CHAPTER 28

An Act to consolidate the enactments relating to dentists and other dental workers with corrections and improvements authorised under the Consolidation of Enactments (Procedure) Act, 1949.

[6th June, 1957]

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

Constitution and general duties of Council.

1.—(1) There shall continue to be a body called the General Dental Council whose general concern it shall be to promote high standards of professional education and professional conduct among dentists, and who shall in particular perform the functions assigned to them by this Act.

(2) Part I of the First Schedule to this Act shall have effect with respect to the General Dental Council.

PART II

THE DENTAL PROFESSION

Qualification for registration

Qualification for registration in dentists register.

2.—(1) A person who is a graduate or licentiate in dentistry of one of the dental authorities shall be entitled to be registered in the dentists register in accordance with the provisions of this Act.

PART II —*cont.*

(2) 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, 1956, 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.

(3) For the purposes of this Act the expression " dental authority " means any medical authority within the meaning of the following provisions of this section who grant diplomas in dentistry.

(4) For the purposes of this section the expression " medical authority " means, subject to the next following subsection, any of the universities or other bodies who choose appointed members of the General Medical Council.

(5) If a new university is at any time hereafter created in the Republic of Ireland and any of their examinations become qualifying examinations in medicine, surgery and midwifery for the purposes of the Medical Act, 1956, the expression " medical authority " in this Act shall include that university.

Qualifying examinations

Authority to hold examinations and grant licences.

3.—(1) Any medical authority within the meaning of the last foregoing section who have power for the time being to grant surgical degrees may, notwithstanding anything in any Act of Parliament, 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) The foregoing subsection shall be 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.

Conduct examinations for degrees and licences.

4.—(1) For the purpose of any examinations to qualify for a degree or licence in dentistry held by—

(*a*) any university in England or Wales, Scotland or Ireland,

(*b*) the Royal College of Surgeons of Edinburgh,

(*c*) the Royal Faculty of Physicians and Surgeons of Glasgow, or

(*d*) the Royal College of Surgeons in Ireland,

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

(2) Each of the said boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, one half of whom at least shall be registered dentists, and nothing in any Act of Parliament,

charter or other document shall make it necessary for them to possess any other qualification. PART II —*cont.*

(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 respectively 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 the authority of 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.

Granting of licences by Royal College of Surgeons of England.

5. 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 the eighth day of September, eighteen hundred and fifty-nine, and the 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 said college.

Admission of candidates to examinations.

6. 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 attained the age of twenty-one years, and has complied with the regulations in force (if any) as to education laid down by the dental authority.

Supervision of examinations.

7.—(1) Every dental authority shall from time to time when required by the General Dental Council furnish them with such information as the Council may require as to the course of study and examinations to be gone through in order to obtain a degree or licence in dentistry and generally as to the conditions laid down for obtaining such a degree or licence.

PART II —*cont.*

(2) Any member of the General Dental Council or any person appointed by the Council may be present at any such examinations and the General Dental Council shall have power to remunerate members of the Council, as well as non-members, for being present at the examinations.

Dental education

Functions of Education Committee.

8. The General Dental Council shall refer to their Education Committee for advice on all matters relating to dental education and examinations and that Committee shall be constituted in accordance with paragraph 10 of Part II of the First Schedule to this Act.

Attendance of visitors at dental schools.

9.—(1) The General Dental 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 to dental students under the direction of a dental authority.

(2) It shall be the duty of visitors appointed under this section to report to the General Dental 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 the receipt of a report of a visitor under this section, the Council shall send a copy of the report to the dental authority in question, and on the receipt of the copy a dental authority 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 thereto.

(4) As soon as may be after the expiration of the period specified under the last foregoing subsection the Council shall send a copy of any such report as is therein referred to and of any observations thereon or objections thereto duly made, together with the Council's comments on the report and on any such observations and objections, to the Privy Council.

(5) The Council shall have power to remunerate members of the Council, as well as non-members, for acting as visitors under this section and the remuneration shall be at such rates as the Privy Council may approve.

Remedy where qualifying courses of study or examinations are inadequate.

