (1) is to be taken to have satisfied the Council that the person has the requisite knowledge and skill mentioned in section 15(1)(c)(ii).
- (3) Rules may make provision about the recognition of overseas diplomas under subsection (1).

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- (4) Rules made by virtue of subsection (3) may (in particular) make provision enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining applications for the recognition of overseas diplomas.]

#### Textual Amendments

**F60** Ss. 16A, 16B inserted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 3(2)**

### 17 Temporary registration.

- (1) Where the Council, with a view to permitting any person holding [<sup>F61</sup>an] overseas diploma temporarily to practise dentistry in a particular post in a hospital or other institution, give a direction that he be registered as respects practice in that post in that hospital or institution for such period as may be specified in the direction, that person shall be entitled to be registered in the dentists register in accordance with this Act subject to the entry against his name of the restrictions specified in the direction.
- (2) No direction shall be given under this section unless the persons concerned has satisfied the registrar as to the following matters, namely—
- (a) his identity;
  - (b) that he is of good character;
  - (c) that he has the requisite knowledge and skill for the efficient practice of dentistry in the post in question;
  - [<sup>F62</sup>(d) that he has the necessary knowledge of English; and]
  - (e) that he is in good health, both physically and mentally.

<sup>F63</sup>(3) .....

<sup>F64</sup>(3A) .....

[<sup>F65</sup>(3B) Section 15A <sup>F66</sup>... applies in relation to a person applying for registration under this section as if references to section 15(3)(ba) or (4)(d) were references to subsection (2) (d) of this section.]

- (4) Registration under this section shall not make it lawful for a person to practise dentistry otherwise than subject to the restrictions specified in the relevant direction nor constitute him a registered dentist for the purposes of Schedule 1 to this Act.

<sup>F67</sup>(5) .....

#### Textual Amendments

**F61** Word in s. 17(1) substituted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 3(3)(a)**

**F62** S. 17(2)(d) substituted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **14(2)**; S.I. 2015/1451, art. 5

**F63** S. 17(3) omitted (1.4.2016) by virtue of The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **14(3)**; S.I. 2015/1451, art. 5

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- F64** S. 17(3A) 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. 8(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)
- F65** S. 17(3B) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015](#) (S.I. 2015/806), arts. 1(3), **14(4)**; S.I. 2015/1451, art. 5
- F66** Words in s. 17(3B) 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. 8(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)
- F67** S. 17(5) omitted (8.3.2023) by virtue of [The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives \(International Registrations\) Order 2023](#) (S.I. 2023/162), art. 1(2), **Sch. 1 para. 3(3)(b)**

*Procedure for registration*

**18 Procedure for registration.**

- (1) <sup>F68</sup>Subject to <sup>F69</sup>subsections (3) to (5) below, any right to registration under section 15 above<sup>F70</sup>in the register shall be conditional on the making of an application supported by such evidence as is required by subsection (2) below.
- <sup>F71</sup>(2) Any person applying to be registered <sup>F72</sup>in the register shall produce or send to the registrar—
  - (a) the document conferring or evidencing his licence or other qualification;
  - (b) a statement of his name and address and the other particulars (if any) required for <sup>F73</sup>registration.]
  - <sup>F74</sup>(ba) [ the documents conferring, or evidencing that there is in force in relation to him or there will be as necessary for the purpose of complying with section 26A, appropriate cover under an indemnity arrangement.]
  - <sup>F75</sup>(c) .....]
- <sup>F76</sup>(2A) .....
- <sup>F77</sup>(2B) .....
- (3) A dental authority may from time to time transmit to the registrar certified lists of the persons who are graduates or licentiates of that body in dentistry, stating the qualifications and places of residence of the persons included in the lists; and on receiving any such lists the registrar shall, subject to the provisions of this Act, duly register <sup>F78</sup>in the register those persons.
- <sup>F79</sup>(4) Where the person applying to be registered under section 15 is the holder of a specified state qualification in dentistry, the person is not required to produce or send to the registrar more evidence than is necessary to demonstrate that the conditions falling to be satisfied before the person may be registered are satisfied.
- (5) Where the person applying to be registered under section 15 is the holder of such a qualification, the registrar must accept certified copies of documents in place of original documents, unless the registrar requires original documents in order to preserve the integrity of the application process.

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- (6) For the purposes of subsection (5), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.]

#### Textual Amendments

- F68** Words in s. 18(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **115(a)**
- F69** Words in s. 18(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. 22(a)**
- F70** Words in s. 18(1) 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. 7(a)** (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F71** S. 18(2) substituted (1.7.1996) by [S.I. 1996/1496](#), **reg. 2(4)**
- F72** Words in s. 18(2) 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. 7(b)** (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F73** Word in s. 18(2)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **115(b)(i)**
- F74** S. 18(2)(ba) inserted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 3** (with [Sch. 3](#) paras. 2-5)
- F75** S. 18(2)(c) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **115(b)(ii)**
- F76** S. 18(2A) 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. 9** (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\(1\)](#)
- F77** S. 18(2B) 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. 9** (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** Words in s. 18(3) 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. 7(c)** (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F79** S. 18(4)-(6) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 22(b)**

## 19 Regulations with respect to the register.

- (1) [<sup>F80</sup>[<sup>F81</sup>The] Council] may make regulations with respect to the form and keeping of the register and the making of entries and erasures in it, and in particular—
- (a) prescribing a fee to be charged on the entry of a name in the register [<sup>F82</sup>or otherwise in connection with an application for registration] or on the restoration of any entry to the register;



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- (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person first registered after 28th July 1921 in any year subsequent to the year in which that person was first registered;
- (c) providing for the registration in and removal from the register in prescribed circumstances of additional diplomas held by a registered dentist and prescribing a fee to be charged in respect of the registration;
- (d) authorising the registrar (notwithstanding anything in this Act) to refuse to make [<sup>F83</sup>any entry in the register or take any other action in connection with an application for registration or restore any entry to the register] until a fee prescribed by regulations under this section has been paid.

[<sup>F84</sup>(1ZA) If regulations under this section prescribe a fee to be charged on the entry of a person's name in the register in a case where the person applies for registration as the holder of a specified state qualification in dentistry, the fee must be—

- (a) reasonable and proportionate to the cost of dealing with such a person's application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the Council's own website.]

<sup>F85</sup>(1A) .....

[<sup>F86</sup>(2) Regulations under this section may authorise the registrar to erase from the register the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under subsection (1)(b).

(2A) Where a person's name has been erased by virtue of regulations under this section, that name shall be restored to the register on that person's application if he satisfies the registrar that he meets the requirements of—

- (a) section 15(3)(a) to (c);
- (b) section 26A; and
- (c) any rules made under section 34B which apply to his case.

(2B) Where the registrar refuses to restore a person's name to the register under subsection (2A), the registrar shall forthwith serve on the person concerned notification of the decision and of the reasons for it.]

<sup>F87</sup>(3) .....

<sup>F87</sup>(4) .....

#### Textual Amendments

- F80** Words in s. 19(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **116(a)**
- F81** Word in s. 19(1) 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. 10(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)
- F82** Words in s. 19(1)(a) inserted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **15(a)**; S.I. 2015/1451, art. 2(a)
- F83** Words in s. 19(1)(d) substituted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **15(b)**; S.I. 2015/1451, art. 2(a)



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- F84** S. 19(1ZA) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 23**
- F85** S. 19(1A) 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. 10(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)
- F86** S. 19(2)-(2B) substituted for s. 19(2) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by The Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), **art. 8(a)** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)
- F87** S. 19(3)(4) 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. 8(b)** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)

**F88** **20 Selection of proper abbreviations of overseas diplomas.**

.....

**Textual Amendments**

- F88** S. 20 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. 9** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)

**F89** **21 Notification of reasons for refusal of application for registration etc.**

.....

**Textual Amendments**

- F89** S. 21 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. 9** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)

**[F90** **21A Notification of results of application**

- (1) This section applies where a person (“A”) makes an application to be registered in the register in exercise of entitlement under section 15.
- (2) The registrar, within the period of one month beginning with the date of receipt of the application, must—
  - (a) acknowledge receipt of the application; and
  - (b) inform A of any missing document required for the purposes of the application.

**[F91**(2ZA) Where A holds a specified state qualification in dentistry, the registrar must—

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- (a) give A adequate time to complete the requirements and procedures of the application process; and
- (b) deal promptly with A's application.]

<sup>F92</sup>(2A) .....

<sup>F93</sup>(2B) .....

- (3) The registrar must notify A of the result of the [<sup>F94</sup>application][<sup>F95</sup>—
  - (a) where A holds a specified state qualification, within the period of four months beginning with the relevant date;
  - (b) in any other case, within the period of three months beginning with that date.]

[<sup>F96</sup>(3A) In calculating any period of time for the purposes of subsection (3), the following are to be disregarded—

- (a) any period which begins on the date on which the registrar makes a request under section 15A(4) and ends on the date on which A complies with the request; or
- (b) any period which begins on the date on which the registrar requires A to undergo an examination or other assessment under section 15A(6)(a) and ends on the date on which A complies with the requirement under section 15A(6) (b).

- (4) The “relevant date”, in relation to an application, is—
  - (a) the date when the registrar receives the application; or
  - (b) if any document required for the purposes of the application is missing when the registrar receives the application, the date on which the registrar first has all the documents required for those purposes.]

[ A document which is requested or required under section 15A(4) or (6)(b) is not to be <sup>F97</sup>(5) treated as missing for the purposes of this section.]]

#### Textual Amendments

- F90** S. 21A substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **117**
- F91** S. 21A(2ZA) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 24(a)**
- F92** S. 21A(2A) 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. 11(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)
- F93** S. 21A(2B) 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. 11(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)
- F94** Words in s. 21A(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. 11(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)

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- F95** S. 21A(3)(a)(b) substituted for words (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. 24(b)**
- F96** S. 21A(3A) inserted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **16(3)**; S.I. 2015/1451, art. 5
- F97** S. 21A(5) inserted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **16(4)**; S.I. 2015/1451, art. 5

### *Publication of the register*

#### [<sup>F98</sup>22 **Publication of the register**

- (1) The registrar shall make available to members of the public in such form as he considers appropriate—
- (a) the names of persons appearing in the register;
  - (b) the qualifications of persons appearing in the register; and
  - (c) such other details as the Council may direct.
- (2) For the purposes of subsection (1), the registrar may provide a member of the public with a copy of, or extract from, the register, and any such copy or extract shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.]

#### **Textual Amendments**

- F98** S. 22 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. 10** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)

### *Erasures and alterations in the register*

#### **23 Erasure of names of deceased persons and of those who have ceased to practise.**

- (1) The registrar shall erase from the register the name of every deceased person; and on registering the death of a registered dentist a registrar of births and deaths shall, without charge to the recipient, send forthwith by post to the registrar of the dentists register a copy certified under his hand of the entry in the register of deaths relating to the death.
- (2) If a registered dentist has ceased to practise, the registrar may with his consent erase his name from the register.
- (3) The registrar may send by post to a registered dentist a notice inquiring whether he has ceased to practise or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, he may erase the dentist's name from the register.
- [<sup>F99</sup>(4) Where a person's name has been erased from the register under subsection (2) or (3) or at his request, then, unless the original entry of his name was incorrectly made or fraudulently procured, the name shall be restored to the register on his application if he satisfies the registrar that he meets the requirements of—

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- (a) section 15(3)(a) to (c);
- (b) section 26A; and
- (c) any rules made under section 34B which apply to his case.]

<sup>F100</sup>(5) .....

#### Textual Amendments

- F99** S. 23(4) 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. 11\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F100** S. 23(5) 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. 11\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### [<sup>F101</sup>24 Erasure on grounds of fraud or error

- (1) If the registrar is satisfied that any entry in the register has been incorrectly made, he shall erase that entry from the register.
- (2) If the registrar has reason to believe that any entry in the register has been fraudulently procured, he shall refer the matter to the Professional Conduct Committee to determine the question of whether that entry has been fraudulently procured.
- (3) If the Professional Conduct Committee determine that the entry has been fraudulently procured, they may direct that the entry shall be erased from the register.
- (4) Where a person's name has been erased from the register under subsection (3), that person may apply to the Council for his name to be restored to the register.
- (5) The Council shall refer an application under subsection (4) to the Professional Conduct Committee.
- (6) The Professional Conduct Committee shall determine an application referred under subsection (5) and may decide—
  - (a) that the person's name is to be restored to the register;
  - (b) that the person's name is not to be restored to the register; or
  - (c) that the person's name is not to be restored to the register until the end of such period as they shall specify.
- (7) If the Professional Conduct Committee give a direction under subsection (3) or a decision under subsection (6), the registrar shall forthwith serve on the person concerned notification of the direction or decision and (except in the case of a decision under subsection (6)(a)) of his right to appeal against it under section 29.]

#### Textual Amendments

- F101** S. 24 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. 12](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

<sup>F102</sup>**25 Alteration of names and addresses.**

.....

**Textual Amendments**

**F102** S. 25 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. 13](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*<sup>F103</sup>Registration appeals*

**Textual Amendments**

**F103** S. 25A and cross-heading 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. 14](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**25A. Registration appeals**

Schedule 2A to this Act (registration appeals: dentists register) shall have effect.]

*Use of titles and descriptions*

**26 Use of titles and descriptions.**

- (1) A registered dentist shall by virtue of being registered be entitled to take and use the description of dentist, dental surgeon or dental practitioner.
- (2) A registered dentist shall not take or use, or affix to or use in connection with his premises, any title or description reasonably calculated to suggest that he possesses any professional status or qualification other than a professional status or qualification which he in fact possesses and which is indicated by particulars entered in the register in respect of him.
- (3) If the Council are of opinion that any branch of dentistry has become so distinctive that it would be for the convenience of the public or of the dental profession that registered dentists qualified to practise, or practising, in that branch of dentistry should use a distinctive title, they may by regulations prescribe appropriate titles and conditions under which they may be used; and the use of a prescribed title under the prescribed conditions shall not constitute a contravention of subsection (2) above.
- (4) In the case of any prescribed title regulations under subsection (3) above may provide—

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- (a) for a list to be kept by the Council of the names of registered dentists who are qualified under such regulations to use that title; and
- (b) for any registered dentist who is so qualified to be entitled to have his name entered in the list;

and where regulations so provide as aforesaid nothing in that subsection shall permit that title to be used by any such dentist unless his name has been entered in the list.

[<sup>F104</sup>(4A) The Council may make regulations—

- (a) prescribing a fee to be charged on the entry of a name in a list for the time being kept by them under subsection (4), or on the restoration of any entry to such a list;
- (b) prescribing a fee to be charged in respect of the retention of the name of a person in such a list.

(4B) Regulations under subsection (4A) may in particular authorise the registrar—

- (a) to refuse to make in or restore to a list for the time being kept by the Council under subsection (4) any entry until a fee prescribed by the regulations has been paid; and
- (b) to erase from such a list the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed by the regulations in respect of the retention of a person's name in that list.]

[<sup>F105</sup>(5) .....

- (6) Any person who contravenes subsection (2) <sup>F106</sup>... above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale.

[<sup>F107</sup>(7) The Council shall from time to time publish any list for the time being kept by them under subsection (4).]

#### Textual Amendments

- F104** S. 26(4A)(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 \(S.I. 2005/2011\)](#), [art. 15\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F105** S. 26(5) 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. 15\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F106** Words in s. 26(6) 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. 15\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F107** S. 26(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, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 15\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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## [<sup>F108</sup>Insurance]

### Textual Amendments

**F108** S. 26A and cross-heading 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. 16** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### [<sup>F109</sup>26AIndemnity arrangements

- (1) A registered dentist who is practising as a dental practitioner must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.
- (2) For the purposes of this section, an “indemnity arrangement” may comprise—
  - (a) a policy of insurance;
  - (b) an arrangement made for the purposes of indemnifying a person;
  - (c) a combination of the two.
- (3) For the purposes of this section, “appropriate cover”, in relation to practice as a dental practitioner, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.
- (4) Rules may make provision in connection with the information to be provided to the registrar—
  - (a) by or in respect of a person seeking registration in the register for the purpose of determining whether, if his name is entered in the register, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;
  - (b) by or in respect of a person seeking restoration of his name in the register for the purpose of determining whether, if his name is restored in the register, there will be in force in relation to him by the time he resumes practice an indemnity arrangement which provides appropriate cover; and
  - (c) by or in respect of a registered dentist seeking retention of his name in the register for the purpose of determining whether, if his name is retained in the register, there will continue to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (5) Rules may make provision requiring a registered dentist to inform the registrar if there ceases to be in force in relation to that dentist an indemnity arrangement which provides appropriate cover.
- (6) Rules may make provision requiring a registered dentist to inform the registrar if there is in force in relation to that registered dentist appropriate cover provided under an indemnity arrangement by an employer.
- (7) Rules made under subsection (4) may require the information mentioned there to be provided—
  - (a) at the request of the registrar; or



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- (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to individual dental practitioners or dental practitioners of a particular description.
- (8) Where a person fails to comply with rules made under subsection (4), or there is a failure to comply with rules made under subsection (4) in relation to him, the registrar may—
  - (a) refuse to register his name in the register;
  - (b) refuse to restore his name to the register; or
  - (c) erase his name from the register.
- (9) Where a registered dentist is in breach of subsection (1) or fails to comply with rules made under this section—
  - (a) the registrar may erase that person's name from the register; or
  - (b) the breach or failure may be treated as misconduct for the purposes of section 27(2)(a) , and the registrar may accordingly refer the matter to the Investigating Committee under section 27(5)(a) .
- (10) Where a person's name has been erased from the register under subsection (8)(c) or (9)(a), that name shall be restored to the register on that person's application, if he satisfies the registrar that he meets the requirements of—
  - (a) section 15(3)(a) to (c);
  - (b) this section; and
  - (c) any rules made under section 34B which apply to that person's case.

<sup>F110</sup>(11) . . . . .]

**Textual Amendments**

**F109** S. 26A 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. 4**

**F110** S. 26A(11) 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. 12** (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)

*Professional conduct and fitness to practise*

**[<sup>F111</sup>26B. Guidance**

- (1) The Council shall prepare and from time to time issue guidance as to the standards of conduct, performance and practice expected of registered dentists.
- (2) Such guidance may make different provision in relation to different cases or classes of case.
- (3) The Council shall keep such guidance under review and may vary or withdraw it whenever they consider it appropriate to do so.
- (4) The Council shall from time to time publish guidance issued under this section.
- (5) Before issuing such guidance or varying or withdrawing it, the Council shall consult—

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- (a) such persons to whom subsection (6) applies as the Council consider appropriate;
  - (b) the bodies within subsection (8); and
  - (c) such bodies to which subsection (9) applies as the Council consider appropriate.
- (6) This subsection applies to persons who appear to the Council to be representative of one or more of the following—
- (a) users of the services of registered dentists;
  - (b) users of the services of registered dental care professionals;
  - (c) registered dentists;
  - (d) registered dental care professionals;
  - (e) employers of registered dentists; and
  - (f) employers of registered dental care professionals.
- (7) The Council shall exercise their function under subsection (5)(a) so that the persons consulted are, taken together, representative of all the categories of person mentioned in subsection (6)(a) to (f).
- (8) The bodies within this subsection are—
- <sup>F112</sup>(a) .....
  - (b) Local Health Boards in Wales;
  - (c) Health Boards in Scotland; <sup>F113</sup>...
  - (d) [<sup>F114</sup>Health and Social Care trusts] in Northern Ireland [<sup>F115</sup>; and
  - (e) the Department of Health in Northern Ireland.]
- (9) This subsection applies to bodies which make arrangements, for the provision of dental services, with one or both of the following—
- (a) registered dentists,
  - (b) registered dental care professionals,
- but are not within subsection (8).
- (10) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance to any person.]

#### Textual Amendments

- F111** S. 26B 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. 17](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F112** S. 26B(8)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 34](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with arts. 7-9)
- F113** Word in s. 26B(8)(c) omitted (N.I.) (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 66\(2\)\(a\)](#); [S.R. 2022/102](#), [art. 2\(b\)](#) and omitted (E.W.S.) (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), [13\(2\)\(a\)](#)
- F114** Words in s. 26B(8)(d) substituted (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 66\(2\)\(b\)](#); [S.R. 2022/102](#), [art. 2\(b\)](#) and substituted (E.W.S.) (30.11.2022) by [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), [13\(2\)\(b\)](#)

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**F115** S. 26B(8)(e) and word added (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 66\(2\)\(c\)](#); S.R. 2022/102, [art. 2\(b\)](#) and inserted (E.W.S.) (30.11.2022) by [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), [13\(2\)\(c\)](#)

## [<sup>F116</sup>26C Information for specified state professionals

- (1) The Council must make information about the following matters available to specified state professionals who hold specified state qualifications in dentistry—
  - (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
  - (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
  - (c) the processes and procedures for the ongoing verification of competence;
  - (d) the criteria for, and procedures relating to, erasure of registration;
  - (e) the documentation required of specified state professionals of that description and the form in which it should be presented; and
  - (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of a registered dentist that are acceptable to the Council.
- (2) The Council must deal promptly with enquiries from specified state professionals of that description about conditions that apply to the practice of registered dentists.]

