

# 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 July 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:—

### 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”).

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

(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.]

[(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.]

[(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. . .

(b) . . . .

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

(2B) . . .]

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

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 1, Sch 1, para 1, and the Dentists Act 1983, s 2, Sch 2, para 2.

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-ss (1ZA), (1ZB): inserted by the Health and Social Care (Safety and Quality) Act 2015, s 5(2), Schedule, para 1(1), (2)(a).

Date in force: 26 September 2016: see SI 2016/906, reg 2(b).

Sub-s (1A): inserted by SI 2009/1182, art 3(1), Sch 1, para 1(a).

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b).

Sub-ss (2), (2A), (2B): substituted, for sub-s (2) (as originally enacted) and sub-ss (2A)–(2C) (as inserted by SI 2001/3926, arts 2, 3(a)), by SI 2005/2011, arts 2(1), 3.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 31.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 31.

Sub-s (2): para (b) and word omitted immediately preceding it repealed by the Health and Social Care (Safety and Quality) Act 2015, s 5(2), Schedule, para 1(1), (2)(b).

Date in force: 26 September 2016: see SI 2016/906, reg 2(b).

Sub-s (2B): repealed by SI 2009/1182, art 3(1), Sch 1, para 1(b).

Date in force: 1 October 2009: see SI 2009/1357, art 2(2)(a)(ii).

Sub-s (3): words “and, in particular, subsection (2A) above is subject to the provisions of that Part” in square brackets inserted by SI 2001/3926, arts 2, 3(b); for transitional provisions see SI 2002/1625, art 4 (as amended by SI 2002/3134 art 2(4)).

Date in force: 24 June 2002 (for the purposes of making provision for the appointment and election of members to the General Dental Council and the election of a President of the Council): see SI 2001/3926, art 1(2), (3), and the London Gazette, 14 June 2002.

Date in force: 10 April 2003 (for remaining purposes): see the London Gazette, 13 December 2002.

### Subordinate Legislation

General Dental Council (Constitution) Order 2009, SI 2009/1808 (made under sub-s (2A)).

General Dental Council (Constitution) (Amendment) Order 2012, SI 2012/1655 (made under sub-s (2A)).

## 2 Committees of the Council

- [(1) There shall continue to be committees of the Council known as—
- (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) . . .
- [(6) The committees of the Council mentioned in this section shall be constituted as provided by [rules].
- [(6A) Rules made under subsection (6) may provide for the functions of a committee of the 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.]
- (7) . . .
- (8) . . .]

### NOTES

#### Derivation

Sub-ss (1), (3) derived from the Dentists Act 1957, ss 8, 26(1), 45, and the Dentists Act 1983, s 26(1), Sch 2, para 11(a); sub-ss (2), (4), (5) derived from the Dentists Act 1983, ss 14(1), 17(1), (3).

#### Initial Commencement

##### *Specified date*

Sub-ss (1)–(3): Specified date: 1 October 1984: see s 55(1).

##### *To be appointed*

Sub-ss (4), (5): To be appointed: see s 55(3).

#### Appointment

Sub-ss (4), (5): Appointment: 1 January 1985: see SI 1984/1815, art 2(1), Schedule, Pt I.

#### Amendment

Sub-ss (1), (2), (3): substituted, for sub-ss (1), (2), (4) (as originally enacted) and sub-s (4A) (as inserted by SI 2001/3926, arts 2, 6(c)), by SI 2005/2011, arts 2(1), 4(1)(a).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and

- Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 2, 14, 20 and SI 2006/1671, arts 1(4), 5, 6, 10.
- Sub-s (5): repealed by SI 2001/3926, arts 2, 6(a).  
Date in force: 10 April 2003: see the London Gazette, 13 December 2002.
- Sub-ss (6), (7), (8): inserted by SI 2001/3926, arts 2, 6(d).  
Date in force: 1 January 2003 (for the purposes of making provision for the constitution and appointment of Members of Committees of the General Dental Council): see the London Gazette, 13 December 2002.  
Date in force: 10 April 2003 (for remaining purposes): see the London Gazette, 13 December 2002.
- Sub-s (6): word “rules” in square brackets substituted by SI 2009/1182, art 3(1), Sch 1, para 2(a).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Sub-s (6A): inserted by SI 2009/1182, art 3(1), Sch 1, para 2(b).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Sub-ss (7), (8): repealed by SI 2009/1182, art 3(1), Sch 1, para 2(c).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).

### **Subordinate Legislation**

- General Dental Council (Constitution of Committees) Order of Council 2003, SI 2003/1081 (made under sub-ss (6), (7)).
- General Dental Council (Constitution of Committees) Amendment Order of Council 2003, SI 2004/67 (made under sub-ss (6), (7)).
- General Dental Council (Constitution of Committees) Rules Order of Council 2009, SI 2009/1813 (made under sub-ss (6), (6A)).
- General Dental Council (Constitution of Committees) (Amendment) Rules Order of Council 2011, SI 2011/47 (made under sub-s (6)).

### **[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).

(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 [the provision, supervision or management of national health services]; or
- (e) they—
  - (i) are responsible for regulating or co-ordinating the regulation of health or

social care professions not regulated under this Act, . . .

(ii) . . .

(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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 5.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (2): in para (d) words “the provision, supervision or management of national health services” in square brackets substituted by SI 2009/1182, art 3(1), Sch 1, para 3(a).

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b).

Sub-s (2): para (e)(ii) and word omitted immediately preceding it repealed by SI 2009/1182, art 3(1), Sch 1, para 3(b).

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b).



### [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.

(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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 5.

Date in force: 14 May 2009: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 1 May 2009.

Substituted by SI 2009/1182, art 3(1), Sch 1, para 4.

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b).

## [2C Accounts]

[(1) The Council shall—

- (a) keep accounts, and
- (b) 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 [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—

- (a) publish the statement of accounts for that year, together with the auditor's report on it; and
- (b) send a copy of the statement of accounts and the report to the [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—

- (a) the statement of accounts for that year as certified by the Comptroller and Auditor General;
- (b) the auditor's report for that year; and
- (c) the report of the Comptroller and Auditor General for that year.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 5.

Date in force: 14 May 2009: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 1 May 2009.

Sub-s (3): words “statutory auditor under Part 42 of the Companies Act 2006” in square brackets substituted by SI 2008/948, arts 3(1)(a), 6, Sch 1, Pt 1, para 3(a).

Date in force: 6 April 2008: see SI 2008/948, art 2(2); for transitional provisions and savings see arts 6, 12 thereof.

Sub-s (4): in para (b) words “Privy Council, the Comptroller and Auditor General and the Auditor General for Scotland” in square brackets substituted by SI 2009/1182, art 3(1), Sch 1, para 5.

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b).

**[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.]

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 5.

Date in force: 1 September 2005: see SI 2005/2011, art 1(5)–(7) and the London Gazette, 19 August 2005.

**[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.]

**NOTES**

**Amendment**

Inserted by SI 2009/1182, art 3(1), Sch 1, para 6.

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b).

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 . . .

(4) References in this Act to a dental authority are references to a medical authority who grant degrees, licences or other diplomas in dentistry.

#### NOTES

##### Derivation

Sub-ss (1), (2), (4) derived from the Dentists Act 1957, ss 2(3), 3, 50(1); sub-s (3) derived from the Dentists Act 1957, ss 2(4), 3(1), the Medical Act 1983, Sch 6, para 4, and the Irish Republic (Termination of 1927 Agreement) Order 1979, SI 1979/289, art 2(d).

##### Initial Commencement

###### *Specified date*

Specified date: 1 October 1984: see s 55(1).

##### Amendment

Para (3): words omitted repealed by SI 1987/2047, art 2(a), Schedule.

##### See Further

See further, in relation to the reference in sub-s (3) above to universities or other bodies who choose appointed members of the General Medical Council: the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009, SI 2009/1182, art 7(4).

### 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 and Wales, Scotland or [Northern Ireland],
- (b) the Royal College of Surgeons of Edinburgh,
- (c) the Royal College of Physicians and Surgeons of Glasgow, . . .
- (d) . . .

the Council or other governing body of the university or college may appoint a board of examiners.

(2) Each of those 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.

(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.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 4, and the Dentists Act 1983, Sch 2, para 3.

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (1): words in square brackets substituted, and sub-para (d) repealed, by SI 1987/2047, art 2, Schedule.

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## 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 byelaws 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 be kept by the College.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 5.

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

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## 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.

### NOTES

#### Derivation

Sub-s (1) derived from the Dentists Act 1957, s 6; sub-s (2) derived from the Dentists Act 1983, s 7.

#### Initial Commencement

##### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

## 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 Medical Act 1983, nor to assume any name, title 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.

### NOTES

#### Derivation

This section derived from the Dentists Act 1957, s 2(2), and the Medical Act 1983, Sch 5, para 1(a).

#### Initial Commencement

##### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### *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.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 7(1), and the Dentists Act 1983, s 8(2).

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

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## 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.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 9, and the Dentists Act 1983, s 9.

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

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

### NOTES

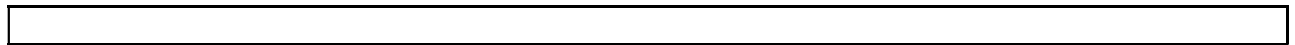
#### Derivation

This section derived from the Dentists Act 1957, s 7(2), and the Dentists Act 1983, s 8(3).

#### Initial Commencement

##### *Specified date*

Specified date: 1 October 1984: see s 55(1).



## 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 provisions 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.

### NOTES

#### Derivation

This section derived from the Dentists Act 1957, s 10, the Dentists (Amendment) Act 1973, s 1(1), and the Dentists Act 1983, Sch 2, para 4.

#### Initial Commencement

##### *Specified date*

Specified date: 1 October 1984: see s 55(1).

## 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.

### NOTES

#### Derivation

This section derived from the Dentists Act 1957, s 11.

#### Initial Commencement

##### *Specified date*

Specified date: 1 October 1984: see s 55(1).

## [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) is to 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.]

### NOTES

**Amendment**

Inserted by SI 2007/3101, regs 109, 110.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

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**NOTES****Amendment**

Repealed by SI 2001/3926, arts 2, 5(2)(b).

Date in force: 1 January 2004: see the London Gazette, 24 October 2003.

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**NOTES****Derivation**

This section derived from the Dentists Act 1957, s 8.

**Amendment**

Repealed by SI 2001/3926, arts 2, 5(2)(b).

Date in force: 1 January 2004: see the London Gazette, 24 October 2003.

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## Part III The Dental Profession

### *Registration*

**[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”).

[(1A) The register shall consist of three lists, namely—

- (a) the principal list, which shall contain particulars of persons who under section 15 are entitled to be registered in the register;
- (b) the list of temporary registrants, which shall contain particulars of persons who under section 17 are directed to be registered in the register; and

(c) the list of visiting dentists from relevant European States, which shall contain particulars of persons who under Schedule 4 are entitled to be registered in the register.]

(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.]

## NOTES

### Derivation

This section as originally enacted derived from the Dentists Act 1957, s 16(1)–(6).

### Amendment

Substituted by SI 2005/2011, arts 2(1), 6.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1A): inserted by SI 2007/3101, regs 109, 111.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).


## 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;
- [(b) any exempt person who holds an appropriate European diploma;
- (ba) any exempt person—
  - (i) whose case falls within regulation [3(8)(a) or (e)] of the General Systems Regulations,
  - (ii) to whom regulations [27 to 34] of those Regulations apply by reason of the operation of regulation [3(5)] of those Regulations, and
  - (iii) who is permitted to pursue the profession of dentistry in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully

completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations); and]

(c) any person who holds a recognised overseas diploma.

(2) In subsection (1) above—

“appropriate European diploma” shall be construed in accordance with Schedule 2 to this Act;

. . .

and in this Act “recognised overseas diploma” means a diploma granted in a country overseas and recognised for the time being by the Council for the purposes of this Act, and does not include an appropriate European diploma.

[(2A) . . .]

(3) A person shall not be entitled to be registered in the dentists register under [paragraph (a), (b) or (ba) of subsection (1)] above unless he satisfies the registrar as to the following matters, namely—

(a) his identity;

(b) that he is of good character; and

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

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

(4) A person shall not be entitled to be registered in the dentists register under paragraph (c) of that subsection unless he satisfies the registrar as to the following matters, namely—

(a) his identity;

(b) that he is of good character;

(c) that he has satisfied the Council that he has the requisite knowledge and skill;

[(d) that he has the necessary knowledge of English; and]

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

[[4A) Subsections (4B) to (4BC) apply in relation to an exempt person (“A”) who applies for registration under paragraph (b) or (ba) of subsection (1).

(4B) For the purposes of subsection (3)(b), the registrar shall accept as sufficient evidence of A’s good character a certificate which—

(a) attests to A’s good character or good repute; and

(b) is issued by a competent authority in A’s attesting State.

(4BA) If no such certificate is issued by a competent authority in A’s attesting State, for the purposes of subsection (3)(b) the registrar shall accept as sufficient evidence of A’s good character a certificate—

- (a) attesting to the authenticity of a declaration on oath made by A—
  - (i) before a competent judicial or administrative authority, notary or qualified professional body of A's attesting State, and
  - (ii) attesting to A's good character; and
- (b) issued by the authority, notary or body referred to in paragraph (a)(i).

In this subsection, "declaration on oath" includes a solemn declaration.

(4BB) For the purposes of subsection (3)(c), the registrar shall accept as sufficient evidence of A's good health a certificate which—

- (a) attests to A's good physical and mental health; and
- (b) is required of a person who wishes to practise dentistry in A's attesting State.

(4BC) If no such certificate is required of persons who wish to practise dentistry in A's attesting State, for the purposes of subsection (3)(c) the registrar shall accept as sufficient evidence of A's good health a certificate which—

- (a) attests to A's good physical and mental health; and
- (b) is issued by a competent authority in A's attesting State.

(4BD) In subsections (4B) to (4BC) the "attesting State", in relation to A, is—

- (a) the relevant European State in which A obtained his dental qualification; or
- (b) (if different) the relevant European State from which A comes to the United Kingdom.”;
- (g) in subsection (4C), for “subsection (4A) or (4B)” substitute “subsection (4B), (4BA), (4BB) or (4BC)]]

(4C) The registrar shall not accept any certificate referred to in [subsection (4B), (4BA), (4BB) or (4BC)] if it is presented more than three months after the date on which it was issued.]

(5) . . .

(6) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.

[(7) . . .]

## NOTES

### Derivation

Sub-s (1) derived from the Dentists Act 1957, ss 2(1), 2A(1), 12(1), the Dentists Act 1983, Sch 2, para 5(a), the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, art 3(1), and the Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982, SI 1982/1076, art 4(1)(a); sub-s (2) derived from the Dentists Act 1957, ss 2A(5), 14, the Dentists Act 1983, Sch 2, para 7, and SI 1980/703, art 3(1); sub-ss (3), (5) derived from the Dentists Act 1983, ss 3(1), 4(3); sub-ss (4), (6) derived from the Dentists Act 1957, s 12(1), (5), and the Dentists Act 1983, s 4(2), Sch 2, para 5(b).

### Initial Commencement

**Specified date**

Specified date: 1 October 1984: see s 55(1).

**Amendment**

Sub-s (1): paras (b), (ba) substituted, for paras (b) as originally enacted, by SI 2007/3101, reg 112(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): in para (ba)(i) words “3(8)(a) or (e)” in square brackets substituted by SI 2016/1030, regs 46, 47(1), (2).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): in para (ba)(ii) words “27 to 34” in square brackets substituted by SI 2016/1030, regs 46, 47(1), (3)(a).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): in para (ba)(ii) reference to “3(5)” in square brackets substituted by SI 2016/1030, regs 46, 47(1), (3)(b).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (2): definition “national” (omitted) repealed by SI 2007/3101, reg 109, 112(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2A): inserted by SI 1996/1496, reg 2(2).

Sub-s (2A): repealed by SI 2007/3101, regs 109, 112(c).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (3): words “paragraph (a), (b) or (ba) of subsection (1)” in square brackets substituted by SI 2007/3101, regs 109, 112(d).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (3): para (ba) inserted by SI 2015/806, arts 11, 12(1), (2).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (4): para (d) substituted by SI 2015/806, arts 11, 12(1), (3).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-ss (4A)–(4C): inserted by SI 1998/811, reg 19.

Date in force: 14 April 1998: see SI 1998/811, reg 1(2).

Sub-ss (4A), (4B), (4BA)–(4BD): substituted, for sub-ss (4A), (4B) as inserted by SI 1998/811, reg 19, by SI 2007/3101, reg 112(f).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (4C): words “subsection (4B), (4BA), (4BB) or (4BC)” in square brackets substituted by SI 2007/3101, regs 109, 112(g).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (5): repealed by SI 2015/806, arts 11, 12(1), (4).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (7): inserted by SI 1996/1496, reg 2(3).

Sub-s (7): repealed by SI 2007/3101, regs 109, 112(h).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

**[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.
- (4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.
- (5) The registrar may not exercise any power under subsection (4) unless the registrar has complied with any duty under section 21A(2B).
- (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.
- (7) In the case of an applicant who is an exempt person, the registrar may not exercise the power under subsection (6) without having first—
- (a) exercised the power under subsection (4); and
  - (b) considered any further evidence, information or documents provided by the applicant.
- (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).]

## **NOTES**

### **Amendment**

Inserted by SI 2015/806, arts 11, 13.

Date in force: 1 April 2016: see SI 2015/1451, art 5.

## 16 Supplementary provisions as to registration of holders of overseas diplomas

(1) Except in a case falling within subsection (2) below the Council shall for the purpose of satisfying themselves that a person has the requisite knowledge and skill as mentioned in section 15(4)(c) above, and in addition to such other requirements as they may impose on him, require him to sit for examinations held by a dental authority, or a group of dental authorities, under arrangements made by the Council.

(2) If the diploma held by the person in question is of a kind recognised for the time being by the Council as furnishing such guarantees of that person's possessing the requisite knowledge and skill as warrant dispensing with further inquiry, he shall be taken to have satisfied the Council that he has the requisite knowledge and skill.

[(2A) In deciding for the purposes of section 15(4)(c) whether [an exempt person] has the requisite knowledge and skill, the Council—

[(a) shall take into account all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision;]

[(b) if the person holds a dental qualification which—

(i) was granted otherwise than in a relevant European State, but

(ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a dentist in that State,

shall take that acceptance into account; and]

(c) may treat a qualification which is not of a kind recognised for the time being by the Council as furnishing sufficient guarantees that he has the requisite knowledge and skill as if it were such a qualification.]

[(2B) In the case of an exempt person who holds a dental qualification which—

(a) was granted otherwise than in a relevant European State, and

(b) has not previously been accepted by a relevant European State as qualifying him to practise as a dentist in that State,

the Council shall not determine that they are satisfied that that person has the requisite knowledge and skill as mentioned in section 15(4)(c) above unless the dental qualification is evidence of dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 34 of the Directive (basic dental training).]

(3) For the purpose of satisfying themselves that it is appropriate to recognise under subsection (2) above any diploma granted by an overseas institution, the Council may appoint persons to visit that institution and to attend the examinations to be taken in order to obtain the diploma; and the persons so appointed shall report to the Council as to the sufficiency of the instruction given in the institution and as to the adequacy of the examinations concerned for testing the knowledge and skill of those taking them.

(4) The Council may—

(a) make regulations as to the examinations to be held for the purposes of this section and may

- include in the regulations provisions for withdrawing the right to sit for any such examinations from a person who has not first paid the fee prescribed by the regulations for sitting for the examinations or from a person who has previously failed to pass such examinations on such number of occasions as may be prescribed by the regulations; and
- (b) appoint persons to attend any such examinations who shall report to the Council as to the adequacy of the examinations for testing the knowledge and skill of those taking them.
- (5) The Council shall have power to remunerate persons who are not members of the Council for acting as visitors under subsection (3) or (4)(b) above.
- (6) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.
- (7) Regulations under subsection (4)(a) above shall not come into force until approved by order of the Privy Council.