10.—(1) Where it appears to the General Dental Council that the course of study and examinations to qualify for a degree or licence in dentistry granted by a dental authority 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,

PART II —*cont.*

the General Dental 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) If an order is made under this section, no person shall be entitled to be registered under this Act in respect of a degree or licence in dentistry granted by the dental authority after the time mentioned in the order.

(3) The Privy Council may, if it appears to them on a further representation from the General Dental Council or otherwise that the dental authority in question has made effectual provision to the satisfaction of the General Dental 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.

(4) 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.

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

11.—(1) If it appears to the General Dental Council that a dental authority has 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 General Dental 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 does 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.

Registration of Commonwealth and foreign practitioners

Qualification for registration as a Commonwealth or foreign practitioner.

12.—(1) A person who shows to the satisfaction of the registrar—

(*a*) that he is of good character,

(*b*) that he holds a Commonwealth or a foreign diploma, and

PART II —*cont.*

(*c*) that he has satisfied the General Dental Council that he has the requisite knowledge and skill,

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

(2) Except in a case falling within the next following subsection, the Council shall for the purpose of satisfying themselves that a person has the requisite knowledge and skill, 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.

(3) If the diploma held by the said person 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, that person shall be taken to have satisfied the Council that he has the requisite knowledge and skill.

(4) The Council may 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.

Regulations under this subsection shall not come into force until approved by order of the Privy Council.

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

Temporary registration.

13.—(1) Where the General Dental Council, with a view to permitting any person holding a Commonwealth or foreign diploma temporarily to practise dentistry in a hospital or other institution, give a direction that he be registered as respects practice in that hospital or institution for such a period as may be specified in the direction, that person shall, without showing that any requirements under the last foregoing section are fulfilled in his case, be entitled to be registered in the dentists register in accordance with the provisions of this Act subject to the entry against his name of the restrictions specified in the direction.

(2) Registration under this section shall not make it lawful for a person to practise dentistry otherwise than subject to the said restrictions nor constitute him a registered dentist for the purposes of the First Schedule to this Act.

PART II —*cont.*

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

Meaning of "Commonwealth diploma" and "foreign diploma".

14. In this Act "Commonwealth or foreign diploma" means a diploma granted in a country overseas and recognised for the time being by the General Dental Council for the purposes of this Act, and the diploma shall be a Commonwealth or a foreign diploma according as the country in which it is granted is or is not within the Commonwealth.

Use by registered dentists of titles and descriptions

Use of titles and descriptions.

15.—(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 and a person contravening this subsection shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) If the General Dental Council are of opinion that any special 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 the last foregoing subsection.

(4) If an abbreviated form of a diploma granted in a country overseas is under section nineteen of this Act entered against a person's name in the dentists register, that person shall not take or use, or affix to or use in connection with his premises, any other abbreviation of that diploma and a person contravening this subsection shall be liable on summary conviction to a fine not exceeding fifty pounds.

The dentists register and the procedure for registration

Manner of keeping the register.

16.—(1) There shall continue to be a register known as the dentists register which shall contain three separate alphabetical lists—

(*a*) one of persons registered as graduates or licentiates of a dental authority,

PART II —*cont.*

(*b*) one, to be called the Commonwealth list, of persons registered as holding some Commonwealth diploma,

(*c*) one, to be called the foreign list, of persons registered as holding some foreign diploma.

(2) The register shall be kept by a registrar who shall perform such duties in connection with the dentists register as the General Dental Council may direct and in the execution of his duties he shall act on such evidence as in each case appears sufficient.

(3) The register shall be deemed to be in proper custody when in the custody of the registrar, and shall be of such a public nature as to be admissible as evidence of all matters therein on its mere production from that custody.

(4) A certificate purporting to be a certificate under the hand of the registrar stating that any person is, or was at any date, or is not, or was not at any date, duly registered in the register or stating that any particulars are, or were at any date, or are not, or were not at any date, contained in the register with respect to any person, shall be *prima facie* evidence in all courts of law of the facts stated in the certificate.