### Textual Amendments

**F116** S. 26C inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 25](#)

## [<sup>F117</sup>27 Allegations

- (1) This section applies where an allegation is made to the Council against a registered dentist that his fitness to practise as a dentist is impaired.
- (2) A person’s fitness to practise as a dentist shall be regarded as “impaired” for the purposes of this Act by reason only of—
  - (a) misconduct;
  - (b) deficient professional performance;
  - (c) adverse physical or mental health;
  - (d) a conviction or caution in the United Kingdom for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;
  - (e) the person having—
    - (i) accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal), or
    - (ii) agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);

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- (f) the person, in proceedings in Scotland for an offence, having been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging him absolutely; or
  - (g) a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that the person's fitness to practise as a member of that profession is impaired, or a determination by a regulatory body elsewhere to the same effect.
- (3) It does not matter whether the allegation is based on a matter alleged to have occurred—
- (a) outside the United Kingdom; or
  - (b) at a time when the person was not registered in the register.
- (4) This section also applies in a case where—
- (a) it comes to the attention of the Council that a registered dentist's fitness to practise as a dentist may be impaired on one or more of the grounds mentioned in subsection (2), but
  - (b) no allegation to that effect has been made to the Council against that person, and in such a case this Act shall apply as if an allegation or allegations to the effect that the person's fitness to practise as a dentist is impaired on the ground or grounds in question had been made to the Council against that person.
- (5) The registrar—
- (a) shall refer the allegation to the Investigating Committee; and
  - [<sup>F118</sup>(b) may, at any time before the Investigating Committee have begun to consider the allegation, refer the allegation to the Interim Orders Committee if he considers it appropriate.]
- [<sup>F119</sup>(6) The registrar shall investigate the allegation for the purpose of—
- (a) determining whether it is an allegation in relation to which this section applies, and
  - (b) if he determines that it is, determining whether to refer the allegation to the Interim Orders Committee under subsection (5)(b).
- (6A) Rules may make provision for enabling the registrar to review a determination under subsection (6)(a) that the allegation is not an allegation in relation to which this section applies (including provision as to the action which may be taken following a review).]
- (7) In this section—
- (a) “enactment” includes—
    - (i) a provision of, or an instrument made under, an Act of the Scottish Parliament,
    - (ii) a provision of, or an instrument made under, Northern Ireland legislation, and
    - (iii) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978); and
  - (b) “regulatory body” means a regulatory body which has the function of authorising persons to practise as members of a health or social care profession.]

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### Textual Amendments

- F117** Ss. 27-28 substituted for ss. 27, 28 (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. 18](#) (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F118** S. 27(5)(b) substituted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), [arts. 1, 13](#)
- F119** S. 27(6)(6A) substituted for s. 27(6) (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), [arts. 1, 11](#)

### [<sup>F117</sup>27A. The Investigating Committee

- (1) Where the registrar refers an allegation under section 27 to the Investigating Committee they shall investigate the allegation and determine whether the allegation ought to be considered by a Practice Committee.
  - (2) If the Investigating Committee determine that the allegation ought not to be considered by a Practice Committee, the Investigating Committee may—
    - (a) issue a warning or advice to the person who is the subject of the allegation regarding his future conduct, performance and practice; and
    - (b) issue advice to any other person involved in the investigation on any issue arising in the course of the investigation.
  - (3) If the Investigating Committee issue a warning under subsection (2)(a), they may, if they consider it appropriate to do so, direct the registrar to enter details of that warning in the entry in the register relating to the person who is the subject of the allegation.
- [ In deciding whether to issue a warning or advice under subsection (2) or give a
- <sup>F120</sup>(3A) direction under subsection (3), the Investigating Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.]
- (4) Unless subsection (5) applies, if the Investigating Committee determine that the allegation ought to be considered by a Practice Committee, the Investigating Committee—
    - [ may agree with the person who is the subject of the allegation that the person
    - <sup>F121</sup>(za) will comply with such undertakings as the Investigating Committee consider appropriate;]
    - (a) [<sup>F122</sup>if they do not agree undertakings under paragraph (za),] shall refer the allegation—
      - (i) to the Professional Performance Committee, in the case of an allegation based on the ground mentioned in section 27(2)(b) (deficient professional performance),
      - (ii) to the Health Committee, in the case of an allegation based on the ground mentioned in section 27(2)(c) (adverse physical or mental health), or
      - (iii) to the Professional Conduct Committee, in any other case; <sup>F123</sup>...
    - <sup>F123</sup>(b) .....

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[ Unless subsection (5) applies, the Investigating Committee may, if they consider <sup>F124</sup>(4A) it appropriate, refer the allegation to the Interim Orders Committee (subject to subsection (6B)).]

(5) This subsection applies in a case where two or more allegations under section 27 relating to the same person have been referred to the Investigating Committee and those allegations are—

- (a) an allegation based on the ground mentioned in section 27(2)(b) and an allegation or allegations based on any other grounds mentioned in section 27(2); or
- (b) an allegation based on the ground mentioned in section 27(2)(c) and an allegation or allegations based on any other grounds mentioned in section 27(2).

(6) Where subsection (5) applies, and the Investigating Committee determine that two or more of those allegations ought to be considered by a Practice Committee, the Investigating Committee—

[ <sup>F125</sup>(za) may agree with the person who is the subject of those allegations that the person will comply with such undertakings as the Investigating Committee consider appropriate;]

(a) [<sup>F126</sup>if they do not agree undertakings under paragraph (za),] shall refer those allegations to whichever one of the Practice Committees they consider most appropriate; <sup>F127</sup> ...

<sup>F127</sup>(b) .....

[ Where subsection (5) applies, the Investigating Committee may, if they consider <sup>F128</sup>(6A) it appropriate, refer those allegations to the Interim Orders Committee (subject to subsection (6B)).]

(6B) Subsections (4A) and (6A) do not apply if the Investigating Committee have determined that the allegation or allegations ought to be considered by a Practice Committee and—

- (a) the Investigating Committee agree undertakings under subsection (4)(za) or (6)(za), or
- (b) (if they do not agree undertakings under that provision) the hearing before a Practice Committee has commenced or, where there is not to be a hearing before a Practice Committee, a Practice Committee have begun to consider written statements or representations.]

[ If the Investigating Committee agree undertakings under subsection (4)(za) or (6)(za), <sup>F129</sup>(6C) they may, if they consider it appropriate to do so, direct the registrar to enter details of the undertakings in the entry in the register relating to the person who is the subject of the allegation or allegations.]

(7) The registrar shall serve notification of any determination made by the Investigating Committee under subsection (1) on the person who is the subject of the allegation and on the person (if any) making the allegation.

(8) The Investigating Committee may review and if they consider it appropriate revise a determination made by them that an allegation or allegations ought to be considered by a particular Practice Committee—

- (a) on a reference back to them from that Practice Committee under section 27B(4); or

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- (b) on an application made by the Council, the registrar, the person who is the subject of the allegation or allegations or any person making the allegation or allegations, but only if such review is carried out—
- (i) where there is to be a hearing before that Practice Committee, before the commencement of that hearing, or
  - (ii) where there is not to be a hearing before that Practice Committee, before that Practice Committee have begun to consider written statements or representations.

[ On a review under subsection (8) the Investigating Committee may refer the allegation <sup>F130</sup>(8A) or allegations to the Interim Orders Committee.]

- (9) Subsection (2) applies to a determination by the Investigating Committee, following a review under subsection (8), that an allegation or allegations ought not to be considered by a Practice Committee, as it applies to a determination under subsection (1) that an allegation ought not to be considered by a Practice Committee.

- (10) If the Investigating Committee determine, under subsection (1) or following a review under subsection (8), that an allegation or allegations against a person ought not to be considered by a Practice Committee, they shall, at the same time, revoke with immediate effect any interim order which has been made under section 32 in respect of that person in consequence of that allegation or those allegations.

[ The Investigating Committee may review a determination made by them to issue a <sup>F131</sup>(11) warning under subsection (2)(a) on an application made—

- (a) by the person to whom the warning was issued or the registrar;
- (b) before the end of the period of two years beginning with the date on which the determination was made.

- (12) On a review under subsection (11) the Investigating Committee may, if they consider it appropriate—

- (a) revoke the warning, and
- (b) direct the registrar to remove details of the warning from the entry in the register relating to the person to whom the warning was issued.]

[ Rules may make provision in connection with undertakings under subsections (4)(za) <sup>F132</sup>(13) and (6)(za) (including provision as to the actions which may be taken in consequence of undertakings being breached).]

#### Textual Amendments

- F117** Ss. 27-28 substituted for ss. 27, 28 (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. 18](#) (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F120** S. 27A(3A) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), [Sch. para. 1\(3\)](#); S.I. 2016/906, reg. 2(b)
- F121** S. 27A(4)(za) inserted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, [5\(2\)](#)
- F122** Words in s. 27A(4)(a) inserted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, [5\(3\)](#)
- F123** S. 27A(4)(b) and preceding word omitted (13.4.2016) by virtue of [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, [14\(2\)](#)



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- F124** S. 27A(4A) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **14(3)**
- F125** S. 27A(6)(za) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **5(4)**
- F126** Words in s. 27A(6)(a) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **5(5)**
- F127** S. 27A(6)(b) and preceding word omitted (13.4.2016) by virtue of The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **14(4)**
- F128** S. 27A(6A)(6B) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **14(5)**
- F129** S. 27A(6C) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **5(6)**
- F130** S. 27A(8A) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **14(6)**
- F131** S. 27A(11)(12) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **7**
- F132** S. 27A(13) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **5(7)**

**[ F133 27AA. Delegation of the Investigating Committee’s functions under section 27A**

- Rules may make provision for one or more of the following—
- (a) the registrar;
  - (b) any other officer of the Council,
- to exercise the functions of the Investigating Committee under section 27A, whether generally or in relation to such classes of case as may be specified in the rules.]

**Textual Amendments**

- F117** Ss. 27-28 substituted for ss. 27, 28 (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. 18 (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F133** S. 27AA inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **3**

**[ F134 27AB Review of determination under section 27A(1)**

- (1) Rules may make provision for enabling the registrar to review a determination by the Investigating Committee under section 27A(1) that an allegation ought not to be considered by a Practice Committee.
- (2) Rules made by virtue of subsection (1) may, in particular, include provision as to—
- (a) the period within which a review is to be commenced;
  - (b) the process to be followed by the registrar in carrying out a review (including the determinations to be made by him);
  - (c) the actions which may be taken following a review.]

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### Textual Amendments

- F117** Ss. 27-28 substituted for ss. 27, 28 (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. 18** (with [Sch. 7](#)) (with transitional provisions in S.I. 2006/1671)
- F134** [S. 27AB](#) inserted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, **9**

## 27B. The Practice Committees

- (1) Subject to subsection (4), a Practice Committee must investigate an allegation or allegations against a person referred to them by the Investigating Committee under section 27A and determine whether that person's fitness to practise as a dentist is impaired.
- (2) In making a determination under subsection (1), the Practice Committee may take into account whether the person who is the subject of the allegation or allegations has complied with any relevant parts of the guidance issued under section 26B, but that question is not of itself determinative of whether a person's fitness to practise as a dentist is impaired.
- (3) If the person who is the subject of an allegation or allegations is also registered in the dental care professionals register, a Practice Committee shall, in exercising their function under subsection (1), make a separate determination under section 36P(1) (fitness to practise as a member of a profession complementary to dentistry).
- (4) Where a Practice Committee consider that any allegation should not have been referred to them by the Investigating Committee under section 27A, they may refer that allegation back to the Investigating Committee.
- (5) If a Practice Committee determine that a person's fitness to practise as a dentist is not impaired, they—
  - (a) shall publish at his request a statement to that effect; or
  - (b) may publish such a statement if he consents.
- (6) If a Practice Committee determine that a person's fitness to practise as a dentist is impaired, they may, if they consider it appropriate, direct—
  - (a) (subject to subsection (7)) that the person's name shall be erased from the register;
  - (b) that his registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction;
  - (c) that his registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
  - (d) that he shall be reprimanded in connection with any conduct or action of his which was the subject of the allegation.

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- (7) The direction specified in subsection (6)(a) shall not be given following a determination that a person's fitness to practise as a dentist is impaired solely on the ground mentioned in section 27(2)(c) (adverse physical or mental health).
- (8) Where a Practice Committee give a direction under subsection (6), the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under paragraph (d) of that subsection) of his right to appeal against it under section 29.
- (9) Where a Practice Committee make a determination under subsection (1) as to a person's fitness to practise as a dentist, they shall, at the same time, revoke any interim order which has been made under section 32 in respect of that person in consequence of the allegation, or allegations, to which that determination relates.
- (10) The revocation of an interim order under subsection (9) shall take effect—
  - (a) in the case of a determination that the person's fitness to practise is not impaired, forthwith;
  - (b) in the case of a direction given under paragraph (d) of subsection (6), forthwith; and
  - (c) in the case of a direction given under paragraph (a), (b) or (c) of subsection (6), subject to section 30(5), from the time when—
    - (i) any direction given under those paragraphs takes effect in accordance with section 29A,
    - (ii) an appeal under section 29 against the decision giving such a direction is determined under section 29(3)(b) or (c), or
    - (iii) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.

#### Textual Amendments

**F117** Ss. 27-28 substituted for ss. 27, 28 (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. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 27C. Resumed hearings

- (1) Where a Practice Committee have given a direction under section 27B(6)(b) or subsection (2)(d) or (3) of this section that a person's registration should be suspended, they may direct—
  - (a) that the suspension shall be terminated;
  - (b) that the current period of suspension shall be extended for such further period, specified in the direction and not exceeding twelve months, beginning with the date on which it would otherwise expire;
  - (c) that the suspension shall be terminated and the person's registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or

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- (d) that the person's registration in the register shall be suspended indefinitely, if—
  - (i) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years, and
  - (ii) the direction is made not more than two months before the date on which the period of suspension would otherwise expire.
- (2) Where a Practice Committee have given a direction under section 27B(6)(c), subsection (1)(c) or (5)(c) of this section or section 28(6)(b) imposing conditional registration, they may give one or more of the following directions—
  - (a) a direction that the registration shall cease to be conditional from a date specified in the direction;
  - (b) a direction that the current period of conditional registration shall be extended for such further period, specified in the direction and not exceeding three years, beginning with the date on which it would otherwise expire;
  - (c) a direction that one or more of the conditions imposed on the registration shall be varied or revoked, or that those conditions shall be added to, as specified in the direction; or
  - (d) a direction that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (3) Where a Practice Committee—
  - (a) have given a direction under section 27B(6)(c), subsection (1)(c), (2)(b) or (c) or (5)(c) of this section or section 28(6)(b) imposing conditions on a person's registration, or extending a period of conditional registration, in the register, or
  - (b) have made an order under section 32(4)(b) for interim conditional registration, and the Practice Committee determine that at any time during the period for which that direction or order has effect the person has failed to comply with any condition imposed on his registration, the Practice Committee may direct that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (4) Where a Practice Committee have given a direction under subsection (1)(d) that a person's registration is to be suspended indefinitely, they must review the direction if—
  - (a) the person requests them to do so;
  - (b) at least two years have elapsed since the date on which the direction took effect; and
  - (c) if the direction has previously been reviewed under this subsection, at least two years have elapsed since the date of the last such review decision.
- (5) On such a review a Practice Committee may—
  - (a) direct that the suspension shall be terminated;
  - (b) confirm the direction to suspend the person's registration indefinitely; or
  - (c) direct that the suspension shall be terminated and the person's registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests.

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- (6) Where a Practice Committee give a direction under this section, the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under subsection (1)(a), (2)(a) or (5)(a) or a direction under subsection (2)(c) that a condition or conditions shall be revoked) of his right to appeal against it under section 29.]

#### Textual Amendments

**F117** Ss. 27-28 substituted for ss. 27, 28 (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. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### [<sup>F117</sup>28 Restoration of names to the register following erasure under section 27B

- (1) A person whose name has been erased from the register in accordance with a direction under section 27B(6)(a) may apply to the registrar for his name to be restored to the register.
- (2) No application under this section for the restoration of a person's name to the register shall be made—
- (a) before the end of the period of five years beginning with the date on which the direction for erasure took effect; or
  - (b) within twelve months of the date on which an earlier application for the restoration of his name was made.
- (3) The registrar shall refer an application to the Professional Conduct Committee.
- (4) When considering an application, the Professional Conduct Committee may, if they consider it necessary and appropriate in a particular case, direct the applicant to do one or both of the following—
- (a) produce such evidence as to his fitness to practise as a dentist as the Professional Conduct Committee shall specify;
  - (b) meet such further requirements, including requirements as to education and training, as the Professional Conduct Committee shall specify.
- (5) An application shall not be granted unless the applicant satisfies the Professional Conduct Committee that—
- (a) he is fit to practise as a dentist;
  - (b) he meets the requirements of section 15(3)(a) to (c);
  - (c) he meets the requirements of any rules made under section 34B which apply to his case; and
  - (d) he meets any other requirements imposed in a direction under subsection (4)(b).
- (6) Where the Professional Conduct Committee grant an application, they may give one or both of the following directions—
- (a) a direction that the restoration of a person's name to the register shall be conditional on his satisfying the registrar that he meets the requirements of section 26A (insurance);

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- (b) a direction that a person's registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Professional Conduct Committee think fit to impose for the protection of the public or in his interests.
- (7) If the Professional Conduct Committee refuse to grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision and of his right to appeal against it under section 29.
- (8) If the Professional Conduct Committee grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision, and, in a case where a direction has been given under subsection (6)(b), of his right to appeal against that direction under section 29.
- (9) Where, during the same period of erasure, a second or subsequent application under this section by the same person is unsuccessful, the Professional Conduct Committee may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) If the Professional Conduct Committee give a direction under subsection (9), the registrar shall forthwith serve on the person concerned notification of the direction and of his right to appeal against it under section 29.
- (11) Any person in respect of whom a direction has been given under subsection (9) may, after the end of the period of three years beginning with the date on which the direction took effect, apply to the registrar for the direction to be reviewed by the Professional Conduct Committee and, thereafter, may make further applications for review; but no such application may be made before the end of the period of three years beginning with the date of the most recent review decision.
- (12) On a review under subsection (11), the Professional Conduct Committee may—
- (a) confirm the direction under subsection (9); or
  - (b) direct that the person concerned may make an application under subsection (1).]

#### Textual Amendments

**F117** Ss. 27-28 substituted for ss. 27, 28 (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. 18](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## 29 Appeals.

- [<sup>F135</sup>(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;

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- (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;<sup>F136</sup> ...
- (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.

<sup>F137</sup>(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
- (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),<sup>F138</sup> ... 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.]

<sup>F139</sup>(2) .....

[<sup>F140</sup>(3) On an appeal under this section, the court may—

- (a) dismiss the appeal,
- [<sup>F141</sup>(b) allow the appeal and quash the decision appealed against<sup>F142</sup> ...,
- (c) substitute for the decision appealed against any other decision which could have been made by<sup>F143</sup> ... the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
- (d) remit the case to<sup>F144</sup> ... the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to



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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 [F145 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

- F135** 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)
- F136** 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](#))
- F137** 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\(1\)](#)
- F138** 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\(1\)](#)
- F139** 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](#))
- F140** 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](#))
- F141** 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)
- F142** 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\(1\)](#)
- F143** 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\(1\)](#)
- F144** 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\(1\)](#)
- F145** 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)

- C6** 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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[<sup>F146</sup>29A. Taking effect of directions for erasure, suspension, conditional registration etc.

- (1) This section applies to—
  - (a) a direction for erasure given by the Professional Conduct Committee under section 24(3);
  - (b) a direction for erasure, suspension, conditional registration or variation of or addition to the conditions of registration given by a Practice Committee under section 27B or 27C; and
  - (c) a direction for conditional registration given by the Professional Conduct Committee under section 28(6)(b).
- (2) A direction to which this section applies shall take effect—
  - (a) where no appeal under section 29 is brought against the decision giving the direction within the period of time specified in subsection (1B) of that section, on the expiry of that period;
  - (b) where such an appeal is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
  - (c) where such an appeal is brought and is not withdrawn or struck out for want of prosecution, on the dismissal of the appeal.
- (3) Where the period of time for appealing against a decision giving a direction is extended under section 29(1C)—
  - (a) subsection (2) shall apply to the direction as if the reference in paragraph (a) of that subsection to the period of time specified in section 29(1B) were a reference to that period as so extended, and
  - (b) if the authorisation is given after the expiry of the period of time specified in section 29(1B), the direction shall be deemed not to have taken effect on the expiry of that period,and any reference in this Act to the time when such a direction takes effect in accordance with this section shall be construed accordingly.
- (4) In this section—
  - (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
  - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.]

**Textual Amendments**

**F146** S. 29A 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. 20](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

[<sup>F147</sup>30 Orders for immediate suspension and immediate conditional registration

- (1) On giving a direction for erasure or for suspension under section 24(3), section 27B(6) (a) or (b) or section 27C(2)(d) or (3) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of that person, may order that his registration shall be suspended forthwith in accordance with this section.

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- (2) On giving a direction for conditional registration under section 27B(6)(c), section 27C(1)(c) or (5)(c) or section 28(6)(b) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of that person, may order that his registration shall be made conditional forthwith in accordance with this section.
- (3) Where, on the giving of a direction, an order under subsection (1) or (2) is made in respect of a person, his registration in the register shall, subject to subsection (6), be suspended or made conditional, as the case may be, from the time when the order is made until the time when—
- (a) the direction takes effect in accordance with section 29A;
  - (b) an appeal under section 29 against the decision giving the direction is determined under section 29(3)(b) or (c); or
  - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) Where a Practice Committee make an order under subsection (1) or (2), the registrar shall forthwith serve on the person in respect of whom it is made notification of the order and of his right to make an application under subsection (7).
- (5) Where a Practice Committee make an order under subsection (1) or (2) in respect of a person, and an interim order under section 32 in respect of that person has been revoked by virtue of section 27B(9), that revocation shall take effect, subject to subsection (6), from the time when the order under subsection (1) or (2) is made.
- (6) If, when an order under subsection (1) or (2) is made, the person in respect of whom it is made is neither present nor represented at the proceedings, subsections (3) and (5) shall have effect as if, in each case, for the reference to the time when the order is made, there were substituted a reference to the time when notification of the order is served under subsection (4).
- (7) A person in respect of whom an order under subsection (1) or (2) is made may apply to the court for an order terminating any suspension imposed under subsection (1) or any conditional registration imposed under subsection (2), and the decision of the court on any such application shall be final.
- (8) In subsection (7) “the court”—
- (a) in the case of a person whose address in the register is in Scotland, means the Court of Session;
  - (b) in the case of a person whose address in the register is 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.]

#### Textual Amendments

**F147** S. 30 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. 21 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

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**<sup>F148</sup>31 Special provisions where directions replace, or extend periods under, previous directions.**

.....