## NOTES

### Derivation

Sub-ss (1), (2), (7) derived from the Dentists Act 1957, s 12(2)–(4); sub-ss (3)–(6) derived from the Dentists Act 1957, ss 12(4), (5), 12A(2)–(4), and the Dentists Act 1983, s 10, Sch 2, para 5(b).

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (2A): inserted by SI 1998/811, reg 20(2).

Date in force: 14 April 1998: see SI 1998/811, reg 1(2).

Sub-s (2A): words “an exempt person” in square brackets substituted by SI 2007/3101, regs 109, 113(a)(i).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2A): paras (a), (b) substituted by SI 2003/3148, reg 6(1), (3).

Date in force: 31 December 2003: see SI 2003/3148, reg 1(1)(c).

Sub-s (2A): para (b) substituted by SI 2007/3101, regs 109, 113(a)(ii).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2B): inserted by SI 2007/3101, regs 109, 113(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

### Subordinate Legislation

General Dental Council (Overseas Registration Examination Regulations) Order of Council 2007, SI 2007/1884 (made under sub-s (4)).

General Dental Council (Overseas Registration Examination Regulations) Order of Council 2015, SI 2015/735 (made under sub-s (4)).

## 17 Temporary registration

- (1) Where the Council, with a view to permitting any person holding a recognised 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 person 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;
- [(d) that he has the necessary knowledge of English; and]
- (e) that he is in good health, both physically and mentally.

(3) . . .

[(3A) In deciding for the purposes of subsection (2)(c) whether [an exempt person] has the requisite knowledge and skill for the efficient practice of dentistry in the post in question, the Council shall take into account [all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision], and any acceptance by [a relevant European State other than the United Kingdom] of his right to practise as a dentist in that State.]

[(3B) Section 15A (except subsection (5)) 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.

(5) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a recognised overseas diploma shall be treated as a person holding a recognised overseas diploma.

## NOTES

### Derivation

Sub-ss (1), (5) derived from the Dentists Act 1957, s 13(1), (3), and the Dentists Act 1983, Sch 2, para 6; sub-ss (2), (3) derived from the Dentists Act 1983, s 5(2); sub-s (4) derived from the Dentists Act 1957, s 13(2).

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (2): para (d) substituted by SI 2015/806, arts 11, 14(1), (2).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (3): repealed by SI 2015/806, arts 11, 14(1), (3).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (3A): inserted by SI 1998/811, reg 20(3)(b).

Date in force: 14 April 1998: see SI 1998/811, reg 1(2).

Sub-s (3A): words “an exempt person” in square brackets substituted by SI 2007/3101, regs 109, 114(b)(i).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (3A): words from “all his dental qualifications” to “to that decision” in square brackets substituted by SI 2003/3148, reg 6(1), (4)(a).

Date in force: 31 December 2003: see SI 2003/3148, reg 1(1)(c).

Sub-s (3A): words “a relevant European State other than the United Kingdom” in square brackets substituted by SI 2007/3101, regs 109, 114(b)(ii).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (3B): inserted by SI 2015/806, arts 11, 14(1), (4).

Date in force: 1 April 2016: see SI 2015/1451, art 5.


### *Procedure for registration*

## **18 Procedure for registration**

(1) [Subject to subsection (3) below, any right to registration under section 15 above] [in the register] shall be conditional on the making of an application supported by such evidence as is required by subsection (2) below.

[(2) Any person applying to be registered [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 registration];
- [(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];
- (c) . . . .]

[(2A) An exempt person (“A”) applying to be registered in the register shall (in addition to the document and statement mentioned in subsection (2)) produce or send to the registrar—

- (a) if A is applying to be registered in exercise of entitlement under section 15(1)(b), (ba) or (c) and is a national of a relevant European State, proof of A’s nationality;
- (b) if A is applying to be registered in exercise of entitlement under section 15(1)(b), (ba) or (c) and is not a national of a relevant European State, proof of the Community right by virtue of which A is an exempt person;
- (c) if A—
  - (i) is applying to be registered in exercise of entitlement under section 15(1)(b),
  - (ii) holds a diploma listed in Annex V, point 5.3.2 of the Directive (evidence of basic formal qualifications of dental practitioners), and
  - (iii) has successfully completed dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 34 of the Directive (basic dental training),a certificate as mentioned in subsection (2B).

(2B) The certificate—

- (a) must be a certificate issued by a competent authority in A's attesting State (as defined by section 15(4BD)); and
- (b) must certify that the document produced or sent by A under subsection (2)(a) is a diploma listed in relation to that State in Annex V, point 5.3.2 of the Directive.]

(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 [in the register] those persons.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 17, and the Dentists (Amendment) Act 1973, s 1(2).

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (1): words "Subject to subsection (3) below, any right to registration under section 15 above" in square brackets substituted by SI 2007/3101, regs 109, 115(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): words "in the register" in square brackets inserted by SI 2005/2011, arts 2(1), 7(a).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (2): substituted by SI 1996/1496, reg 2(4).

Sub-s (2): words "in the register" in square brackets inserted by SI 2005/2011, arts 2(1), 7(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (2): word "registration" in square brackets substituted by SI 2007/3101, regs 109, 115(b)(i).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2): para (ba) inserted by SI 2014/1887, art 2(1), Sch 1, Pt 2, paras 2, 3.

Date in force: 17 July 2014: see SI 2014/1887, art 1(2).

Sub-s (2): para (c) repealed by SI 2007/3101, regs 109, 115(b)(ii).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-ss (2A), (2B): inserted by SI 2007/3101, regs 109, 115(c).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (3): words "in the register" in square brackets inserted by SI 2005/2011, arts 2(1), 7(c).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

## 19 Regulations with respect to the register

(1) [Subject to subsection (1A), the Council] may make regulations with respect to the form and keeping of the register and the making of entries and erasure in it, and in particular—

- (a) prescribing a fee to be charged on the entry of a name in the register [or otherwise in connection with an application for registration] or on the restoration of any entry to the register;

- (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 [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.

[(1A) Regulations under this section shall not prescribe fees in respect of registration in the list mentioned in section 14(1A)(c).]

*(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) above; and where a person's name is so erased, that name may be restored to the register on that person's application if he satisfies the registrar as to the matters specified in paragraphs (a) to (c) of section 15(3) above [and as to his meeting the requirements specified in rules made under section 34B(1) below in relation to his case or circumstances].*

[(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.]

(3) . . .

(4) . . .

## NOTES

### Derivation

Sub-ss (1), (2) derived from the Dentists Act 1957, s 18(1), (2), and the Dentists Act 1983, s 3(2), Sch 2, para 8; sub-ss (3), (4) derived from the Dentists Act 1957, s 18(3), (5).

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (1): words "Subject to subsection (1A), the Council" in square brackets substituted by SI 2007/3101, regs 109, 116(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
Sub-s (1): in para (a) words “or otherwise in connection with an application for registration” in square brackets inserted by SI 2015/806, arts 11, 15(a).  
Date in force: 19 October 2015: see SI 2015/1451, art 2(a).  
Sub-s (1): in para (d) words from “any entry in” to “to the register” in square brackets substituted by SI 2015/806, arts 11, 15(b).  
Date in force: 19 October 2015: see SI 2015/1451, art 2(a).  
Sub-s (1A): inserted by SI 2007/3101, regs 109, 116(b).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
Sub-s (2): substituted, by subsequent sub-ss (2), (2A), (2B), by SI 2005/2011, arts 2(1), 8(a).  
Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).  
Date in force (in so far as relating to sub-ss (2), (2A)(a), (c), (2B)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.  
Date in force (in so far as relating to sub-s (2A)(b) for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).  
Sub-s (2): words from “and as to his meeting” to “his case or circumstances” in square brackets inserted by SI 2001/3926, arts 2, 10(1).  
Date in force: 1 January 2004: see the London Gazette, 24 October 2003.  
Sub-ss (3), (4): repealed by SI 2005/2011, arts 2(1), 8(b).  
Date in force: 1 September 2005: see SI 2005/2011, art 1(5)–(7) and the London Gazette, 19 August 2005.

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 9.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 9.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

**[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.

[(2A) Subsection (2B) applies if the registrar—

- (a) is satisfied that A falls within section 15(1)(b) or (ba); but
- (b) decides to make a request under section 15A(4).

(2B) The registrar must notify A that the registrar recognises that A, by virtue of falling within section 15(1)(b) or (ba) as the case may be, is entitled to be registered in the register, subject to meeting any other requirements for registration.]

(3) The registrar must notify A of the result of the application—

- (a) in the case of an application for registration in exercise of entitlement under section 15(1)(a), (b) or (c), within the period of three months beginning with the relevant date;
- (b) in the case of an application for registration in exercise of entitlement under section 15(1)(ba), within the period of four months beginning with the relevant date.

[(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.]

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

**NOTES**

### **Amendment**

Substituted (as inserted by SI 1998/811, reg 21(1)) by SI 2007/3101, reg 117.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-ss (2A), (2B): inserted by SI 2015/806, arts 11, 16(1), (2).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (3A): inserted by SI 2015/806, arts 11, 16(1), (3).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (5): inserted by SI 2015/806, arts 11, 16(1), (4).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

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### *Publication of the register*

#### **[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.]

### **NOTES**

#### **Derivation**

This section derived from the Dentists Act 1957, s 2.

#### **Amendment**

Substituted by SI 2005/2011, arts 2(1), 10.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

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### *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.

[(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—

(a) section 15(3)(a) to (c);

(b) section 26A; and

(c) any rules made under section 34B which apply to his case.]

(5) . . .

## NOTES

### Derivation

Sub-ss (1)–(4) derived from the Dentists Act 1957, s 21, and the Dentists Act 1983, s 3(2); sub-s (5) derived from the Dentists Act 1983, s 6.

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (4): substituted by SI 2005/2011, arts 2(1), 11(a).

Date in force (in so far as relating to sub-s (4)(a), (c)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to sub-s (4)(b)): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Sub-s (5): repealed by SI 2005/2011, arts 2(1), 11(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

## [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.]

## NOTES

### Derivation

This section as originally enacted derived from the Dentists Act 1957, s 22.

### Amendment

Substituted by SI 2005/2011, arts 2(1), 12.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 2.

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 13.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

*istration appeals]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 14(1).

Date in force (for certain purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

## **[25A Registration appeals]**

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

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 14(1).

Date in force (for certain purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

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### *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—

- (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.

[(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.]
- (5) . . .
- (6) Any person who contravenes subsection (2) . . . above shall be liable on summary conviction to a fine not exceeding the third level on the standard scale.
- [(7) The Council shall from time to time publish any list for the time being kept by them under subsection (4).]

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 15, the Criminal Procedure (Scotland) Act 1975, s 289F(8), the Criminal Justice Act 1982, s 38(6), and the Dentists Act 1983, ss 12(2), 31(2).

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-ss (4A), (4B): inserted by SI 2005/2011, arts 2(1), 15(a).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (5): repealed by SI 2005/2011, arts 2(1), 15(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (6): words omitted repealed by SI 2005/2011, arts 2(1), 15(c).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (7): substituted by SI 2005/2011, arts 2(1), 15(d).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.


*[Insurance]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 16.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

## **[26A Indemnity 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
- (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.

(11) This section does not apply to a person who is registered by virtue of section 36 and Schedule 4 (visiting dentists from relevant European States).]

## NOTES

### Amendment

Substituted (for this section as inserted by SI 2005/2011, arts 2(1), 16) by SI 2014/1887, art 2(1), Sch 1, Pt 2, paras 2, 4.

Date in force: 17 July 2014: see SI 2014/1887, art 1(2).

### Subordinate Legislation

General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules Order of Council 2015, SI 2015/1758 (made under sub-ss (4)–(6)).

### *Professional conduct and fitness to practise*

#### [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—

- (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—

- (a) . . .
- (b) Local Health Boards in Wales;
- (c) Health Boards in Scotland; and
- (d) Health and Social Services Boards 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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 17.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (8): para (a) repealed by the Health and Social Care Act 2012, s 55(2), Sch 5, paras 33, 34.

Date in force: 1 April 2013: see SI 2013/160, art 2; for transitional provisions and savings see arts 5–7 thereof.

## [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;
- [(ba) the person not having the necessary knowledge of English;]
- (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[, or by the Office of the Health Professions Adjudicator.] 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;
- [(h) the [Independent Safeguarding Authority] including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or
- [(i) the Scottish Ministers including the person in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)].

(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
  - [(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].
- [(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.]

## NOTES

### Derivation

Sub-ss (1), (4), (5) as originally enacted derived from the Dentists Act 1957, ss 25(1), (4), 26(3), (4), and the Dentists Act 1983, s 15, Sch 2, para 11(b); sub-ss (2), (3) as originally enacted derived from the Dentists Act 1957, s 26(2), (3).

### Amendment

Substituted, together with ss 27A–27C, 28, for this section and s 28 as originally enacted, by SI 2005/2011, arts 2(1), 18.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3–8, 11, 12(a), 13 and SI 2006/1671, arts 1(4), 3, 4(b), 7(a), 8(1), 11.

Sub-s (2): para (ba) inserted by SI 2015/806, arts 11, 17.

Date in force: to be appointed: see SI 2015/806, art 1(3), (4).

Sub-s (2): in para (f) word “or” in italics repealed by SI 2009/1182, art 3(1), Sch 1, para 7.

Date in force: this repeal shall come into force on the date on which the Safeguarding Vulnerable Groups Act 2006, s 44(1) comes into force: see SI 2009/1182, art 1(6)(a).

Sub-s (2): in para (g) words “, or by the Office of the Health Professions Adjudicator,” in square brackets inserted by the Health and Social Care Act 2008, s 127, Sch 10, para 7.

Date in force: to be appointed: see the Health and Social Care Act 2008, s 170(3).

Sub-s (2): paras (h), (i) inserted by SI 2009/1182, art 3(1), Sch 1, para 7.

Date in force: this amendment shall come into force on the date on which the Safeguarding Vulnerable Groups Act 2006, s 44(1) comes into force: see SI 2009/1182, art 1(6)(a).

Sub-s (2): in para (h) words “Independent Safeguarding Authority” in square brackets substituted by virtue of the Policing and Crime Act 2009, s 81(5).

Date in force: 12 November 2009: see the Policing and Crime Act 2009, s 116(5)(a).  
Sub-s (5): para (b) substituted by SI 2016/496, arts 2, 13.  
Date in force: 13 April 2016: see SI 2016/496, art 1.  
Sub-ss (6), (6A): substituted, for sub-s (6), by SI 2016/496, arts 2, 11.  
Date in force: 13 April 2016: see SI 2016/496, art 1.

### Subordinate Legislation

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under sub-s (6A)).

### [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.

[(3A) 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—

[(za) 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 27(2)(b) (deficient professional performance) [or section 27(2)(ba) (not having the necessary knowledge of English)],

(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; . . .

(b) . . .

[(4A) 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 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);

[(aa) an allegation based on the ground mentioned in section 27(2)(ba) 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—

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

(b) . . .

[(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.]

[(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 27B(4); 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.

[(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 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.]

[(11) The Investigating Committee may review a determination made by them to issue a 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.]

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

## NOTES

### Amendment

Substituted, together with ss 27, 27B, 27C, 28, for ss 27, 28 as originally enacted, by SI 2005/2011, arts 2(1), 18.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3–8, 11, 12(a), 13 and SI 2006/1671, arts 1(4), 3, 4(b), 7(a), 8(1), 11.

Sub-s (3A): inserted by the Health and Social Care (Safety and Quality) Act 2015, s 5(2), Schedule, para 1(1), (3).

Date in force: 26 September 2016: see SI 2016/906, reg 2(b).

Sub-s (4): para (za) inserted by SI 2016/496, arts 2, 5(1), (2).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (4): in para (a) words “if they do not agree undertakings under paragraph (za),” in square brackets inserted by SI 2016/496, arts 2, 5(1), (3).

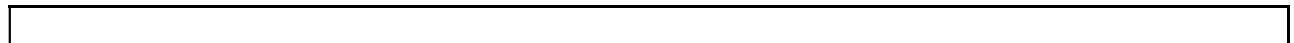
Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (4): in para (a)(i) words “or section 27(2)(ba) (not having the necessary knowledge of

English)” in square brackets inserted by SI 2015/806, arts 11, 18(1), (2).  
 Date in force: to be appointed: see SI 2015/806, art 1(3), (4).  
 Sub-s (4): para (b) and word omitted immediately preceding it repealed by SI 2016/496, arts 2, 14(1), (2).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-s (4A): inserted by SI 2016/496, arts 2, 14(1), (3).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-s (5): para (aa) inserted by SI 2015/806, arts 11, 18(1), (3).  
 Date in force: to be appointed: see SI 2015/806, art 1(3), (4).  
 Sub-s (6): para (za) inserted by SI 2016/496, arts 2, 5(1), (4).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-s (6): in para (a) words “if they do not agree undertakings under paragraph (za),” in square brackets inserted by SI 2016/496, arts 2, 5(1), (5).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-s (6): para (b) and word omitted immediately preceding it repealed by SI 2016/496, arts 2, 14(1), (4).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-ss (6A), (6B): inserted by SI 2016/496, arts 2, 14(1), (5).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-s (6C): inserted by SI 2016/496, arts 2, 5(1), (6).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-s (8A): inserted by SI 2016/496, arts 2, 14(1), (6).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-ss (11), (12): inserted by SI 2016/496, arts 2, 7.  
 Date in force: 13 April 2016: see SI 2016/496, art 1.  
 Sub-s (13): inserted by SI 2016/496, arts 2, 5(1), (7).  
 Date in force: 13 April 2016: see SI 2016/496, art 1.

### **Subordinate Legislation**

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under sub-s (13)).



### **[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.]

### **NOTES**

#### **Amendment**

Inserted by SI 2016/496, arts 2, 3.  
 Date in force: 13 April 2016: see SI 2016/496, art 1.

#### **Subordinate Legislation**

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902.

**[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.]

**NOTES**

**Amendment**

Inserted by SI 2016/496, arts 2, 9.

Date in force: 13 April 2016: see SI 2016/496, art 1.

**Subordinate Legislation**

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under sub-s (1)).

**[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.

(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.]

## NOTES

### Amendment

Substituted, together with ss 27, 27A, 27C, 28, for ss 27, 28 as originally enacted, by SI 2005/2011, arts 2(1), 18.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3–8, 11, 12(a), 13 and SI 2006/1671, arts 1(4), 3, 4(b), 7(a), 8(1), 11.

**[27BA Assessment of necessary knowledge of English]**

[(1) Subsection (2) applies where the Investigating Committee or a Practice Committee are considering an allegation under section 27.]

[(2) The Investigating Committee or Practice Committee (as the case may be) may direct the person against whom the allegation was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.]

[(3) Subsection (4) applies where the Professional Conduct Committee are determining an application referred to them under section 24(5).]

[(4) The Professional Conduct Committee may direct the person who made the application to undergo an examination or other assessment of whether the person has the necessary knowledge of English.]

[(5) A person of a description specified by rules may, in the circumstances specified by the rules, direct a person against whom an allegation under section 27 was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.]

[(6) An examination or other assessment under subsection (2) or (4), or by virtue of rules under subsection (5), must be made in accordance with rules.]

[(7) The rules must, in particular, provide for—

(a) the procedures to be followed when directing a person to undergo an examination or other assessment;

(b) the person undergoing an examination or other assessment to provide information in respect of the examination or assessment to such persons as may be prescribed by the rules;

(c) for the information provided by virtue of paragraph (b) to be disclosed to such persons as may be prescribed by the rules.]

[(8) A Practice Committee may draw such inferences as seem appropriate to them if a person fails—

(a) to undergo an examination or other assessment as directed under subsection (2) or (4) or by virtue of rules under subsection (5); or

(b) to provide the information required by virtue of rules made under subsection (7)(b).]

**NOTES**

**Amendment**

Inserted by SI 2015/806, arts 11, 19.

Date in force: to be appointed: see SI 2015/806, art 1(3), (4).

**[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
- (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.
- (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.]

## NOTES

### Amendment

Substituted, together with ss 27, 27A, 27B, 28, for ss 27, 28 as originally enacted, by SI 2005/2011, arts 2(1), 18.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3–8, 11, 12(a), 13 and SI 2006/1671, arts 1(4), 3, 4(b), 7(a), 8(1), 11.