(5) Any appointment to the office of registrar shall be made by the General Dental Council and any person appointed shall hold office for such period and shall receive such salary as may be fixed by the Council.

(6) The General Dental Council may appoint a person to act as assistant registrar who shall be paid such salary or remuneration as the Council may from time to time determine.

(7) A registrar who wilfully makes, or causes to be made, any falsification in a matter relating to the dentists register shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment for a term not exceeding twelve months.

Procedure for registration.

17.—(1) Subject to the provisions of subsection (3) of this section and of section thirteen of this Act, any right to registration shall be conditional on the making of an application supported by such evidence as is required by subsection (2) of this section.

(2) A person applying to be registered shall produce or send to the registrar the document conferring or evidencing his licence or other qualification with a statement of his name and address and the other particulars, if any, required for registration.

(3) Any 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 the registrar on receipt of any such lists shall duly register those persons.

PART II
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Power to make regulations with respect to the register.

18.—(1) The General Dental Council may make regulations with respect to the form and keeping of the register and the making of entries and erasures therein and, in particular—

(*a*) prescribing a fee to be charged on the entry of a name in the register 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 the twenty-eighth day of July, nineteen hundred and twenty-one, 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 of additional diplomas of prescribed kinds 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 in or restore to the register any entry until a fee prescribed by regulations under this section has been paid.

(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 paragraph (*b*) of the foregoing subsection and, where a person's name is so erased, that name may be restored to the register on that person's application.

(3) Regulations under this section prescribing fees may provide for the charging of different fees in different classes of cases.

(4) Regulations under this section shall provide that persons registered in the Commonwealth list or the foreign list under section thirteen of this Act shall appear in a separate sub-division of the list in question.

(5) Regulations under this section prescribing fees or authorising the registrar to erase a person's name for non-payment of a fee shall not come into force until approved by order of the Privy Council; and the Privy Council shall not approve any regulations under this section prescribing a fee of an amount exceeding five pounds unless in their opinion a fee of that amount is justified by changes in circumstances which have taken place since the passing of the Dentists Act, 1956.

Selection of proper abbreviations of diplomas granted in countries overseas.

19. Where a person's name is entered in the Commonwealth list or the foreign list, or an additional diploma granted in a country overseas is entered against a person's name in any part of the register, the registrar shall enter the diploma by virtue of which that person is registered or, as the case may be, the additional diploma in such abbreviated form as the registrar

PART II —*cont.*

after consultation with the President of the General Dental Council may select as being convenient but not capable of being mistaken for the abbreviated form of any other diploma.

Publication of the register.

20.—(1) The General Dental Council shall cause a correct copy of the register to be at least once a year printed under their direction, published and sold, and subject to the provisions of this section such a copy shall be admissible in evidence.

(2) Regulations under section eighteen of this Act may provide for the inclusion in such a copy of the register of honours or distinctions accorded to a person in the register but it shall not be admissible as evidence of those honours or distinctions and regulations so made shall require an indication to be given in the copy of the register that the honours or distinctions do not form part of the register itself.

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

21.—(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 the last foregoing subsection or at his request, the name may be restored to the register on his application unless the original entry of his name was incorrectly or fraudulently made.

Erasure on grounds of fraud or error.

22.—(1) It shall be the duty of the General Dental Council to cause to be erased from the register any entry which has been incorrectly or fraudulently made but where a question arises whether an entry is fraudulent it shall be referred to and determined by the Disciplinary Committee.

(2) Where a person's name has been erased on the ground that it was entered fraudulently that name shall not again be entered in the register except on an application in that behalf to the General Dental Council and on any such application the General Dental Council may, if they think fit, direct that the person shall not be registered, or shall not be registered until the expiration of such period as may be specified in the direction.

PART II —*cont.*

(3) The General Dental Council shall refer any application under the last foregoing subsection to the Disciplinary Committee for determination by them.

Alteration of names and addresses.

23. The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any registered person.

Transfer from Commonwealth or foreign list to main list.