**Textual Amendments**

**F148** S. 31 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. 22** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**[<sup>F149</sup>32 Interim orders**

- (1) This section applies to the Professional Conduct Committee, the Professional Performance Committee, the Health Committee and the Interim Orders Committee, and any reference in this section to a “Committee” is a reference to any of those Committees.
- (2) The Interim Orders Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
  - (a) by the registrar under section 27(5)(b);
  - (b) by the Investigating Committee under [<sup>F150</sup>section 27A(4A) or (6A)]; or
  - (c) by a Practice Committee in accordance with rules under paragraph 7(1)(c) of Schedule 3.
- (3) A Practice Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
  - (a) by the Investigating Committee under section 27A(4)(a) or (6)(a); or
  - (b) by another Practice Committee in accordance with rules under paragraph 7(1)(a) of Schedule 3.
- (4) Where a Committee are satisfied that it is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, for the person’s registration to be suspended or to be made subject to conditions, the Committee may make—
  - (a) an order that his registration in the register shall be suspended during such period not exceeding 18 months as may be specified in the order (an “interim suspension order”); or
  - (b) an order that his registration shall be conditional on his compliance, during such period not exceeding 18 months as may be specified in the order, with such conditions so specified as the Committee think fit to impose (an “order for interim conditional registration”).
- (5) Subject to subsection (11), where a Committee have made an interim suspension order or an order for interim conditional registration they—
  - (a) shall review it within the period of six months beginning with the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it—
    - (i) before the end of the period of six months beginning with the date of the decision of the immediately preceding review, or

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- (ii) if after the end of the period of three months beginning with the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
  - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (6) Where an interim suspension order or an order for interim conditional registration has been made in relation to a person under any provision of this section (including this subsection), the Committee that made the order may—
  - (a) revoke the order;
  - (b) make an order adding to, varying or revoking any condition imposed by the order;
  - (c) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former; or
  - (d) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former.
- (7) If a Committee make an order under any provision of this section—
  - (a) the registrar shall forthwith serve notification of the order on the person to whose registration it relates; and
  - (b) that order shall take effect from the time on which the notification mentioned in paragraph (a) is served.
- (8) The Council may apply to the court for an order made by a Committee under subsection (4) or (6) to be extended, and may apply again for further extensions.
- (9) On each such application the court may extend (or further extend) for up to twelve months the period for which the order has effect.
- (10) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
- (11) For the purposes of subsection (5) the first review after the court’s extension of an order made by a Committee or after a replacement order made by a Committee under subsection (6)(c) or (d) shall take place—
  - (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (5), within the period of six months beginning with the date on which the court ordered the extension or on which a replacement order under subsection (6)(c) or (d) was made; and
  - (b) if it had been reviewed under subsection (5), within the period of three months beginning with that date.
- (12) Where an interim order has effect under any provision of this section, the court may—
  - (a) in the case of an interim suspension order, terminate the suspension,
  - (b) in the case of an order for interim conditional registration, revoke the order or revoke, vary or add to any condition imposed by the order,

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- (c) in either case, substitute for the period specified in the order (or in an order extending it) some other period which could have been specified in the order (or in the order extending it) when it was made,  
and the decision of the court on any application under this subsection shall be final.

(13) In this section “the court” has the meaning given by section 30(8).]

#### Textual Amendments

- F149** S. 30 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. 23 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))
- F150** Words in s. 32(2)(b) substituted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, 15

#### [<sup>F151</sup>Supplementary provisions]

#### Textual Amendments

- F151** S. 33 and cross-heading substituted for s. 33 (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. 24 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

#### [<sup>F151</sup>33 Supplementary provisions relating to fitness to practise cases

- (1) While a person’s registration in the register is suspended by virtue of a direction or order under this Part—
- he shall be treated, except as provided in subsection (2), as not being registered in the register notwithstanding that his name still appears in it; but
  - sections 27, 27A, 27B and 27C shall continue to apply to him.
- (2) While a person’s registration in the register is suspended by virtue of a direction or order under this Part, he shall be treated for the purposes of compliance with rules made under section 34A as if his registration were not suspended.
- (3) Where any such direction as is mentioned in section 27C(1)(b), (c) or (d), (2)(b) or (d), (3) or (5)(c) is given while a person’s registration is subject to conditions or suspended by virtue of a direction under this Part, his registration shall continue to be conditional or suspended throughout any period which may intervene between the time when (but for this subsection) his registration would cease to be conditional or suspended, as the case may be, and the time when—
- the direction takes effect in accordance with section 29A;
  - an appeal under section 29 against the decision giving the direction is determined under section 29(3)(b) or (c); or
  - following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) If, on the determination of an appeal under section 29, a direction extending the current period of suspension or conditional registration for a further period takes effect after

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the time when (but for subsection (3)) the current period of suspension or conditional registration would have ended, that further period shall be treated as having started to run at that time.

(5) Subsection (3) is subject to any order made under section 30(1) or (2).

[<sup>F152</sup>(5A) In exercising a function under section 27B, 27C or 28, a Practice Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.]

(6) Schedule 3 to this Act (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) shall have effect.]

#### Textual Amendments

**F152** S. 33(5A) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), [Sch. para. 1\(4\)](#); S.I. 2016/906, reg. 2(b)

#### [<sup>F153</sup>33A. Recording of suspension or conditional registration etc.

(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 register of that fact and of the period for which that person's registration is to be suspended or made conditional.

(2) The registrar shall erase that note from the 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 24(3) or 27B(6)(a) (direction for erasure from the register) in respect of a person takes effect, the registrar shall remove that person's name from the register.

(5) Where a decision under section 24(6)(a) or 28 that a person's name is to be restored to the register takes effect, the registrar shall restore that person's name to the register.

#### Textual Amendments

**F153** Ss. 33A-33C 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. 25](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))



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### **33B. The Council’s power to require disclosure of information**

- (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 dentist 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 dentist, 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 [<sup>F154</sup>or relevant provision of the [<sup>F155</sup>UK GDPR]]

[<sup>F156</sup>(4) For the purposes of subsection (3)—

“relevant enactment” means any enactment other than—

- (a) this Act, or
- (b) the listed provisions in paragraph 1 of Schedule 11 to the Data Protection Act 2018 (exemptions to Part 4 : disclosures required by law);

“relevant provision of [<sup>F157</sup>the UK GDPR]” means any provision of [<sup>F157</sup>the UK GDPR] apart from the listed [<sup>F158</sup>UK GDPR provisions] in paragraph 1 of Schedule 2 to the Data Protection Act 2018 ([<sup>F158</sup>UK GDPR provisions] to be adapted or restricted: disclosures required by law).]

- (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 register is in Scotland or, if he is not registered in the register, he is resident there, the Court of Session;
  - (b) if the person’s address in the register is in Northern Ireland or, if he is not registered in the 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 register, or, where he is not registered in the register, the address where he resides.

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- (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).

<sup>F159</sup>(11) .....

#### Textual Amendments

- F153** Ss. 33A-33C 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. 25** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)
- F154** Words in s. 33B(3) inserted (25.5.2018) by **Data Protection Act 2018 (c. 12)**, s. 212(1), **Sch. 19 para. 28(2)** (with **ss. 117, 209, 210**); S.I. 2018/625, reg. 2(1)(g)
- F155** Words in s. 33B(3) substituted (31.12.2020) by **The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419)**, reg. 1(2), **Sch. 3 para. 15(2)** (with **Sch. 3 para. 112**); 2020 c. 1, Sch. 5 para. 1(1)
- F156** S. 33B(4) substituted (25.5.2018) by **Data Protection Act 2018 (c. 12)**, s. 212(1), **Sch. 19 para. 28(3)** (with **ss. 117, 209, 210**); S.I. 2018/625, reg. 2(1)(g)
- F157** Words in s. 33B(4) substituted (31.12.2020) by **The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419)**, reg. 1(2), **Sch. 3 para. 15(3)(a)** (with **Sch. 3 para. 112**); 2020 c. 1, Sch. 5 para. 1(1)
- F158** Words in s. 33B(4) substituted (31.12.2020) by **The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419)**, reg. 1(2), **Sch. 3 para. 15(3)(b)** (with **Sch. 3 para. 112**); 2020 c. 1, Sch. 5 para. 1(1)
- F159** S. 33B(11) omitted (31.12.2020) by virtue of **The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419)**, reg. 1(2), **Sch. 3 para. 15(4)** (with **Sch. 3 para. 112**); 2020 c. 1, Sch. 5 para. 1(1)

### 33C. Notification and disclosure by the Council

- (1) As soon as reasonably practicable after an allegation as to a person’s fitness to practise as a dentist has been referred to the Investigating Committee under section 27(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 dentist, including information relating to an allegation under section 27, where they consider it to be in the public interest for the information to be disclosed.]

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**Textual Amendments**

**F153** Ss. 33A-33C 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. 25** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**<sup>F160</sup>34 Restoration of name erased under s. 27.**

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**Textual Amendments**

**F160** S. 34 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. 26** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**<sup>F161</sup>Professional training and development requirements**

**Textual Amendments**

**F161** Ss. 34A, 34B and preceding cross-heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2001/3926](#), **art. 8**

**<sup>F162</sup>34A Professional training and development requirements**

- (1) Rules shall require registered dentists to undertake such professional training and development as may be specified in the rules.
- (2) If it appears to the registrar that a person has failed to comply with the requirements of rules made under subsection (1), the registrar may erase the person's name from the register.
- (3) Where a person's name has been erased from the register under subsection (2), that name shall be restored to the register on that person's application if he satisfies the registrar that he meets the requirements of—
  - (a) section 15(3)(a) to (c);
  - (b) section 26A; and
  - (c) any rules made under section 34B which apply to his case.
- (4) Rules shall specify the procedures to be followed before the registrar—
  - (a) may erase a person's name from the register under subsection (2); or
  - (b) may make a decision whether or not to restore a person's name to the register under subsection (3).
- (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

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rules made under subsection (1), that Committee may refer the question of whether he is failing to meet them to the registrar.]

**Textual Amendments**

**F162** S. 34A 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. 27 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

**<sup>F163</sup>34A Limits on section 34A as respects visiting dentists from relevant European States**

**Textual Amendments**

**F163** S. 34AA 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. 14** (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>F164</sup>34B Restoration of name to the register: professional training and development**

- (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 register following its erasure 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.]]

**Textual Amendments**

**F164** S. 34B 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. 27** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

*Effect of disqualification in <sup>F165</sup>a relevant European] State*

**Textual Amendments**

**F165** Words in s. 35 cross-heading substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(a)**

**35 Effect on registration of disqualification in <sup>F166</sup>a relevant European] State.**

- (1) A person who is subject to a disqualifying decision in <sup>F167</sup>a relevant European State] in which he is or has been established in dental practice shall not be entitled to be

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registered under section [F168 15(1)(c) in reliance on a relevant European diploma] above.

- (2) A disqualifying decision in [F169 a relevant European 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 [F170 or on grounds related to his professional conduct, professional performance or physical or mental health], 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 [F171 (whether on a permanent or temporary basis)] from practising there.
- (3) If a person [F172 has been registered under section 15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before IP completion day, when he was] 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.

[F173 (4) . . . . .

[F174 (5) Where on or after the date on which a person was registered by virtue of section [F175 15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before IP completion day,] a disqualifying decision relating to him comes into force, this Part shall apply, with any necessary modifications, as if it had been found that he had been convicted of the criminal offence referred to in the disqualifying decision, or that his professional conduct, professional performance or physical or mental health had been such as is imputed to him by that decision, as the case may be.]

#### Textual Amendments

- F166** Words in s. 35 side-note substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(a)**
- F167** Words in s. 35(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(b)**
- F168** Words in s. 35(1) 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. 15(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)
- F169** Words in s. 35(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(b)**
- F170** Words in s. 35(2)(a) 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. 28(a)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F171** Words in s. 35(2)(b) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **119(d)**
- F172** Words in s. 35(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. 15(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)
- F173** S. 35(4) 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,

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21.7.2006 and 18.7.2008)) by virtue of [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), **art. 28(b)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F174** S. 35(5) 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. 28(c)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F175** Words in s. 35(5) 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. 15(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)

*[<sup>F176</sup>Visiting dentists from relevant European States]*

**Textual Amendments**

**F176** S. 36 cross-heading substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **120(a)**

<sup>F177</sup>**36 Visiting dentists from relevant European States.**

**Textual Amendments**

**F177** S. 36 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. 16** (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>F178</sup>The Directive: designation of competent authority etc.]*

**Textual Amendments**

**F178** Ss. 36ZA, 36ZB and cross-heading inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **121**

<sup>F179</sup>**36ZA The Directive: designation of competent authority etc.**

**Textual Amendments**

**F179** S. 36ZA 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. 17** (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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<sup>F180</sup>**36ZB** Fees for provision of certificates

.....

**Textual Amendments**

**F180** S. 36ZB 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. 17** (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>F181</sup>**PART 3A**

PROFESSIONS COMPLEMENTARY TO DENTISTRY

**Textual Amendments**

**F181** Pt. 3A 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. 29** (with **Sch. 7**) (with transitional provisions in S.I. 2006/1671)

*Introductory*

**36A. Professions complementary to dentistry**

- (1) For the purposes of this Act, a profession complementary to dentistry is a profession—
  - (a) the majority of whose members work in connection with the provision of dental care—
    - (i) with persons receiving such care, or
    - (ii) with persons registered in the dentists register or the dental care professionals register established by section 36B; and
  - (b) in respect of which the regulatory body is not a body (other than the Council) <sup>F182</sup>listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (2) The Council may by regulations specify—
  - (a) a profession complementary to dentistry; or
  - (b) a class of members of a profession complementary to dentistry.
- (3) Regulations under subsection (2) specifying a profession or class of members must also specify a title which applies to that profession or class.
- (4) Regulations under subsection (2) shall not come into force until approved by order of the Privy Council.
- (5) Before making regulations under subsection (2), the Council shall consult organisations appearing to the Council to be representative of the professions, or classes of members of professions, specified in the proposed regulations.



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- (6) The following provisions of this Part apply in relation to all members of a profession complementary to dentistry except those members of a profession or class in relation to which no regulations under subsection (2) are in force.

**Textual Amendments**

**F182** Words in s. 36A(1)(b) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 67](#); S.I. 2012/2657, art. 2(3)

*Education and registration*

**36B. The dental care professionals register**

- (1) There shall be a register of members of professions complementary to dentistry to be known as the dental care professionals register.
- [<sup>F183</sup>(1A) The dental care professionals register shall contain particulars of persons who under section 36C are entitled to be registered in the dental care professionals register.]
- (2) The dental care professionals register shall be kept by the registrar.
- (3) Subsections (4) and (5) of section 14 apply to the register established under this section, and to the registrar's duties as keeper of that register, as they apply to the dentists register and to the registrar's duties in respect of the dentists register.
- (4) Rules may make provision relating to the form of the dental care professionals register and the manner in which it is to be kept.
- (5) A person may not be registered in the dental care professionals register except under one or more of the titles specified in regulations under section 36A(2).
- (6) A certificate purporting to be signed by the registrar, certifying that a person—
- (a) is registered in the dental care professionals register under a particular title,
  - (b) is not registered in that register under a particular title,
  - (c) was registered in that register under a particular title at a specified date or during a specified period,
  - (d) was not registered in that register under a particular title at a specified date or during a specified period, or
  - (e) has never been registered in that register under a particular title,
- shall be evidence (and in Scotland sufficient evidence) of the matters certified.

**Textual Amendments**

**F183** S. 36B(1A) 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. 18](#) (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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### 36C. Qualifications for registration

(1) Subject to the provisions of this Act, a person shall be entitled to be registered under a particular title in the dental care professionals register if he satisfies the registrar—

- [<sup>F184</sup>(a) of matter A or C, and
- (b) of matter D.]

(2) Matter A is that the person holds a qualification or qualifications approved by the Council under section 36D(2) in relation to the profession, or class of members of a profession, to which the title applies.

<sup>F185</sup>(3) .....

(4) Matter C is that the person—

- (a) holds a qualification or qualifications [<sup>F186</sup>, other than a diploma in dentistry] granted by an institution or institutions outside the United Kingdom relevant to the profession complementary to dentistry, or class of members of such a profession, to which the title applies (in this section referred to as “relevant qualifications”); [<sup>F187</sup>and]
- (b) has satisfied the Council that he has the requisite knowledge and skill to practise as a member of the profession or class to which the title applies [<sup>F188</sup>(see sections 36CB (requisite knowledge and skill: holders of relevant qualifications) and 36CC (requisite knowledge and skill: recognition of relevant qualifications))]; <sup>F189</sup> ...

<sup>F189</sup>(c) .....

[ Subsection (4)(b) does not apply to a person whose application for registration is made <sup>F190</sup>(4A) in reliance on a relevant qualification that—

- (a) was granted in a relevant European State, and
- (b) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2).]

[ Subsection (4)(b) does not apply to a person whose application for registration is made <sup>F191</sup>(4B) in reliance on a relevant qualification that is a specified state qualification or relevant qualifications that are specified state qualifications where—

- (a) the relevant qualification demonstrates or the relevant qualifications taken together demonstrate, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2), or
- (b) the person has met the requirement specified in relation to the person under subsection (4E).

(4C) The Council may determine that the person’s relevant qualification does not or relevant qualifications taken together do not meet the standard in subsection (4B)(a) only where one or more of Conditions 1 to 3 are met.

(4D) For the purposes of this section—

- (a) Condition 1 is met where there exists a substantial difference between the level of knowledge and skill demonstrated by the person’s relevant qualification or qualifications taken together and the level of knowledge and

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skill demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2);

(b) Condition 2 is met where the professional activities to which the qualification approved (or qualifications together approved) by the Council under section 36D(2) in respect of the same profession or class relates (or relate) include one or more professional activities that cover substantially different matters from those covered by the person’s relevant qualification or qualifications;

(c) Condition 3 is met where requiring the person to take an aptitude test or complete an assessment period, or to do both, would amount to requiring the person to acquire a qualification approved (or qualifications together approved) by the Council under section 36D(2) in respect of the same profession or class.

(4E) If the person applies to be registered by virtue of subsection (4B)(b), the Council must specify in relation to the person what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(4F) Subsection (4E) does not apply if the person’s relevant qualification is or relevant qualifications taken together are determined not to meet the standard in subsection (4B)(a) because Condition 3 is met in relation to the qualification or qualifications.

(4G) Where the Council specify under subsection (4E) an aptitude test or adaptation period, or both, in relation to a person, the aptitude test or the adaptation period, or the aptitude test and the adaptation period together, must be proportionate to the difference sought to be addressed.

(4H) The Council must give a person their reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.

(4I) If the Council specify aptitude tests in relation to persons under this section, the Council must ensure that such tests are scheduled with reasonable frequency and at least once a year.]

F192(5) .....

(6) Matter D is—

(a) the person’s identity;

[ that he has the necessary knowledge of English;]  
F193(aa)

(b) that he is of good character; and

(c) that he is in good health, both physically and mentally.

F194(6A) .....

F195(6B) .....

F196(7) .....

[F197(8) In this section—

“adaptation period”, in relation to registration under a particular title in the dental care professionals register, means a period of practice subject to an assessment and, where necessary, accompanied by further training, which is

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supervised by a registered dental care professional of the profession, or class of members of a profession, to which the title applies;

“aptitude test”, in relation to registration under a particular title in the dental care professionals register, means an assessment with the aim of determining whether a person has the knowledge and skill that the Council consider to be required for a person to practise as a member of the profession or class to which the title relates.]

### Textual Amendments

- F184** S. 36C(1)(a)(b) 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. 19(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)
- F185** S. 36C(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. 19(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)
- F186** Words in s. 36C(4)(a) inserted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 4(1)(a)** (with Sch. 5 para. 2)
- F187** Word in s. 36C(4)(a) inserted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **20(2)(a)**; S.I. 2015/1451, art. 5
- F188** Words in s. 36C(4)(b) inserted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 4(1)(b)** (with Sch. 5 para. 2)
- F189** S. 36C(4)(c) and word omitted (1.4.2016) by virtue of The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **20(2)(b)**; S.I. 2015/1451, art. 5
- F190** S. 36C(4A) 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. 19(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)
- F191** S. 36C(4B)-(4I) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 26(a)**
- F192** S. 36C(5) omitted (8.3.2023) by virtue of The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 4(1)(c)** (with Sch. 5 para. 2)
- F193** S. 36C(6)(aa) inserted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **20(3)**; S.I. 2015/1451, art. 5
- F194** S. 36C(6A) 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. 19(e)** (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)
- F195** S. 36C(6B) 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. 19(e)** (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)
- F196** S. 36C(7) omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **123(d)**

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**F197** S. 36C(8) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, Sch. 3 para. 26(b)

**Supplementary provisions as to necessary knowledge of English**

- F198 36CA.** (1) The Council must publish guidance about—
  - (a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under section 36C(6)(aa) that the applicant has the necessary knowledge of English; and
  - (b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in paragraph (a).

(2) The registrar must have regard to the guidance published under subsection (1) in determining whether the registrar is satisfied as mentioned in subsection (1)(a).

(3) Subsections (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant’s application, the registrar is not satisfied under section 36C(6)(aa) that the applicant has the necessary knowledge of English.

(4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.

**F199** [ Where the applicant applies in reliance on a specified state qualification or (4A) qualifications, the registrar may not request more evidence, information or documents than is necessary to demonstrate to the registrar that the applicant has the necessary knowledge of English.]

**F200** (5) .....

- (6) The registrar may require the applicant—
  - (a) to undergo an examination or other assessment; and
  - (b) to provide information in respect of that examination or assessment, within such period as the registrar may specify.

**F201** [ Where the registrar requires an applicant who applies in reliance on a specified state (6A) qualification or qualifications to undergo an examination or other assessment, the examination or assessment must be proportionate to the knowledge of English referred to in section 36C(6)(aa).]

**F202** (7) .....

**F203** (8) .....

(9) Guidance published under subsection (1) may make different provision in relation to different cases or classes of case, and in particular in relation to different descriptions of registered dental care professionals.

(10) The Council must keep guidance published under subsection (1) under review and may vary or withdraw it whenever they consider it appropriate to do so.

(11) If the Council vary any guidance published under subsection (1) they must publish the guidance as varied.

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- (12) Before publishing any guidance under subsection (1), or varying or withdrawing it, the Council must consult the persons and bodies mentioned in section 36M(5)(a) to (c).
- (13) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance to any person.
- (14) In this section—
- (a) references to an applicant are references to a person applying for registration under a title in <sup>F204</sup>... the dental care professionals register, and
  - (b) references to guidance published under subsection (1) include references to guidance published by virtue of subsection (11).]