### [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);
  - (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).]

## NOTES

### Derivation

This section as originally enacted derived from the Dentists Act 1983, s 18.

### Amendment

Substituted, together with ss 27, 27A–27C, for ss 27, 28 as originally enacted, by SI 2005/2011,

arts 2(1), 18; for transitional provisions see art 50(1), Sch 7, paras 3–8, 11, 12(a), 13 thereto and SI 2006/1671, arts 1(4), 3, 4(b), 7(a), 8(1), 11.

Date in force (except in so far as relating to sub-s (6)(a)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to sub-s (6)(a)): this amendment shall come into force on the date notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

## 29 Appeals

[(1) The following decisions are appealable decisions for the purposes of this section—

(a) a decision of the Professional Conduct Committee under section 24—

(i) giving a direction for erasure of a person's name from the register under subsection (3) of that section, or

(ii) refusing an application to restore a person's name to the register, or refusing to restore his name until the end of a specified period, under subsection (6) of that section;

(b) a decision of a Practice Committee under section 27B or 27C giving a direction for erasure, for suspension, for conditional registration or for varying or adding to the conditions imposed by a direction for conditional registration; . . .

(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.

[(d) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person.]

(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), [or regulation 67 of the General Systems Regulations,] 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.]

(2) . . .

[(3) On an appeal under this section, the court may—

- (a) dismiss the appeal,
- [(b) allow the appeal and quash the decision appealed against [or, in the case of an appeal from a decision falling within subsection (1)(d), direct that the alert be withdrawn or amended],
- (c) substitute for the decision appealed against any other decision which could have been made by [the Council,] the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
- (d) remit the case to [the Council,] the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to dispose of the case under section 24, 27B, 27C or 28 in accordance with the directions of the court,]

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

(4) The Council may appear as respondent on any appeal under this section; and for the purpose of [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.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 29(1), (1A), (2), and the Dentists Act 1983, ss 15(3), 19, Sch 2, para 13.

### Initial Commencement

#### ***Specified date***

Specified date (for certain purposes): 1 October 1984: see s 55(1).

#### ***To be appointed***

To be appointed (for remaining purposes): see s 55(3).

### Appointment

Appointment (for remaining purposes): 1 January 1985: see SI 1984/1815, art 2(2), Schedule, Pt II.

## Amendment

Sub-ss (1), (1A)–(1D): substituted, for sub-s (1) (as originally enacted) and sub-s (1A) (as inserted by the National Health Service Reform and Health Care Professions Act 2002, s 31(1), (2)(b)), by SI 2005/2011, arts 2(1), 19(a).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3, 11, 12(b), 13, 17, 18(b), 19, 25 and SI 2006/1671, arts 1(4), 2(3), 4(b), 6, 7(a).

Sub-s (1): in para (b) word omitted repealed by SI 2016/1030, regs 46, 48(1), (2).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): para (d) inserted by SI 2016/1030, regs 46, 48(1), (3).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1B): words “or regulation 67 of the General Systems Regulations,” in square brackets inserted by SI 2016/1030, regs 46, 48(1), (4).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (2): repealed by the National Health Service Reform and Health Care Professions Act 2002, ss 31(1), (2)(c), 37(2), Sch 9, Pt 2.

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), (c), 4.

Sub-s (3): substituted by the National Health Service Reform and Health Care Professions Act 2002, s 31(1), (2)(d).

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), 4.

Sub-s (3): paras (b)–(d) substituted by SI 2005/2011, arts 2(1), 19(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3, 11, 12(b), 13, 17, 18(b), 19, 25 and SI 2006/1671, arts 1(4), 2(3), 4(b), 6, 7(a).

Sub-s (3): in para (b) words from “or, in the” to “withdrawn or amended” in square brackets inserted by SI 2016/1030, regs 46, 48(1), (5).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (3): in para (c) words “the Council,” in square brackets inserted by SI 2016/1030, regs 46, 48(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (3): in para (d) words “the Council,” in square brackets inserted by SI 2016/1030, regs 46, 48(1), (7).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (4): words “any order as to costs (or, in Scotland, expenses) in relation to” in square brackets substituted by the National Health Service Reform and Health Care Professions Act 2002, s 37(1), Sch 8, para 16.

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(b), 4.

## [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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 20.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### [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.

(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.]

## **NOTES**

### **Derivation**

This section derived from the Dentists Act 1957, ss 29(3), (4), 29A, and the Dentists Act 1983, ss 15(4), 20.

### **Amendment**

Substituted by SI 2005/2011, arts 2(1), 21.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), 3, 4, 5(1)(a), (5), 7.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), 3, 4, 5(1)(a), (5), 7.

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 22.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3, 7.

## [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 [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
  - (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,
  - (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).]

## NOTES

### Derivation

This section derived from the Dentists Act 1983, s 16(1)–(8).

### Amendment

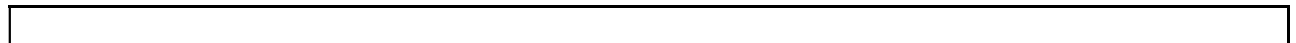
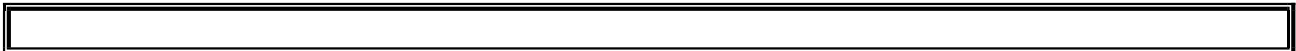
Substituted by SI 2005/2011, arts 2(1), 23.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), 5.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), 5.

Sub-s (2): in para (b) words “section 27A(4A) or (6A)” in square brackets substituted by SI 2016/496, arts 2, 15.

Date in force: 13 April 2016: see SI 2016/496, art 1.



*[Supplementary provisions]*

## NOTES

### Amendment

Substituted by SI 2005/2011, arts 2(1), 24(1).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3.

### [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—

- (a) 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
- (b) 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—

- (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) 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 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).

[(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.]

## NOTES

### Derivation

Sub-s (1) derived from the Dentists Act 1957, s 30A(1), and the Dentists Act 1983, ss 15(5), 16(8), 22(1).

### Amendment

Substituted by SI 2005/2011, arts 2(1), 24(1).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3.

Sub-s (5A): inserted by the Health and Social Care (Safety and Quality) Act 2015, s 5(2), Schedule, para 1(1), (4).

Date in force: 26 September 2016: see SI 2016/906, reg 2(b).

**[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.]

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 25.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

**[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.

- (4) For the purposes of subsection (3), “relevant enactment” means any enactment other than—
- (a) this Act; or
  - (b) the non-disclosure provisions within the meaning of Part 4 of the Data Protection Act 1998 (see section 27 of that Act).
- (5) A person shall not be required to supply any information or produce any document under subsection (2) which he could not be compelled to supply or produce in civil proceedings before the relevant court.
- (6) In subsection (5) “the relevant court” means—
- (a) if the person’s address in the 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.
- (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).]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 25.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### [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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 25.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 26.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 3, 9, 10.

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*[Professional training and development requirements]*

## NOTES

### Amendment

Inserted by SI 2001/3926, arts 2, 8.

Date in force: 1 January 2003 (for certain purposes): see the London Gazette, 13 December 2002.

Date in force: 1 November 2003 (for certain purposes): see the London Gazette, 24 October 2003.

Date in force: 20 December 2003 (for certain purposes): see the London Gazette, 13 December 2002.

Date in force: 1 January 2004 (for remaining purposes): see the London Gazette, 24

October 2003.

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

**NOTES**

**Amendment**

Substituted by SI 2005/2011, arts 2(1), 27; for transitional provisions see art 50(1), Sch 7, paras 15, 16, 19 thereto and SI 2006/1671, arts 1(4), 6.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2008: see the London, Edinburgh and Belfast Gazettes, 18 July 2008.

**Subordinate Legislation**

General Dental Council Continuing Professional Development Committee (Procedure) Rules Order of Council 2003, SI 2004/68 (made under sub-s (3)).

General Dental Council (Continuing Professional Development) (Dentists) Rules Order of Council 2008, SI 2008/1822 (made under sub-ss (1), (4)).

**[34AA Limits on section 34A as respects visiting dentists from relevant European States]**

[(1) Subsections (1) and (2) of section 34A, so far as relating to a person ("P") who is a registered dentist only as a result of being in the list mentioned in section 14(1A)(c), have effect subject to,

respectively, subsections (2) and (3) of this section.

(2) Rules made under section 34A(1)—

- (a) may not impose requirements on P if P is required to undertake, in P's home State, professional training and development in relation to the profession of dentistry; and
- (b) where they impose requirements on P—
  - (i) shall take account of the fact that P is a fully qualified dentist in P's home State, and
  - (ii) shall specify that professional training and development which P is required to undertake by the requirements may be undertaken outside the United Kingdom.

(3) The registrar's power under section 34A(2) is exercisable in relation to P only if it also appears to the registrar that, in the circumstances of the case, erasure from the register is an appropriate and proportionate sanction in view of P's continued lawful establishment in dental practice in P's home State.

(4) In this section "home State", in relation to P, means the relevant European State in which P is lawfully established in dental practice.]

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 118.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).


### [34B Restoration of names 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.]

## NOTES

### Amendment

Substituted by SI 2005/2011, arts 2(1), 27; for transitional provisions see art 50(1), Sch 7, paras 15, 16, 19 thereto and SI 2006/1671, arts 1(4), 6.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2008: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 18 July 2008.

### Subordinate Legislation

General Dental Council (Continuing Professional Development) (Dentists) Rules Order of Council 2008, SI 2008/1822.

*Effect of disqualification in [a relevant European] State*

**NOTES**

**Amendment**

Words “a relevant European” in square brackets substituted by SI 2007/3101, regs 109, 119(a).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

**35 Effect on registration of disqualification in [a relevant European] State**

(1) A person who is subject to a disqualifying decision in [a relevant European State] in which he is or has been established in dental practice shall not be entitled to be registered under section 15(1)(b) [or (ba)] above.

(2) A disqualifying decision in [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 [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 [(whether on a permanent or temporary basis)] from practising there.

(3) If a person is registered under section 15(1)(b) [or (ba)] above when he is subject to a disqualifying decision the registrar, on being satisfied that the person was at that time and still is subject to the decision, shall remove his name from the register.

(4) . . .

[(5) Where on or after the date on which a person was registered by virtue of section 15(1)(b) [or (ba)] 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.]

**NOTES**

**Derivation**

This section derived from the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, art 4.

**Initial Commencement**

***Specified date***

Specified date: 1 October 1984: see s 55(1).

**Amendment**

Section heading: words “a relevant European” in square brackets substituted by SI 2007/3101, regs 109, 119(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): words “a relevant European State” in square brackets substituted by SI 2007/3101, regs 109, 119(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): words “or (ba)” in square brackets inserted by SI 2007/3101, regs 109, 119(c).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2): words “a relevant European State” in square brackets substituted by SI 2007/3101, regs 109, 119(b).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2): in para (a) words from “or on grounds” to “or mental health” in square brackets substituted by SI 2005/2011, arts 2(1), 28(a).  
Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 7.

Sub-s (2): in para (b) words “(whether on a permanent or temporary basis)” in square brackets inserted by SI 2007/3101, regs 109, 119(d).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (3): words “or (ba)” in square brackets inserted by SI 2007/3101, regs 109, 119(c).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (4): repealed by SI 2005/2011, arts 2(1), 28(b).  
Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 7.

Sub-s (5): substituted by SI 2005/2011, arts 2(1), 28(c).  
Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 7.

Sub-s (5): words “or (ba)” in square brackets inserted by SI 2007/3101, regs 109, 119(c).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

*[Visiting dentists from relevant European States]*

## NOTES

### Amendment

Substituted by SI 2007/3101, regs 109, 120(a).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

### [36 Visiting dentists from relevant European States]

Schedule 4 to this Act (which makes provision for persons established in dental practise in other [[relevant European] States] to render dental services during a visit to the United Kingdom. . .) shall have effect.

## NOTES

### Derivation

This section derived from the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, art 6.

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Section heading: substituted by SI 2007/3101, regs 109, 120(a).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
Words in square brackets ending in the word “States” substituted by SI 1996/1496, reg 6(2).  
Words “relevant European” in square brackets substituted by SI 2007/3101, regs 109, 120(b).  
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
Words omitted repealed by SI 2007/3101, regs 109, 120(c).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).



*[The Directive: Designation of Competent Authority etc]*

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 121.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

### **[36ZA The Directive: designation of competent authority etc]**

[(1) The Council is designated as the competent authority in the United Kingdom for the purposes of the Directive so far as relating to dentistry.

(2) The designation under subsection (1)—

- (a) does not extend to matters relating to training to be, or qualifications or practice as, a specialist in orthodontics or in oral surgery;
- (b) does not extend to the awarding of UK diplomas in dentistry.

(3) Accordingly, the Council shall in the United Kingdom carry out (in particular) the functions specified in Schedule 4ZA so far as those functions relate to matters other than specialist matters (as respects those functions so far as relating to specialist matters, see regulation 4 of, and Schedule A1 to, the European Primary and Specialist Dental Qualifications Regulations (SI 1998/811)); and for this purpose each of the following is a “specialist matter”—

- (a) training to be a specialist in orthodontics or oral surgery;
- (b) qualifications as such a specialist;
- (c) practice as such a specialist.

(4) Each dental authority is designated as a competent authority in the United Kingdom for the purposes of awarding UK diplomas in dentistry.

(5) In subsection (4) “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 (LDS).

(6) In Schedule 4ZA—

“non-UK dental qualification” means a dental qualification that is awarded to a person by a competent authority of a relevant European State other than the United Kingdom;

“UK dental qualification” means a dental qualification that is awarded to a person by a competent authority in the United Kingdom.]

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 121.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

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### [36ZB Fees for provision of certificates]

[The Council may charge such reasonable fees as they may determine to cover the cost of providing any of the certificates referred to in Schedule 4ZA.]

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 121.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

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## [Part 3A Professions Complementary to Dentistry]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22–24, 26–28 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22–24, 26–28 and SI 2006/1671, arts 1(4), 10.

### *[Introductory]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 28.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 28.

### **[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) [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.
- (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.]

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 28.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 28.

Sub-s (1): in para (b) words “listed in section 25(3)” in square brackets substituted by the Health and Social Care Act 2012, s 230(1), Sch 15, Pt 3, para 67.

Date in force (in so far as is necessary for enabling the exercise of any power to make an order or regulations or to give directions): 27 March 2012: see the Health and Social Care

Act 2012, s 306(1)(d).

Date in force (for remaining purposes): 1 December 2012: see SI 2012/2657, art 2(1), (3).

### **Subordinate Legislation**

General Dental Council (Professions Complementary to Dentistry) Regulations Order of Council 2006, SI 2006/1440 (made under sub-ss (2), (3)).

General Dental Council (Professions Complementary to Dentistry) (Dental Hygienists and Dental Therapists) Regulations Order of Council 2006, SI 2006/1667 (made under sub-ss (2), (3)).



*[Education and registration]*

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

#### **[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.

[(1A) The dental care professionals register shall consist of two lists, namely—

- (a) the principal list, which shall contain particulars of persons who under section 36C are entitled to be registered in the dental care professionals register; and
- (b) the list of visiting dental care professionals from relevant European States, which shall contain particulars of persons who under section 36Z3 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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1A): inserted by SI 2007/3101, regs 109, 122.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

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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—

- (a) [in a case where the title concerned applies to the profession pursued by clinical dental technicians, dental hygienists, dental nurses, dental technicians, dental therapists or orthodontic therapists]—

- (i) of matter A, B or C, and

- (ii) of matter D; and

- (b) in any other case—

- (i) of matter A or C, and

- (ii) 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.

[(3) Matter B is that the person—

- (a) is an exempt person; and

- (b) is permitted to practise in the United Kingdom as a member of the profession pursued by clinical dental technicians, dental hygienists, dental nurses, dental technicians, dental therapists or orthodontic therapists (as the case may be) by virtue of Part 3 of the General Systems Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those

Regulations).]

(4) Matter C is that the person—

- (a) holds a qualification or qualifications 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”); [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; . . .
- (c) . . .

(5) For the purpose of establishing whether a person has the requisite knowledge and skill for the purposes of subsection (4)(b), the Council—

- (a) in all cases—
  - (i) shall take into account all that person’s relevant qualifications, and all relevant knowledge or experience, wherever acquired, and
  - (ii) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination; and
- [(b) in the case of an exempt person who holds a relevant qualification which—
  - (i) was granted otherwise than in a relevant European State, and
  - (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying the person to practise in that State as a member of the profession or class to which the title applies,shall take that acceptance into account.]

(6) Matter D is—

- (a) the person’s identity;
- [(aa) that he has the necessary knowledge of English;]
- (b) that he is of good character; and
- (c) that he is in good health, both physically and mentally.

[(6A) Subsection (6B) applies if the registrar—

- (a) is satisfied of matter B in relation to the applicant; but
- (b) decides to make a request under section 36CA(4).

(6B) The registrar must notify the applicant that the registrar recognises that the applicant, by virtue of satisfying the registrar of matter B, is entitled to be registered under a particular title in the dental care professionals register, subject to meeting any other requirements for registration.]

(7) . . .]

## NOTES

## Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1): in para (a) words from “in a case” to “or orthodontic therapists” in square brackets substituted by SI 2006/1718, reg 3(a).

Date in force: 28 July 2006: see SI 2006/1718, reg 1.

Sub-s (3): substituted by SI 2007/3101, regs 109, 123(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (4): in para (a) word “and” in square brackets inserted by SI 2015/806, arts 11, 20(1), (2)(a).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (4): para (c) and word omitted immediately preceding it repealed by SI 2015/806, arts 11, 20(1), (2)(b).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (5): para (b) substituted by SI 2007/3101, regs 109, 123(c).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (6): para (aa) inserted by SI 2015/806, arts 11, 20(1), (3).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-ss (6A), (6B): inserted by SI 2015/806, arts 11, 20(1), (4).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (7): repealed by SI 2007/3101, regs 109, 123(d).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

## [36CA Supplementary provisions as to 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 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.

(5) The registrar may not exercise any power under subsection (4) unless the registrar has complied with any duty under section 36C(6B).

(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.

(7) In the case of an applicant who is an exempt person, the registrar may not exercise the power under subsection (6) without having first—

- (a) exercised the power under subsection (4); and
- (b) considered any further evidence, information or documents provided by the applicant.

(8) When determining, for the purposes of article 51(2) of the Directive, any time limit for deciding whether a person is entitled to be registered under a title in the principal list of the dental care professionals register, the following are to be disregarded—

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

(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.

(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 the principal list of the dental care professionals register, and
- (b) references to guidance published under subsection (1) include references to guidance published by virtue of subsection (11).]

## NOTES

### Amendment

Inserted by SI 2015/806, arts 11, 21.

Date in force: 1 April 2016: see SI 2015/1451, art 5.

**[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—
- (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).]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2006/1671, arts 1(4), 9.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 9 .

### Subordinate Legislation

General Dental Council (Professions Complementary to Dentistry) (Qualifications and Supervision of Dental Work) Rules Order of Council 2006, SI 2006/1669 (made under sub-s (5)).

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*[Procedure for registration]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### [36E Rules relating to the dental care professionals register]

[Rules may make provision relating to—

- (a) the form of an application by a person seeking registration under a title [in the principal list of 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) [(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.]

## NOTES

## Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

In para (a) words “in the principal list of the dental care professionals register” in square brackets substituted by SI 2007/3101, regs 109, 124.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

In para (c) words “(other than evidence and information falling within section 36CA(1))” in square brackets inserted by SI 2015/806, arts 11, 22.

Date in force: 1 April 2016: see SI 2015/1451, art 5.

## [36F Fees]

[(1) [Subject to subsection (1A), the Council] may by regulations—

(a) prescribe a fee . . .—

(i) [to 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) [or to be charged otherwise in connection with an application for registration],

(ii) [to 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) [to 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 [any 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 entry to that register] until a fee prescribed by regulations under this section has been paid.

[(1A) Regulations under this section shall not prescribe fees in respect of registration in the list mentioned in section 36B(1A)(b).]