24.—(1) If the registrar learns that a person registered in the Commonwealth or foreign list is entitled to be registered as being a graduate or licentiate of a dental authority he shall serve a notice on that person informing him that upon the expiration of a period specified in the notice (being a period of not less than three months from the time of the notice) he proposes to strike that person's name out of the Commonwealth or, as the case may be, the foreign list and also informing that person of his right to be registered as a graduate or licentiate.

(2) On the expiration of the said period, the registrar shall strike that person's name out of the Commonwealth or foreign list in accordance with the notice and shall register that person in the list of dentists registered as being such graduates or licentiates as aforesaid with the entries appearing against his name in the other list when the name was struck out.

(3) Regulations under this Act relating to the register shall not be made so as to require the payment of a fee for the making of an entry under this section.

(4) A notice to be served under this section may be served by post in a registered letter addressed to the dentist at his address in the register, or at 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.

Disciplinary cases

Erasure from register for crime or infamous conduct.

25.—(1) A registered dentist who either before or after registration—

(*a*) has been convicted either in Her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony or misdemeanour, or

(*b*) has been guilty of any infamous or disgraceful conduct in a professional respect,

shall be liable to have his name erased from the register.

(2) A person's name shall not be erased under this section—

(*a*) on account of conviction for an offence which does not, either from the trivial nature of the offence or from the circumstances under which it was committed, disqualify a person for practising dentistry, or

PART II —*cont.*

(*b*) on account of a conviction for a political offence outside the British Isles and the Commonwealth, or

(*c*) on account of his adopting or refraining from adopting any particular theory of dentistry.

(3) In an inquiry under this Act whether a person has been guilty of any infamous or disgraceful conduct in a professional respect, a finding of fact which is shown to have been made in any matrimonial proceedings in the United Kingdom or the Republic of Ireland, being proceedings in the High Court or the Court of Session or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

(4) Where a dental authority in exercise of a power conferred by law strike the name of a person who is a registered dentist off a list of their graduates or licentiates in dentistry and notify to the General Dental Council the fact of the striking off—

(*a*) the registrar shall make a note of the fact in the register, and

(*b*) if the dental authority notify to the Council the findings of fact on which the decision to strike off the name was based, then for the purpose of any such inquiry as is mentioned in subsection (3) of this section the findings may, if the body holding the inquiry think fit, be treated as conclusive of the facts found.

(5) Any case of a person alleged to be liable to have his name erased from the register under this section is hereafter in this Act referred to as a " disciplinary case ".

Committees of Council entrusted with disciplinary cases.

26.—(1) There shall continue to be committees of the General Dental Council known as the Preliminary Proceedings Committee and the Disciplinary Committee which shall be respectively constituted in accordance with paragraph 11 and paragraph 12 of Part II of the First Schedule to this Act.

(2) It shall be the function of the Preliminary Proceedings Committee to decide whether a disciplinary case ought to be referred to the Disciplinary Committee to be dealt with by them in accordance with the following provisions of this section.

(3) If after the Preliminary Proceedings Committee have referred a disciplinary case to the Disciplinary Committee, but before the Disciplinary Committee have opened their enquiry into the case, it appears to the Disciplinary Committee that the question whether an enquiry should be held needs further consideration, they may refer the disciplinary case back to the Preliminary Proceedings Committee for consideration of that question but, subject to that, it shall be the duty of the Disciplinary Committee to hold an enquiry into any disciplinary case referred to them under this section and the Disciplinary

PART II —*cont.*

Committee, if satisfied as to the facts rendering the person in question liable to have his name erased, may determine that the name of that person shall be erased from the register.

(4) Where the Disciplinary Committee determine that a person's name shall be erased from the register, the registrar shall serve on him a notification of the determination of the Committee which notification may be served by post in a registered letter addressed to that person at his address in the register, or at 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.

Proceedings in disciplinary cases.

27.—(1) Subject to the provisions of this section, the General Dental Council shall make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee under the last foregoing section and in particular—

(*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 before the Committee to be held in public except in so far as may be provided by the rules;

(*e*) for requiring, in cases where it is alleged that a registered dentist has been guilty of infamous or disgraceful conduct in a professional respect, that where the Committee judge that the allegation has not been proved they shall record a finding that the dentist is not guilty of such conduct in respect of the matters to which the allegation relates.