#### Textual Amendments

- F198** S. 36CA inserted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **21**; S.I. 2015/1451, art. 5
- F199** S. 36CA(4A) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 27(a)**
- F200** S. 36CA(5) 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. 20(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)
- F201** S. 36CA(6A) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 27(b)**
- F202** S. 36CA(7) 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. 20(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)
- F203** S. 36CA(8) 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. 20(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)
- F204** Words in s. 36CA(14)(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. 20(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)

#### <sup>F205</sup>**36CB. Requisite knowledge and skill: holders of relevant qualifications**

- (1) Rules may make provision for the purpose of determining whether a person who holds a relevant qualification has the requisite knowledge and skill mentioned in section 36C(4)(b).
- (2) Rules made by virtue of subsection (1) may (in particular) make provision—
- (a) requiring the person to undertake an assessment;
  - (b) imposing such other requirements on the person as the Council considers appropriate;

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- (c) enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining whether the person has the requisite knowledge and skill.
- (3) In this section “relevant qualification” has the same meaning as in section 36C (see section 36C(4)(a)).

**Textual Amendments**

**F205** Ss. 36CB, 36CC inserted (8.3.2023) by [The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives \(International Registrations\) Order 2023 \(S.I. 2023/162\)](#), art. 1(2), **Sch. 1 para. 4(2)**

**36CC. Requisite knowledge and skill: recognition of relevant qualifications**

- (1) The Council may recognise a relevant qualification of a particular kind as furnishing such guarantees as to the knowledge and skill of the person who holds the relevant qualification that no further enquiry into the knowledge and skill of that person is necessary.
- (2) A person who holds a relevant qualification recognised by the Council for the time being in accordance with subsection (1) is to be taken to have satisfied the Council that the person holds the requisite knowledge and skill mentioned in section 36C(4)(b).
- (3) Rules may make provision about the recognition of a relevant qualification under subsection (1).
- (4) Rules made by virtue of subsection (3) may (in particular) make provision enabling the Council to require the payment of fees for the purpose of meeting expenses incurred, or to be incurred, by the Council in determining applications for the recognition of relevant qualifications.
- (5) In this section “relevant qualification” has the same meaning as in section 36C (see section 36C(4)(a)).]

**Textual Amendments**

**F205** Ss. 36CB, 36CC inserted (8.3.2023) by [The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives \(International Registrations\) Order 2023 \(S.I. 2023/162\)](#), art. 1(2), **Sch. 1 para. 4(2)**

**36D. Education and training for members of professions complementary to dentistry**

- (1) For each regulated profession or class, the Council shall, from time to time—
  - (a) determine the appropriate standard of proficiency which, in their opinion, is required for a person to practise competently and safely as a member of the profession or class; and
  - (b) specify the content and standard of the education and training (including practical experience) which, in their opinion, is required for imparting the knowledge and skills necessary for a person to obtain that proficiency.
- (2) Where the Council are satisfied that—



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- (a) a qualification granted by an institution in the United Kingdom is evidence of having reached the standard of proficiency for a regulated profession or class determined under subsection (1),
  - (b) a qualification which such an institution proposes to grant will be such evidence, or
  - (c) two or more qualifications granted or to be granted as mentioned in paragraph (a) or (b), taken together, are or will be such evidence,
- the Council may approve that qualification or those qualifications in relation to that regulated profession or class.
- (3) The matters determined or specified under subsection (1), and the qualifications approved under subsection (2), shall be published by the Council from time to time in such form as appears to them to be appropriate.
  - (4) The Council shall ensure that establishments providing or overseeing courses of education or training for persons who seek registration under a title in the dental care professionals register are notified of—
    - (a) the matters for the time being determined or specified under subsection (1); and
    - (b) the qualifications for the time being approved under subsection (2).
  - (5) Rules shall make provision for the withdrawal of approval given under subsection (2) in such circumstances as may be specified in the rules.
  - (6) Rules may make provision for the appointment by the Council of persons to visit establishments which provide or oversee, or seek to provide or oversee, courses of education or training for persons referred to in subsection (4), for the purposes of advising and reporting back to the Council upon matters connected with such courses, including—
    - (a) the sufficiency of instruction provided or overseen by, or to be provided or overseen by, those establishments;
    - (b) the suitability of a particular qualification for approval under subsection (2); and
    - (c) whether approval of a particular qualification ought to be withdrawn under rules under subsection (5).
  - (7) Rules may make provision—
    - (a) for the appointment by the Council of persons to attend examinations (or other forms of assessment) taken by persons attempting to obtain qualifications approved under subsection (2); and
    - (b) for persons appointed under paragraph (a) to report back to the Council on their findings.
  - (8) In this section “regulated profession or class” means a profession complementary to dentistry, or class of members of such a profession, specified in regulations under section 36A(2).

#### *Procedure for registration*

### **36E. Rules relating to the dental care professionals register**

[ Rules may make provision relating to—

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- <sup>F206</sup>(1) (a) the form of an application by a person seeking registration under a title [<sup>F207</sup>in <sup>F208</sup>... the dental care professionals register];
- (b) the manner in which an application under paragraph (a) is to be made;
- (c) the evidence and information which an applicant must supply in support of an application under paragraph (a) [<sup>F209</sup>(other than evidence and information falling within section 36CA(1))];
- (d) the details which must be entered in the dental care professionals register; and
- (e) the procedure for the making, alteration and deletion of entries in that register.

[<sup>F210</sup>(2) Subsection (1) is subject to section 36EA.]

#### Textual Amendments

- F206** s. 36E renumbered as s. 36E(1) (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. 28(a)**
- F207** Words in s. 36E(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **124**
- F208** Words in s. 36E(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. 21** (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)
- F209** Words in s. 36E(c) inserted (1.4.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **22**; S.I. 2015/1451, art. 5
- F210** S. 36E(2) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 28(b)**

#### [<sup>F211</sup>36EA] Applications by specified state professionals under section 36C

- (1) Where a person applies for registration under section 36C in reliance on a specified state qualification or qualifications, the registrar must—
- (a) within the period of one month beginning with the date of receipt of the application—
- (i) acknowledge receipt of the application; and
- (ii) inform the applicant of any missing document required for the purposes of the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process;
- (c) ensure that the evidence and information which the applicant must supply in support of the application is no more than is necessary to demonstrate to the registrar that the applicant satisfies the requirements for registration;
- (d) accept certified copies of documents in place of original documents, unless the Council require original documents to protect the integrity of the application process; and
- (e) deal promptly with the application and notify the applicant of the result of the application within the period of four months beginning with the relevant date.

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- (2) For the purposes of subsection (1)(d), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.
- (3) In subsection (1)(e), “the relevant date”, in relation to an application, is—
  - (a) the date when the registrar receives the application, or
  - (b) if any document required for the purposes of the application is missing when the registrar receives the application, the date on which the registrar first has all the documents required for those purposes.
- (4) If the registrar makes a request for further evidence, information or documents from the applicant, the period beginning with the date on which the registrar makes that request and ending with the date on which the applicant complies with that request is to be disregarded in determining whether the period of four months referred to in subsection (1)(e) has expired.
- (5) If the registrar imposes a requirement on the applicant under section 36CA(6), the period beginning with the date on which the registrar imposes that requirement and ending with the date on which the applicant satisfies that requirement is to be disregarded in determining whether that period of four months has expired.
- (6) A document which is requested or required under section 36CA(4) or (6)(b) is not to be treated as missing for the purposes of this section.]

#### Textual Amendments

**F211** S. 36EA inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 29](#)

### 36F. Fees

- (1) [F212[F213The] Council] may by regulations—
  - (a) prescribe a fee F214...—
    - (i) [F215to be charged on] the entry of a person’s name in the dental care professionals register under a title (including a name already registered in that register under another title or titles) [F216or to be charged otherwise in connection with an application for registration],
    - (ii) [F217to be charged on] the restoration of a person’s name to that register under a title (including a name already registered in that register under another title or titles), or
    - (iii) [F218to be charged on] the entry in that register of additional qualifications held by a registered dental care professional;
  - (b) prescribe a fee to be charged in respect of the retention of a person’s name under a title or titles in the dental care professionals register for each period of twelve months;
  - (c) provide for the payment by instalments of a fee prescribed by regulations under paragraph (b);
  - (d) authorise the registrar (notwithstanding anything in this Act) to refuse to make [F219any entry in the dental care professionals register or take any other action in connection with an application for registration in that register or restore any

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entry to that register] until a fee prescribed by regulations under this section has been paid.

<sup>F220</sup>(1ZA) [ If regulations under this section prescribe a fee to be charged on the entry of a person's name in the register in a case where the person applies for registration in reliance on a specified state qualification or qualifications, the fee must be—

- (a) reasonable and proportionate to the cost of dealing with such a person's application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the Council's own website.]

<sup>F221</sup>(1A) . . . . .

(2) The Council may by regulations provide that where a person, after such notices and warnings as may be provided for in the regulations, fails to pay a fee prescribed by regulations under subsection (1)(b), the registrar may erase that person's name from registration under all titles under which that person is registered in the dental care professionals register.

(3) Where a person's name has been erased from registration under a particular title by virtue of regulations under subsection (2), 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) Where, under subsection (3), the registrar refuses to restore a person's name to the dental care professionals register under a title, the registrar shall forthwith serve on the person concerned notification of the decision and of the reasons for it.

#### Textual Amendments

- F212** Words in s. 36F(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **125(a)**
- F213** Word in s. 36F(1) 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. 22(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)
- F214** Words in s. 36F(1)(a) omitted (19.10.2015) by virtue of [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **23(2)(a)**; S.I. 2015/1451, art. 2(b)
- F215** Words in s. 36F(1)(a)(i) inserted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **23(2)(b)(i)**; S.I. 2015/1451, art. 2(b)
- F216** Words in s. 36F(1)(a)(i) inserted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **23(2)(b)(ii)**; S.I. 2015/1451, art. 2(b)
- F217** Words in s. 36F(1)(ii) inserted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **23(2)(c)**; S.I. 2015/1451, art. 2(b)
- F218** Words in s. 36F(1)(iii) inserted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **23(2)(c)**; S.I. 2015/1451, art. 2(b)
- F219** Words in s. 36F(1)(d) substituted (19.10.2015) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **23(3)**; S.I. 2015/1451, art. 2(b)

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- F220** S. 36F(1ZA) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 30**
- F221** S. 36F(1A) 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. 22(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)

### *Publication of the dental care professionals register*

#### **36G. Publication of the dental care professionals register**

- (1) The registrar shall make available to members of the public in such form as he considers appropriate—
  - (a) the names of persons appearing in the dental care professionals register;
  - (b) the title or titles under which a person is registered in that register;
  - (c) the qualifications of persons appearing in that register; and
  - (d) such other details as the Council may direct.
- (2) For the purposes of subsection (1), the registrar may provide a member of the public with a copy of, or extract from, the dental care professionals register, and any such copy or extract shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.

### *Erasures and alterations in the dental care professionals register*

#### **36H. Erasure of names of deceased persons and of those who have ceased to practise**

- (1) The registrar shall erase the name of a deceased person from registration under all titles under which that person is registered in the dental care professionals register; and on registering the death of a registered dental care professional, a registrar of births and deaths shall, without charge to the recipient, send forthwith by post to the registrar a copy certified under his hand of the entry in the register of deaths relating to the death.
- (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 has ceased to practise as a member of that profession or class, the registrar may, with that person's consent, erase his name from registration in that register under that title.
- (3) The registrar may send by post to a registered dental care professional a notice inquiring whether he has ceased to practise as a member of a particular profession complementary to dentistry, or class of members of such a profession, or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, the registrar may erase that person's name from registration under all titles under which that person is registered in the dental care professionals register.
- (4) Where, under subsection (2) or (3) or at a person's request, 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 the conditions specified in subsection (5) are met.
- (5) The conditions referred to in subsection (4) are that—

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- (a) the original entry of the person's name in the dental care professionals register under the title in question was not incorrectly made or fraudulently procured;
- (b) the person satisfies the registrar of Matter D within the meaning of section 36C; and
- (c) the person also satisfies the registrar that he meets the requirements of—
  - (i) section 36L, and
  - (ii) any rules made under section 36Z2 which apply to his case.

### **36L. Erasure on grounds of fraud or error**

- (1) If the registrar is satisfied that any entry in the dental care professionals register has been incorrectly made, he shall erase that entry from that register.
- (2) If the registrar has reason to believe that any entry in the dental care professionals register has been fraudulently procured, he shall refer the matter to the Professional Conduct Committee to determine the question of whether that entry has been fraudulently procured.
- (3) If the Professional Conduct Committee determine that the entry in the dental care professionals register has been fraudulently procured, they may direct that the name of the person to whom the entry relates shall be erased from registration under all titles under which he is registered in that register.
- (4) Where a person's name has been erased from registration under a particular title under subsection (3), that person may apply to the Council for his name to be restored to that register under that title.
- (5) The Council shall refer an application under subsection (4) to the Professional Conduct Committee.
- (6) The Professional Conduct Committee shall determine an application referred under subsection (5) and may decide—
  - (a) that the person's name is to be restored to the dental care professionals register under the title in question;
  - (b) that the person's name is not to be restored to that register under the title in question; or
  - (c) that the person's name is not to be restored to that register under the title in question until the end of such period as the Professional Conduct Committee shall specify.
- (7) If the Professional Conduct Committee give a direction under subsection (3) or a decision under subsection (6), the registrar shall forthwith serve on the person concerned notification of the direction or decision and (except in the case of a decision under subsection (6)(a)) of his right to appeal against it under section 36S.]

*[<sup>F222</sup>Registration appeals*

#### **Textual Amendments**

**F222** S. 36J and cross-heading 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,

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5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 30](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 36J. Registration appeals

Schedule 4A to this Act (registration appeals: dental care professionals register) shall have effect.]

#### *[<sup>F223</sup>Use of titles and descriptions*

##### **Textual Amendments**

**F223** Ss. 36K-36V and cross-heading 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. 31](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### 36K. Use of titles and descriptions

- (1) A registered dental care professional shall not take or use, or affix to or use in connection with his premises—
  - (a) any description reasonably calculated to suggest that he possesses any professional status or qualification other than a professional status or qualification which he in fact possesses and which is indicated by particulars entered in the dental care professionals register in respect of him; or
  - (b) any title specified in regulations under section 36A(2) except the title or titles under which he is registered in the dental care professionals register.
- (2) Any person who contravenes subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### *Insurance*

### **[<sup>F224</sup>36LIndemnity arrangements**

- (1) A registered dental care professional who practises as a member of a profession complementary to dentistry must have in force, in relation to each title under which he is registered in the dental care professionals register, an indemnity arrangement which provides appropriate cover for practising as such.
- (2) For the purposes of this section, an “indemnity arrangement” may comprise—
  - (a) a policy of insurance;
  - (b) an arrangement made for the purposes of indemnifying a person;
  - (c) a combination of the two.
- (3) For the purposes of this section, “appropriate cover”, in relation to practice as a member of a profession complementary to dentistry, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.



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- (4) Rules may make provision in connection with the information to be provided to the registrar—
- (a) by or in respect of a person seeking registration in the dental care professionals register under a particular title (whether or not that person is already registered in that register under any other title or titles) for the purpose of determining whether, if his name is entered in the register under that title, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover;
  - (b) by or in respect of a person seeking restoration of his name in the dental care professionals register under a particular title (whether or not that person is already registered in that register under any other title or titles) for the purpose of determining whether, if his name is restored in the register under a particular title, there will be in force in relation to him by the time he resumes practice an indemnity arrangement which provides appropriate cover; and
  - (c) by or in respect of a registered dental care professional seeking retention of his name in the dental care professionals register under a particular title for the purpose of determining whether, if his name is retained in the register, there will continue to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (5) Rules may make provision requiring a registered dental care professional to inform the registrar if there ceases to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (6) Rules may make provision requiring a registered dental care professional to inform the registrar if there is in force in relation to him appropriate cover under an indemnity arrangement provided by an employer.
- (7) Rules made under subsection (4) above may require the information mentioned there to be provided—
- (a) at the request of the registrar; or
  - (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to individual dental care professionals or dental care professionals of a particular description.
- (8) Where in relation to any title in the dental care professionals register, a person fails to comply with rules made under subsection (4), or there is a failure to comply with rules made under subsection (4) in relation to him, the registrar may—
- (a) refuse to register his name in that register under that title;
  - (b) refuse to restore his name to that register under that title; or
  - (c) erase his name from that register under that title.
- (9) Where a registered dental care professional is in breach of subsection (1) or fails to comply with rules made under this section—
- (a) the registrar may erase that person's name from the register: or
  - (b) the breach or failure may be treated as misconduct for the purposes of section 36N(2)(a), and the registrar may accordingly refer the matter to the Investigating Committee under section 36N(5)(a).
- (10) Where, under subsection (8)(c) or (9)(a), a person's name has been erased from the register under a particular title, that name shall be restored to the dental care

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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) this section, and
  - (ii) any rules made under section 36Z2 which apply to that person's case.

<sup>F225</sup>(11) . . . . .]

**Textual Amendments**

**F224** S. 36L 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. 5**

**F225** S. 36L(11) 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. 23** (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)

*Professional conduct and fitness to practise*

**36M. Guidance**

- (1) The Council shall prepare and from time to time issue guidance as to the standards of conduct, performance and practice expected of registered dental care professionals.
- (2) Such guidance may make different provision in relation to different cases or classes of case, and in particular in relation to different descriptions of registered dental care professionals.
- (3) The Council shall keep such guidance under review and may vary or withdraw it whenever they consider it appropriate to do so.
- (4) The Council shall from time to time publish guidance issued under this section.
- (5) Before issuing such guidance or varying or withdrawing it, the Council shall consult—
  - (a) such persons to whom subsection (6) applies as the Council consider appropriate;
  - (b) the bodies within subsection (8); and
  - (c) such bodies to which subsection (9) applies as the Council consider appropriate.
- (6) This subsection applies to persons who appear to the Council to be representative of one or more of the following—
  - (a) users of the services of registered dentists;
  - (b) users of the services of registered dental care professionals;
  - (c) registered dentists;
  - (d) registered dental care professionals;
  - (e) employers of registered dentists; and
  - (f) employers of registered dental care professionals.

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- (7) The Council shall exercise their function under subsection (5)(a) so that the persons consulted are, taken together, representative of all the categories of person mentioned in subsection (6)(a) to (f).
- (8) The bodies within this subsection are—
- <sup>F226</sup>(a) . . . . .
  - (b) Local Health Boards in Wales;
  - (c) Health Boards in Scotland; <sup>F227</sup>...
  - (d) [<sup>F228</sup>Health and Social Care trusts] in Northern Ireland [<sup>F229</sup>; and
  - (e) the Department of Health in Northern Ireland.]
- (9) This subsection applies to bodies which make arrangements, for the provision of dental services, with one or both of the following—
- (a) registered dentists,
  - (b) registered dental care professionals,
- but are not within subsection (8).
- (10) The Council may charge such fee as they consider reasonable for the provision of a copy of the guidance to any person.

#### Textual Amendments

- F226** S. 36M(8)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 35](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F227** Word in s. 36M(8)(c) omitted (N.I.) (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 66\(3\)\(a\)](#); S.R. 2022/102, [art. 2\(b\)](#) and omitted (E.W.S.) (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\), arts. 1\(2\), 13\(3\)\(a\)](#)
- F228** Words in s. 36M(8)(d) substituted (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 66\(3\)\(b\)](#); S.R. 2022/102, [art. 2\(b\)](#) and substituted (E.W.S.) (30.11.2022) by [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\), arts. 1\(2\), 13\(3\)\(b\)](#)
- F229** S. 36M(8)(e) and word added (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 66\(3\)\(c\)](#); S.R. 2022/102, [art. 2\(b\)](#) and inserted (E.W.S.) (30.11.2022) by [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\), arts. 1\(2\), 13\(3\)\(c\)](#)

#### <sup>F230</sup>36MA Information for specified state professionals

- (1) The Council must make information about the following matters available to persons who are eligible to apply for registration in the dental care professionals register in reliance on their specified state qualifications—
- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
  - (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
  - (c) the processes and procedures for the ongoing verification of competence;
  - (d) the criteria for, and procedures relating to, erasure of registration;

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- (e) the documentation required of such specified state professionals and the form in which it should be presented; and
  - (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registered dental care professionals that are acceptable to the Council.
- (2) The Council must deal promptly with enquiries from such specified state professionals about conditions that apply to the practice of registered dental care professionals.]

#### Textual Amendments

**F230** S. 36MA inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 31](#)

### 36N. Allegations

- (1) This section applies where an allegation is made to the Council against a registered dental care professional that his fitness to practise as a member of a profession complementary to dentistry is impaired.
- (2) A person's fitness to practise as a member of a profession complementary to dentistry shall be regarded as "impaired" for the purposes of this Act by reason only of—
- (a) misconduct;
  - (b) deficient professional performance;
  - (c) adverse physical or mental health;
  - (d) a conviction or caution in the United Kingdom for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;
  - (e) the person having—
    - (i) accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal), or
    - (ii) agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);
  - (f) the person, in proceedings in Scotland for an offence, having been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging him absolutely; or
  - (g) a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that the person's fitness to practise as a member of that profession is impaired, or a determination by a regulatory body elsewhere to the same effect.
- (3) It does not matter whether the allegation is based on a matter alleged to have occurred—
- (a) outside the United Kingdom; or
  - (b) at a time when the person was not registered in the dental care professionals register.
- (4) This section also applies in a case where—

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- (a) it comes to the attention of the Council that a registered dental care professional's fitness to practise as a member of a profession complementary to dentistry may be impaired on one or more of the grounds mentioned in subsection (2), but
  - (b) no allegation to that effect has been made to the Council against that person, and in such a case this Act shall apply as if an allegation or allegations to the effect that the person's fitness to practise as a member of a profession complementary to dentistry is impaired on the ground or grounds in question had been made to the Council against that person.
- (5) The registrar—
- (a) shall refer the allegation to the Investigating Committee; and
  - [<sup>F231</sup>(b) may, at any time before the Investigating Committee have begun to consider the allegation, refer the allegation to the Interim Orders Committee if he considers it appropriate.]
- [<sup>F232</sup>(6) The registrar shall investigate the allegation for the purpose of—
- (a) determining whether it is an allegation in relation to which this section applies, and
  - (b) if he determines that it is, determining whether to refer the allegation to the Interim Orders Committee under subsection (5)(b).
- (6A) Rules may make provision for enabling the registrar to review a determination under subsection (6)(a) that the allegation is not an allegation in relation to which this section applies (including provision as to the action which may be taken following a review).]
- (7) In this section—
- (a) “enactment” includes—
    - (i) a provision of, or an instrument made under, an Act of the Scottish Parliament,
    - (ii) a provision of, or an instrument made under, Northern Ireland legislation, and
    - (iii) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978); and
  - (b) “regulatory body” means a regulatory body which has the function of authorising persons to practise as members of a health or social care profession.