(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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (except in so far as relating to sub-s (3)(b)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to sub-s (3)(b)): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Sub-s (1): words “Subject to subsection (1A), the Council” in square brackets substituted by SI 2007/3101, regs 109, 125(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): in para (a) words omitted repealed by SI 2015/806, arts 11, 23(1), (2)(a).

Date in force: 19 October 2015: see SI 2015/1451, art 2(b).

Sub-s (1): in para (a)(i) words “to be charged on” in square brackets inserted by SI 2015/806, arts 11, 23(1), (2)(b)(i).

Date in force: 19 October 2015: see SI 2015/1451, art 2(b).

Sub-s (1): in para (a)(i) words “or to be charged otherwise in connection with an application for registration” in square brackets inserted by SI 2015/806, arts 11, 23(1), (2)(b)(ii).

Date in force: 19 October 2015: see SI 2015/1451, art 2(b).

Sub-s (1): in para (a)(ii) words “to be charged on” in square brackets inserted by SI 2015/806, arts 11, 23(1), (2)(c).

Date in force: 19 October 2015: see SI 2015/1451, art 2(b).

Sub-s (1): in para (a)(iii) words “to be charged on” in square brackets inserted by SI 2015/806, arts 11, 23(1), (2)(c).

Date in force: 19 October 2015: see SI 2015/1451, art 2(b).

Sub-s (1): in para (d) words from “any entry in” to “to that register” in square brackets substituted by SI 2015/806, arts 11, 23(1), (3).

Date in force: 19 October 2015: see SI 2015/1451, art 2(b).

Sub-s (1A): inserted by SI 2007/3101, regs 109, 125(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

*[Publication of the dental care professionals register]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### [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.]

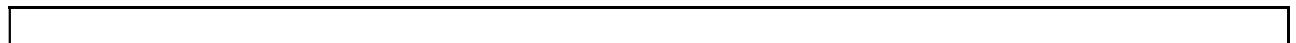
## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.



*[Erasures and alterations in the dental care professionals register]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### [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—

- (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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (except in so far as relating to sub-s (5)(c)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to sub-s (5)(c)): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

### [36I 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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 29.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

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*istration appeals]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 30(1).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for certain purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

### [36J Registration appeals]

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

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 30(1).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for certain purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

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*[Use of titles and descriptions]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

### [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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI

2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.


*[Insurance]*

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 31; for transitional provisions see art 50(1), Sch 7, paras 22, 26, 27 thereto and SI 2006/1671, arts 1(4), 10.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

**[36L Indemnity 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.

(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 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.

(11) This section does not apply to a person who is registered by virtue of section 36Z3 (visiting dental care professionals from relevant European States).]

## NOTES

### Amendment

Substituted (for this section as inserted by SI 2005/2011, arts 2(1), 31) by SI 2014/1887, art 2(1), Sch 1, Pt 2, paras 2, 5.

Date in force: 17 July 2014: see SI 2014/1887, art 1(2).

### **Subordinate Legislation**

General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules  
Order of Council 2015, SI 2015/1758 (made under sub-ss (4)–(6)).

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*[Professional conduct and fitness to practise]*

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

#### **[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.

(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—

- (a) . . .
- (b) Local Health Boards in Wales;
- (c) Health Boards in Scotland; and
- (d) Health and Social Services Boards 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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10 thereto.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Sub-s (8): para (a) repealed by the Health and Social Care Act 2012, s 55(2), Sch 5, paras 33, 35.

Date in force: 1 April 2013: see SI 2013/160, art 2; for transitional provisions and savings see arts 5–7 thereof.

### [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;
  - ~~[(ba) the person not having the necessary knowledge of English;]~~
  - (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~~[, or by the Office of the Health Professions Adjudicator,]~~ 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;
  - ~~[(h) the [Independent Safeguarding Authority] including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or~~
  - ~~[(i) the Scottish Ministers including the person in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)].~~
  - (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—
    - (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
  - [(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].
- [(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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22–24, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22–24, 26, 27 and SI 2006/1671, arts 1(4), 10.

Sub-s (2): para (ba) inserted by SI 2015/806, arts 11, 24.

Date in force: to be appointed: see SI 2015/806, art 1(3), (4).

Sub-s (2): in para (f) word “or” in italics repealed by SI 2009/1182, art 3(1). Sch 1, para 8.

Date in force: this repeal shall come into force on the date on which the Safeguarding Vulnerable Groups Act 2006, s 44(1) comes into force: see SI 2009/1182, art 1(6)(a).

Sub-s (2): in para (g) words “, or by the Office of the Health Professions Adjudicator,” in square brackets inserted by the Health and Social Care Act 2008, s 127, Sch 10, para 9.

Date in force: to be appointed: see the Health and Social Care Act 2008, s 170(3).

Sub-s (2): paras (h), (i) inserted by SI 2009/1182, art 3(1), Sch 1, para 8.

Date in force: this amendment shall come into force on the date on which the Safeguarding Vulnerable Groups Act 2006, s 44(1) comes into force: see SI 2009/1182, art 1(6)(a).

Sub-s (2): in para (h) words “Independent Safeguarding Authority” in square brackets substituted by virtue of the Policing and Crime Act 2009, s 81(5).

Date in force: 12 November 2009: see the Policing and Crime Act 2009, s 116(5)(a).

Sub-s (5): para (b) substituted by SI 2016/496, arts 2, 16.

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-ss (6), (6A): substituted, for sub-s (6), by SI 2016/496, arts 2, 12.

Date in force: 13 April 2016: see SI 2016/496, art 1.

### **Subordinate Legislation**

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under sub-s (6A)).

### **[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.

(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.

[(3A) 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—

[(za) 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) [or section 36N(2)(ba) (not having the necessary knowledge of English)],

(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) . . .

[(4A) 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);

[(aa) an allegation based on the ground mentioned in section 36N(2)(ba) 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—

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

(b) . . .

[(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.]

[(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.

[(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 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 36V in respect of that person in consequence of that allegation or those allegations.]

[(11) The Investigating Committee may review a determination made by them to issue a 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.]

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

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Sub-s (3A): inserted by the Health and Social Care (Safety and Quality) Act 2015, s 5(2), Schedule, para 1(1), (5).

Date in force: 26 September 2016: see SI 2016/906, reg 2(b).

Sub-s (4): para (za) inserted by SI 2016/496, arts 2, 6(1), (2).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (4): in para (a) words “if they do not agree undertakings under paragraph (za),” in square brackets inserted by SI 2016/496, arts 2, 6(1), (3).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (4): in para (a)(i) words “or section 36N(2)(ba) (not having the necessary knowledge of English)” in square brackets inserted by SI 2015/806, arts 11, 25(1), (2).

Date in force: to be appointed: see SI 2015/806, art 1(3), (4).

Sub-s (4): para (b) and word omitted immediately preceding it repealed by SI 2016/496, arts 2, 17(1), (2).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (4A): inserted by SI 2016/496, arts 2, 17(1), (3).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (5): para (aa) inserted by SI 2015/806, arts 11, 25(1), (3).

Date in force: to be appointed: see SI 2015/806, art 1(3), (4).

Sub-s (6): para (za) inserted by SI 2016/496, arts 2, 6(1), (4).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (6): in para (a) words “if they do not agree undertakings under paragraph (za),” in square brackets inserted by SI 2016/496, arts 2, 6(1), (5).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (6): para (b) and word omitted immediately preceding it repealed by SI 2016/496, arts 2, 17(1), (4).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-ss (6A), (6B): inserted by SI 2016/496, arts 2, 17(1), (5).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (6C): inserted by SI 2016/496, arts 2, 6(1), (6).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (8A): inserted by SI 2016/496, arts 2, 17(1), (6).

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-ss (11), (12): inserted by SI 2016/496, arts 2, 8.

Date in force: 13 April 2016: see SI 2016/496, art 1.

Sub-s (13): inserted by SI 2016/496, arts 2, 6(1), (7).

Date in force: 13 April 2016: see SI 2016/496, art 1.

### **Subordinate Legislation**

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under sub-s (13)).

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

[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.]

### **NOTES**

#### **Amendment**

Inserted by SI 2016/496, arts 2, 4.

Date in force: 13 April 2016: see SI 2016/496, art 1.

## **Subordinate Legislation**

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902.

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

[(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.]

## **NOTES**

### **Amendment**

Inserted by SI 2016/496, arts 2, 10.

Date in force: 13 April 2016: see SI 2016/496, art 1.

## **Subordinate Legislation**

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under sub-s (1)).

### **[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 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;
- (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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

### [36PA Assessment of necessary knowledge of English]

[(1) Subsection (2) applies where the Investigating Committee or a Practice Committee are considering an allegation under section 36N.

(2) The Investigating Committee or Practice Committee (as the case may be) may direct the person against whom the allegation was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(3) Subsection (4) applies where the Professional Conduct Committee are determining an application referred to them under section 36I(5).

(4) The Professional Conduct Committee may direct the person who made the application to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(5) A person of a description specified by rules may, in the circumstances specified by the rules, direct a person against whom an allegation under section 36N was made to undergo an examination or other assessment of whether the person has the necessary knowledge of English.

(6) An examination or other assessment under subsection (2) or (4), or by virtue of rules under subsection (5), must be made in accordance with rules.

(7) The rules must, in particular, provide for—

(a) the procedures to be followed when directing a person to undergo an examination or other assessment;

(b) the person undergoing an examination or other assessment to provide information in respect of the examination or assessment to such persons as may be prescribed by the rules;

(c) for the information provided by virtue of paragraph (b) to be disclosed to such persons as may be prescribed by the rules.

(8) A Practice Committee may draw such inferences as seem appropriate to them if a person fails—

(a) to undergo an examination or other assessment as directed under subsection (2) or (4) or by virtue of rules under subsection (5); or

(b) to provide the information required by virtue of rules made under subsection (7)(b).]

## NOTES

### Amendment

Inserted by SI 2015/806, arts 11, 26; for transitional, transitory and saving provisions see art 2.

Date in force: to be appointed: see SI 2015/806, art 1(3), (4).

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### [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—

- (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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to

be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

**[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.

(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.
- (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).]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31; for transitional provisions see art 50(1), Sch 7, paras 22, 26, 27 thereto and SI 2006/1671, arts 1(4), 10.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (except in so far as relating to sub-ss (5)(c), (6)(a)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to sub-ss (5)(c), (6)(a)): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

## [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; . . .
- (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.
- [(d) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person.]

(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), [or regulation 67 of the General Systems Regulations,] 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
- (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 [or, in the case of an appeal from a decision falling within subsection (1)(d), direct that the alert be withdrawn or amended],
  - (c) substitute for the decision appealed against any other decision which could have been made by [the Council,] the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
  - (d) remit the case to [the Council,] 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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Sub-s (1): in para (b) word omitted repealed by SI 2016/1030, regs 46, 49(1), (2).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): para (d) inserted by SI 2016/1030, regs 46, 49(1), (3).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (3): words “or regulation 67 of the General Systems Regulations,” in square brackets inserted by SI 2016/1030, regs 46, 49(1), (4).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (6): in para (b) words from “or, in the” to “withdrawn or amended” in square brackets inserted by SI 2016/1030, regs 46, 49(1), (5).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (6): in para (c) words “the Council,” in square brackets inserted by SI 2016/1030, regs 46, 49(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (6): in para (d) words “the Council,” in square brackets inserted by SI 2016/1030, regs 46, 49(1), (7).

**[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.]

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

### **[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.

(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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.



### [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—

- (a) by the registrar under section 36N(5)(b);
- (b) by the Investigating Committee under [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.
- (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).]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 31.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, paras 22, 26, 27 and SI 2006/1671, arts 1(4), 10.

Sub-s (2): in para (b) words "section 36O(4A) or (6A)" in square brackets substituted by SI 2016/496, arts 2, 18.

Date in force: 13 April 2016: see SI 2016/496, art 1.

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*[Supplementary provisions]*

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 32(1).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### **[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).

[(5A) In exercising a function under section 36P, 36Q or 36R, 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 4B to this Act (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) shall have effect.]

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 32(1).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May

2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (except in so far as relating to sub-s (2)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to sub-s (2)): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Sub-s (5A): inserted by the Health and Social Care (Safety and Quality) Act 2015, s 5(2), Schedule, para 1(1), (6).

Date in force: 26 September 2016: see SI 2016/906, reg 2(b).

### **[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.]

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 33.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### **[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.

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

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

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

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

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

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

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

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

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

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

- (a) a provision of, or an instrument made under, an Act of the Scottish Parliament;
- (b) a provision of, or an instrument made under, Northern Ireland legislation; and

- (c) a provision of subordinate legislation (within the meaning of the Interpretation Act 1978).]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 33.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

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### [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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 33.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

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*[Professional training and development requirements]*

## NOTES

## **Amendment**

Inserted by SI 2005/2011, arts 2(1), 33.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2008: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 18 July 2008.

## **[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.]

## **NOTES**

### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 33.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2008: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 18 July 2008.

### **Subordinate Legislation**

General Dental Council (Continuing Professional Development) (Professions Complementary to Dentistry) Rules Order of Council 2008, SI 2008/1823 (made under sub-ss (1), (4)).

[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.]

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 33.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2008: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 18 July 2008.

**Subordinate Legislation**

General Dental Council (Continuing Professional Development) (Professions Complementary to Dentistry) Rules Order of Council 2008, SI 2008/1823.

*[Visiting Dental Care Professionals from Relevant European States]*

**NOTES**

**Amendment**

Inserted by SI 2007/3101, regs 109, 126.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

**[36Z3 Visiting dental care professionals from relevant European States]**

[(1) This section applies to an exempt person (“V”) who is lawfully established, in a relevant European State other than the United Kingdom (“State A”), as a member of one of the dental care professions (“the established profession”).

(2) Subsection (3) applies if V has the benefit of regulation [12] of the General Systems Regulations in connection with the provision by V of relevant services in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of relevant services).

(3) V is entitled to be registered in the dental care professionals register under the title, or (as the case may be) the titles, specified in regulations under section 36A(2) as applying to the established profession; and the registrar shall give effect to the entitlement.

(4) If V—

- (a) is entitled under subsection (3) to be registered in the dental care professionals register under any particular title, but
- (b) is not registered in the list mentioned in section 36B(1A)(b) under that title,

V shall be treated as registered in that list under that title.

(5) V's entitlement under subsection (3) ceases if V ceases, whether as a result of the operation of regulation [24] of the General Systems Regulations or otherwise, to have the benefit of regulation [12] of those Regulations in connection with the provision by V of relevant services in the United Kingdom on a temporary and occasional basis.

(6) If—

- (a) V's entitlement under subsection (3) ceases by reason of the operation of subsection (5), and
- (b) V's name is registered in the list mentioned in section 36B(1A)(b) under the title, or any one or more of the titles, specified in regulations under section 36A(2) as applying to the established profession,

the registrar may erase V's name from registration in that list under the title or titles concerned.

(7) Subsection (8) applies if—

- (a) V's establishment in State A is subject to a condition relating to V's practice of the established profession;
- (b) V's name is registered in the dental care professionals register under the title, or (as the case may be) the titles, specified in regulations under section 36A(2) as applying to the established profession; and
- (c) for any of the purposes of this Act it falls to be decided whether V's fitness to practise is or may be impaired on the ground of misconduct.

(8) The matters that may be counted as misconduct include (in particular) any act or omission by V during the course of the provision by V of relevant services in the United Kingdom on a temporary and occasional basis that is, or would be if the condition applied in relation to practice of the established profession outside State A, a breach of the condition.

(9) In subsections (7) and (8) "condition" includes limitation.

(10) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the list mentioned in section 36B(1A)(b), of any other provision of this Act under which a registered dental care professional's name may be erased from the dental care professionals register or under which a registered dental care professional's registration in the dental care professionals register may be suspended.

(11) In this section "relevant services" means services provided in pursuit of the established profession.

(12) For the purposes of this section, each of the following is a dental care profession—

- (a) the profession pursued by clinical dental technicians;
- (b) the profession pursued by dental hygienists;

- (c) the profession pursued by dental nurses;
- (d) the profession pursued by dental technicians;
- (e) the profession pursued by dental therapists;
- (f) the profession pursued by orthodontic therapists.]

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 126.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2): reference to “12” in square brackets substituted by SI 2016/1030, regs 46, 50(1), (2).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (5): reference to “24” in square brackets substituted by SI 2016/1030, regs 46, 50(1), (3)(a).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (5): reference to “12” in square brackets substituted by SI 2016/1030, regs 46, 50(1), (3)(b).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

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### [36Z4 Limits on section 36Z1 as respects visiting dental care professionals]

[(1) Subsections (1) and (2) of section 36Z1, so far as relating to a person (“P”)—

- (a) who is registered in the list mentioned in section 36B(1A)(b) under a title applying to, or to a class of members of, a particular profession (“the established profession”), but
- (b) who is not registered in the list mentioned in section 36B(1A)(a) under a title applying to, or to a class of members of, the established profession,

have effect subject to, respectively, subsections (2) and (3) of this section.

(2) Rules made under section 36Z1(1)—

- (a) may not impose requirements on P in connection with P’s pursuit of the established profession if P is required to undertake, in P’s home State, professional training and development in relation to the established profession; and
- (b) where they impose requirements on P in connection with P’s pursuit of the established profession—

(i) shall take account of the fact that P is fully qualified to pursue the established profession in P’s home State, and

(ii) shall specify that professional training and development which P is required to undertake by the requirements may be undertaken outside the United Kingdom.

(3) The registrar’s power under section 36Z1(2) is exercisable in relation to P’s registration under a title applying to, or to a class of members of, the established profession only if it also appears to the registrar that, in the circumstances of the case, erasure from registration under that title is an appropriate and proportionate sanction in view of P’s continued lawful establishment as a member of the established profession in P’s home State.

(4) In this section “home State”, in relation to P, means the relevant European State in which P is lawfully established as a member of the established profession.]

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 126.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).



## 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) [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.

[(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.]

[(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
- (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.]

[(3) In this section “medical authority” means [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.]

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 33, and the Dentists Act 1983, s 23(1).

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (1): words “Subject to subsection (1A), for” in square brackets substituted by SI 2005/2011, arts 2(1), 34(a).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1A): inserted by SI 2005/2011, arts 2(1), 34(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-ss (2), (2A), (2B): substituted, for sub-s (2) as originally enacted, by SI 2005/2011, arts 2(1), 34(c).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (3): substituted by SI 2002/3135, art 16(1), Sch 1, Pt I, para 11.

Date in force: 17 December 2002: see SI 2002/3135, art 1(2)(j).

Sub-s (3): words from “a body or” to “under section 4(1)” in square brackets substituted by SI 2008/1774, art 3(1), Sch 5, Pt 1, para 1.

Date in force (for certain purposes): 9 July 2008: see SI 2008/1774, art 1(3).

Date in force (for remaining purposes): 3 November 2008: see SI 2008/2556, art 2(1)(b).

### Subordinate Legislation

General Dental Council (Professions Complementary to Dentistry) (Qualifications and Supervision of Dental Work) Rules Order of Council 2006, SI 2006/1669 (made under sub-s (2)(b)).

## 38 Prohibition on practice of dentistry by laymen

(1) [A person who is not] [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.

(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.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 34, the Criminal Procedure (Scotland) Act 1975, s 289A(1), Sch 7A, para 8, the Criminal Law Act 1977, s 30(1), Sch 1, para 11, the Dentists Act 1983, ss 23(2)(b), 31(1), and the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, art 6(5)(a).

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

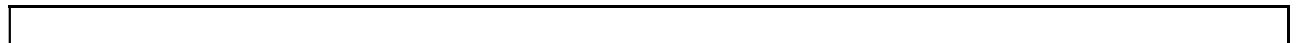
### Amendment

Sub-s (1): words from “A person who” to “of such practitioners” in square brackets substituted by SI 2005/2011, arts 2(1), 35.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1): words “a registered dentist or a registered dental care professional” in square brackets substituted by SI 2007/3101, regs 109, 127.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).



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

[(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. . .]

(2) No person shall take or use any title or description implying that he is a registered dentist unless he is a registered dentist.

[(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.

(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.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 35, the Criminal Procedure (Scotland) Act 1975, s 289A(1), Sch 7A, para 9, the Criminal Law Act 1977, s 30(1), Sch 1, para 12, the Dentists Act 1983, s 31(1), and the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, art 6(5)(a).