(2) Before making rules under this section the Council shall consult such bodies of persons representing dentists as appear to the Council requisite to be consulted.

(3) Rules under this section shall not come into force until approved by order of the Privy Council contained in a statutory instrument, and the Privy Council may approve such rules either as submitted to them or subject to such modifications as appear to them requisite:

Provided that where the Privy Council propose to approve any rules subject to modifications they shall notify to the General

PART II —*cont.*

Dental Council the modifications they propose to make and consider any observations of the General Dental Council thereon.

Assessor in disciplinary cases.

28.—(1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before them in disciplinary cases there shall in all such proceedings be an assessor to the Committee who shall be a barrister, advocate or solicitor of not less than ten years standing.

(2) The power of appointing assessors under this section shall be exercisable by the General Dental Council but if no assessor appointed by them is available to act at any particular proceedings the Disciplinary Committee may appoint an assessor under this section to act at those proceedings.

(3) The Lord Chancellor may by statutory instrument make rules as to the functions of assessors appointed under this section, and, in particular, rules under this subsection may contain such provisions for securing—

(*a*) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other matters specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears thereat or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

(*b*) that every such party or person as aforesaid shall be informed if in any case the Committee do not accept the advice of the assessor on any such question as aforesaid,

and such incidental and supplementary provisions, as appear to the Lord Chancellor expedient.

(4) Subject to the provisions of this section, an assessor under this section may be appointed either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(5) Any remuneration paid by the General Dental Council to persons appointed to act as assessors shall be at such rates as the Privy Council may approve.

Appeals in disciplinary cases.

29.—(1) At any time within twenty-eight days from the service of a notification that the Disciplinary Committee have determined under the foregoing provisions of this Act that the name of a person shall be erased from the register, that person may, in accordance with such rules as Her Majesty in Council may by Order provide for the purposes of this section, appeal

PART II —*cont.*

to Her Majesty in Council; and the Judicial Committee Act, 1833, shall apply in relation to the Disciplinary Committee as it applies to such courts as are mentioned in section three of that Act (which provides for the reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).

(2) The General Dental Council may appear as respondent on any such appeal; and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.

(3) Where no appeal is brought against the determination or where such an appeal is brought but withdrawn or struck out for want of prosecution, the determination shall take effect on the expiration of the time for appealing, or, as the case may be, on the withdrawal or striking out of the appeal.

(4) Subject as aforesaid, where an appeal is brought against the determination the determination shall take effect if and when the appeal is dismissed and not otherwise.

Restoration of name erased in a disciplinary case.

30.—(1) Where a person's name has been erased from the register in consequence of a decision in a disciplinary case, the name of that person shall not again be entered in the register except by direction of the General Dental Council, but the Council may direct that the name of that person shall be restored to the register:

Provided that an application for the restoration of a name to the register shall not be made to the Council—

(*a*) within ten months from the date of erasure; or

(*b*) within ten months from a previous application.

(2) The General Dental Council shall refer any application under this section to the Disciplinary Committee for determination by them.

Co-operation with Dental Board of Republic of Ireland.

31.—(1) With a view to preventing the holding of simultaneous inquiries—

(*a*) the General Dental Council shall report to the Dental Board of the Republic of Ireland every case in which it is proposed, in connection with the exercise of the disciplinary powers of the Council or of the Council's committees, to hold an inquiry into the conduct in the United Kingdom of a person registered in the dental register of the Republic of Ireland;

(*b*) where the General Dental Council receives a report from the Dental Board of the Republic of Ireland as to a proposal to hold an inquiry in connection with the exercise of the disciplinary powers of that Board,

PART II —*cont.*

the Council and the Council's committees shall have regard to the desirability of postponing inquiry by them into the matter to which the report relates until the inquiry by the Dental Board of the Republic of Ireland is completed.

(2) The General Dental Council shall report to the Dental Board of the Republic of Ireland every case in which disciplinary action resulting in erasure from the register is taken against a person registered in the dental register of the Republic of Ireland.