#### **Textual Amendments**

**F231** S. 36N(5)(b) substituted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, **16**

**F232** S. 36N(6)(6A) substituted for s. 36N(6) (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, **12**

### **36O. The Investigating Committee**

- (1) Where the registrar refers an allegation under section 36N to the Investigating Committee they shall investigate the allegation and determine whether the allegation ought to be considered by a Practice Committee.

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- (2) If the Investigating Committee determine that the allegation ought not to be considered by a Practice Committee, the Investigating Committee may—
- (a) issue a warning or advice to the person who is the subject of the allegation regarding his future conduct, performance and practice; and
  - (b) issue advice to any other person involved in the investigation on any issue arising in the course of the investigation.
- (3) If the Investigating Committee issue a warning under subsection (2)(a), they may, if they consider it appropriate to do so, direct the registrar to enter details of that warning in any entry in the dental care professionals register relating to the person who is the subject of the allegation.
- [ In deciding whether to issue a warning or advice under subsection (2) or give a direction under subsection (3), the Investigating Committee (or any panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.]
- (4) Unless subsection (5) applies, if the Investigating Committee determine that the allegation ought to be considered by a Practice Committee, the Investigating Committee—
- [ may agree with the person who is the subject of the allegation that the person will comply with such undertakings as the Investigating Committee consider appropriate;]
  - (a) [if they do not agree undertakings under paragraph (za),] shall refer the allegation—
    - (i) to the Professional Performance Committee, in the case of an allegation based on the ground mentioned in section 36N(2)(b) (deficient professional performance),
    - (ii) to the Health Committee, in the case of an allegation based on the ground mentioned in section 36N(2)(c) (adverse physical or mental health), or
    - (iii) to the Professional Conduct Committee, in any other case; ...
  - (b) .....
- [ Unless subsection (5) applies, the Investigating Committee may, if they consider it appropriate, refer the allegation to the Interim Orders Committee (subject to subsection (6B)).]
- (5) This subsection applies in a case where two or more allegations under section 36N relating to the same person have been referred to the Investigating Committee and those allegations are—
- (a) an allegation based on the ground mentioned in section 36N(2)(b) and an allegation or allegations based on any other grounds mentioned in section 36N(2); or
  - (b) an allegation based on the ground mentioned in section 36N(2)(c) and an allegation or allegations based on any other grounds mentioned in section 36N(2).
- (6) Where subsection (5) applies, and the Investigating Committee determine that two or more of those allegations ought to be considered by a Practice Committee, the Investigating Committee—

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- <sup>F238</sup>(za) [ may agree with the person who is the subject of those allegations that the person will comply with such undertakings as the Investigating Committee consider appropriate;]
- (a) [<sup>F239</sup>if they do not agree undertakings under paragraph (za),] shall refer those allegations to whichever one of the Practice Committees they consider most appropriate; <sup>F240</sup> ...
- <sup>F240</sup>(b) .....
- <sup>F241</sup>(6A) [ Where subsection (5) applies, the Investigating Committee may, if they consider it appropriate, refer those allegations to the Interim Orders Committee (subject to subsection (6B)).
- (6B) Subsections (4A) and (6A) do not apply if the Investigating Committee have determined that the allegation or allegations ought to be considered by a Practice Committee and—
- (a) the Investigating Committee agree undertakings under subsection (4)(za) or (6)(za), or
- (b) (if they do not agree undertakings under that provision) the hearing before a Practice Committee has commenced or, where there is not to be a hearing before a Practice Committee, a Practice Committee have begun to consider written statements or representations.]
- <sup>F242</sup>(6C) [ If the Investigating Committee agree undertakings under subsection (4)(za) or (6)(za), they may, if they consider it appropriate to do so, direct the registrar to enter details of the undertakings in the entry in the register relating to the person who is the subject of the allegation or allegations.]
- (7) The registrar shall serve notification of any determination made by the Investigating Committee under subsection (1) on the person who is the subject of the allegation and on the person (if any) making the allegation.
- (8) The Investigating Committee may review and if they consider it appropriate revise a determination made by them that an allegation or allegations ought to be considered by a particular Practice Committee—
- (a) on a reference back to them from that Practice Committee under section 36P(5); or
- (b) on an application made by the Council, the registrar, the person who is the subject of the allegation or allegations or any person making the allegation or allegations, but only if such review is carried out—
- (i) where there is to be a hearing before that Practice Committee, before the commencement of that hearing, or
- (ii) where there is not to be a hearing before that Practice Committee, before that Practice Committee have begun to consider written statements or representations.
- <sup>F243</sup>(8A) [ On a review under subsection (8) the Investigating Committee may refer the allegation or allegations to the Interim Orders Committee.]
- (9) Subsection (2) applies to a determination by the Investigating Committee, following a review under subsection (8), that an allegation or allegations ought not to be considered by a Practice Committee, as it applies to a determination under subsection (1) that an allegation ought not to be considered by a Practice Committee.



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- (10) If the Investigating Committee determine, under subsection (1) or following a review under subsection (8), that an allegation or allegations against a person ought not to be considered by a Practice Committee, they shall, at the same time, revoke with immediate effect any interim order which has been made under section 36V in respect of that person in consequence of that allegation or those allegations.
- [ The Investigating Committee may review a determination made by them to issue a
- <sup>F244</sup>(11) warning under subsection (2)(a) on an application made—
- (a) by the person to whom the warning was issued or the registrar;
  - (b) before the end of the period of two years beginning with the date on which the determination was made.
- (12) On a review under subsection (11) the Investigating Committee may, if they consider it appropriate—
- (a) revoke the warning, and
  - (b) direct the registrar to remove details of the warning from the entry in the register relating to the person to whom the warning was issued.]

[ Rules may make provision in connection with undertakings under subsections (4)(za)

<sup>F245</sup>(13) and (6)(za) (including provision as to the actions which may be taken in consequence of undertakings being breached).]

#### Textual Amendments

- F233** S. 36O(3A) inserted (26.9.2016) by Health and Social Care (Safety and Quality) Act 2015 (c. 28), s. 6(4), **Sch. para. 1(5)**; S.I. 2016/906, reg. 2(b)
- F234** S. 36O(4)(za) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **6(2)**
- F235** Words in s. 36O(4)(a) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **6(3)**
- F236** S. 36O(4)(b) and preceding word omitted (13.4.2016) by virtue of The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **17(2)**
- F237** S. 36O(4A) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **17(3)**
- F238** S. 36O(6)(za) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **6(4)**
- F239** Words in s. 36O(6)(a) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **6(5)**
- F240** S. 36O(6)(b) and preceding word omitted (13.4.2016) by virtue of The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **17(4)**
- F241** S. 36O(6A)(6B) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **17(5)**
- F242** S. 36O(6C) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **6(6)**
- F243** S. 36O(8A) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **17(6)**
- F244** S. 36O(11)(12) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **8**
- F245** S. 36O(13) inserted (13.4.2016) by The General Dental Council (Fitness to Practise etc.) Order 2016 (S.I. 2016/496), arts. 1, **6(7)**

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### **Delegation of the Investigating Committee’s functions under section 36O**

**F246 36OA.**

Rules may make provision for one or more of the following—

- (a) the registrar;
- (b) any other officer of the Council,

to exercise the functions of the Investigating Committee under section 36O, whether generally or in relation to such classes of case as may be specified in the rules.]

#### **Textual Amendments**

**F246** S. 36OA inserted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, 4

### **Review of determination under section 36O(1)**

**F247 36OB**

(1) Rules may make provision for enabling the registrar to review a determination by the Investigating Committee under section 36O(1) that an allegation ought not to be considered by a Practice Committee.

(2) Rules made by virtue of subsection (1) may, in particular, include provision as to—

- (a) the period within which a review is to be commenced;
- (b) the process to be followed by the registrar in carrying out a review (including the determinations to be made by him);
- (c) the actions which may be taken following a review.]

#### **Textual Amendments**

**F247** S. 36OB inserted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, 10

### **36P. The Practice Committees**

(1) Subject to subsection (5), a Practice Committee must investigate an allegation or allegations against a person referred to them by the Investigating Committee under section 36O and determine whether that person’s fitness to practise as a member of a profession complementary to dentistry is impaired.

(2) A Practice Committee shall, in exercising their function under subsection (1), make separate determinations in relation to each title under which that person is registered in the dental care professionals register, as to his fitness to practise as a member of the profession, or class of members of a profession, to which that title applies.

(3) In making a determination under subsection (1), a Practice Committee may take into account whether the person who is the subject of the allegation or allegations has complied with any relevant parts of the guidance issued under section 36M, but that question is not of itself determinative of whether a person’s fitness to practise as a member of a profession complementary to dentistry is impaired.

(4) If the person who is the subject of an allegation or allegations is also registered in the dentists register, a Practice Committee shall, in exercising their function under

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- subsection (1), make a separate determination under section 27B(1) (fitness to practise as a dentist).
- (5) Where a Practice Committee consider that any allegation should not have been referred to them by the Investigating Committee under section 36O, they may refer that allegation back to the Investigating Committee.
- (6) If a Practice Committee determine that, in relation to a title under which a person is registered in the dental care professionals register, his fitness to practise as a member of the profession, or class of members of a profession, to which that title applies is not impaired, they—
- (a) shall publish at his request a statement to that effect; or
  - (b) may publish such a statement if he consents.
- (7) If a Practice Committee determine that, in relation to a title under which a person is registered in the dental care professionals register, his fitness to practise as a member of the profession, or class of members of a profession, to which that title applies is impaired, they may, if they consider it appropriate, direct—
- (a) (subject to subsection (8)) that the person's name shall be erased from registration in that register under that title;
  - (b) that his registration in that register under that title shall be suspended during such period not exceeding twelve months as may be specified in the direction;
  - (c) that his registration in that register under that title shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
  - (d) that he shall be reprimanded in connection with any conduct or action of his which was the subject of the allegation.
- (8) A direction under subsection (7)(a) that a person's name shall be erased from registration in the dental care professionals register under a particular title shall not be given following a determination that that person's fitness to practise as a member of the profession, or class of members of a profession, to which that title applies is impaired solely on the ground mentioned in section 36N(2)(c) (adverse physical or mental health).
- (9) Where a Practice Committee give a direction under subsection (7), the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under paragraph (d) of that subsection) of his right to appeal against it under section 36S.
- (10) Where a Practice Committee make a determination under subsection (1) as to a person's fitness to practise as a member of a profession, or class of members of a profession, to which a particular title applies, they shall, at the same time, revoke any interim order which has been made under section 36V—
- (a) in consequence of the allegation, or allegations, to which that determination relates; and
  - (b) in relation to that person's registration in the dental care professionals register under that title.
- (11) The revocation of an interim order under subsection (10) shall take effect—
- (a) in the case of a determination that the person's fitness to practise is not impaired, forthwith;

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- (b) in the case of a direction given under paragraph (d) of subsection (7), forthwith; and
- (c) in the case of a direction given under paragraph (a), (b) or (c) of subsection (7), subject to section 36U(5), from the time when—
  - (i) any direction given under those paragraphs takes effect in accordance with section 36T,
  - (ii) an appeal under section 36S against the decision giving such a direction is determined under section 36S(6)(b) or (c), or
  - (iii) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.

### **36Q. Resumed hearings**

- (1) Where a Practice Committee have given a direction under section 36P(7)(b) or subsection (2)(d) or (3) of this section that a person's registration in the dental care professionals register under a particular title should be suspended, they may direct, in relation to that title—
  - (a) that the suspension shall be terminated;
  - (b) that the current period of suspension shall be extended for such further period, specified in the direction and not exceeding twelve months, beginning with the date on which it would otherwise expire;
  - (c) that the suspension shall be terminated and the person's registration in the dental care professionals register under that title shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
  - (d) that the person's registration in the dental care professionals register under that title shall be suspended indefinitely, if—
    - (i) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years, and
    - (ii) the direction is made not more than two months before the date on which the period of suspension would otherwise expire.
- (2) Where a Practice Committee have given a direction under section 36P(7)(c), subsection (1)(c) or (5)(c) of this section or section 36R(6)(b) imposing conditions on a person's registration in the dental care professionals register under a particular title, they may give one or more of the following directions in relation to that title—
  - (a) a direction that the registration shall cease to be conditional from a date specified in the direction;
  - (b) a direction that the current period of conditional registration shall be extended for such further period, specified in the direction and not exceeding three years, beginning with the date on which it would otherwise expire;
  - (c) a direction that one or more of the conditions imposed on the registration shall be varied or revoked, or that those conditions shall be added to, as specified in the direction; or
  - (d) a direction that the person's registration in the dental care professionals register under that title shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (3) Where a Practice Committee—

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- (a) have given a direction under section 36P(7)(c), subsection (1)(c), (2)(b) or (c) or (5)(c) of this section or section 36R(6)(b) imposing conditions on a person's registration, or extending a period of conditional registration, in the dental care professionals register under a particular title, or
  - (b) have made an order under section 36V(4)(b) for interim conditional registration in relation to a particular title,
- and the Practice Committee determine that at any time during the period for which that direction or order has effect the person has failed to comply with any condition imposed on his registration, the Practice Committee may direct, in relation to that title, that the person's registration in the dental care professionals register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (4) Where a Practice Committee have given a direction under subsection (1)(d) that a person's registration in the dental care professionals register under a particular title is to be suspended indefinitely, they must review the direction if—
    - (a) the person requests them to do so;
    - (b) at least two years have elapsed since the date on which the direction took effect; and
    - (c) if the direction has previously been reviewed under this subsection, at least two years have elapsed since the date of the last such review decision.
  - (5) On such a review a Practice Committee may, in relation to the title in question—
    - (a) direct that the suspension shall be terminated;
    - (b) confirm the direction to suspend the person's registration under that title indefinitely; or
    - (c) direct that the suspension shall be terminated and the person's registration in the dental care professionals register under that title shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests.
  - (6) Where a Practice Committee give a direction under this section, the registrar shall forthwith serve on the person concerned notification of the direction and (except in the case of a direction under subsection (1)(a), (2)(a) or (5)(a) or a direction under subsection (2)(c) that a condition or conditions shall be revoked) of his right to appeal against it under section 36S.

**36R. Restoration of names to the dental care professionals register following erasure under section 36P**

- (1) A person whose name has been erased from registration in the dental care professionals register under a particular title in accordance with a direction under section 36P(7)(a) may apply to the registrar for his name to be restored to that register under that title.
- (2) No application under this section for the restoration of a person's name to the dental care professionals register shall be made—
  - (a) before the end of the period of five years beginning with the date on which the direction for erasure took effect; or
  - (b) within twelve months of the date on which an earlier application for the restoration of his name under the title in question was made.

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- (3) The registrar shall refer an application to the Professional Conduct Committee.
- (4) When considering an application, the Professional Conduct Committee may, if they consider it necessary and appropriate in a particular case, direct the applicant to do one or both of the following—
  - (a) produce such evidence as to his fitness to practise as a member of the profession complementary to dentistry, or class of members of such a profession, in question as the Professional Conduct Committee shall specify;
  - (b) meet such further requirements, including requirements as to education and training, as the Professional Conduct Committee shall specify.
- (5) An application shall not be granted unless the applicant satisfies the Professional Conduct Committee—
  - (a) that he is fit to practise as a member of the profession complementary to dentistry, or class of members of such a profession, in question;
  - (b) of Matter D within the meaning of section 36C;
  - (c) that he meets the requirements of any rules made under section 36Z2 which apply to his case; and
  - (d) that he meets any other requirements imposed in a direction under subsection (4)(b).
- (6) Where the Professional Conduct Committee grant an application, they may give one or both of the following directions—
  - (a) a direction that the restoration of a person's name to the dental care professionals register under the title in question shall be conditional on his satisfying the registrar that he meets the requirements of section 36L (insurance) in relation to that title;
  - (b) a direction that a person's registration in that register under the title in question shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Professional Conduct Committee think fit to impose for the protection of the public or in his interests.
- (7) If the Professional Conduct Committee refuse to grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision and of his right to appeal against it under section 36S.
- (8) If the Professional Conduct Committee grant an application, the registrar shall forthwith serve on the applicant notification of the Professional Conduct Committee's decision, and, in a case where a direction has been given under subsection (6)(b), of his right to appeal against that direction under section 36S.
- (9) Where, during the same period of erasure from registration in the dental care professionals register under a particular title, a second or subsequent application relating to that title under this section by the same person is unsuccessful, the Professional Conduct Committee may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) If the Professional Conduct Committee give a direction under subsection (9), the registrar shall forthwith serve on the person concerned notification of the direction and of his right to appeal against it under section 36S.

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- (11) Any person in respect of whom a direction has been given under subsection (9) may, after the end of the period of three years beginning with the date on which the direction took effect, apply to the registrar for the direction to be reviewed by the Professional Conduct Committee and, thereafter, may make further applications for review; but no such application may be made before the end of the period of three years beginning with the date of the most recent review decision.
- (12) On a review under subsection (11), the Professional Conduct Committee may—
  - (a) confirm the direction under subsection (9); or
  - (b) direct that the person concerned may make an application under subsection (1).

### 36S. Appeals

- (1) The following decisions are appealable decisions for the purposes of this section—
  - (a) a decision of the Professional Conduct Committee under section 36I—
    - (i) giving a direction under subsection (3) of that section for erasure of a person’s name from the dental care professionals register under all titles under which he is registered in that register, or
    - (ii) refusing an application under subsection (6) of that section to restore a person’s name to that register under a particular title, or refusing to so restore his name until the end of a specified period;
  - (b) a decision of a Practice Committee under section 36P or 36Q giving, in relation to a particular title, a direction for erasure, for suspension, for conditional registration or for varying or adding to the conditions imposed by a direction for conditional registration; <sup>F248</sup> ...
  - (c) a decision of the Professional Conduct Committee under section 36R—
    - (i) refusing to grant an application to restore a person’s name to the dental care professionals register under a particular title,
    - (ii) giving, in relation to a particular title, a direction for conditional registration under subsection (6)(b) of that section, or
    - (iii) giving a direction under subsection (9) of that section in respect of a particular title suspending indefinitely the right to make further applications under that section.
  - <sup>F249</sup>(d) .....
- (2) 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
  - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.
- (3) Subject to subsection (4), 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 36I(7), 36P(9), 36Q(6) or 36R(7), (8) or (10), <sup>F250</sup> ... appeal against the decision to the relevant court.
- (4) Where—
  - (a) any notification of a decision required to be served on a person under any of the provisions specified in subsection (3) is served by sending it to him by post, and



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- (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.
- (5) In subsection (3) “the relevant court”—
- (a) in the case of a person whose address in the dental care professionals 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 that 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.
- (6) On an appeal under this section, the court may—
- (a) dismiss the appeal,
  - (b) allow the appeal and quash the decision appealed against <sup>F251</sup> ...,
  - (c) substitute for the decision appealed against any other decision which could have been made by <sup>F252</sup> ... the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
  - (d) remit the case to <sup>F253</sup> ... the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to dispose of the case under section 36I, 36P, 36Q or 36R in accordance with the directions of the court,
- and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.
- (7) The Council may appear as respondent on any appeal under this section; and for the purpose of 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

- F248** Word in s. 36S(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, **49(2)** (with reg. 155)
- F249** S. 36S(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. 24(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)
- F250** Words in s. 36S(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. 24(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)
- F251** Words in s. 36S(6)(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. 24(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)
- F252** Words in s. 36S(6)(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. 24(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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**F253** Words in s. 36S(6)(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. 24\(c\)\(ii\)](#) (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)

### **36T. Taking effect of directions for erasure, suspension, conditional registration etc.**

- (1) This section applies to—
- (a) a direction given by the Professional Conduct Committee under section 36I(3) for erasure of a person's name from the dental care professionals register under all titles under which he is registered in that register;
  - (b) a direction, in relation to a particular title, for erasure, suspension, conditional registration or variation of or addition to the conditions of registration given by a Practice Committee under section 36P or 36Q; and
  - (c) a direction, in relation to a particular title, for conditional registration given by the Professional Conduct Committee under section 36R(6)(b).
- (2) A direction to which this section applies shall take effect—
- (a) where no appeal under section 36S is brought against the decision giving the direction within the period of time specified in subsection (3) of that section, on the expiry of that period;
  - (b) where such an appeal is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
  - (c) where such an appeal is brought and is not withdrawn or struck out for want of prosecution, on the dismissal of the appeal.
- (3) Where the period of time for appealing against a decision giving a direction is extended under section 36S(4)—
- (a) subsection (2) shall apply to the direction as if the reference in paragraph (a) of that subsection to the period of time specified in section 36S(3) were a reference to that period as so extended, and
  - (b) if the authorisation is given after the expiry of the period of time specified in section 36S(3), the direction shall be deemed not to have taken effect on the expiry of that period,
- and any reference in this Act to the time when such a direction takes effect in accordance with this section shall be construed accordingly.
- (4) In this section—
- (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
  - (b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.

### **36U. Orders for immediate suspension and immediate conditional registration**

- (1) On giving a direction, in relation to a particular title, for erasure or for suspension under section 36I(3), section 36P(7)(a) or (b) or section 36Q(2)(d) or (3) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of that person, may order that his registration under that title shall be suspended forthwith in accordance with this section.