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

## Amendment

Sub-s (1): substituted by SI 2005/2011, arts 2(1), 36(a).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1): words omitted repealed by SI 2007/3101, regs 109, 128.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-ss (2A), (2B): inserted by SI 2005/2011, arts 2(1), 36(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.



### *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

[(aa) by a person providing primary dental services [. . . under a contract under section 100 [of the National Health Service Act 2006 or an agreement under section 107] of that Act, or . . . under a contract under section 57 [of the National Health Service (Wales) Act 2006 or an agreement under section 64] of that Act], or]

[(ab) by a person (other than one falling within paragraph (a) above) providing personal dental services under . . . section 17C of the National Health Service (Scotland) Act 1978, or]

(b) by a person providing dental treatment for his employees without a view to profit, or

(c) by a person providing dental treatment without a view to profit 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.

## NOTES

### Derivation

Sub-s (1) derived from the Dentists Act 1957, s 36(1); sub-s (2) derived from the Dentists Act 1957, s 36(2), the Secretary of State for Social Services Order 1968, SI 1968/1699, art 4(5)(a), the Northern Ireland Constitution Act 1973, Sch 5, para 8(1), the Department of Housing, Local Government and Planning (Dissolution) (Northern Ireland) Order 1976, SI 1976/424, art 4(1), and the Dentists Act 1983, Sch 2, para 15(b).

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

## Amendment

Sub-s (2): para (aa) inserted by the Health and Social Care (Community Health and Standards) Act 2003, s 184, Sch 11, para 50.

Date in force (in relation to England): 1 April 2006: see SI 2005/2925, art 10(1), (2)(h).  
Date in force (in relation to Wales): 1 April 2006: see SI 2006/345, art 6(1), (2)(k).  
Sub-s (2): in para (aa) words in square brackets ending with the words “of that Act” substituted by the National Health Service (Consequential Provisions) Act 2006, s 2, Sch 1, paras 80, 81.  
Date in force: 1 March 2007: see the National Health Service (Consequential Provisions) Act 2006, s 8(2).  
Sub-s (2): in para (aa) first words omitted repealed by the Health and Social Care Act 2012, s 55(2), Sch 5, paras 33, 36(a).  
Date in force: 1 April 2013: see SI 2013/160, art 2; for transitional provisions and savings see arts 5–7 thereof.  
Sub-s (2): in para (aa) words “of the National Health Service Act 2006 or an agreement under section 107” in square brackets inserted by the Health and Social Care Act 2012, s 55(2), Sch 5, paras 33, 36(b).  
Date in force: 1 April 2013: see SI 2013/160, art 2; for transitional provisions and savings see arts 5–7 thereof.  
Sub-s (2): in para (aa) second words omitted repealed by the Health and Social Care Act 2012, s 55(2), Sch 5, paras 33, 36(c).  
Date in force: 1 April 2013: see SI 2013/160, art 2; for transitional provisions and savings see arts 5–7 thereof.  
Sub-s (2): in para (aa) words from “of the National Health Service (Wales) Act 2006” to “under section 64” in square brackets inserted by the Health and Social Care Act 2012, s 55(2), Sch 5, paras 33, 36(d).  
Date in force: 1 April 2013: see SI 2013/160, art 2; for transitional provisions and savings see arts 5–7 thereof.  
Sub-s (2): para (ab) inserted by SI 1998/1546, art 2.  
Date in force: 17 July 1998: see SI 1998/1546, art 1.  
Sub-s (2): in para (ab) words omitted repealed by the Health and Social Care (Community Health and Standards) Act 2003, s 196, Sch 14, Pt 4.  
Date in force (in relation to Wales): 1 April 2006: see SI 2006/345, art 7(1), (2)(d).  
Date in force (in relation to England): 1 April 2006: see SI 2005/2925, art 11(1), (2)(h).

#### **41 Restriction on individuals**

[(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 21st 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.

(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) [paragraphs (a) and (d) to (i)]* 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 [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 [his surviving spouse or his surviving civil partner] or any of his children, or trustees on behalf of [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 . . . 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 an time during her life.

(6) Where a registered dentist or [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.

[(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.]

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 37, the Criminal Procedure (Scotland) Act 1975, s 289A(1), Sch 7A, para 10, the Criminal Law Act 1977, s 30(1), Sch 1, para 13, and the Dentists Act 1983, ss 24, 31(1).

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-ss (1), (1A), (1B), (2), (2A), (3): substituted, for sub-ss (1)–(3) as originally enacted, by SI

2005/2011, arts 2(1), 37(a).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2006/1671, arts 1(4), 8.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 8.

Sub-s (2A): words “paragraph (a), (d), (e), (f) or (g)” in italics repealed and subsequent words in square brackets substituted by SI 2009/1182, art 3(1), Sch 1, para 9.

Date in force: this amendment shall come into force on the date on which the Safeguarding Vulnerable Groups Act 2006, s 44(1) comes into force: see SI 2009/1182, art 1(6)(a).

Sub-s (4): words “authorised dental care professional” in square brackets substituted by SI 2005/2011, arts 2(1), 37(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 8.

Sub-s (4): words “his surviving spouse or his surviving civil partner” in square brackets in both places they occur substituted by the Civil Partnership Act 2004, s 261(1), Sch 27, para 89.

Date in force: 5 December 2005: see SI 2005/3175, art 2(2).

Sub-s (5): words omitted repealed by SI 2005/2011, arts 2(1), 37(c).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 8.

Sub-s (6): words “authorised dental care professional” in square brackets substituted by SI 2005/2011, arts 2(1), 37(b).

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 8.

Sub-s (7): inserted by SI 2005/2011, arts 2(1), 37(d).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2006/1671, arts 1(4), 8.

### **Subordinate Legislation**

General Dental Council (Professions Complementary to Dentistry) (Business of Dentistry) Rules  
Order of Council 2006, SI 2006/1670 (made under sub-s (1)(b)).

42 . . .

. . .

### **NOTES**

#### **Amendment**

Repealed by SI 2005/2011, arts 2(1), 38.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

**[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.]

**NOTES****Derivation**

Sub-ss (1), (2) as originally enacted derived from the Dentists Act 1957, s 39(1), and the Interpretation Act 1978, s 17(2)(a); sub-s (3) as originally enacted derived from the Dentists Act 1957, s 39(2)–(5), and the Dentists Act 1983, s 25(1), Sch 2, para 16.

**Amendment**

Substituted, together with ss 43A, 43B, 44, 44A, 44B, for this section and s 44 as originally enacted, by SI 2005/2011, arts 2(1), 39.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

**[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).]

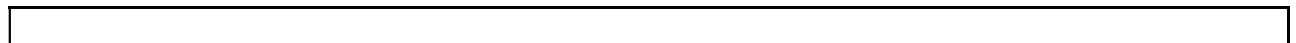
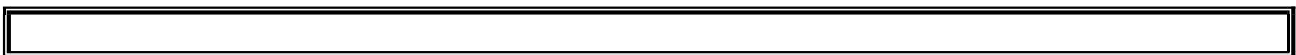
## NOTES

### Amendment

Substituted, together with ss 43, 43B, 44, 44A, 44B, for ss 43, 44 as originally enacted, by SI 2005/2011, arts 2(1), 39.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).



### [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
- (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.]

## NOTES

### Amendment

Substituted, together with ss 43, 43A, 44, 44A, 44B, for ss 43, 44 as originally enacted, by SI 2005/2011, arts 2(1), 39.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).  
Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

**44 Withdrawal of privilege from body corporate [44 Further financial penalties on bodies corporate]**

(1) *Where—*

- (a) *a body corporate has been convicted of an offence under section 42 above, or*
- (b) *the name of a director of a body corporate has been erased from the register under section 27 above, or*
- (c) *a director of a body corporate has been convicted under section 38 or 41 above,*

*the Professional Conduct Committee may, subject to subsection (3) below, direct that the exemption conferred by section 43 above shall cease to extend to that body corporate as from such date as the Committee may specify.*

(2) *Where—*

- (a) *the name of a member of the operating staff of a body corporate has been erased from the register under section 27 above, and*
- (b) *in the opinion of the Professional Conduct Committee the act or omission constituting the offence or serious professional misconduct on account of which his name was erased was instigated or connived at by a director of the body corporate, or, if the act or omission was continuing act or omission, a director of the body corporate had, or reasonably ought to have had, knowledge of its continuance,*

*the Committee may, subject to subsection (3) below, direct that the exemption conferred by section 43 above shall cease to extend to that body corporate as from such date as the Committee may specify.*

(3) *The Professional Conduct Committee shall not take a case into consideration under subsection (1) or (2) above while proceedings by way of appeal are pending which may result in that subsection being rendered inapplicable in that case, nor during the period in which any such proceedings may be brought.*

(4) *Where the Professional Conduct Committee determine under subsection (1) or (2) above that the exemption conferred by section 43 above shall cease to extend to a body corporate, the Committee shall notify the body corporate of their determination and that body may, within twenty-eight days [from service] of the notification, [appeal to the relevant court]—*

- (a) *in the case of a determination under subsection (1) above, on the ground that, notwithstanding the conviction or (as the case may be) the erasure of the name, the Committee's decision was unjustified;*
- (b) *in the case of a determination under subsection (2) above, on the ground that the opinion of the Committee as to the matters referred to in paragraph (b) of that subsection was incorrect*

*or that, although that opinion was correct, the Committee's decision was unjustified.*

[(4A) *In subsection (4), "the relevant court"—*

- (a) where the registered office of the body corporate is in Northern Ireland, means the High Court of Justice in Northern Ireland,*
- (b) where the registered office of the body corporate is in Scotland, means the Court of Session,*
- (c) where the registered office of the body corporate is in any other place, means the High Court of Justice in England and Wales.]*

*(5) The provisions of sections 29 and 30(1) and (2) above shall, with the necessary modifications, apply for the purposes of subsection (4) above as they apply in relation to an appeal under section 29 against a determination of the Professional Conduct Committee.*

*(6) References in this section to the erasure of the name, or to the conviction, of a director of a body corporate include references to the erasure of the name, or to the conviction, of any person who was a director of a body corporate at the time of the offence or misconduct leading to the erasure or conviction.*

[(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—

- (a) from the register by virtue of a direction under section 27B(6)(a); or
- (b) 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—

- (a) the act or omission leading to the erasure was instigated, or connived at, by a director of the body corporate; or
- (b) 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)—

- (a) must not exceed £50,000; and
- (b) 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)(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.]

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 40(1)–(4), (6), and the Dentists Act 1983, s 25(2), Sch 2, para 17.

### Initial Commencement

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

### Amendment

Substituted, together with ss 43, 43A, 43B, 44, 44A, 44B, for ss 43, 44 as originally enacted, by SI 2005/2011, arts 2(1), 39.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Sub-s (4): words “from service” in square brackets inserted by the National Health Service Reform and Health Care Professions Act 2002, s 31(1), (3)(a)(i).

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), 4.

Sub-s (4): words “appeal to the relevant court” in square brackets substituted by the National Health Service Reform and Health Care Professions Act 2002, s 31(1), (3)(a)(ii).

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), 4.

Sub-s (4A): inserted by the National Health Service Reform and Health Care Professions Act 2002, s 31(1), (3)(b).

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), 4.



**[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;
- (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”; and

(g) omit paragraph 7.]

## NOTES

### Amendment

Substituted, together with ss 43, 43A, 43B, 44, 44B, for ss 43, 44 as originally enacted, by SI 2005/2011, arts 2(1), 39.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).



### [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

(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”.]

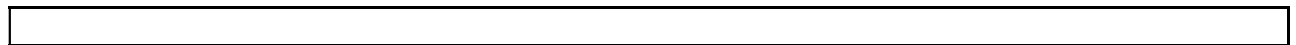
## NOTES

### Amendment

Substituted, together with ss 43, 43A, 44, 44A, for ss 43, 44 as originally enacted, by SI 2005/2011, arts 2(1), 39.

Date in force (for remaining purposes): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).



## Part V

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 40.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 21 and SI 2006/1671, arts 1(4), (5), 9.

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 40.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 21 and SI 2006/1671, arts 1(4), (5), 9.

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#### NOTES

##### Amendment

Repealed by SI 2005/2011, arts 2(1), 40.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 21.

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#### NOTES

##### Amendment

Repealed by SI 2005/2011, arts 2(1), 40.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 21.

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#### NOTES

##### Amendment

Repealed by SI 2005/2011, arts 2(1), 40.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 21.

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## 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 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.

### **NOTES**

#### **Derivation**

Sub-s (1) derived from the Dentists Act 1983, s 29(1), (4), and the Medical Act 1983, Sch 5, para 19; sub-ss (2)–(4) derived from the Dentists Act 1983, s 29(2), (3), (5).

#### **Initial Commencement**

##### ***Specified date***

Specified date: 26 August 1984: see s 55(2).

#### **Subordinate Legislation**

Irish Republic (Termination of 1927 Agreement) Order 1987, SI 1987/2047.

#### **[49A Advisers]**

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

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 41(1).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to

be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).  
Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

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## NOTES

### Amendment

Repealed by SI 2005/2011, arts 2(1), 42.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

## [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.

(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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 43.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(3)(b), (4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### Subordinate Legislation

General Dental Council (Continuing Professional Development) (Dentists) Rules Order of Council 2008, SI 2008/1822.

General Dental Council (Continuing Professional Development) (Professions Complementary to Dentistry) Rules Order of Council 2008, SI 2008/1823.

**[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.]

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 43.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(3)(b), (4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

**[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—

section 36B(4) (dental care professionals register);

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

[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.

(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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 43.

Date in force: 19 July 2005: see SI 2005/2011, art 1(3)(b).

Sub-s (2): words “paragraph 8(1)(b)” in square brackets substituted by SI 2009/1182, art 3(1), Sch 1, para 10.

Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).

Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).

### Subordinate Legislation

General Dental Council (Election of Members) (Amendment) Rules Order of Council 2007, SI 2007/3006 (made under sub-s (5)(a), (6)).

General Dental Council (Election of Members) (Amendment) Rules Order of Council 2007, SI 2007/3006 (made under sub-ss (5)(a), (6)).

General Dental Council (Constitution of Committees) Rules Order of Council 2009, SI 2009/1813 (made under sub-ss (5), (6)).

General Dental Council (Constitution of Committees) (Amendment) Rules Order of Council 2011, SI 2011/147 (made under sub-s (5)).

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under sub-ss (5), (6)).

### [50D Rules: consultation requirements]

[(1) Before making rules under [section 27BA or 36PA or] Schedule 3 or 4B, the Council shall consult—

- (a) such persons to whom subsection (2) applies as the Council consider appropriate;
- (b) the bodies within subsection (4); and
- (c) 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—

- (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.

(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—

- (a) . . .
- (b) Local Health Boards in Wales;
- (c) Health Boards in Scotland; and
- (d) Health and Social Services Boards 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—

- (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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 43; for transitional provision see art 50(4) thereof.

Date in force: 19 July 2005: see SI 2005/2011, art 1(3)(b).

Sub-s (1): words “section 27BA or 36PA or” in square brackets inserted by SI 2015/806, arts 11, 27.

Date in force: to be appointed: see SI 2015/806, art 1(3), (4).

Sub-s (4): para (a) repealed by the Health and Social Care Act 2012, s 55(2), Sch 5, paras 33, 37.

Date in force: 1 April 2013: see SI 2013/160, art 2; for transitional provisions and savings see arts 5–7 thereof.

## 51 Exercise of powers conferred on Privy Council

[(1)] The powers conferred by this Act on the Privy Council . . . shall be exercisable by any two or more members of the Privy Council.

[(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).
- (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),
  - [(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.

- [(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.]

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 47.

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-s (1): numbered as such by SI 2005/2011, arts 2(1), 44(a).

Date in force: 19 July 2005: see SI 2005/2011, art 1(3)(c).

Sub-s (1): words omitted repealed by the National Health Service Reform and Health Care Professions Act 2002, ss 31(1), (4), 37(2), Sch 9, Pt 2.

Date in force: 1 April 2003 (except in relation to cases where an appeal has been made but not finally determined, or where the appeal period has not ended, before that date): see SI 2003/833, arts 3(a), (c), 4.

Sub-ss (2)–(7): inserted by SI 2005/2011, arts 2(1), 44(b).

Date in force: 19 July 2005: see SI 2005/2011, art 1(3)(c).

Sub-s (3): para (c) substituted by SI 2009/1182, art 3(1), Sch 1, para 11(a).

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b); for transitional provisions see art 6(1)(a), (2) thereof.

Sub-ss (4), (5): substituted by SI 2009/1182, art 3(1), Sch 1, para 11(b).

Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b); for transitional provisions see art 6(1)(a), (2) thereof.

## 52 Regulations and other documents

(1) The 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.

[(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 hand-writing 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.

## NOTES

### Derivation

This section derived from the Dentists Act 1957, s 48.

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

### Amendment

Sub-ss (1A), (1B): inserted by SI 2005/2011, arts 2(1), 45.

Date in force: 19 July 2005: see SI 2005/2011, art 1(3)(d).

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## 53 Interpretation

(1) In this Act—

["competent authority" means any authority or body of a relevant European State designated by that State for the purposes of the Directive as competent to—

(a) receive or issue evidence of qualifications or other information or documents, or

(b) receive applications and take the decisions referred to in the Directive,

in connection with the practice of dentistry or a profession complementary to dentistry;]

"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);

["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 references in this Act to the Directive or to any provision of the Directive are references to the Directive, or to that provision of the Directive, as amended from time to time;]

["Directive 95/46/EC" means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;]

["Directive 2002/58/EC" means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;]

["exempt person", in relation to the profession of dentistry or in relation to a profession complementary to dentistry, means—

- (a) a national of a relevant European State other than the United Kingdom;
- (b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession by virtue of an enforceable [EU] right; or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable [EU] right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;]

[the General Systems Regulations" means the European Union (Recognition of Professional Qualifications) Regulations 2015 (SI 2015/2059);]

[. . .]

["IMI" means the Internal Market Information System, the online, secure messaging system developed by the European Commission;]

["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);

["national", in relation to a relevant European State, means the same as in the [EU] Treaties, but does not include a person who by virtue of Article 2 of Protocol No 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from [EU] provisions relating to the free movement of persons and services;]

["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;]

"Practice Committee" shall be construed in accordance with section 2;

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

"recognised overseas diploma" has the meaning given by section 15(2) above.

"the register" means the dentists register;

["registered dental care professional" means a person for the time being registered in the dental care professionals register under a title or titles;]

“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 [section 14(2)] above;

[“relevant European State” means an EEA State or Switzerland]

. . .

(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.

[(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[, supervision or management] of national health services are references to the provision[, supervision or management] of—

[(a) services under—

(i) [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 National Health Service (Scotland) Act 1978; or

(iii)] Article 5, 8 or 9 of the 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.

[(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)).]

(4) . . .

## NOTES

### Derivation

Sub-s (1) derived from the Dentists Act 1957, s 50(1), the Dentists Act 1983, Sch 2, para 20, and the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, art 6(5)(a); sub-s (2) derived from the Dentists Act 1957, s 50(1); sub-s (3) derived from the Dentists Act 1957, s 42(4), the National Health Service Reorganisation Act 1973, Sch 4, para 80, the National Health Service Act

1977, Sch 15, para 18, the National Health Service (Scotland) Act 1978, Sch 16, para 10, and the Interpretation Act 1978, s 17(2)(a); sub-s (4) derived from the Dentists Act 1983, s 31(3).

## **Initial Commencement**

### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

## **Amendment**

Sub-s (1): definition “competent authority” inserted by SI 2007/3101, regs 109, 129(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): definition “the Directive” inserted by SI 2007/3101, regs 109, 129(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): definition “Directive 95/46/EC” inserted by SI 2016/1030, regs 46, 51(1), (3).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): definition “Directive 2002/58/EC” inserted by SI 2016/1030, regs 46, 51(1), (3).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): definitions “exempt person” and “the General Systems Regulations” inserted by SI 2007/3101, regs 109, 129(d).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): in definition “exempt person” in para (b), (c) reference to “EU” in square brackets substituted by SI 2011/1043, art 6(1)(f).