Exemption from jury service and certain other duties

Exemption from jury service and certain other duties.

32.—(1) A registered dentist shall, if he so wishes, be exempt from serving on all juries and inquests whatsoever, and from serving in any corporate, parochial, ward, hundred or township office and the name of such a person shall not be returned in any list of persons liable to serve in any such office as aforesaid.

(2) Nothing in this section shall affect subsection (1) of section two of the Juries Act, 1922 (which provides that persons named in the jurors book shall be liable to serve as jurors notwithstanding that they might have claimed exemption).

PART III

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

The practice of dentistry

Definition of practice of dentistry.

33.—(1) 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.

(2) Dental work shall not be treated for the purposes of this Act as amounting to the practice of dentistry if it is undertaken—

(*a*) by a person recognised by a dental authority as a student of dentistry, or by a person recognised by a medical authority as a medical student, as part of a course of instruction approved by that authority for students of that kind, or as part of an examination so approved, or

(*b*) by any person as part of a course of instruction which he is following in order to qualify for membership of

a class of ancillary dental workers or as part of examinations which must be passed in order to qualify for membership of a class of ancillary dental workers,

but subject to the foregoing provisions of this subsection a person who undertakes dental work in the course of his studies shall be treated for the purposes of this Act as practising dentistry if he would have been treated for those purposes as practising dentistry if he had undertaken that work in the course of earning his livelihood.

(3) In this section the expression " medical authority " means one of the universities and other bodies who choose appointed members of the General Medical Council.

Prohibition on practice of dentistry by laymen.

34.—(1) A person who is not a registered dentist or a registered medical practitioner shall not practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry and a person who acts in contravention of this subsection shall be liable—

(*a*) on conviction on indictment to a fine not exceeding five hundred pounds, and

(*b*) on summary conviction to a fine not exceeding one hundred pounds.

(2) Nothing in this section shall operate to prevent—

(*a*) the extraction of a tooth by a duly registered pharmaceutical chemist where the case is urgent and no registered medical practitioner or registered dentist is available and the operation is performed without the application of any general or local anæsthetic, or

(*b*) the performance in any public dental service of minor dental work by any person under the personal supervision of a registered dentist and in accordance with conditions approved by the Minister of Health after consultation with the General Dental Council or (in the case of conditions laid down before the setting up of the General Dental Council) with the Dental Board.

(3) Summary proceedings for an offence under this section may, notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, or any corresponding enactment forming part of the law of Scotland or Northern Ireland be instituted at any time within one year from the commission of the offence.

(4) In the application of this section to Scotland a reference to the Secretary of State shall be substituted for the reference to the Minister of Health and in the application of this section to Northern Ireland a reference to the Ministry of Health and Local Government in Northern Ireland shall be substituted for

PART III —*cont.*

the like reference and the reference to a registered chemist shall include a reference to a registered druggist and to a licentiate apothecary.

Prohibition on use of practitioners' titles by laymen.

35.—(1) A person who is not a registered dentist or a registered medical practitioner shall not take or use the title of dentist, dental surgeon or dental practitioner, either alone or in combination with any other word, and no person shall take or use any title or description implying that he is a registered dentist unless he is a registered dentist.

(2) A person who acts in contravention of the provisions of this section shall be liable—

(*a*) on conviction on indictment to a fine not exceeding five hundred pounds, and

(*b*) on summary conviction to a fine not exceeding one hundred pounds.

Restrictions on carrying on the business of dentistry

Definition of business of dentistry.

36.—(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 the foregoing subsection neither the receipt of payments—

(*a*) by an authority providing national and local authority health services, 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 Minister of Health or the Secretary of State or the Ministry of Health and Local Government for Northern Ireland,

nor the receipt of payment in respect of any such operation as is mentioned in paragraph (*a*) of subsection (2) of section thirty-four of this Act shall constitute the carrying on of the business of dentistry for the said purposes.

Restriction on individuals.