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- (2) On giving a direction, in relation to a particular title, for conditional registration under section 36P(7)(c), section 36Q(1)(c) or (5)(c) or section 36R(6)(b) in respect of any person, the Practice Committee giving the direction, if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of that person, may order that his registration under that title shall be made conditional forthwith in accordance with this section.
- (3) Where, on the giving of a direction, an order under subsection (1) or (2) is made in respect of a person, his registration in the dental care professionals register under the title in question shall, subject to subsection (6), be suspended or made conditional, as the case may be, from the time when the order is made until the time when—
  - (a) the direction takes effect in accordance with section 36T;
  - (b) an appeal under section 36S against the decision giving the direction is determined under section 36S(6)(b) or (c); or
  - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
- (4) Where a Practice Committee make an order under subsection (1) or (2), the registrar shall forthwith serve on the person in respect of whom it is made notification of the order and of his right to make an application under subsection (7).
- (5) Where a Practice Committee make an order under subsection (1) or (2) in respect of a person, and an interim order under section 36V in respect of that person has been revoked by virtue of section 36P(10), that revocation shall take effect, subject to subsection (6), from the time when the order under subsection (1) or (2) is made.
- (6) If, when an order under subsection (1) or (2) is made, the person in respect of whom it is made is neither present nor represented at the proceedings, subsections (3) and (5) shall have effect as if, in each case, for the reference to the time when the order is made, there were substituted a reference to the time when notification of the order is served under subsection (4).
- (7) A person in respect of whom an order under subsection (1) or (2) is made may apply to the court for an order terminating any suspension imposed under subsection (1) or any conditional registration imposed under subsection (2), and the decision of the court on any such application shall be final.
- (8) In subsection (7) “the court”—
  - (a) in the case of a person whose address in the dental care professionals register is in Scotland, means the Court of Session;
  - (b) in the case of a person whose address in that register is 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.

### **36V. Interim orders**

- (1) This section applies to the Professional Conduct Committee, the Professional Performance Committee, the Health Committee and the Interim Orders Committee, and any reference in this section to a “Committee” is a reference to any of those Committees.
- (2) The Interim Orders Committee may exercise functions under this section only in relation to a person whose case has been referred to them—

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- (a) by the registrar under section 36N(5)(b);
  - (b) by the Investigating Committee under [<sup>F254</sup>section 36O(4A) or (6A)]; or
  - (c) by a Practice Committee in accordance with rules under paragraph 7(1)(c) of Schedule 4B.
- (3) A Practice Committee may exercise functions under this section only in relation to a person whose case has been referred to them—
- (a) by the Investigating Committee under section 36O(4)(a) or (6)(a); or
  - (b) by another Practice Committee in accordance with rules under paragraph 7(1)(a) of Schedule 4B.
- (4) Where a Committee are satisfied that it is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, for the person's registration in the dental care professionals register under a particular title to be suspended or to be made subject to conditions, the Committee may make—
- (a) an order that his registration in that register under that title shall be suspended during such period not exceeding 18 months as may be specified in the order (an "interim suspension order"); or
  - (b) an order that his registration in that register under that title shall be conditional on his compliance, during such period not exceeding 18 months as may be specified in the order, with such conditions so specified as the Committee think fit to impose (an "order for interim conditional registration").
- (5) Subject to subsection (11), where a Committee have made an interim suspension order or an order for interim conditional registration they—
- (a) shall review it within the period of six months beginning with the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it—
    - (i) before the end of the period of six months beginning with the date of the decision of the immediately preceding review, or
    - (ii) if after the end of the period of three months beginning with the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
  - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (6) Where an interim suspension order or an order for interim conditional registration has been made under any provision of this section (including this subsection) in relation to a person's registration in the dental care professionals register under a particular title, the Committee that made the order may, in relation to that title—
- (a) revoke the order;
  - (b) make an order adding to, varying or revoking any condition imposed by the order;
  - (c) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former; or
  - (d) if satisfied that to do so is necessary for the protection of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former.

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- (7) If a Committee make an order under any provision of this section—
- (a) the registrar shall forthwith serve notification of the order on the person to whose registration it relates; and
  - (b) that order shall take effect from the time on which the notification mentioned in paragraph (a) is served.
- (8) The Council may apply to the court for an order made by a Committee under subsection (4) or (6) to be extended, and may apply again for further extensions.
- (9) On each such application the court may extend (or further extend) for up to twelve months the period for which the order has effect.
- (10) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
- (11) For the purposes of subsection (5) the first review after the court’s extension of an order made by a Committee or after a replacement order made by a Committee under subsection (6)(c) or (d) shall take place—
- (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (5), within the period of six months beginning with the date on which the court ordered the extension or on which a replacement order under subsection (6)(c) or (d) was made; and
  - (b) if it had been reviewed under subsection (5), within the period of three months beginning with that date.
- (12) Where an interim order has effect under any provision of this section in relation to a person’s registration in the dental care professionals register under a particular title, the court may, in relation to that title—
- (a) in the case of an interim suspension order, terminate the suspension,
  - (b) in the case of an order for interim conditional registration, revoke the order or revoke, vary or add to any condition imposed by the order,
  - (c) in either case, substitute for the period specified in the order (or in an order extending it) some other period which could have been specified in the order (or in the order extending it) when it was made,
- and the decision of the court on any application under this subsection shall be final.
- (13) In this section “the court” has the meaning given by section 36U(8).]

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#### **Textual Amendments**

**F254** Words in s. 36V(2)(b) substituted (13.4.2016) by [The General Dental Council \(Fitness to Practise etc.\) Order 2016 \(S.I. 2016/496\)](#), arts. 1, 18

#### *f<sup>F255</sup> Supplementary provisions*

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#### **Textual Amendments**

**F255** S. 36W and cross-heading 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. 32 (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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### **36W. Supplementary provisions relating to fitness to practise cases**

- (1) While a person's registration in the dental care professionals register under a particular title is suspended by virtue of a direction or order under this Part—
    - (a) he shall be treated, except as provided in subsection (2), as not being registered in that register under that title, notwithstanding that his name still appears in that register; but
    - (b) sections 36N, 36O, 36P and 36Q shall continue to apply to him in relation to that title.
  - (2) While a person's registration in the dental care professionals register under a particular title is suspended by virtue of a direction or order under this Part, he shall be treated for the purposes of compliance with rules made under section 36Z1 as if his registration were not so suspended.
  - (3) Where any such direction as is mentioned in section 36Q(1)(b), (c) or (d), (2)(b) or (d), (3) or (5)(c) is given in relation to a person's registration in the dental care professionals register under a particular title while his registration under that title is subject to conditions or suspended by virtue of a direction under this Part, his registration under that title shall continue to be conditional or suspended throughout any period which may intervene between the time when (but for this subsection) his registration under that title would cease to be conditional or suspended, as the case may be, and the time when—
    - (a) the direction takes effect in accordance with section 36T;
    - (b) an appeal under section 36S against the decision giving the direction is determined under section 36S(6)(b) or (c); or
    - (c) following a decision on appeal to remit the case to a Practice Committee, the Practice Committee dispose of the case.
  - (4) If, on the determination of an appeal under section 36S, a direction extending the current period of suspension or conditional registration for a further period takes effect after the time when (but for subsection (3)) the current period of suspension or conditional registration would have ended, that further period shall be treated as having started to run at that time.
  - (5) Subsection (3) is subject to any order made under section 36U(1) or (2).
- [ In exercising a function under section 36P, 36Q or 36R, a Practice Committee (or any <sup>F256</sup>(5A) panel by which the function is exercisable as mentioned in section 2(6A)) must have regard to the over-arching objective.]
- (6) Schedule 4B to this Act (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) shall have effect.]

#### **Textual Amendments**

**F256** S. 36W(5A) inserted (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), [Sch. para. 1\(6\)](#); S.I. 2016/906, reg. 2(b)

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**[<sup>F257</sup>36X.Recording of suspension or conditional registration etc.**

- (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.

**Textual Amendments**

**F257** Ss. 36X-36Z2 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. 33](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**36Y. The Council's power to require disclosure of information**

- (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.



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(3) Nothing in this section shall require or permit any disclosure of information which is prohibited by any relevant enactment [<sup>F258</sup> or relevant provision of the [<sup>F259</sup>UK GDPR]]

[<sup>F260</sup>(4) For the purposes of subsection (3)—

“relevant enactment” means any enactment other than—

- (a) this Act, or
- (b) the listed provisions in paragraph 1 of Schedule 11 to the Data Protection Act 2018 (exemptions to Part 4 : disclosures required by law);

“relevant provision of [<sup>F261</sup>the UK GDPR]” means any provision of [<sup>F261</sup>the UK GDPR] apart from the listed GDPR provisions in paragraph 1 of Schedule 2 to the Data Protection Act 2018 ([<sup>F262</sup>UK GDPR provisions] to be adapted or restricted: disclosures required by law).]

(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).

<sup>F263</sup>(11) . . . . .

**Textual Amendments**

**F257** Ss. 36X-36Z2 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,

*Changes to legislation: Dentists Act 1984 is up to date with all changes known to be in force on or before 17 May 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*

- 21.7.2006 and 18.7.2008)) by The Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), **art. 33** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F258** Words in s. 36Y(3) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 30(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F259** Words in s. 36Y(3) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(2)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F260** S. 36Y(4) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 30(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F261** Words in s. 36Y(4) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(3)(a)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F262** Words in s. 36Y(4) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(3)(b)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F263** S. 36Y(11) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 16(4)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

### **36Z. Notification and disclosure by the Council**

- (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.

#### **Textual Amendments**

- F257** Ss. 36X-36Z2 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. 33** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

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### *Professional training and development requirements*

#### **36Z1 Professional training and development requirements**

- (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.

#### **36Z2 Restoration of names to the dental care professionals register: professional training and development**

- (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.]

*[<sup>F264</sup>Visiting dental care professionals from relevant European States]*

#### **Textual Amendments**

**F264** Ss. 36Z3, 36Z4 and cross-heading inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **126**

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<sup>F265</sup>**36Z3** Visiting dental care professionals from relevant European States

.....

**Textual Amendments**

**F265** S. 36Z3 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. 25** (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>F266</sup>**36Z4** Limits on section 36Z1 as respects visiting dental care professionals

.....

**Textual Amendments**

**F266** S. 36Z4 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. 25** (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)

**PART IV**

RESTRICTIONS ON PRACTICE OF DENTISTRY AND ON CARRYING ON BUSINESS OF DENTISTRY

*The practice of dentistry*

**37 Definition of practice of dentistry.**

(1) [<sup>F267</sup>Subject to subsection (1A), for] the purposes of this Act, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists; and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to or for the purpose of or in connection with the fitting, insertion or fixing of dentures, artificial teeth or other dental appliances shall be deemed to have practised dentistry within the meaning of this Act.

[<sup>F268</sup>(1A) For the purposes of this Act, the practice of dentistry shall be deemed not to include the performance of any medical task by a person who—

- (a) is qualified to carry out such a task; and
- (b) is a member of a profession regulated by a regulatory body (other than the Council) listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.]

[<sup>F269</sup>(2) Dental work to which subsection (2A) or (2B) applies shall not be treated for the purposes of this Act as amounting to the practice of dentistry if it is undertaken under the direct personal supervision of—

- (a) a registered dentist; or

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- (b) a registered dental care professional of a kind authorised in rules under this section to carry out such supervision.

(2A) This subsection applies to dental work if it is undertaken—

- (a) by a person recognised by a dental authority as a student of dentistry or by a medical authority as a medical student; and  
 (b) as part of a course of instruction or training approved by that authority for students of that kind or as part of an examination so approved.

(2B) This subsection applies to dental work if it is undertaken by a person as part of—

- (a) a course of instruction or training which he is following in order to qualify for registration in the dental care professionals register under a particular title or titles; or  
 (b) an examination which he must pass in order to satisfy the requirements for registration in that register under a particular title or titles.]

[<sup>F270</sup>(2C) Subsection (2) does not have effect in relation to dental work that is done by a person as part of an adaptation period specified in relation to the person by the Council under section 15ZA or 36C(4E).]

[<sup>F271</sup>(3) In this section “medical authority” means [<sup>F272</sup>a body or combination of bodies included in the list maintained under section 4(1)] of the Medical Act 1983 (qualifying examinations and primary United Kingdom qualifications) which is entitled to hold qualifying examinations for the purpose of granting one or more primary United Kingdom medical qualifications.]

#### Textual Amendments

**F267** Words in s. 37(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 34\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F268** S. 37(1A) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 34\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F269** S. 37(2)-(2B) substituted for s. 37(2) (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 34\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F270** S. 37(2C) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 32](#)

**F271** S. 37(3) substituted (17.12.2002) by [S.I. 2002/3135](#), arts. 1(2)(j), 16(1), [Sch. 1 para. 11](#)

**F272** Words in s. 37(3) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), [Sch. 5 para. 1](#); [S.I. 2008/2556](#), art. 2(1)(b)

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### 38 Prohibition on practice of dentistry by laymen.

- (1) <sup>F273</sup>A person who is not <sup>F274</sup>a registered dentist or a registered dental care professional]] shall not practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry.
- <sup>F275</sup>(1A) A specified state professional undertaking an adaptation period specified in relation to the person by the Council under section 15ZA or 36C(4E) does not contravene subsection (1) by practising dentistry or by holding out as regards practising or being prepared to practise dentistry if the practising of dentistry is done as part of the adaptation period or (as the case may be) the holding out relates only to the practising of dentistry as part of the adaptation period.]
- (2) Any person who acts in contravention of subsection (1) above shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (3) Summary proceedings for an offence under this section may be brought within the period of six months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this subsection more than two years after the commission of the offence.
- (4) For the purposes of subsection (3) above a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as is mentioned in that subsection came to his knowledge shall be conclusive evidence of that date, and any certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.

#### Textual Amendments

**F273** Words in s. 38(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 35](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**F274** Words in s. 38(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [127](#)

**F275** S. 38(1A) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 33](#)

### 39 Prohibition on use of practitioners' titles by laymen.

- <sup>F276</sup>(1) A person shall not take or use the title of dentist, dental surgeon or dental practitioner, either alone or in combination with any other word, unless he is a registered dentist <sup>F277</sup>....]
- (2) No person shall take or use any title or description implying that he is a registered dentist unless he is a registered dentist.
- <sup>F278</sup>(2A) A person who is not a registered dental care professional shall not take or use any title specified in regulations under section 36A(2), either alone or in combination with any other word.

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- (2B) No person shall take or use any title or description implying that he is a registered dental care professional unless he is a registered dental care professional.]
- (3) Any person who acts in contravention of this section shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

#### Textual Amendments

- F276** S. 39(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 36\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F277** Words in [s. 39\(1\)](#) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), [regs. 1\(2\)](#), [128](#)
- F278** S. 39(2A)(2B) inserted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), [art. 36\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### Modifications etc. (not altering text)

- C7** S. 39(2A) excluded (31.7.2006) by [The General Dental Council \(Professions Complementary to Dentistry\) Regulations Order of Council 2006 \(S.I. 2006/1440\)](#), [reg. 1\(1\)](#), [Sch. reg. 5](#)

### *Restrictions on carrying on the business of dentistry*

#### 40 Definition of business of dentistry.

- (1) For the purposes of this Act a person shall be treated as carrying on the business of dentistry if, and only if, he or a partnership of which he is a member receives payment for services rendered in the course of the practice of dentistry by him or by a partner of his, or by an employee of his or of all or any of the partners.
- (2) Notwithstanding subsection (1) above, the receipt of payments—
- (a) by an authority providing national health services, or
- <sup>F279</sup>(aa) by a person providing primary dental services [<sup>F280F281</sup>... under a contract under section 100 [<sup>F282</sup>of the National Health Service Act 2006 or an agreement under section 107] of that Act, or <sup>F283</sup>... under a contract under section 57 [<sup>F284</sup>of the National Health Service (Wales) Act 2006 or an agreement under section 64] of that Act,] or]
- <sup>F285</sup>(ab) by a person (other than one falling within paragraph (a) above) providing personal dental services under [<sup>F286</sup>section 28C of the National Health Service Act 1977 <sup>F287</sup> or] section 17C of the National Health Service (Scotland) Act 1978 <sup>F288</sup>, or]
- <sup>F289</sup>(ac) by a person (other than one falling within paragraph (a) above) providing personal dental services under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>F290</sup>, or]
- (b) by a person providing dental treatment for his employees without a view to profit, or



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(c) by a person providing dental treatment without a view to profit dental treatment without a view under conditions approved by the Secretary of State or the Department of Health and Social Services for Northern Ireland, shall not constitute the carrying on of the business of dentistry for the purposes of this Act.

#### Textual Amendments

- F279** S. 40(2)(aa) inserted (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. 11 para. 50](#); S.I. 2005/2925, art. 10(2)(h); S.I. 2006/345, art. 6(2)(k)
- F280** Words in s. 40(2)(aa) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 81](#) (with Sch. 3 Pt. 1)
- F281** Words in s. 40(2)(aa) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 36\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F282** Words in s. 40(2)(aa) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 36\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F283** Words in s. 40(2)(aa) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 36\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F284** Words in s. 40(2)(aa) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 36\(d\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F285** S. 40(2)(ab) inserted (17.7.1998) by S.I. 1998/1546, [art. 2](#)
- F286** Words in s. 40(2)(ab) 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)
- F287** [1977 c.49](#). Section 28C was inserted by the [National Health Service \(Primary Care\) Act 1997 \(c.46\)](#) (“the 1997 Act”), section 21(1).
- F288** [1978 c.29](#). Section 17C was inserted by the 1997 Act, section 21(2).
- F289** S. 40(2)(ac) inserted (1.1.1999) by S.R. 1998/376, [art. 2](#)
- F290** S.I. 1972/1265 (N.I. 14); Article 15B is inserted by Article 21 of S.I. 1997/1177 (N.I. 7)

#### 41 Restriction on individuals.

[<sup>F291</sup>(1) Subject to the provisions of this section, an individual who is not a registered dentist shall not carry on the business of dentistry unless—

- (a) he was engaged in carrying on the business of dentistry on 21<sup>st</sup> July 1955; or
- (b) he falls within a class of registered dental care professionals prescribed in rules under this section.

(1A) For the purposes of this section, an “authorised dental care professional” means an individual who falls within subsection (1)(b).

(1B) Any individual who contravenes this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The exemption conferred by subsection (1)(a) on persons who were carrying on the business of dentistry on the date there mentioned shall not extend to any person who has at any time ceased to be a registered dentist in consequence of a Practice Committee giving a direction under section 27B or 27C or making an order under section 30(1) for the erasure of his name from the register, or for the suspension of his registration, following a relevant determination that his fitness to practise as a dentist is impaired.

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- (2A) For the purposes of subsection (2), a “relevant determination” that a person’s fitness to practise is impaired is a determination which is based solely on one or more of the grounds mentioned in paragraph (a), (d), (e), (f) or (g) of subsection (2) of section 27 (misconduct etc.).
- (3) This section shall not operate to prevent a person from carrying on the business of dentistry during any period for which—
- (a) his registration in the register is suspended by virtue of a direction given by a Practice Committee under section 27B or 27C, or an order made by a Practice Committee under section 30(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of section 27 (adverse physical or mental health), that his fitness to practise is impaired, or
  - (b) his registration in the dental care professionals register is suspended by virtue of a direction given by a Practice Committee under section 36P or 36Q, or an order made by a Practice Committee under section 36U(1), following a determination, based solely on the ground mentioned in paragraph (c) of subsection (2) of section 36N (adverse physical or mental health), that his fitness to practise is impaired,
- and subsections (4) and (6) shall apply in relation to a person whose registration is so suspended as they apply in relation to a registered dentist or an authorised dental care professional.]
- (4) Where a registered dentist or [<sup>F292</sup>authorised dental care professional] who died after 3rd July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his personal representatives or [<sup>F293</sup>his surviving spouse or his surviving civil partner] or any of his children, or trustees on behalf of [<sup>F293</sup>his surviving spouse or his surviving civil partner] or any of his children, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with his death.
- (5) Where a registered dentist <sup>F294</sup>... who died before 4th July 1956 was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his widow, or trustees on behalf of his widow, from carrying on the business of dentistry in continuance of that business or practice at any time during her life.
- (6) Where a registered dentist or [<sup>F295</sup>authorised dental care professional] becomes bankrupt at a time when he is carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his trustee in bankruptcy, or in Northern Ireland the official assignee, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with the bankruptcy.
- [<sup>F296</sup>(7) Rules made under subsection (1)(b) shall not be amended or revoked in such a way that any class of registered dental care professionals prescribed in those rules ceases thereafter to be prescribed.]

### Textual Amendments

**F291** S. 41(1)-(3) substituted for s. 41(1)-(3) (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. 37\(a\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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- F292** Words in s. 41(4) 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. 37\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F293** Words in s. 41(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 89](#); [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F294** Words in s. 41(5) 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. 37\(c\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F295** Words in s. 41(6) 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. 37\(b\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F296** S. 41(7) added (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. 37\(d\)](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### <sup>F297</sup> **42 Restriction on bodies corporate**

.....

##### **Textual Amendments**

- F297** [S. 42](#) 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. 38](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### <sup>F298</sup> **43 Directors of bodies corporate**

- (1) A body corporate commits an offence if it carries on the business of dentistry at a time when a majority of its directors are not persons who are either registered dentists or registered dental care professionals.
- (2) Where a person is the subject of a decision erasing his name from, or suspending him from, a register kept by any of the regulatory bodies listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, that person commits an offence if he is a director of a body corporate carrying on the business of dentistry at any time when such an erasure or suspension remains in effect.
- (3) Any body corporate committing an offence under subsection (1), or any person committing an offence under subsection (2), shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

##### **Textual Amendments**

- F298** [Ss. 43-44B](#) substituted for [ss. 43, 44](#) (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. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

**Modifications etc. (not altering text)**

**C8** S. 43 applied (with modifications) (30.6.1999) by [1999 c. ii, s. 9](#)

[<sup>F298</sup>**43A.Provision of information and payment of fees by bodies corporate**

- (1) The Council shall maintain a list, in such form as they consider appropriate, of bodies corporate which carry on the business of dentistry.
- (2) Subject to subsections (3) and (4), a body corporate which carries on the business of dentistry shall, at intervals of no more than twelve months, provide the Council with the information specified in subsection (5).
- (3) A body corporate which is carrying on the business of dentistry at the time when this section comes into force shall first provide the Council with the information specified in subsection (5) within the period of twelve months beginning with the date on which this section came into force.
- (4) A body corporate which begins to carry on the business of dentistry after this section comes into force shall first provide the Council with the information specified in subsection (5) within the period of three months beginning with the date on which it begins to carry on that business.
- (5) The information referred to in subsections (2), (3) and (4) is—
  - (a) the address of the body corporate’s principal office;
  - (b) the names of the directors of the body corporate and the addresses where they are resident;
  - (c) the names of all persons who practise dentistry in the course of the business and the addresses where they are resident;
  - (d) the names of all registered dental care professionals not falling within paragraph (b) or (c) who, in the course of the business, provide services in, or in relation to, any area of dentistry, and the addresses where they are resident; and
  - (e) such further information as may be specified in rules.
- (6) Rules may specify the form and manner in which the information specified in subsection (5) is required to be provided.
- (7) The Council may make regulations providing that a fee is payable by a body corporate on each occasion on which that body is required to provide information in accordance with subsection (2), (3) or (4).