Date in force: 22 April 2011: see SI 2011/1043, art 2; for transitional savings see art 3(3) thereof.

Sub-s (1): definition “the General Systems Regulations” substituted by SI 2016/1030, reg 46, 51(1), (2).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): definition ““EEA Agreement” and “EEA State”” (omitted) inserted by SI 1996/1496, reg 6(4).

Sub-s (1): definitions “the EEA Agreement” and “EEA State” (omitted) repealed by SI 2007/3101, regs 109, 129(c).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): definition “IMI” inserted by SI 2016/1030, regs 46, 51(1), (3).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Sub-s (1): definitions “interim order”, “Practice Committee” and “profession complementary to dentistry” inserted by SI 2005/2011, arts 2(1), 46(1), (2)(a).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1): definition “national” inserted by SI 2007/3101, regs 109, 129(e).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): in definition “national” reference to “EU” in square brackets in both places it occurs substituted by SI 2011/1043, art 6(1)(a), (2)(c).

Date in force: 22 April 2011: see SI 2011/1043, art 2; for transitional savings see art 3(3) thereof.

Sub-s (1): definition “the necessary knowledge of English” inserted by SI 2015/806, arts 11, 28.

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Sub-s (1): definition “registered dental care professional” inserted by SI 2005/2011, arts 2(1), 46(1), (2)(b).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1): in definition “the registrar” words “section 14(2)” in square brackets substituted by SI 2005/2011, arts 2(1), 46(1), (2)(c).

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).  
 Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (1): definition “relevant European State” inserted by SI 2007/3101, regs 109, 129(f).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (1): definition “visiting EEA practitioner entered in the list of such practitioners” (omitted) repealed by SI 2007/3101, regs 109, 129(g).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Sub-s (2A): inserted by SI 2005/2011, arts 2(1), 46(1), (3).  
 Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).  
 Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Sub-s (3): words “, supervision or management” in square brackets in both places they occur inserted by SI 2009/1182, art 3(1), Sch 1, para 12.  
 Date in force: 14 May 2009: see SI 2009/1182, art 1(2)(b).

Sub-s (3): words from “(a) services under—” to “or (iii)” in square brackets substituted by the National Health Service (Primary Care) Act 1997, s 41(10), Sch 2, para 62.  
 Date in force: 18 November 1998: see SI 1998/2840, art 2(1).

Sub-s (3): in para (a)(i) words from “section 2, 3, 92 or 107” to “National Health Service (Wales) Act 2006” in square brackets substituted by the National Health Service (Consequential Provisions) Act 2006, s 2, Sch 1, paras 80, 82.  
 Date in force: 1 March 2007: see the National Health Service (Consequential Provisions) Act 2006, s 8(2).

Sub-s (3A): inserted by the Health and Social Care (Safety and Quality) Act 2015, s 5(2), Schedule, para 1(1), (7).  
 Date in force: 26 September 2016: see SI 2016/906, reg 2(b).

Sub-s (4): repealed by the Statute Law (Repeals) Act 1993.


## 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.

## NOTES

### Initial Commencement

#### *Specified date*

- Sub-ss (1), (3): Specified date: 1 October 1984: see s 55(1).  
 Sub-s (2): Specified date (for certain purposes): 26 August 1984: see s 55(2).  
 Sub-s (2): Specified date (for remaining purposes): 1 October 1984: see s 55(1).

## 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 as they repeal section 29 of the 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 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 (2) 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 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.

### NOTES

#### Derivation

Sub-ss (3)–(5) derived from the Dentists Act 1983, s 34(3), (4).

#### Initial Commencement

##### *Specified date*

Specified date: 1 October 1984: see sub-s (1) above.

#### Subordinate Legislation

Dentists Act 1984 (Commencement) Order 1984, SI 1984/1815 (made under sub-s (3)).

**56 Short title and extent**

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

**NOTES**

**Derivation**

Sub-s (2) derived from the Dentists Act 1957, s 52, and the Dentists Act 1983, s 35(3).

**Initial Commencement**

***Specified date***

Specified date: 1 October 1984: see s 55(1).

**SCHEDULE 1**

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

Sections 1, 2

Part I  
The Council

*stitution*

**[1A Constitution**

- (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.
- (4) *Before the Privy Council directs the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the Council, the Privy Council shall consult the Council.*

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

- (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.]

...

**2**

...

**[2A**

...]

...

**3**

...

**4**

...]

#### *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 . . . such fees and such travelling, subsistence or other allowances as they may determine.

[(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 . . . of any of the Council's committees may be exercised notwithstanding any vacancy.

(4) No proceedings . . . of any of the Council's committees shall be invalidated by any defect in the appointment of a member. . .

**[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.]

**8**

(1) The Council may make rules—

(a) . . .

(b) for delegating, subject to the provisions of this Act, to committees, including the committees referred to in [section 2 of this Act], [or to any officer of the Council,] functions of the Council, and

- (c) [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 [section 2 of this Act] and any sub-committees.

(2) . . .

[(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.]

[(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.]

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

(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.

## **[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.]

## **NOTES**

### **Derivation**

Paras 1–4 as originally enacted, 6–8 derived from the Dentists Act 1957, Sch 1, paras 2, 3(1)–(4), 4, 5, 7–9, and the Dentists Act 1983, ss 1(2)–(7), 17(2), Sch 2, paras 21–23; para 5 as originally enacted derived from the Dentists Act 1957, Sch 1, para 6.

### **Initial Commencement**

#### ***Specified date***

Paras 1–7, 8(1), (3), (4): Specified date: 1 October 1984: see s 55(1).

#### ***To be appointed***

Para 8(2): To be appointed: see s 55(3).

### **Appointment**

Para 8(2): Appointment: 1 January 1985: see SI 1984/1815, art 2(1), Schedule, Pt I.

## Amendment

- Paras 1–4: substituted, for paras 1–5 as originally enacted, by SI 2001/3926, arts 2, 4(1), (2).  
Date in force: 24 June 2002 (for the purposes of making provision for the appointment and election of members to the General Dental Council and the election of a President of the Council): see SI 2001/3926, art 1(2), (3), and the London Gazette, 14 June 2002.  
Date in force: 10 April 2003 (for remaining purposes): see the London Gazette, 13 December 2002.
- Paras 1A, 1B: substituted, for para 1 as previously enacted, by SI 2009/1182, art 3(1), Sch 1, para 13(1), (2).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Para 1A: sub-para (4) repealed by the Health and Social Care Act 2012, s 279(3), Sch 20, Pt 2, para 6(b); for savings see s 279(3), Sch 20, Pt 2, para 8 thereto .  
Date in force: to be appointed: see the Health and Social Care Act 2012, s 306(4).
- Para 2: repealed by SI 2009/1182, art 3(1), Sch 1, para 13(1), (3).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Para 2A: inserted by the Health and Social Care (Community Health and Standards) Act 2003, s 187(8), Sch 12, para 3(1), (4).  
Date in force (for the purpose of conferring the power to make an order or regulations): 20 November 2003: see the Health and Social Care (Community Health and Standards) Act 2003, s 199(4).  
Date in force (for remaining purposes): 19 October 2004: see SI 2004/2626, art 2.
- Para 2A: repealed by the Health Act 2006, s 80(1), (2), Sch 8, para 27(1), (3), Sch 9.  
Date in force: 1 October 2006: see SI 2006/2603, art 4(5)(c)(i), (d), (e), Schedule.
- Paras 3, 4: repealed by SI 2009/1182, art 3(1), Sch 1, para 13(1), (3).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Para 6: in sub-para (2) words omitted repealed by SI 2001/3926, arts 2, 4(1), (3)(a).  
Date in force: 24 June 2002 (for the purposes of making provision for the appointment and election of members to the General Dental Council and the election of a President of the Council): see SI 2001/3926, art 1(2), (3), and the London Gazette, 14 June 2002.  
Date in force: 10 April 2003 (for remaining purposes): see the London Gazette, 13 December 2002.
- Para 6: sub-para (2A) inserted by SI 2001/3926, arts 2, 7(1), (2).  
Date in force: 10 April 2003: see the London Gazette, 13 December 2002.
- Para 6: in sub-para (3) words omitted repealed by SI 2009/1182, art 3(1), Sch 1, para 13(1), (4)(a).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Para 6: in sub-para (4) first words omitted repealed by SI 2009/1182, art 3(1), Sch 1, para 13(1), (4)(b).  
Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Para 6: in sub-para (4) second words omitted repealed by SI 2001/3926, arts 2, 4(1), (3)(b).  
Date in force: 24 June 2002 (for the purposes of making provision for the appointment and election of members to the General Dental Council and the election of a President of the Council): see SI 2001/3926, art 1(2), (3), and the London Gazette, 14 June 2002.  
Date in force: 10 April 2003 (for remaining purposes): see the London Gazette, 13 December 2002.
- Para 7: substituted by SI 2005/2011, arts 2(1), 47(1), (7).  
Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.  
Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI

- 2005/2011, art 50(1), Sch 7, para 30.
- Para 8: sub-para (1)(a) repealed by SI 2009/1182, art 3(1), Sch 1, para 13(1), (5)(a).  
 Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
 Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Para 8: in sub-para (1) words “section 2 of this Act” in square brackets in both places they occur substituted by SI 2001/3926, arts 2, 7(1), (4)(a).  
 Date in force: 1 January 2003 (for the purposes of making provision for the constitution and appointment of Members of Committees of the General Dental Council): see the London Gazette, 13 December 2002.  
 Date in force: 10 April 2003 (for remaining purposes): see the London Gazette, 13 December 2002.
- Para 8: in sub-para (1)(b) words “or to any officer of the Council,” in square brackets inserted by SI 2005/2011, arts 2(1), 47(1), (8)(a).  
 Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.  
 Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.
- Para 8: in sub-para (1)(c) words “subject to the provisions of this Act and in particular sub-paragraph (1A),” in square brackets substituted by SI 2005/2011, arts 2(1), 47(1), (8)(b).  
 Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, Sch 7, para 30.  
 Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.
- Para 8: sub-para (2) repealed by SI 2005/2011, arts 2(1), 47(1), (8)(d).  
 Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.
- Para 8: sub-para (1A) inserted by SI 2005/2011, arts 2(1), 47(1), (8)(c).  
 Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.  
 Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.
- Para 8: sub-para (1B), (1C) inserted by SI 2009/1182, art 3(1), Sch 1, para 13(1), (5)(b).  
 Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).  
 Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).
- Para 8: sub-para (2A) inserted by SI 2001/3926, arts 2, 7(1), (4)(c).  
 Date in force: 1 January 2003 (for the purposes of making provision for the constitution and appointment of Members of Committees of the General Dental Council): see the London Gazette, 13 December 2002.  
 Date in force: 10 April 2003 (for remaining purposes): see the London Gazette, 13 December 2002.
- Para 8: sub-para (3) repealed by SI 2005/2011, arts 2(1), 47(1), (8)(d).  
 Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 30.
- Para 8A: inserted by SI 2009/1182, art 3(1), Sch 1, para 13(1), (6).  
 Date in force (for certain purposes): 13 May 2009: see SI 2009/1182, art 1(3).

Date in force (for remaining purposes): 1 October 2009: see SI 2009/1357, art 2(2)(a)(i).

**Modification**

Office of Department of Health and Social Security: to be construed as office of Department of Social Security by virtue of the Transfer of Functions (Health and Social Security) Order 1988, SI 1988/1843, art 5(3).

**Subordinate Legislation**

General Dental Council (Appointments Committee and Appointment of Members of Committees) Rules Order of Council 2006, SI 2006/1664 (made under para 8(1)(b), (c)).

General Dental Council (Constitution) Order 2009, SI 2009/1808 (made under para 1B).

General Dental Council (Constitution of Committees) Rules Order of Council 2009, SI 2009/1813 (made under para 8).

General Dental Council (Constitution of Committees) (Amendment) Rules Order of Council 2011, SI 2011/147 (made under para 8(1)(c)).

**Part II**

...

**NOTES**

**Amendment**

Repealed by SI 2001/3926, arts 2, 7(1), (5).

Date in force: 10 April 2003: see the London Gazette, 13 December 2002.

...

**NOTES**

**Amendment**

Repealed by SI 2001/3926, arts 2, 7(1), (5).

Date in force: 10 April 2003: see the London Gazette, 13 December 2002.

**SCHEDULE 2**  
**EUROPEAN DENTAL QUALIFICATIONS**

Section 15(2)

**Part I**  
**Appropriate European Diplomas**

[1

[(1)] In this Schedule—

“medical qualification” means a diploma, certificate or other evidence of qualifications as a doctor issued by a competent authority in a relevant European State; and

“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.]

[(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.]

## **[2**

Subject to paragraphs 3, 3A and 4 below, any diploma in dentistry granted in [a relevant European State] is an appropriate European diploma for the purposes of section 15(1)(b) of this Act[, provided that, where the diploma is listed in Annex V, point 5.3.2 of the Directive, 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].]

## **[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 15(1)(b) unless the holder either—

(a) does the following—

(i) satisfies the registrar (by means of a certificate of a competent authority of that State or otherwise) that the diploma guarantees that the holder’s training satisfies the requirements of article 34 of the Directive (requirements for basic dental training), and

(ii) produces to the registrar, where appropriate, 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”; or

(b) produces to the registrar a certificate of a competent authority of any relevant European State that the holder has effectively and lawfully practised dentistry in that State for at least three consecutive years during the five years preceding the date of issue of the certificate.]

## **[3A**

A diploma granted in a relevant European State on or after the reference date which is not evidence of training commenced by the holder before that date, and which is not listed in Annex V, point 5.3.2 of the Directive, is not an appropriate European diploma for the purposes of section 15(1)(b) unless the holder produces to the registrar a certificate issued by a competent authority of the relevant European State certifying that the diploma—

(a) is evidence of training which satisfies the requirements of article 34 of the Directive; and

(b) is treated by that State as if it were a qualification listed in relation to that State in Annex V,

point 5.3.2 of the Directive.]

**4**

A diploma granted in [a relevant European State before the reference date] or on or after that date where training of which that diploma is evidence was commenced by the holder before that date (and not being, in either case, [listed in Annex V, point 5.3.2 of the Directive]) is not an appropriate European diploma for the [the purposes of section 15(1)(b)] unless the holder produces to the registrar such a certificate as is mentioned in paragraph 3(b) [or 3A] above.

**[5**

A medical qualification awarded in Austria, Italy, Romania or Spain to a person who began his medical training on or before the reference date for the State concerned is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where that person produces to the registrar a certificate issued by a competent authority of the State concerned certifying that the person—

- (a) has—
  - (i) effectively, lawfully and principally practised dentistry in that State for at least three consecutive years during the five years preceding the date of issue of the certificate, or
  - (ii) successfully completed three years of study which are equivalent to the training referred to in article 34 of the Directive; and
- (b) is authorised to practise dentistry under the same conditions as holders of a qualification listed in relation to the State concerned in Annex V, point 5.3.2 of the Directive.]

**[6A**

(1) A [medical qualification] awarded in Italy to a person who began medical training at a university [after 28th January 1980] is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where, subject to sub-paragraph (2) below, that person produces to the registrar a certificate issued by the competent authority in Italy certifying that—

- (a) he has passed the [relevant] aptitude test set by that competent authority which demonstrates that he possesses a level of knowledge and skills comparable to those of a person holding the qualification [listed in relation to Italy in Annex V, point 5.3.2 of the Directive];
- (b) he has effectively, lawfully and principally practised dentistry in Italy for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (c) he is authorised to practise dentistry under the same conditions as a holder of the qualification [listed in relation to Italy in Annex V, point 5.3.2 of the Directive].]

[(2) A person shall be excepted from satisfying the requirement referred to in sub-paragraph (1)(a) if he satisfies the registrar that he has successfully completed three years of study—

- (a) which, in the case of a person who began medical training at a university after 31st December 1984, were begun before 31st December 1994; and
- (b) which are certified by a competent authority in Italy as being equivalent to the training referred to in article 34 of the Directive.]

**[6B**

A medical qualification as a doctor awarded in Spain to a person who began medical training at a university between 1 January 1986 and 31 December 1997 is an appropriate European diploma for the purposes of section 15(1)(b) where that person produces to the registrar a certificate issued by the competent authority in Spain certifying that—

- (a) the person has successfully completed at least three years of study, certified by the competent authority in Spain, as being equivalent to the training referred to in article 34 of the Directive;
- (b) the person has effectively, lawfully and principally practised dentistry in Spain for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (c) the person is authorised to practise dentistry or is effectively, lawfully and principally engaged in dentistry under the same conditions as a holder of the qualifications listed in relation to Spain in Annex V, point 5.3.2 of the Directive.]

## 7

A diploma in dentistry which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if—

- (a) the holder produces to the registrar a certificate of the competent authority of Germany certifying that he has effectively and lawfully practised dentistry in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (b) he is authorised to practise dentistry throughout the territory of Germany under the same conditions as holders of the [the qualification listed in relation to Germany in Annex V, point 5.3.2 of the Directive].]

## [8

(1) A diploma in dentistry which—

- (a) is evidence of training that commenced before the date specified in column (a) of the table below in the territory specified in the corresponding entry in column (b) of that table; or
- (b) was awarded by [the former state] specified in column (b) of that table before the date specified in the corresponding entry in column (a) of that table,

is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar the certificates specified in sub-paragraph (2).

(2) The certificates specified for the purposes of sub-paragraph (1) are—

- [(a) a certificate of a competent authority of the relevant European State specified in the corresponding entry in column (c) of the table stating that the holder has effectively and lawfully practised dentistry in that State for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (b) a certificate from the competent authority of that State stating that that diploma has, on its territory, the same legal validity as regards access to and practice of the dental profession as the qualification listed in relation to that State in Annex V, point 5.3.2 of the Directive].

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
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20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	[Former Yugoslavia]	Slovenia
[8th October 1991	Former Yugoslavia	Croatia]

## [9

A medical qualification awarded in the Czech Republic or in the former Czechoslovakia which is evidence of medical training commenced before 1st May 2004 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of a competent authority of the Czech Republic certifying that the holder—

- (a) has—
  - (i) effectively, lawfully and principally practised dentistry in the Czech Republic for at least three consecutive years during the five years preceding the date of issue of the certificate, or
  - (ii) successfully completed three years of study which are equivalent to the training referred to in article 34 of the Directive; and
- (b) is authorised to practise dentistry under the same conditions as holders of the qualification listed in relation to the Czech Republic in Annex V, point 5.3.2 of the Directive.

## 10

A medical qualification awarded in Slovakia or in the former Czechoslovakia which is evidence of medical training commenced before 1st May 2004 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if the holder produces to the registrar a certificate of a competent authority of Slovakia certifying that the holder—

- (a) has—
  - (i) effectively, lawfully and principally practised dentistry in Slovakia for at least three consecutive years during the five years preceding the date of issue of the certificate, or
  - (ii) successfully completed three years of study which are equivalent to the training referred to in article 34 of the Directive; and
- (b) is authorised to practise dentistry under the same conditions as holders of the qualification listed in relation to Slovakia in Annex V, point 5.3.2 of the Directive.]

## NOTES

### Derivation

Para 1 derived from the Dentists Act 1957, s 2A(4), (5), and the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, art 3(1); paras 2–4 derived from the Dentists Act 1957, s

2A(1)–(3), SI 1980/703, art 3(1), and the Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982, SI 1982/1076, art 4(1).

## **Initial Commencement**

### ***Specified date***

Specified date: 1 October 1984: see s 55(1).

## **Amendment**

Para 1: substituted by SI 2007/3101, regs 109, 130(1), (2).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 1: sub-para (1) numbered as such by SI 2016/1030, regs 46, 52(1), (2)(a).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 1: sub-para (2) inserted by SI 2016/1030, regs 46, 52(1), (2)(b).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 2: substituted by SI 1996/1496, reg 3(1), (3).

Para 2: words “a relevant European State” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (3)(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 2: words from “, provided that” to “evidence of qualifications” in square brackets inserted by SI 2007/3101, regs 109, 130(3)(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 3: substituted by SI 2007/3101, regs 109, 130(1), (4).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 3A: inserted by SI 1996/1496, reg 3(5).