37.—(1) Subject to the provisions of this section, an individual who is not a registered dentist or a registered medical practitioner shall not carry on the business of dentistry unless he was engaged in carrying on the business of dentistry on the twenty-first day of July, nineteen hundred and fifty-five, and an individual who contravenes this section shall be liable—

(*a*) on conviction on indictment to a fine not exceeding five hundred pounds, and

(*b*) on summary conviction to a fine not exceeding one hundred pounds.

PART III —*cont.*

(2) Where a registered dentist or registered medical practitioner who died on or after the fourth day of July, nineteen hundred and fifty-six, 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 widow or any of his children, or trustees on behalf of his widow 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.

(3) Where a registered dentist or a registered medical practitioner who died before the fourth day of July, nineteen hundred and fifty-six, was at his death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent—

(*a*) his personal representatives or any of his children or trustees on behalf of any of his children from carrying on the business of dentistry in continuance of that business or practice at any time before the fourth day of July, nineteen hundred and fifty-nine, or

(*b*) his widow or trustees on behalf of his widow from carrying on the business of dentistry in continuance of that business or practice at any time during her life.

(4) Where a registered dentist or registered medical practitioner 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 or, if he became bankrupt before the fourth day of July, nineteen hundred and fifty-six, at any time before the fourth day of July, nineteen hundred and fifty-nine.

Restrictions on bodies corporate.

38.—(1) It shall be unlawful for a body corporate, other than one exempted under the next following section, to carry on the business of dentistry and a body contravening this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) Where a body corporate is convicted of an offence under this section, every director and manager thereof shall, unless he proves that the offence was committed without his knowledge, be guilty of the like offence.

Bodies corporate entitled to carry on business of dentistry.

39.—(1) A body corporate may, subject to the following provisions of this Act, carry on the business of dentistry—

(*a*) if it was carrying on the business of dentistry on the twenty-first day of July, nineteen hundred and fifty-five, and

PART III —*cont.*

(*b*) if it carries on no business other than dentistry or some business ancillary to the business of dentistry, and

(*c*) if a majority of the directors are registered dentists, and

(*d*) if all its operating staff are either registered dentists or ancillary dental workers:

Provided that paragraph (*a*) of this subsection shall not apply—

(i) to a society registered under the Industrial and Provident Societies Acts, 1893 to 1954, or the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955, or

(ii) to a body corporate coming into existence on the reconstruction of a body corporate carrying on business on the said day or on the amalgamation of two or more such bodies.

(2) Paragraph (*b*) of the foregoing subsection shall not apply to a body corporate which was carrying on the business of dentistry before the twenty-eighth day of July, nineteen hundred and twenty-one, so as to prevent it from carrying on any business which that body was at that date lawfully entitled to carry on.

(3) Every body corporate carrying on the business of dentistry shall in every year transmit to the registrar a statement in the prescribed form containing the names and addresses of all persons who are its directors or managers or who perform dental operations in connection with its business and if any such body corporate fails to do so, it shall be deemed to be carrying on the business of dentistry in contravention of the provisions of the last foregoing section.

(4) Nothing in this section shall prevent a body corporate from carrying on the business of dentistry in the circumstances mentioned in subsections (2), (3) and (4) of section thirty-seven of this Act, and the last foregoing subsection shall not apply in those circumstances.

(5) In this section " prescribed " means prescribed by regulations made by the General Dental Council.

Withdrawal of privilege from body corporate.

40.—(1) Where—

(*a*) a body corporate is convicted of an offence under section thirty-eight of this Act, or

(*b*) the name of a director of a body corporate is erased from the register under section twenty-five of this Act, or

(*c*) a director of a body corporate is convicted under section thirty-four or section thirty-seven of this Act,

the Disciplinary Committee may direct that the exemption conferred by the last foregoing section shall cease to extend to

that body corporate as from such date as the Committee may specify:

Provided that the Committee shall not take a case into consideration while proceedings by way of appeal are pending which may result in this subsection being rendered inapplicable in that case nor during the period within which any such proceedings as aforesaid may be brought.