**Textual Amendments**

**F298** [Ss. 43-44B](#) substituted for [ss. 43, 44](#) (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. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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### **43B. Financial penalties in relation to bodies corporate**

- (1) The registrar may refer to the Professional Conduct Committee for investigation information in his possession which indicates that there may be grounds for imposing a financial penalty under this section.
- (2) For the purposes of this section, a “relevant requirement” means a requirement for a body corporate to—
  - (a) provide information under subsection (2), (3) or (4) of section 43A;
  - (b) provide such information in the form and manner specified in any rules under subsection (6) of that section; or
  - (c) pay any fee in accordance with regulations under subsection (7) of that section.
- (3) The Professional Conduct Committee may impose a financial penalty under this section if they are satisfied that a body corporate failed to comply with a relevant requirement.
- (4) In such a case, a financial penalty may be imposed on—
  - (a) the body corporate concerned;
  - (b) any person who was a director of that body at the time of the body’s failure to comply with the relevant requirement in question; or
  - (c) both that body corporate and one or more persons within paragraph (b).
- (5) But a financial penalty shall not be imposed on a director or former director of the body corporate if he satisfies the Professional Conduct Committee that, at the time of the body’s failure to comply with the relevant requirement in question, he had taken all reasonable steps to ensure that the body complied with that requirement.
- (6) A financial penalty imposed under this section—
  - (a) in the case of a body corporate, must not exceed £5,000,
  - (b) in the case of a person within subsection (4)(b), must not exceed £1,000,and is payable within such period as the Professional Conduct Committee shall specify at the time the penalty is imposed.
- (7) If it appears to the Council that there has been a change in the value of money since the last occasion when the maximum amount of the financial penalty under subsection (6)(a) or (b) was fixed, whether by this section or by an order under this section, the Council may by order substitute for the sum for the time being specified in paragraph (a) or (b) of that subsection such higher sum as appears to the Council justified by the change.
- (8) The Council shall publish an order under subsection (7) in such form as they consider appropriate.
- (9) An order under subsection (7) shall not have effect in relation to any case where the failure to comply with the relevant requirement in question occurred before the order came into force.
- (10) Where the Professional Conduct Committee determine to impose a financial penalty under this section, the registrar shall forthwith serve on the person on whom the penalty is imposed notification of—
  - (a) the imposition of the penalty;
  - (b) the amount of the penalty;
  - (c) the period within which it is to be paid; and

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- (d) the person's right to appeal under section 44B against any of the matters notified under paragraphs (a), (b) or (c).
- (11) Subject to subsection (12), the Council may recover the financial penalty from the person on whom it was imposed if the penalty is not paid within the period specified under subsection (6).
- (12) A penalty may not be recovered under subsection (11) while proceedings by way of appeal under section 44B(1) are pending, or during the period in which any such proceedings may be brought.
- (13) The Council shall pay any sum paid as a financial penalty, or recovered under subsection (11), into the Consolidated Fund.]

#### Textual Amendments

**F298** Ss. 43-44B substituted for ss. 43, 44 (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. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### [<sup>F298</sup> 44 Further financial penalties on bodies corporate

- (1) The Professional Conduct Committee may, subject to subsection (5), impose a financial penalty on a body corporate if condition A or condition B is satisfied.
- (2) Condition A is satisfied if, at a time when the body corporate is carrying on the business of dentistry, the name of a director of the body corporate is erased—
- from the register by virtue of a direction under section 27B(6)(a); or
  - from registration in the dental care professionals register under any title by virtue of a direction under section 36P(7)(a).
- (3) Condition B is satisfied if at a time when the body corporate is carrying on the business of dentistry the name of a member of the staff of the body corporate is so erased, and in the opinion of the Professional Conduct Committee—
- the act or omission leading to the erasure was instigated, or connived at, by a director of the body corporate; or
  - if the act or omission was a continuing act or omission, a director of the body corporate had, or reasonably ought to have had, knowledge of its continuation.
- (4) A financial penalty imposed under subsection (1)—
- must not exceed £50,000; and
  - is payable within such period as the Professional Conduct Committee shall specify at the time the penalty is imposed.
- (5) The Professional Conduct Committee shall not take a case into consideration under subsection (1) while proceedings by way of appeal are pending which may result in a decision that the name of the director or member of staff of the body corporate (as the case may be) should not be erased as described in subsection (2), or during the period in which any such proceedings may be brought.
- (6) If it appears to the Council that there has been a change in the value of money since the last occasion when the maximum amount of the financial penalty under subsection (4)



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- (a) was fixed, whether by this section or by an order under this section, the Council may by order substitute for the sum for the time being specified in subsection (4)(a) such higher sum as appears to the Council justified by the change.
- (7) The Council shall publish an order under subsection (6) in such form as they consider appropriate.
- (8) An order under subsection (6) shall not have effect in relation to any case where the erasure of the name which gave rise to the penalty occurred before the order came into force.
- (9) Where the Professional Conduct Committee determine to impose a financial penalty on a body corporate under subsection (1), the registrar shall forthwith serve on the body corporate notification of—
- (a) the imposition of the penalty;
  - (b) the amount of the penalty;
  - (c) the period within which it is to be paid; and
  - (d) the body corporate's right to appeal under section 44B against any of the matters notified under paragraphs (a), (b) or (c).
- (10) Subject to subsection (11), the Council may recover the financial penalty from the body corporate if the penalty is not paid within the period specified under subsection (4)(b).
- (11) A penalty may not be recovered under subsection (10) while proceedings by way of appeal under section 44B(2) are pending, or during the period in which any such proceedings may be brought.
- (12) The Council shall pay any sum paid as a financial penalty, or recovered under subsection (10), into the Consolidated Fund.
- (13) References in this section to the erasure of the name of a director or member of staff of a body corporate include references to the erasure of the name of any person who was a director or member of staff of the body corporate at the time of the act or omission leading to the erasure.]

#### **Textual Amendments**

**F298** **Ss. 43-44B** substituted for **ss. 43, 44** (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. 39** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### **[<sup>F298</sup>44A. Supplementary provisions relating to financial penalties under sections 43B and 44**

Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) applies to proceedings before the Professional Conduct Committee under section 43B or 44 with the following modifications—

- (a) references to proceedings under Part 3 of the Act shall be read as including proceedings under sections 43B and 44;



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- (b) references to a Committee shall be read as references to the Professional Conduct Committee;
- (c) in paragraph 1—
  - (i) omit sub-paragraph (1), and
  - (ii) for sub-paragraph (2) substitute—
    - “(2) A “party” to proceedings means—
    - (a) the body corporate;
    - (b) any director or former director of the body corporate against whom the proceedings are brought; or
    - (c) the Council.”;
- (d) in paragraph 2—
  - (i) omit sub-paragraph (1)(b),
  - (ii) in sub-paragraph (2)(a), for “the person to whose registration the proceedings relate” substitute “the body corporate and any director or former director of the body corporate on whom a financial penalty may be imposed”, and
  - (iii) in sub-paragraph (2)(g), omit “the person (if any) making the allegation and”;
- (e) omit paragraph 5;
- (f) in paragraph 6(5), for paragraphs (a) and (b) substitute—
  - “(a) where the body corporate’s principal office is in Scotland, the sheriff in whose sheriffdom that office is situated; and”;
- (g) omit paragraph 7.

#### Textual Amendments

**F298** Ss. 43-44B substituted for ss. 43, 44 (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. 39](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

#### 44B. Appeals relating to financial penalties

- (1) A person on whom a financial penalty has been imposed under section 43B may, before the end of the period of 28 days beginning with the date on which notification of the penalty was served under section 43B(10), appeal to the relevant court against the imposition of the penalty, the amount of the penalty or the period within which the penalty is to be paid.
- (2) A body corporate on which a financial penalty has been imposed under section 44 may, before the end of the period of 28 days beginning with the date on which notification of the penalty was served under section 44(9), appeal to the relevant court against the imposition of the penalty, the amount of the penalty or the period within which the penalty is to be paid.
- (3) Where—
  - (a) any notification required to be served on a person by section 43B(10) or 44(9) is given by sending it to that person by post, and

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- (b) the registrar is satisfied, on the application of that person, that that person did not receive the notification within the period of 14 days beginning with the day on which the Professional Conduct Committee gave the determination to which the notification relates,
- 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.
- (4) In subsections (1) and (2) “the relevant court”—
- (a) where the principal office of the body corporate is in Scotland, means the Court of Session;
  - (b) where the principal office of the body corporate is in Northern Ireland, means the High Court in Northern Ireland; and
  - (c) where the principal office of the body corporate is in any other place, means the High Court in England and Wales.
- (5) In subsection (4)—
- (a) where a financial penalty has been imposed on a body corporate, “the body corporate” means that body; and
  - (b) where a financial penalty has been imposed on a director or former director of a body corporate, “the body corporate” means the body whose failure to comply with a relevant requirement (within the meaning of section 43B) led to the imposition of the financial penalty.
- (6) Subsections (3) and (4) of section 29 apply to appeals under this section as they apply to appeals under that section with the following modifications—
- (a) in subsection (3)(c) and (d), omit references to the Professional Performance Committee and the Health Committee; and
  - (b) in subsection (3)(d), for “section 24, 27B, 27C or 28” substitute “section 43B or 44”.]

#### Textual Amendments

**F298** Ss. 43-44B substituted for ss. 43, 44 (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. 39** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## F299 PART V

### DENTAL AUXILIARIES

#### Textual Amendments

**F299** Pt. V 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. 40** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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**45 Establishment by Council of classes of dental auxiliaries.**

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**46 Restrictions on employment of dental auxiliaries.**

.....

**47 Use of titles and descriptions.**

.....

**48 Functions of Dental Auxiliaries Committee.**

.....

**PART VI**

MISCELLANEOUS AND SUPPLEMENTARY

*Termination of the 1927 Agreement*

**49 Termination of the 1927 Agreement with the Republic of Ireland.**

- (1) If Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland agree to terminate the Agreement with respect to the registration and control of dentists set out in Part II of the Schedule to the<sup>M2</sup>Medical and Dentists Acts Amendment Act 1927, Her Majesty may by Order in Council—
  - (a) effect such repeals in that Act and this Act, and
  - (b) make such modifications of this Act,as appear to Her to be necessary or expedient in consequence of, or in connection with, the termination of the said Agreement.
- (2) An Order in Council under this section may—
  - (a) appoint different days for different repeals or modifications to take effect under the Order; and
  - (b) contain such transitional and saving provisions as appear to Her Majesty to be necessary or expedient.
- (3) An Order in Council under this section which repeals any provision by virtue of which a university or other body in the Republic of Ireland is a dental authority shall include provision preserving the right to registration or continued registration in the register of persons who, immediately before the coming into force of the Order, are entitled to be or are registered under section 15(1)(a) above in virtue of a qualification awarded by that university or body.
- (4) An Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### Marginal Citations

M2 1927 c. 39.

### [<sup>F300</sup>49A.Advisers

Schedule 4C to this Act (advisers) shall have effect.]

### Textual Amendments

**F300 S. 49A** 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. 41** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### Supplementary

### [<sup>F301</sup>50 Evidence etc. in certain proceedings under this Act.

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### Textual Amendments

**F301 S. 50** 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. 42** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

### [<sup>F302</sup>50A.Service of notifications

- (1) A notification under this Act which is required to be served on any person may be served, subject to subsections (4) and (6), by—
  - (a) delivering it to that person personally;
  - (b) leaving it at that person’s proper address;
  - (c) sending it by a registered post service; or
  - (d) sending it by a postal service which provides for the delivery of the notification by post to be recorded.
- (2) For the purposes of this section and of section 7 of the Interpretation Act 1978 (which defines “service by post”) in its application to this section, the proper address of an individual (except in the cases mentioned in subsection (3)) is—
  - (a) his address in the dentists register or the dental care professionals register (or, if he is not registered, the address which would have been shown if he were registered); or
  - (b) his last known address, if that differs from the address mentioned in paragraph (a) and it appears to the person serving the notification that the notification is more likely to reach him at that address.

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- (3) The cases referred to in subsection (2) are those where a notification is required to be served—
- (a) under section 27A(7) or section 36O(7), or in accordance with rules made under paragraph 2(2)(g) of Schedule 3 or paragraph 2(2)(g) of Schedule 4B, on a person making an allegation,
  - (b) under section 43B(10) on a person who is a director or former director of a body corporate, or
  - (c) in accordance with rules made under paragraph 2(2)(d) or (g) of Schedule 3 or paragraph 2(2)(d) or (g) of Schedule 4B on a person who may have an interest in certain proceedings,
- and in such cases, for the purposes mentioned in subsection (2), the person’s proper address is the address where he resides.
- (4) A notification which is required to be served on a body corporate shall be duly served if it is served on an officer, secretary or clerk of that body.
- (5) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a body corporate, or of an officer, secretary or clerk of that body, is—
- (a) that body’s address as specified in the list maintained by the Council under section 43A; or
  - (b) the address of that body’s registered or principal office if—
    - (i) it appears to the person serving the notification that the notification is more likely to reach the body corporate or its officer, secretary or clerk at that address, or
    - (ii) there is no address specified in relation to that body in that list.
- (6) Rules may provide for a notification which is required to be served on any person under this Act to be served by an electronic communication.
- (7) Rules under subsection (6) shall secure that a notification cannot be served on a person by an electronic communication unless—
- (a) the person consents in writing to the receipt of notifications under this Act by electronic communication; and
  - (b) the communication is sent to the number or address specified by that person when giving consent.
- (8) In this section, “electronic communication” has the same meaning as in the Electronic Communications Act 2000.
- (9) References in this section to serving a notification include references to sending a notification.

#### **Textual Amendments**

**F302** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (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 \(S.I. 2005/2011\)](#), arts. 1(3), 43 (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

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## 50B. Publication of information

- (1) Subject to subsection (2), any information or guidance which is to be published by the registrar, the Council or a Practice Committee in accordance with any provision of this Act may be published in such form and manner as the registrar, the Council or the Practice Committee (as the case may be) consider appropriate, including in electronic form.
- (2) Information required to be published under rules under paragraph 2(2)(h) of Schedule 3 to this Act or paragraph 2(2)(h) of Schedule 4B to this Act shall be published in such manner as may be determined by those rules, and not by this section.

### Textual Amendments

**F302** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (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 \(S.I. 2005/2011\)](#), arts. 1(3), 43 (with Sch. 7) (with transitional provisions in [S.I. 2006/1671](#))

## 50C. Rules

- (1) Any power in this Act to make rules shall be exercisable by the Council.
- (2) Rules made under this Act shall not come into force until approved by the Privy Council, except in the case of rules made under—
  - [<sup>F303</sup>section 16A(1) (requisite knowledge and skill: holders of overseas diplomas);]
  - [<sup>F303</sup>section 16B(3) (requisite knowledge and skill: recognition of overseas diplomas);]
  - section 36B(4) (dental care professionals register);
  - [<sup>F303</sup>section 36CB(1) (requisite knowledge and skill: holders of relevant qualifications);]
  - [<sup>F303</sup>section 36CC(3) (requisite knowledge and skill: recognition of relevant qualifications);]
  - section 36D(6) and (7) (education and training for members of professions complementary to dentistry);
  - section 36E (rules relating to the dental care professionals register);
  - section 43A(5) and (6) (provision of information by bodies corporate); and
  - [<sup>F304</sup>paragraph 8(1)(b)] of Schedule 1 (the Council: supplementary provisions).
- (3) The approval of the Privy Council shall be given by order made by the Privy Council.
- (4) The Privy Council may approve rules as submitted to them, or subject to such modifications as appear to them to be requisite.
- (5) Any power to make rules under this Act may be exercised—
  - (a) so as to make different provision with respect to different cases or different classes of case or different provision in respect of the same case or class of case for different purposes of this Act; and
  - (b) either in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions.

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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 17 May 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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- (6) Any power to make rules under this Act includes power to make any incidental, consequential, saving, transitional, transitory or supplementary provision which the Council consider necessary or expedient.

#### Textual Amendments

- F302** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (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 \(S.I. 2005/2011\)](#), arts. 1(3), [43](#) (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F303** Words in s. 50C(2) inserted (8.3.2023) by [The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives \(International Registrations\) Order 2023 \(S.I. 2023/162\)](#), art. 1(2), [Sch. 1 para. 5\(1\)](#)
- F304** Words in s. 50C(2) substituted (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. 10](#) (with arts. 9, 10); [S.I. 2009/1357](#), art. 2(2)(a)(i)

#### 50D. Rules: consultation requirements

- (1) Before making rules under [<sup>F305</sup>section 16A(1), 16B(3), 36CB(1) or 36CC(3) or] Schedule 3 or 4B, the Council shall consult—
- such persons to whom subsection (2) applies as the Council consider appropriate;
  - the bodies within subsection (4); and
  - such bodies to which subsection (5) applies as the Council consider appropriate.
- (2) This subsection applies to persons who appear to the Council to be representative of one or more of the following—
- users of the services of registered dentists;
  - users of the services of registered dental care professionals;
  - registered dentists;
  - registered dental care professionals;
  - employers of registered dentists; and
  - employers of registered dental care professionals.
- (3) The Council shall exercise their function under subsection (1)(a) so that the persons consulted are, taken together, representative of all the categories of person mentioned in subsection (2)(a) to (f).
- (4) The bodies within this subsection are—
- <sup>F306</sup>(a) .....
  - Local Health Boards in Wales;
  - Health Boards in Scotland; <sup>F307</sup>...
  - [<sup>F308</sup>Health and Social Care trusts] in Northern Ireland [<sup>F309</sup>; and
  - the Department of Health in Northern Ireland.]
- (5) This subsection applies to bodies which make arrangements, for the provision of dental services, with one or both of the following—



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- (a) registered dentists,
  - (b) registered dental care professionals,
- but are not within subsection (4).
- (6) Subsection (1) does not apply in relation to rules made under Schedule 3 as applied (with modifications) by section 44A (supplementary provisions relating to financial penalties in relation to bodies corporate), but before making such rules the Council shall consult—
- (a) the bodies corporate which carry on the business of dentistry; and
  - (b) such organisations appearing to the Council to be representative of users of the services of those bodies corporate as the Council consider appropriate.]

### Textual Amendments

- F302** Ss. 50A-50D inserted (19.7.2005 for the insertion of ss. 50C, 50D and otherwise in accordance with art. 1(4)-(7) (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 \(S.I. 2005/2011\)](#), arts. 1(3), **43** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))
- F305** Words in s. 50D(1) inserted (8.3.2023) by [The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives \(International Registrations\) Order 2023 \(S.I. 2023/162\)](#), art. 1(2), **Sch. 1 para. 5(2)**
- F306** S. 50D(4)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 37**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F307** Word in s. 50D(4)(c) omitted (N.I.) (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 66(4)(a)**; [S.R. 2022/102](#), art. 2(b) and omitted (E.W.S.) (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), **13(4)(a)**
- F308** Words in s. 50D(4)(d) substituted (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 66(4)(b)**; [S.R. 2022/102](#), art. 2(b) and substituted (E.W.S.) (30.11.2022) by [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), **13(4)(b)**
- F309** S. 50D(4)(e) and word added (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 66(4)(c)**; [S.R. 2022/102](#), art. 2(b) and inserted (E.W.S.) (30.11.2022) by [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), **13(4)(c)**

### Modifications etc. (not altering text)

- C9** S. 50D modified (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **50(4)** (with [Sch. 7](#)) (with transitional provisions in [S.I. 2006/1671](#))

## 51 Exercise of powers conferred on Privy Council.

[<sup>F310</sup>(1)] The powers conferred by this Act on the Privy council <sup>F311</sup>... shall be exercisable by any two or more members of the Privy Council.

[<sup>F312</sup>(2) Any power of the Privy Council to make an order under this Act shall be exercisable by statutory instrument, except—

- (a) the power to make an order under section 11 (remedy where qualifying courses of study or examinations are inadequate); and
- (b) the power to make an order under section 12 (candidates not to be required to adopt or reject particular theories of dentistry).

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- (3) A statutory instrument which contains an order made by the Privy Council—
- (a) under section 1(2A) (constitution of the Council),
  - (b) approving rules under section 41(1) (restriction on individuals carrying on the business of dentistry),
  - [<sup>F313</sup>(c) approving rules under Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists), including rules made under Schedule 3 as applied (with modifications) by—
    - (i) section 44A (supplementary provisions relating to financial penalties in relation to bodies corporate), or
    - (ii) paragraph 4(7) of Schedule 2A (registration appeals: dentists register),]
  - (d) approving rules under Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals), or
  - (e) approving rules under Schedule 4C (advisers),
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F314</sup>(4) A statutory instrument which contains an order made by the Privy Council approving—
- (a) regulations under section 36A(2) (professions complementary to dentistry);
  - (b) rules under section 36L (insurance); or
  - (c) rules under Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals), including rules made under Schedule 4B as applied (with modifications) by paragraph 4(7) of Schedule 4A (registration appeals: dental care professionals register),
- shall be subject to annulment in pursuance of a resolution of either House of Parliament or, where subsection (5) applies, a resolution of either House of Parliament or a resolution of the Scottish Parliament.
- (5) This subsection applies where an order of the Privy Council mentioned in subsection (4)—
- (a) approves regulations under section 36A(2) that specify a profession complementary to dentistry, or a class of members of a profession complementary to dentistry, which immediately before the revocation of the Dental Auxiliaries Regulations 1986 did not constitute a class of dental auxiliaries regulated by those Regulations; or
  - (b) approves rules that apply to such a profession or such a class of members of such a profession.]
- (6) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.
- (7) Any document purporting to be—
- (a) an instrument made by the Privy Council under this Act, and
  - (b) signed by the Clerk of the Privy Council,
- shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of its terms.]