Para 3A: substituted by SI 2007/3101, reg 109, 130(5).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 4: words “or 3A” in square brackets substituted by SI 1996/1496, reg 3(4), (6)

Para 4: words “a relevant European State before the reference date” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (6)(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 4: words “listed in Annex V, point 5.3.2 of the Directive” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (6)(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 4: words “the purposes of section 15(1)(b)” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (6)(c).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 5 : substituted, for paras 5, 6 as inserted by SI 1986/23, art 3(b), by SI 2007/3101, reg 130(1), (7).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 6A: inserted by SI 2003/3148, reg 6(1), (6)(c).

Date in force: 31 December 2003: see SI 2003/3148, reg 1(1)(c).

Para 6A: in sub-para (1) words “medical qualification” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (8)(a)(i).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 6A: in sub-para (1) words “after 28th January 1980” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (8)(a)(ii).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 6A: in sub-para (1)(a) word “relevant” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (8)(a)(iii).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 6A: in sub-para (a) words “listed in relation to Italy in Annex V, point 5.3.2 of the Directive” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (8)(a)(iv).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 6A: in sub-para (1)(c) words “listed in relation to Italy in Annex V, point 5.3.2 of the Directive” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (8)(a)(iv).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 6A: sub-para (2) substituted by SI 2007/3101, regs 109, 130(1), (8)(b).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
 Para 6B: inserted by SI 2016/1030, regs 46, 52(1), (3).  
 Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.  
 Para 7: substituted, together with paras 5, 6 for original paras 5, 6, by SI 1996/1496, reg 3(7).  
 Para 7: in sub-para (b) words “the qualification listed in relation to Germany in Annex V, point 5.3.2 of the Directive” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (9).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
 Paras 8–10: inserted by SI 2004/1947, reg 11(1), (3)(c).  
 Date in force: 18 August 2004: see SI 2004/1947, reg 1(2).  
 Para 8: in sub-para (1)(b) words “the former state” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (10)(a).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
 Para 8: in sub-para (2) paras (a), (b) substituted by SI 2007/3101, regs 109, 130(10)(b)(i).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
 Para 8: in Table in fourth entry in column (b) words “Former Yugoslavia” in square brackets substituted by SI 2007/3101, regs 109, 130(1), (10)(b)(ii).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).  
 Para 8: in Table fifth entry inserted by SI 2013/3036, reg 4.  
 Date in force: 31 December 2013: see SI 2013/3036, reg 1(1).  
 Paras 9, 10: substituted by SI 2007/3101, regs 109, 130(1), (11).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

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## Part II

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### NOTES

#### Amendment

Repealed by SI 2007/3101, regs 109, 130(1), (12).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

< ... >

### NOTES

#### Amendment

Repealed by SI 2007/3101, regs 109, 130(1), (12).  
 Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

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## [SCHEDULE 2A REGISTRATION APPEALS: DENTISTS REGISTER]

### NOTES

#### Amendment

Inserted by SI 2005/2011, arts 2(1), 14(2), Sch 1.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

[Section 25A]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 14(2), Sch 1.

Date in force: 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

## [1

In this Schedule—

“appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2) [and (4)];

“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) [or (4)]; and

“the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), (b), [(ba),] (d), (f), (g), (i) or (j), means the period of three months beginning with the date when the registrar is first in possession of sufficient information to make the decision[, and in relation to a decision of a kind specified in paragraph 2(1)(aa) [or (bb)], means the period of four months beginning with the date when the registrar is first in possession of sufficient information to make the decision].

## 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 in the register under subsection (1)(a), (b) or (c) of section 15 (qualification for registration) on the grounds that any of the requirements of that section are not met;
- (aa) a decision not to register a person's name in the register under subsection (1)(ba) of section 15 on the grounds that any of the requirements of that section are not met;
- (ab) a decision under Part 3 of the General Systems Regulations to require an exempt person within sub-paragraphs (i) and (ii) of section 15(1)(ba) to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of dentistry in the United Kingdom;]
- [(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);
- [(ba) a decision for the purposes of section 21A(2A)(a) that the registrar is not satisfied that a person falls within section 15(1)(b);
- (bb) a decision for the purposes of section 21A(2A)(a) that the registrar is not satisfied that a person falls within section 15(1)(ba);]

- (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;
- (j) a decision not to register a person's name in the register on the grounds that section 35(1) is satisfied (effect on registration of disqualification in another [relevant European State]); and
- (k) a decision under section 35(3) to erase a person's name from the register; and
- (l) a decision not to register a person's name in the register under Schedule 4 (visiting dentists from relevant European States)].

(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.

### **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), (aa), (b)], (d), (f), (g), (i) or (j) 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.

[(3) Sub-paragraph (4) applies where, within the requisite period, an applicant has not been served with—

- (a) notification of a decision mentioned in paragraph 2(1)(ba) or (bb), or
- (b) notification under section 21A(2B).

(4) The omission shall be treated as a decision mentioned in paragraph 2(1)(ba) or (bb), as the case may be, which is an appealable decision for the purposes of this Schedule.]

#### **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) [or (4)].

(2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.

(3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.

(4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.

(5) In the case of an appealable registration decision which is a decision to erase a person's name from the register, where—

- (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
- (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,

that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.

(6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.

(7) Schedule 3 (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dentists) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—

- (a) in paragraph 1—
  - (i) omit sub-paragraph (1), and
  - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
- (b) references to a Committee shall be read as references to the Registration Appeals Committee;
- (c) in paragraph 2—
  - (i) omit sub-paragraph (1)(b), and

(ii) in sub-paragraph (2)(g) omit “the person (if any) making the allegation and”; and

(d) omit paragraph 7.

(8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
- (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.

(9) In the case of an appealable registration decision which is a decision to erase a person's name from the register, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—

- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
- (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
- (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.

(10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—

- (a) inform the registrar of, and serve on the person concerned notification of, the Committee's determination on the appeal and of the reasons for that determination; and
- (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

### **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,

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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 14(2), Sch 1.

Date in force (except in so far as relating to para 2(1)(f)–(i) and the references to that para in para 1, definition “the requisite period” and para 3(2)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to para 2(1)(h), (i) and reference to para 2(1)(i) in para 1, definition “the requisite period” and para 3(2)): 31 July 2008: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 18 July 2008.

Date in force (in so far as relating to para 2(1)(f), (g) and the references to that para in para 1, definition “the requisite period” and para 3(2)): this amendment shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

Para 1: in definition “appealable registration decision” words “and (4)” in square brackets inserted by SI 2015/806, arts 11, 29(1), (2)(a).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 1: in definition “person concerned” words “or (4)” in square brackets inserted by SI 2015/806, arts 11, 29(1), (2)(b).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 1: in definition “the requisite period” reference to “(ba),” in square brackets inserted by SI 2015/806, arts 11, 29(1), (2)(c)(i).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 1: in definition “the requisite period” words from “, and in relation” to “make the decision” in square brackets inserted by SI 2007/3101, regs 109, 131(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 1: in definition “the requisite period” words “or (bb)” in square brackets inserted by SI 2015/806, arts 11, 29(1), (2)(c)(ii).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 2: in sub-para (1) paras (a), (aa), (ab) substituted, for para (a) as originally enacted, by SI 2007/3101, regs 109, 131(b)(i).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 2: sub-para (1)(ac) inserted by SI 2015/806, arts 11, 29(1), (3)(a).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 2: sub-para (1)(ba), (bb) inserted by SI 2015/806, arts 11, 29(1), (3)(b).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 2: in sub-para (1)(j) words “relevant European State);” in square brackets substituted by SI 2007/3101, regs 109, 131(b)(ii).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 2: sub-para (1)(l) inserted by SI 2007/3101, regs 109 131(b)(iii).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 3: in sub-para (2) words “paragraphs (a), (aa), (b)” substituted by SI 2007/3101, regs 109, 131(c).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 3: sub-para (3), (4) inserted by SI 2015/806, arts 11, 29(1), (4).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 4: in sub-para (1)(b) words “or (4)” in square brackets inserted by SI 2015/806, arts 11, 29(1), (5).

Date in force: 1 April 2016: see SI 2015/1451, art 5.


### **[SCHEDULE 3**

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

#### **NOTES**

##### **Amendment**

Substituted by SI 2005/2011, art 2(1), 24(2), Sch 2.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), (5), 7.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), (5), 7.

[Section 33(6)]

## NOTES

### Amendment

Substituted by SI 2005/2011, art 2(1), 24(2), Sch 2.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), (5), 7.

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), (5), 7.

### [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;
- (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
- (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.

## 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.]

## NOTES

### Derivation

Paras 1, 2, 4, 5 as originally enacted derived from the Dentists Act 1957, ss 25(1), 27, 28, 30A(2), 31, 46, and the Dentists Act 1983, ss 15(1), (3), (5), 16(8), (9), 30(2), (3), Sch 1, paras 1(1), 3, 5, 6, 7, Sch 2, paras 12(b), 14, 19; paras 3, 6 as originally enacted derived from the Dentists Act 1983, Sch 1, paras 1(2), 2; para 7 as originally enacted derived from the Dentists Act 1957, ss 26(4), 29A(2), the Recorded Delivery Service Act 1962, s 1(1), and the Dentists Act 1983, ss 15(4), 16(8), Sch 1, para 4.

### Amendment

Substituted by SI 2005/2011, art 2(1), 24(2), Sch 2.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006); for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), (5), 7.

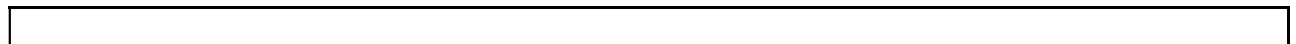
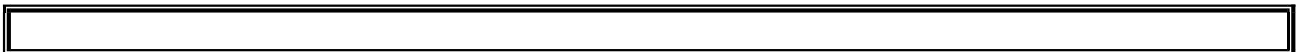
Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006; for transitional provisions see SI 2005/2011, art 50(1), Sch 7, para 3 and SI 2006/1671, arts 1(4), (5), 7.

### Subordinate Legislation

General Dental Council (Fitness to Practise) Rules Order of Council 2006, SI 2006/1663 (made under paras 2, 3, 7).

General Dental Council (Registration Appeals) Rules Order of Council 2006, SI 2006/1668 (made under paras 2, 3).

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under para 2(1)(b)).



## **[SCHEDULE 3A CONTINUING PROFESSIONAL DEVELOPMENT CASES]**

## NOTES

### Amendment

Inserted by SI 2001/3926, arts 2, 9.

Date in force: 1 November 2003 (for certain purposes): see the London Gazette, 24 October 2003.

Date in force: 1 January 2004 (for remaining purposes): see the London Gazette, 24 October 2003.

Repealed by SI 2005/2011, arts 2(1), 48; for transitional provisions see art 50(1), Sch 7, paras 15–17, 18(a), 19 thereto and SI 2006/1671, arts 1(4), 6.

Date in force: this repeal shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

[Sections 34A and 34B]

## NOTES

### Amendment

Inserted by SI 2001/3926, arts 2, 9.

Date in force: 1 November 2003 (for certain purposes): see the London Gazette, 24 October 2003.

Date in force: 1 January 2004 (for remaining purposes): see the London Gazette, 24 October 2003.

Repealed by SI 2005/2011, arts 2(1), 48; for transitional provisions see art 50(1), Sch 7, paras 15–17, 18(a), 19 thereto and SI 2006/1671, arts 1(4), 6.

Date in force: this repeal shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

### [Procedure]

## 1

*A person who wishes to appeal to the Continuing Professional Development Committee must give them written notice of appeal within the period of 28 days beginning with the day on which he is served with notice of the registrar's decision to erase his name from the register under section 34A of this Act or not to restore his name to the register under section 34B of this Act.*

## 2

(1) *The Council shall make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Continuing Professional Development Committee.*

*The Council shall in particular make rules—*

- (a) *for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;*
- (b) *for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;*
- (c) *for enabling any party to the proceedings to be represented by counsel or 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) *for requiring proceedings be held in public unless the person to whose registration the proceedings relate requests otherwise.*

(2) *Before making rules under this paragraph the Council shall consult such bodies of persons representing dentists as appear to the Council requisite to be consulted.*

(3) Paragraphs 4 and 5(1) to (4) of Schedule 3 to this Act shall apply in relation to proceedings before the Continuing Professional Development Committee as they apply to proceedings before the Professional Conduct Committee and the Health Committee.

(4) Rules under this paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument.

### 3

(1) Where the Continuing Professional Development Committee determine under this Schedule that—

(a) a person's name shall be erased from the register or not restored to it, the Committee shall serve on him a notice of the determination and of his right to appeal against it under section 29 of this Act;

(b) a person's name shall remain on the register, they shall serve a notice on him accordingly, and shall in either case notify the registrar of their determination.

(2) Where the Continuing Professional Development Committee determine that a person's name shall be erased from the register, they shall direct the registrar accordingly.

#### References to other committees

### 4

Where, in the course of proceedings relating to a registered dentist before the Continuing Professional Development Committee, it appears to the Committee that—

(a) the fitness of the registered dentist to practise may be seriously impaired by reason of his physical or mental condition;

(b) he may have been convicted as mentioned in section 27(1)(a) of this Act; or

(c) he may have been guilty of serious professional misconduct,

they may refer the matter to the Preliminary Proceedings Committee or to the Health Committee, whichever is appropriate.

#### Notices

### 5

Any notice required to be served on a person under section 34A or 34B of this Act or under paragraph 3 of this Schedule may be served by being sent, by a postal service which provides for the delivery of the notice by post to that person's address in the register, or to his last known address if that address differs from his address in the register and it appears to the registrar that such service will be more effective or if he has no address in the register.]

## NOTES

### Amendment

Inserted by SI 2001/3926, arts 2, 9.

Date in force: 1 November 2003 (in so far as relating to para 2(1), (2), (4) above): see the London Gazette, 24 October 2003.

Date in force: 1 January 2004 (remainder): see the London Gazette, 24 October 2003.

Repealed by SI 2005/2011, arts 2(1), 48; for transitional provisions see art 50(1), Sch 7, paras 15–17, 18(a), 19 thereto and SI 2006/1671, arts 1(4), 6.

Date in force: this repeal shall come into force on the date to be notified in the London, Edinburgh and Belfast Gazettes: see SI 2005/2011, art 1(5)–(7).

#### **Subordinate Legislation**

General Dental Council Continuing Professional Development Committee (Procedure) Rules Order of Council 2003, SI 2004/68 (made under para 2).

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### **[SCHEDULE 4 VISITING DENTISTS FROM RELEVANT EUROPEAN STATES]**

#### **NOTES**

##### **Amendment**

Substituted by SI 2007/3101, regs 109, 132.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

[Section 36]

#### **NOTES**

##### **Amendment**

Substituted by SI 2007/3101, regs 109, 132.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

[Application and interpretation

#### **1**

This Schedule applies to an exempt person who is lawfully established in dental practice in a relevant European State other than the United Kingdom.

#### **2**

In this Schedule—

- (a) a “visiting practitioner” means an exempt person to whom this Schedule applies;
- (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established in dental practice; and
- (c) a reference to the provision of occasional dental services is a reference to the provision of dental services in the United Kingdom on a temporary and occasional basis.

#### **Registration in respect of provision of occasional dental services**

#### **3**

(1) A visiting practitioner is entitled to be registered in the register if the practitioner is entitled under paragraph 4 or 7 to provide occasional dental services; and the registrar shall give effect to the entitlement.

(2) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in the register, but who is not registered in the register's list of visiting dentists from relevant European States, shall be treated as registered in that list.

(3) Sub-paragraph (4) applies where a person's entitlement under sub-paragraph (1) to be registered in the register ceases because, by reason of the operation of paragraph 8(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional dental services.

(4) If the person's name is registered in the register's list of visiting dentists from relevant European States, the registrar may erase the person's name from that list.

(5) Sub-paragraphs (1) to (4) are not to be taken to prejudice the application, in relation to persons registered in the register on the basis of entitlement under sub-paragraph (1), of any other provision of this Act under which a registered dentist's name may be erased from the register or under which a registered dentist's registration in the register may be suspended.

### **Entitlement to provide occasional dental services: first year**

#### **4**

A visiting practitioner is entitled to provide occasional dental services if—

- (a) the practitioner has complied with the requirements of paragraph 5, and
- (b) where the practitioner's case falls within regulation [3(8)(a) or (e)] of the General Systems Regulations, the provision by the practitioner of occasional dental services is in accordance with regulations [19 to 23] of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to undertake pursuant to Part 2 of those Regulations),

but paragraph 8 contains provision about the duration of entitlement under this paragraph.

### **First provision of services: required documents**

#### **5**

(1) A visiting practitioner who proposes to provide occasional dental services for the first time must, before providing any such services, send or produce to the registrar the required documents.

(2) The required documents are—

- (a) a written declaration that—
  - (i) states the practitioner's wish to provide occasional dental services, . . .
  - (ii) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability;
  - [(iii) confirms that the practitioner does not have a criminal conviction; and
  - (iv) confirms that the practitioner is not subject to a temporary or final suspension preventing practice as a dentist;]
- [(aa) a written declaration as to whether the practitioner has the necessary knowledge of English;]
- (b) if the practitioner is a national of a relevant European State, proof of nationality;

- (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
- (d) evidence of dental qualifications (see paragraph 6); and
- (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
  - (i) that the practitioner is lawfully established in dental practice in that State, and
  - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising dentistry there.

(3) A declaration under sub-paragraph (2)(a) [or (aa)] may be supplied by any means.

(4) In registering a visiting practitioner in the register on the basis of entitlement under this Schedule, the registrar must enter against the practitioner's name in the register details of the qualifications of which the practitioner supplied evidence for the purposes of sub-paragraph (2)(d).

## 6

(1) Subject to sub-paragraph (4), the evidence referred to in paragraph 5(2)(d) is evidence of the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the dental services that the practitioner proposes to provide in the United Kingdom on a temporary and occasional basis.

(2) For the purposes of this paragraph and subject to sub-paragraph (4), the evidence of qualifications must, if the visiting practitioner proposes to provide any specialist dental services in the United Kingdom on a temporary and occasional basis, include evidence of the European-recognised qualifications which entitle the practitioner to provide, in the practitioner's home State, those specialist dental services.

(3) This sub-paragraph applies to a visiting practitioner whose case falls within regulation [3(8)(a) or (e)] of the General Systems Regulations (with the result that the practitioner is not entitled to provide occasional dental services unless their provision by the practitioner is in accordance with regulations [19 to 23] of those Regulations).

(4) If sub-paragraph (3) applies to a visiting practitioner, the evidence referred to in paragraph 5(2)(d) of the practitioner's dental qualifications is evidence of the qualifications which entitle the practitioner to practise dentistry in his home State.

(5) In this paragraph, "European-recognised qualifications" means qualifications which relevant European States are required by the Directive to recognise.

### **Entitlement to provide occasional dental services after first year: renewals**

## 7

(1) Sub-paragraph (2) applies where the registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional dental services.

(2) The visiting practitioner is entitled to continue to provide occasional dental services, but paragraph 8 contains provision about the duration of entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Schedule to provide occasional dental services;
- (b) who has been previously entitled under this Schedule to provide occasional dental services; and
- (c) whose registration in the list of visiting dentists from relevant European States is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional dental services but, in a case where the practitioner's name is not in the list of visiting dentists from relevant European States as a result of erasure otherwise than under paragraph 3(4), only if the registrar decides, after having regard (in particular) to the fact of that erasure and the reasons for it, that the entitlement should be renewed.

Paragraph 8 contains provision about the duration of entitlement under this sub-paragraph.

(5) In relation to a visiting practitioner "the required renewal documents" are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph "renewal declaration", in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner's wish to provide occasional dental services in a further year; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 5,
- (b) is not a declaration under paragraph 5(2)(a), and
- (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the registrar,

the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the registrar is an "evidence of change document" for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

#### **Duration of entitlement to provide occasional dental services**

### **8**

(1) Unless an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement ceases at the end of the year that begins with the end of the day on which the registrar received the documents whose receipt gave rise to the entitlement.

(2) Where an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 7(4), means the day on which the registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Schedule to provide occasional dental services ceases if—

- (a) the visiting practitioner concerned becomes established in dental practice in the United Kingdom; or
- (b) a disqualifying decision is made against the visiting practitioner concerned.

(6) In sub-paragraph (5) “disqualifying decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner’s home State [or, if different, a relevant European State in which the practitioner practises or has practised as a dental professional] that has the effect that the practitioner—

- (a) ceases in that State to be registered or otherwise officially recognised as a dental practitioner; or
- (b) is prohibited (whether on a permanent or temporary basis) from practising dentistry in that State.

(7) If in the case of a visiting practitioner—

- (a) the practitioner’s registration in the list of visiting dentists from relevant European States is suspended or the practitioner’s name is erased from that list, and
- (b) immediately before the time when the suspension or (as the case may be) erasure takes effect, the practitioner is entitled under this Schedule to provide occasional dental services,

that entitlement ceases at that time.

## **Conditions**

### **9**

(1) Paragraph (2) applies if—

- (a) the establishment of a visiting practitioner in the practitioner’s home State is subject to a condition relating to the practitioner’s dental practice;
- (b) the practitioner’s name is registered in the register; and

- (c) for any of the purposes of this Act it falls to be decided whether the practitioner's fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional dental services that is, or would be if the condition applied in relation to dental practice outside the practitioner's home State, a breach of the condition.

(3) In paragraphs (1) and (2) "condition" includes limitation.]

## NOTES

### Derivation

Paras 1–4 derived from the Dental Qualifications (EEC Recognition) Order 1980, SI 1980/703, arts 2, 6; para 5 derived from SI 1980/703, art 7, and the Dentists Act 1983, Sch 2, para 25.

### Amendment

Substituted by SI 2007/3101, regs 109, 132.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 4: in sub-para (b) words "3(8)(a) or (e)" in square brackets substituted by SI 2016/1030, regs 46, 53(1), (2)(a).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 4: in sub-para (b) words "19 to 23" in square brackets substituted by SI 2016/1030, regs 46, 53(1), (2)(b).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 5: in sub-para (2)(a)(i) word omitted repealed by SI 2016/1030, regs 46, 53(1), (3)(a)(i).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 5: sub-para (2)(a)(iii), (iv) inserted by SI 2016/1030, regs 46, 53(1), (3)(a)(ii).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 5: sub-para (2)(aa) inserted by SI 2016/1030, regs 46, 53(1), (3)(b).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 5: in sub-para (3) words "or (aa)" in square brackets inserted by SI 2016/1030, regs 46, 53(1), (3)(c).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 6: in sub-para (3) words "3(8)(a) or (e)" in square brackets substituted by SI 2016/1030, regs 46, 53(1), (4)(a).

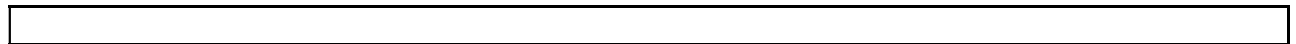
Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 6: in sub-para (3) words "19 to 23" in square brackets substituted by SI 2016/1030, regs 46, 53(1), (4)(b).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Para 8: in sub-para (6) words from "or, if different," to "a dental professional" in square brackets inserted by SI 2016/1030, regs 46, 53(1), (5).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.



## [SCHEDULE 4ZA

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

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 133.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

**NOTES****Amendment**

Inserted by SI 2007/3101, regs 109, 133.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

<i>[Provision of Directive]</i>	<i>Function of Council</i>
[Article 4f]	Considering applications for partial access to the dental professions under regulations 10 and 11 of the General Systems Regulations.]
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established as dentists in the United Kingdom.
Article 8(1)	[In the event of justified doubts, receiving] information from, or providing information to, other competent authorities in relation to—
	(a) the legality of a person's establishment as a dentist;
	(b) the good conduct of such a person;
	(c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
	[Receiving information from, or providing information to, other competent authorities in relation to a person's training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.]
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing dental services.
Article 23(1)	Issuing certificates of effective and lawful practice in the United Kingdom to dentists.
Article 23(6)	Issuing certificates stating that UK dental qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.3.2 of Annex V to the Directive, certify successful completion of basic dental training that is in accordance with article 34 of the Directive or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 34 of the Directive.
Article 50(1) and paragraph 1(d) of Annex VII	Issuing, in respect of the practice of dentistry, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
Article 50(1) and paragraph 2 of Annex VII	Issuing certificates stating that evidence of UK dental qualifications is that covered by the Directive.
Article 50(2)	In cases of justified doubts—

	(a)	requiring confirmation of the authenticity of non-UK dental qualifications;
	(b)	requiring confirmation that holders of non-UK dental qualifications satisfy the minimum training conditions set out in article 34 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions;
	(c)	providing confirmation to competent authorities of other relevant European States of the authenticity of any person's UK dental qualifications;
	(d)	providing confirmation that holders of UK dental qualifications satisfy the minimum training conditions set out in article 34 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions.
Article 50(3)	In cases of justified doubts—	
	(a)	verifying information provided in connection with non-UK dental qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
	(b)	providing information in connection with a person's UK dental qualifications awarded following training in another relevant European State.
[Article 50(3a)]	In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the dental professions as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities.]	
[Article 50(3b)]	Ensuring that the exchange of information under article 50 of the Directive with other competent authorities takes place through the IMI.]	
[Article 53]	Ensuring that any language controls imposed on dentists or dental care professionals are compliant with article 53 of the Directive.]	
Article 56(1)	Ensuring the confidentiality of information exchanged with other competent authorities.	
Article 56(2)	Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for the practice of dentistry.	
	Where such information is received by the Council—	
	(a)	examining the veracity of the circumstances;

	(b)	deciding the nature and scope of any investigations that need to be carried out;
	(c)	informing other competent authorities of the Council's conclusions.]
	[Ensuring that the processing of personal data for the purposes of the exchange of information in accordance with article 56(2) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC and through the IMI.]	
[Article 56(2a)]	Ensuring that the exchange of information carried out in accordance with article 56(2) of the Directive takes place through the IMI.]	
[Article 56a (1) and (2)]	Informing all other competent authorities, by way of an alert through the IMI, about a dentist or a dental care professional whose professional activities have been prohibited or restricted, even temporarily, within three days from the date of the adoption of the decision; ensuring that the information provided is limited to the information referred to in article 56a(2) of the Directive.]	
[Article 56a(3)]	Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have applied for registration and who have been subsequently found to have used falsified evidence of professional qualifications, within three days from the date of the finding.]	
[Article 56a(4)]	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.]	
[Article 56a(5)]	Informing all other competent authorities through the IMI without delay when—	
	(a)	a prohibition or a restriction referred to in article 56a(1) of the Directive has expired;
	(b)	there is a change to the prohibition or restriction period notified under article 56a(2) of the Directive.]
[Article 56a(6)]	Notifying the practitioner, in respect of whom an alert is sent under article 56a(1) or (3) of the Directive, in writing at the same time as the alert is sent, that the practitioner—	
	(a)	is the subject of an alert sent under article 56a(1) or (3) of the Directive;
	(b)	has the right to appeal the decision or to apply for rectification of the decision;
	(c)	has the right to access remedies in respect of any damage

		caused by false alerts sent to other competent authorities.
		Informing competent authorities, where applicable, that an alert is the subject of appeal proceedings by the practitioner.]
[Article 56a(7)]		Ensuring that an alert made under article 56a(1) of the Directive is deleted from the IMI within three days of—
	(a)	the date of adoption of the revoking decision; or
	(b)	the expiry of the prohibition or restriction referred to in that article.]
[Article 57a(1)]		Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a dentist or a dental care professional may be easily completed by the applicant remotely and by electronic means.]

## NOTES

### Amendment

Inserted by SI 2007/3101, regs 109, 133.

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Entry relating to “Article 4f” inserted by SI 2016/1030, regs 46, 54(1), (2).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

In entry relating to “Article 8(1)” in column 2 words “In the event of justified doubts, receiving” in square brackets substituted by SI 2016/1030, regs 46, 54(1), (3)(i).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

In entry relating to “Article 8(1)” in column 2 words from “Receiving information from,” to “health and safety.” in square brackets inserted by SI 2016/1030, regs 46, 54(1), (3)(ii).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 50(3a)” inserted by SI 2016/1030, regs 46, 54(1), (4).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 50(3b)” inserted by SI 2016/1030, regs 46, 54(1), (4).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 53” inserted by SI 2015/806, arts 11, 30.

Date in force: 1 April 2016: see SI 2015/1451, art 5.

In entry relating to “Article 56(2)” in column 2 words from “Ensuring that the” to “through the IMI.” in square brackets inserted by SI 2016/1030, regs 46, 54(1), (5).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 56(2a)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 56a(1) and (2)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 56a(3)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 56a(4)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 56a(5)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 56a(6)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 56a(7)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

Entry relating to “Article 57a(1)” inserted by SI 2016/1030, regs 46, 54(1), (6).

Date in force: 18 November 2016: see SI 2016/1030, reg 1; for a saving see reg 155.

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**[SCHEDULE 4A  
REGISTRATION APPEALS: DENTAL CARE PROFESSIONALS REGISTER]**

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 30(2), Sch 3.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

[Section 36J]

**NOTES**

**Amendment**

Inserted by SI 2005/2011, arts 2(1), 30(2), Sch 3.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

**[1**

In this Schedule—

“appealable registration decision” shall be construed in accordance with paragraphs 2 and 3(2) [and (4)];

“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) [or (4)]; and

“the requisite period”, in relation to a decision of a kind specified in paragraph 2(1)(a), [(ab),] (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.

**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;

- [(aa) a decision under Part 3 of the General Systems Regulations to require an exempt person to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to practise in the United Kingdom as a member of one of the professions mentioned in section 36C(3)(b);]
  - [(ab) a decision for the purposes of section 36C(6A)(a) that the registrar is not satisfied of matter B in relation to the applicant;
  - (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 [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; and
  - (i) a decision not to register a person's name under a particular title in the dental care professionals register under section 36Z3 (visiting dental care professionals from relevant European States)].
- (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.

### **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.

[(3) Sub-paragraph (4) applies where, within the requisite period, an applicant has not been served with—

- (a) notification of a decision mentioned in paragraph 2(1)(ab), or
- (b) notification under section 36C(6B).

(4) The omission shall be treated as a decision mentioned in paragraph 2(1)(ab), which is an appealable decision for the purposes of this Schedule.]

### **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) [or (4)].

(2) An appeal under sub-paragraph (1) shall be made by giving notice of appeal to the registrar.

(3) Notice of appeal in a case within sub-paragraph (1)(a) must be given before the end of the period of 28 days beginning with the date on which notification of the decision was served under paragraph 3(1), subject to any extension of time under paragraph 5.

(4) Notice of appeal in a case within sub-paragraph (1)(b) must be given before the end of the period of 28 days following the end of the requisite period.

(5) In the case of an appealable registration decision which is a decision to erase a person's name from registration in the dental care professionals register under a particular title, where—

- (a) no appeal under this paragraph is brought against the decision within the period of time specified in sub-paragraph (3), or
- (b) an appeal under this paragraph is brought but is withdrawn or struck out for want of prosecution,

that decision shall take effect on the expiry of that period or, as the case may be, on the withdrawal or striking out of that appeal.

(6) For the purposes of considering an appeal under this paragraph, the Registration Appeals Committee may make such inquiries as they consider appropriate.

(7) Schedule 4B (proceedings before the Investigating Committee, the Interim Orders Committee and Practice Committees: dental care professionals) applies to proceedings under this Schedule before the Registration Appeals Committee with the following modifications—

- (a) in paragraph 1—

- (i) omit sub-paragraph (1), and
    - (ii) in sub-paragraph (2)(b) for “the Council” substitute “the registrar”;
  - (b) references to a Committee shall be read as references to the Registration Appeals Committee;
  - (c) in paragraph 2—
    - (i) omit sub-paragraph (1)(b), and
    - (ii) in sub-paragraph (2)(g), omit “the person (if any) making the allegation and”; and
  - (d) omit paragraph 7.
- (8) In disposing of an appeal under this paragraph, the Registration Appeals Committee may determine to—
- (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against;
  - (c) substitute for the decision appealed against any other decision which could have been made by the registrar; or
  - (d) remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.
- (9) In the case of an appealable registration decision which is a decision to erase a person’s name from registration in the dental care professionals register under a particular title, where the Registration Appeals Committee dispose of an appeal brought under this paragraph by making a determination under sub-paragraph (8)(a), (c) or (d), that decision shall take effect—
- (a) where no appeal under paragraph 6 is brought against the determination of the Registration Appeals Committee within the period of time specified in paragraph 6(1), on the expiry of that period;
  - (b) where an appeal under paragraph 6 is brought but is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of that appeal; or
  - (c) where an appeal under paragraph 6 is brought and dismissed under paragraph 6(2)(a), on the dismissal of that appeal.
- (10) Where the Registration Appeals Committee make a determination on an appeal under this Schedule, they shall, as soon as reasonably practicable—
- (a) inform the registrar of, and serve on the person concerned notification of, the Committee’s determination on the appeal and of the reasons for that determination; and
  - (b) if that determination is not a determination under sub-paragraph (8)(b), serve on the person concerned notification of his right of appeal under paragraph 6.

### **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.

(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.]

### **NOTES**

#### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 30(2), Sch 3.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (except in so far as relating to para 2(1)(e)–(h) and the references to that para in para 1, definition “the requisite period” and para 3(2)): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Date in force (in so far as relating to para 2(1)(g), (h) and the reference to para 2(1)(h) in para 1, definition “the requisite period” and para 3(2)): 31 July 2008: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 18 July 2008.

Para 1: in definition “appealable registration decision” words “and (4)” in square brackets inserted by SI 2015/806, arts 11, 31(1), (2)(a).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 1: in definition “person concerned” words “or (4)” in square brackets inserted by SI 2015/806, arts 11, 31(1), (2)(b).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 1: in definition “the requisite period” reference to “(ab),” in square brackets inserted by SI 2015/806, arts 11, 31(1), (2)(c).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 2: sub-para (1)(aa) inserted by SI 2007/3101, regs 109, 134(a).

Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 2: sub-para (1)(ab), (ac) inserted by SI 2015/806, arts 11, 31(1), (3).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 2: in sub-para (1)(e) words “section 36L(8) or (9)(a)” in square brackets substituted by SI 2014/1887, art 2(1), Sch 1, Pt 2, paras 2, 6.

Date in force: 17 July 2014: see SI 2014/1887, art 1(2).

Para 2: sub-para (1)(i) and word “;and” immediately preceding it inserted by SI 2007/3101, regs 109, 134(b).

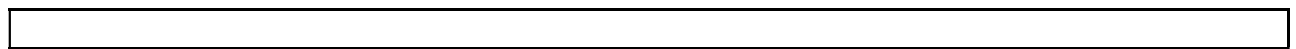
Date in force: 3 December 2007: see SI 2007/3101, reg 1(2).

Para 3: sub-paras (3), (4) inserted by SI 2015/806, arts 11, 31(1), (4).

Date in force: 1 April 2016: see SI 2015/1451, art 5.

Para 4: in sub-para (1)(b) words “or (4)” in square brackets inserted by SI 2015/806, arts 11, 31(1), (5).

Date in force: 1 April 2016: see SI 2015/1451, art 5.



## **[SCHEDULE 4B**

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

#### **NOTES**

##### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 32(2), Sch 4.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

[Section 36W(6)]

#### **NOTES**

##### **Amendment**

Inserted by SI 2005/2011, arts 2(1), 32(2), Sch 4.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).  
Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

## **[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;
  - (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
- (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.

### 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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 32(2), Sch 4.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

### Subordinate Legislation

General Dental Council (Fitness to Practise) Rules Order of Council 2006, SI 2006/1663 (made under paras 2, 3, 7).

General Dental Council (Registration Appeals) Rules Order of Council 2006, SI 2006/1668 (made under paras 2, 3).

General Dental Council (Fitness to Practise) (Amendment) Rules Order of Council 2016, SI 2016/902 (made under para 2(1)(b)).

## [SCHEDULE 4C ADVISERS]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 41(2), Sch 5.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

[Section 49A]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 41(2), Sch 5.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

**[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—

- (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 [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.

## **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.

## **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.]

## NOTES

### Amendment

Inserted by SI 2005/2011, arts 2(1), 41(2), Sch 5.

Date in force (for the purposes of conferring powers enabling rules, regulations or orders to be made): 19 July 2005: see SI 2005/2011, art 1(4); this power was confirmed from 12 May 2006 in the London, Edinburgh and Belfast Gazettes (published on 5 May 2006).

Date in force (for remaining purposes): 31 July 2006: see SI 2005/2011, art 1(5)–(7) and the London, Edinburgh and Belfast Gazettes, 21 July 2006.

Para 1: in sub-para (5)(c) words “solicitor of the Court of Judicature of Northern Ireland” in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 3, para 5.

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

### Subordinate Legislation

General Dental Council (Fitness to Practise) Rules Order of Council 2006, SI 2006/1663 (made under paras 1–3).


## SCHEDULE 5 CONSEQUENTIAL AMENDMENTS

Section 54(1)

< . . . >

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 1 October 1984: see s 55(1).

### Amendment

This Schedule contains amendments only.

Repealed in part by SI 1987/2047, art 2(a), Schedule, the Value Added Tax Act 1994, s 100(2), Sch 15, and the Health Authorities Act 1995, s 5(1), Sch 3.

Repealed in part by the Enterprise Act 2002, s 278(2), Sch 26.

Date in force: to be appointed: see the Enterprise Act 2002, s 279.

Repealed in part by the Health and Social Care (Community Health and Standards) Act 2003, s 196, Sch 14, Pt 4.

Date in force (in relation to Wales): 1 April 2006: see SI 2006/345, art 7(1), (2)(a).

Date in force (in relation to England): 1 April 2006: see SI 2005/2925, art 11(1), (2)(h).

Repealed in part by the Smoking, Health and Social Care (Scotland) Act 2005, s 42(2), Sch 3.  
Date in force: to be appointed: see the Smoking, Health and Social Care (Scotland) Act 2005, s 43(3).

Repealed in part by the National Health Service (Consequential Provisions) Act 2006, s 6, Sch 4.  
Date in force: 1 March 2007: see the National Health Service (Consequential Provisions) Act 2006, s 8(2).

## SCHEDULE 6 REPEALS AND REVOCATIONS

Section 54(2), (3)

### Part I

Chapter	Short title	Extent of repeal
1957 c. 28.	The Dentists Act 1957.	The whole Act.
1973 c. 31.	The Dentists (Amendment) Act 1973.	The whole Act.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In Schedule 4, paragraph 80.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, paragraphs 8 to 10.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, paragraphs 11 to 13.
1977 c. 49.	The National Health Service Act 1977.	In Schedule 15, paragraph 18.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 10.
1983 c. 38.	The Dentists Act 1983.	The whole Act.
1983 c. 54.	The Medical Act 1983.	In Schedule 5, paragraphs 1 and 19.

### NOTES

#### Initial Commencement

##### *Specified date*

Specified date (in part): 26 August 1984: see s 55(2).

Specified date (remainder): 1 October 1984: see s 55(1).

## 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.

### NOTES

#### Initial Commencement

##### *Specified date*

Specified date: 1 October 1984: see s 55(1).

## SCHEDULE 7 TRANSITIONAL PROVISIONS AND SAVINGS

Section 55(4)

### *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 Dentists Act 1983 shall have effect as if held or made for the purposes of Schedule 1 to this Act.

### *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 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.

#### *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 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 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 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.

#### *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 sub-paragraph (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 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.

### *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 Dentists Act 1956.

## **NOTES**

### **Derivation**

Paras 4-6, 8 derived from the Dentists Act 1983, ss 14(2), 26(2), Sch 4, paras 4, 6(1); para 9 derived from the Dentists Act 1957, s 40(5), the Dentists Act 1983, Sch 4, paras 5, 6(2), and the Dentists Act 1983 (Transitional Provisions) Order 1983, SI 1983/1520, art 2(2); para 10 derived from the Dentists Act 1957, s 48(2).

### **Initial Commencement**

#### ***Specified date***

Specified date: 1 October 1984: see s 55(1).