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### Textual Amendments

- F310** S. 51 renumbered as s. 51(1) (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **44(a)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F311** Words in s. 51 repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 31(4), 42(3), **Sch. 9 Pt. 2**; S.I. 2003/833, art. 3(a)(c) (with art. 4)
- F312** S. 51(2) inserted (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **44(b)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F313** S. 51(3)(c) substituted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(2)(b), **Sch. 1 para. 11(a)** (with arts. 6, 9, 10)
- F314** S. 51(4)(5) substituted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(2)(b), **Sch. 1 para. 11(b)** (with arts. 6, 9, 10)

## 52 Regulations and other documents.

- (1) The <sup>M3</sup>Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made by the Council under this Act in like manner as if the regulations had been made by a Minister of the Crown.
- [<sup>F315</sup>(1A) Any power to make regulations under this Act may be exercised—
- (a) so as to make different provision with respect to different cases or different classes of case or different provision in respect of the same case or class of case for different purposes of this Act; and
  - (b) either in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions.
- (1B) Any power to make regulations under this Act includes power to make any incidental, consequential, saving, transitional, transitory or supplementary provision which the Council consider necessary or expedient.]
- (2) Prima facie evidence of any document issued by the Council may be given in all legal proceedings by the production of a copy or extract purporting to be certified to be a true copy or extract by the registrar or some other officer of the Council authorised to give a certificate for the purposes of this subsection.
- (3) No proof shall be required of the handwriting or official position or authority of any person certifying in pursuance of this section to the truth of any copy of, or extract from, any regulations or other document.

### Textual Amendments

- F315** S. 52(1A)(1B) inserted (19.7.2005) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), arts. 1(3), **45** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

### Marginal Citations

- M3** 1946 c. 36.

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### 53 Interpretation.

(1) In this Act—

<sup>F316</sup> .....

“the Council” means the General Dental Council;

“dental authority” shall be construed in accordance with section 3(4) above;

“diploma” means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place (whether within or without Her Majesty’s dominions);

[<sup>F317</sup>the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before IP completion day];

<sup>F318</sup> .....

<sup>F316</sup> .....

<sup>F316</sup> .....

<sup>F316</sup> .....

<sup>F319</sup> .....

<sup>F316</sup> .....

[<sup>F320</sup>“interim order” means—

(a) an interim suspension order under section 32(4)(a) or section 36V(4)(a);  
or

(b) an order for interim conditional registration under section 32(4)(b) or section 36V(4)(b);

<sup>F316</sup> .....

[<sup>F321</sup>“the necessary knowledge of English”—

(a) in relation to a person registered, or applying to be registered, in the dentists register, means a knowledge of English which, in the interests of the person and the person’s patients, is necessary for the practice of dentistry in the United Kingdom;

(b) in relation to a person registered, or applying to be registered, in the dental care professionals register, means a knowledge of English which, in the interests of the person and the person’s patients, is necessary for the practice of a profession complementary to dentistry in the United Kingdom;]

[<sup>F322</sup>“overseas diploma” has the meaning given by section 15(2) above;]

“Practice Committee” shall be construed in accordance with section 2;

“profession complementary to dentistry” shall be construed in accordance with section 36A(1);]

<sup>F323</sup> .....

“the register” means the dentists register;

[<sup>F324</sup>“registered dental care professional” means a person for the time being registered in the dental care professionals register under a title or titles;]

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“registered dentist” means (subject to section 17(4) above) a person for the time being registered in the register;

“the registrar” means the person for the time being appointed under <sup>F325</sup>section 14(2)] above;

<sup>F326</sup>“relevant European State” means an EEA State or Switzerland.]

<sup>F327</sup> .....

<sup>F328</sup>“specified state professional” means a person who holds a specified state qualification;]

<sup>F328</sup>“specified state qualification” means a qualification in dentistry or in a profession complementary to dentistry awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;]

<sup>F329</sup>“the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act);]

(2) In this Act references to the practice of dentistry shall be construed in accordance with section 37 above, and references to carrying on the business of dentistry shall be construed in accordance with section 40 above.

<sup>F330</sup>(2A) In this Act references to a body corporate’s principal office mean, in the case of a body corporate registered outside the United Kingdom, that body’s principal office within the United Kingdom.]

(3) References in this Act to the provision <sup>F331</sup>, supervision or management] of national health services are references to the provision <sup>F331</sup>, supervision or management] of—

<sup>F332</sup>(a) services under—

(i) <sup>F333</sup>section 2, 3, 92 or 107 of, or paragraphs 1 to 6 of Schedule 1 to, the National Health Service Act 2006, or section 2, 3, 50 or 64 of, or paragraphs 1 to 6 of Schedule 1 to, the National Health Service (Wales) Act 2006] ;

(ii) section 17C, 36, 38 or 39 of the <sup>M4</sup>National Health Service (Scotland) Act 1978; or

(iii)] Article 5, 8 <sup>F334</sup>, 9 or 15B] of the <sup>M5</sup>Health and Personal Social Services (Northern Ireland) Order 1972; and

(b) services at health centres provided under the said sections 2, 3 or 36 or the said Article 5.

<sup>F335</sup>(3A) References in this Act to the over-arching objective are to the over-arching objective of the Council under section 1(1ZA) (read with section 1(1ZB)).]

<sup>F336</sup>(4) .....

#### Textual Amendments

**F316** Words in s. 53(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. 26(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)

**F317** Words in s. 53(1) 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.**

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- 26(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)
- F318** Words in s. 53(1) omitted (25.5.2018) by virtue of the Data Protection Act 2018 (c. 12), **Sch. 19 para. 31** (with ss. 117, 209, 210); S.I. 2018/625, **reg. 2(1)(g)**
- F319** Words in s. 53(1) omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **129(c)**
- F320** Words in s. 53(1) 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. 46(2)(a)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F321** Words in s. 53(1) inserted (1.4.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **28**; S.I. 2015/1451, art. 5
- F322** Words in s. 53(1) inserted (8.3.2023) by The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 5(3)(a)**
- F323** Words in s. 53(1) omitted (8.3.2023) by virtue of The Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2023 (S.I. 2023/162), art. 1(2), **Sch. 1 para. 5(3)(b)**
- F324** Words in s. 53(1) 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. 46(2)(b)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F325** Words in s. 53(1) substituted (coming into force in accordance with art. 1(4)-(7) of the amending S.I. (see the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008)) by The Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), **art. 46(2)(c)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F326** Words in s. 53(1) inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **129(f)**
- F327** Words in s. 53(1) omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **129(g)**
- F328** Words in s. 53(1) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 34**
- F329** Words in s. 53(1) inserted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 17** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F330** S. 53(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), **art. 46(3)** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)
- F331** Words in s. 53(3) inserted (14.5.2009) by The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(b), **Sch. 1 para. 12** (with arts. 9, 10)
- F332** Words in s. 53(3)(a) substituted (18.11.1998) by virtue of 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 62**; S.I. 1998/2840, **art. 2(1)**
- F333** Words in s. 53(3)(a) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 82** (with Sch. 3 Pt. 1)
- F334** Words in s. 53(3)(a)(iii) substituted (1.4.1999) by S.I. 1997/1177, art. 32(1), **Sch. 2**; S.R. 1998/301, art. 2(2), **Sch. 2** (with art. 3)
- F335** S. 53(3A) inserted (26.9.2016) by Health and Social Care (Safety and Quality) Act 2015 (c. 28), s. 6(4), **Sch. para. 1(7)**; S.I. 2016/906, reg. 2(b)
- F336** S. 53(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**.



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#### Marginal Citations

**M4** 1978 c. 29.

**M5** S.I. 1972/1265 (N.I. 14).

#### 54 Consequential amendments, repeals and revocations.

- (1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the consequential amendments specified in that Schedule.
- (2) The enactments mentioned in Part I of Schedule 6 to this Act are hereby repealed to the extent specified in the third column.
- (3) The instruments mentioned in Part II of that Schedule are hereby revoked to the extent specified in the third column.

#### 55 Commencement, transitional provisions and savings.

- (1) Subject to subsections (2) and (3) below, the foregoing provisions of this Act shall come into force on 1st October 1984; and references to the commencement of this Act shall be construed as references to the beginning of that day.
- (2) The following provisions of this Act, namely—
  - (a) section 49, and
  - (b) section 54(2) and Part I of Schedule 6 so far as they repeal section 29 of the <sup>M6</sup>Dentists Act 1983,
 shall come into force at the end of the period of one month beginning with the day on which this Act is passed.
- (3) The following provisions of this Act, namely—
  - (a) sections 2(4) and (5), 28 and 31, paragraph 8(2) of Schedule 1, and paragraphs 3, 6 and 9(3) of Schedule 3, and
  - (b) sections 29, 30 and 33 and any provisions of Schedule 3 not mentioned in paragraph (a) above, so far as those sections and provisions relate to proceedings before the Health Committee or to any direction or order given or made by that Committee,
 shall come into force on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for, or for different purposes of, different provisions.
- (4) The transitional and saving provisions contained in Schedule 7 to this Act shall have effect (but without prejudice to sections 16 and 17 of the <sup>M7</sup>Interpretation Act 1978, which relate to repeals); and Her Majesty may by Order in Council provide for such further transitional and saving provisions to have effect in connection with the coming into force under subsection (3) above of any provision of this Act as appear to Her Majesty to be necessary or expedient.
- (5) Her Majesty may by Order in Council, in connection with the coming into force under subsection (1) above of any provision of this Act in so far as it reproduces the effect of any provision of the <sup>M8</sup>Dentists Act 1983 specified in subsection (2) of section 34 of that Act, make provision corresponding to that which could have been made under subsection (4) of that section in connection with the coming into force under that section of the provision so specified.



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**Modifications etc. (not altering text)**

**C10** S. 55(3) : power of appointment conferred by section 55(3) fully exercised: 1.1.1985 appointed by [S.I. 1984/1815](#)

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**Marginal Citations**

**M6** 1983 c. 38.

**M7** 1978 c. 30.

**M8** 1983 c. 38.

**56 Short title and extent.**

- (1) This Act may be cited as the Dentists Act 1984.
- (2) This Act extends to Northern Ireland.

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## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

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

#### PART I

#### THE COUNCIL

#### *F337* Constitution

**Textual Amendments**

**F337** 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](#)

**F338** ]

**Textual Amendments**

**F338** 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\(2\)\(a\)\(i\)](#)

- [
- F338** 1A. (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.
- F339** (4) .....]

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### Textual Amendments

- F338** 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)
- F339** 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)

### *[<sup>F338</sup>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*

F340<sup>2</sup> .....

**Textual Amendments**  
F340 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)

F341<sup>2A</sup> .....

**Textual Amendments**  
F341 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.

*[<sup>F342</sup>Members who are registered dentists or registered dental care professionals]*

**Textual Amendments**  
F342 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)

F343<sup>3</sup> .....

**Textual Amendments**  
F343 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*

F344<sup>4</sup> .....]

**Textual Amendments**  
F344 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>F346</sup> ... such fees and such travelling, subsistence or other allowances as they may determine.
- [<sup>F347</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>F348</sup> ... of any of the Council’s committees may be exercised notwithstanding any vacancy.
- (4) No proceedings<sup>F349</sup> ... of any of the Council’s committees shall be invalidated by any defect in the appointment of a member<sup>F350</sup> ....

**Textual Amendments**

- F346** 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)
- F347** 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)
- F348** 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)
- F349** 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)
- F350** 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>F351</sup>7 (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**

- F351** 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>F352</sup>(a) .....
  - (b) for delegating, subject to the provisions of this Act, to committees, including the committees referred to in [<sup>F353</sup>section 2 of this Act], [<sup>F354</sup>or to any officer of the Council,] functions of the Council, and
  - (c) [<sup>F355</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>F353</sup>section 2 of this Act] and any sub-committees.
- [<sup>F356</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>F357</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>F358</sup>(2) .....
- [<sup>F359</sup>(2A) Some or all of the members of committees of the Council may be persons who are not members of the Council.]
- <sup>F358</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**

- F352** 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)
- F353** 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\(1\)\(4\)\(a\)](#)
- F354** 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](#))
- F355** 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](#))
- F356** 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](#))
- F357** 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\(2\)\(a\)\(i\)](#)
- F358** 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](#))
- F359** 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>F360</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

- F360** 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>F361</sup>PART II

#### Textual Amendments

- F361** 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\(5\)](#)

### *The Education Committee*

- 9 (1) The Education Committee shall consist of—
- (a) the President,



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- (b) at least eight other members of the Council (who shall all be registered dentists), and
  - (c) those persons who are only members of the Council for the limited purposes set out in paragraph 1(3) above.
- (2) The Committee shall appoint a registered dentist to be chairman from among the members of the Committee.

*The Preliminary Proceedings Committee*

.....

10 The Preliminary Proceedings Committee shall consist of the President and five other members of the Council of whom one shall be a person who is not a registered dentist, but the President may appoint for the consideration of any particular case one or two members of the Council to be additional members of the Committee, notwithstanding that the membership of the Committee is thereby raised to seven or eight.

*The Professional Conduct Committee*

.....

- 11 (1) The Professional Conduct Committee shall consist of the President and ten other members of the Council of whom at least—
- (a) five shall be elected members of the Council, and
  - (b) two shall be neither elected members nor registered dentists.
- (2) A member of the Preliminary Proceedings Committee (other than the President of the Council) shall not at the same time be a member of the Professional Conduct Committee.
- (3) At any meeting of the Professional Conduct Committee the President of the Council, or in his absence such member of the Committee as the Committee may choose, shall be chairman.
- (4) All acts of the Professional Conduct Committee shall be decided by a majority of the members present at any meeting.
- (5) The quorum for a meeting of the Professional Conduct Committee shall be seven, of whom at least—
- (a) two shall be elected members of the Council, and
  - (b) one shall be neither an elected member nor a registered dentist.

*The Dental Auxiliaries Committee*

.....

12 (1) The Dental Auxiliaries Committee shall consist of—

- (a) the President;

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- (b) at least eight (but not more than ten) other members of the Council, being either elected or nominated members or persons within paragraph 1(2)(b) above; and
  - (c) nine persons not within paragraph (a) or (b) of this sub-paragraph.
- (2) At least two of the members referred to in sub-paragraph (1)(b) above shall not be registered dentists.
  - (3) Three of the nine members referred to in sub-paragraph (1)(c) above shall be appointed by the Secretaries of State respectively concerned with health in England and Wales and Scotland and the head of the Department of Health and Social Services for Northern Ireland acting jointly, and two of the three so appointed shall be registered dentists who are or have been employed in the course of the provision of national health services.
  - (4) The three members so appointed and their successors shall retire together at the end of successive three-year periods, and an appointment made in the course of one of those periods to fill a casual vacancy shall be for the remainder of that period.
  - (5) The other six of the nine members referred to in sub-paragraph (1)(c) above shall be elected by members of all the classes of dental auxiliaries established by regulations under this Act in such manner and at such intervals as may be provided by rules made by the Council.
  - (6) The Council shall pay to members of the Committee who are not members of the council allowances and fees at the same rates as in the case of those who are members of the Council.
  - (7) The chairman of the Committee shall be chosen by the Committee from among the members of the Committee who are registered dentists.
  - (8) The Committee may appoint a sub-committee, which shall consist of not more than nine members, to deal with disciplinary questions connected with members of a class of dental auxiliaries.
  - (9) The member of the Council referred to in paragraph 1(2)(d) above shall be elected by the Committee from among its members who have been elected under sub-paragraph (5) above; and a person so elected shall cease to be a member of the Council if he ceases to be a member of the Committee or when the term of office of elected members of the Council next expires in accordance with paragraph 2(1) above, whichever first occurs.

## SCHEDULE 2

Section 15(2).

### EUROPEAN DENTAL QUALIFICATIONS

#### PART I

##### APPROPRIATE EUROPEAN DIPLOMAS

[<sup>F363</sup>1(1)] In this Schedule—

F364  
...

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“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>F365</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

- F362** 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)
- F363** 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)
- F364** 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)
- F365** 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>F366</sup>2 Subject to [<sup>F367</sup>paragraph 3] below, [<sup>F368</sup>a] diploma in dentistry granted in [<sup>F369</sup>a relevant European State] is an appropriate European diploma for the purposes of section [<sup>F370</sup>15(2ZA)] of this Act [<sup>F371</sup>[<sup>F372</sup>if it] is listed in Annex V, point 5.3.2 of the Directive [<sup>F373</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

- F366** Sch. 2 Pt. I para. 2 substituted (1.7.1996) by S.I. 1996/1496, **reg. 3(3)**
- F367** 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)
- F368** 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)
- F369** 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)
- F370** 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)
- F371** 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)
- F372** 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)

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**F373** 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>F374</sup>3 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>F375</sup>15(2ZA)]<sup>F376</sup> ...]

**Textual Amendments**

**F374** 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)**

**F375** 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)

**F376** 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>F377</sup>3A .....

**Textual Amendments**

**F377** 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>F377</sup>4 .....

**Textual Amendments**

**F377** 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>F377</sup>5 .....

**Textual Amendments**

**F377** 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>F377</sup>6 .....

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**Textual Amendments**

**F377** 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)

**F377** 6A. ....

**Textual Amendments**

**F377** 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)

**F377** 6B. ....

**Textual Amendments**

**F377** 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)

**F377** 7 ....

**Textual Amendments**

**F377** 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)

**F377** 8. ....

**Textual Amendments**

**F377** 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)

**F377** 9. ....

**Textual Amendments**

**F377** 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)

<sup>F377</sup>10. ....

**Textual Amendments**

**F377** 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>F378</sup>**PART II**

**SCHEDULED EUROPEAN DIPLOMAS**

**Textual Amendments**

**F378** 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)**

.....

<sup>F379</sup>**SCHEDULE 2A**

Section 25A

**REGISTRATION APPEALS: DENTISTS REGISTER**

**Textual Amendments**

**F379** 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)

1. In this Schedule—
  - “appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2) <sup>F380</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>F381</sup>...; and
  - <sup>F382</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;

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- (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**

- F380** 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)
- F381** 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)
- F382** 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>F383</sup>(a) a decision not to register a person’s name in the register under subsection (1)(a)<sup>F384</sup> ... [<sup>F385</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>F386</sup>(aa) .....
  - <sup>F387</sup>(ab) .....]
  - [<sup>F388</sup>(ac) a decision to require a person to undergo an examination or other assessment under section 15A(6)(a);]
  - (b) a decision not to give a direction for temporary registration under section 17 (temporary registration);
  - <sup>F389</sup>(ba) .....
  - <sup>F390</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;
  - (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>F391</sup>(j) .....
  - <sup>F392</sup>(k) .....
  - <sup>F393</sup>(l) .....



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- (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

- F383** 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\(b\)\(i\)](#)
- F384** 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)
- F385** 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\(b\)](#)
- F386** 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)
- F387** 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)
- F388** 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
- F389** 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)
- F390** 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)
- F391** 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. 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)
- F392** 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)
- F393** 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)

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### 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 [<sup>F394</sup>paragraphs (a) <sup>F395</sup>..., (b)], (d), (f), (g) [<sup>F396</sup>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.

<sup>F397</sup>(3) .....

<sup>F398</sup>(4) .....

#### Textual Amendments

- F394** 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)**
- F395** 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)
- F396** 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)
- F397** 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)
- F398** 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)

### 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>F399</sup>....
- (2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.

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- (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”;
  - (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.
- (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;

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- (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**

**F399** 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.
- (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,

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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>F400</sup>SCHEDULE 3

Section 33(6)

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

#### Textual Amendments

**F400** 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.

#### 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;

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- (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—
- (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

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- (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.
- (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.



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*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.]

<sup>F401</sup>SCHEDULE 3A

Sections 34A and 34B

.....

**Textual Amendments**

**F401** 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)

<sup>F402</sup>SCHEDULE 4

Section 36

.....

**Textual Amendments**

**F402** 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)

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<sup>F403</sup>SCHEDULE 4ZA

Section 36ZA

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

**Textual Amendments**

**F403** 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)

<sup>F404</sup>SCHEDULE 4A

Section 36J

REGISTRATION APPEALS: DENTAL CARE PROFESSIONALS REGISTER

**Textual Amendments**

**F404** 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>F405</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>F406</sup> ...; and
  - “the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), <sup>F407</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.

**Textual Amendments**

- F405** 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)
- F406** 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)
- F407** 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.**

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**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>F408</sup>(aa) .....
  - <sup>F409</sup> [ .....
  - <sup>F410</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>F411</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>F412</sup>...
  - <sup>F412</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.

#### Textual Amendments

- F408** 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)
- F409** 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)
- F410** 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

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- F411** 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**
- F412** 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.

**F413**(3) .....

**F414**(4) .....

### **Textual Amendments**

- F413** 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)
- F414** 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—
- (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>F415</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.

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- (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.
- (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

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- (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

**F415** 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.
- (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.

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- (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>F416</sup>SCHEDULE 4B

Section 36W(6)

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

**Textual Amendments**

**F416** 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.

*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;



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- (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—
- (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

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- (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.
- (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.

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### *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>F417</sup>SCHEDULE 4C

Section 49A

### ADVISERS

#### **Textual Amendments**

**F417** 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,
  - (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—

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- (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>F418</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

**F418** 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
  - (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.

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*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 ..... F419

**Textual Amendments**

F419 Sch. 5 para. 1 repealed by S.I. 1987/2047, art. 2(a), Sch.

MEDICINES ACT 1968 (C. 67)

- 2 In section 132(1), in the definition of “dentist”, for the words from “<sup>M9</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**

M9 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;”.

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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>[F420]</sup>In section 35(3) (added by section 15 of the <sup>M10</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**

**F420** 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)

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**Marginal Citations**

**M10** 1983 c. 41.

F421<sup>9</sup> .....

**Textual Amendments**

**F421** 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](#))

F422<sup>10</sup> .....

**Textual Amendments**

**F422** 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](#))

F423<sup>11</sup> .....

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**Textual Amendments**

**F423** 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)

**F424** 16 .....

**Textual Amendments**

**F424** Sch. 5 para. 16 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

SCHEDULE 6

Section 54(2), (3).

REPEALS AND REVOCATIONS

**PART I**

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
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.



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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.

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## 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>M11</sup>Dentists Act 1983 shall have effect as if held or made for the purposes of Schedule 1 to this Act.

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#### Marginal Citations

**M11** 1983 c. 38.

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### *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>M12</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**

**M12** 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.

### *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>M13</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>M14</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.

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**Marginal Citations**

**M13** 1957 c. 28.

**M14** 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.
- (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>M15</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.

**Marginal Citations**

**M15** 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>M16</sup>Dentists Act 1956.

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**Marginal Citations**

**M16** 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](#)