(2) Where—

(*a*) the name of a member of the operating staff of a body corporate is erased from the register under section twenty-five of this Act, and

(*b*) in the opinion of the Disciplinary Committee the act or omission constituting the offence or infamous or disgraceful conduct 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 a continuing act or omission, a director of the body corporate had, or reasonably ought to have had, knowledge of the continuance thereof,

the Committee may direct that the exemption conferred by the last foregoing section shall cease to extend to that body corporate as from such date as the Committee may specify:

Provided that the Committee shall not take a case into consideration while proceedings by way of appeal are pending which may result in this subsection being rendered inapplicable in that case nor during the period in which any such proceedings as aforesaid may be brought.

(3) Where the Disciplinary Committee determine under either of the foregoing subsections that the exemption conferred by the last foregoing section shall cease to extend to a body corporate, the Committee shall notify the body corporate of their determination and the body corporate may, within twenty-eight days of the notification, in accordance with such rules as Her Majesty in Council may by Order provide for the purposes of this section, appeal to Her Majesty in Council—

(*a*) in the case of a determination under subsection (1) of this section on the ground that, notwithstanding the conviction or, as the case may be, the erasure of the name, the Disciplinary Committee's decision was unjustified; and

(*b*) in the case of a determination under subsection (2) of this section, on the ground that the opinion of the Disciplinary Committee as to the matters referred to in paragraph (*b*) of the said subsection (2) was incorrect or that, although that opinion was correct, the Committee's decision was unjustified.

PART III —*cont.*

(4) The provisions of section twenty-nine of this Act shall apply for the purposes of the last foregoing subsection as they apply in relation to an appeal under that section.

(5) A body corporate shall not be liable under this section to be deprived of the right to carry on the business of dentistry in consequence of the erasure of the name of a director or member of the operating staff or in consequence of a conviction of the body corporate or of a director if the erasure or conviction took place before the fourth day of July, nineteen hundred and fifty-six.

PART IV

ANCILLARY DENTAL WORKERS

Power of Council to create classes of ancillary dental workers.

41.—(1) Subject to the provisions of this and the next following section, the General Dental Council may by statutory instrument make regulations for the establishment of classes of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry (as defined in this Act).

(2) Regulations under this section may in particular make provision as respects any class so established—

(*a*) for prescribing the qualifications for becoming a member of that class;

(*b*) for prescribing the dental work which a member of that class may undertake and the conditions, if any, under which he may undertake it;

(*c*) for the establishment of a roll or record for that class.

(3) The regulations shall be so framed as to secure that provisions in the regulations as to the arrangements to be made for training persons to become members of a class of ancillary dental workers do not materially impair the facilities for the training of dental students.

(4) Regulations under this section may authorise members of a class of ancillary dental workers established by the regulations to use a title indicating their membership, and a person who wilfully uses that title when he is not authorised under the regulations to use that title shall, on summary conviction, be liable to a fine not exceeding fifty pounds.

(5) If a member of a class of ancillary dental workers uses any title or description reasonably calculated to suggest that he possesses any status or qualification connected with dentistry other than a status or qualification which he in fact possesses and which is indicated by particulars entered in the roll or record of the class in respect of him, he shall be liable on summary conviction to a fine not exceeding fifty pounds:

PART IV —*cont.*

Provided that where the regulations do not provide for a roll or record of the class in which particulars of status and qualifications may be entered, this subsection shall have effect as if the words " and which is indicated by particulars entered in the roll or record of the class in respect of him " were omitted.

(6) If after regulations have been made under this section establishing a class of ancillary dental workers the General Dental Council propose to make further regulations varying the provisions relating to that class or abolishing that class, the further regulations shall be so framed as to secure that a person belonging to that class at the time when the further regulations are made is still permitted to do any dental work of a kind which he was previously permitted to do:

Provided that the Council need not comply with this subsection in framing the regulations if they are satisfied that reasonable steps have been taken to give to each of the persons belonging to the class in question particulars of their proposals with an opportunity of raising objections and none of those persons has maintained any objection to those proposals.

(7) Where a roll or record is established for a class of ancillary dental workers, regulations under this section may, in particular, provide for—

(*a*) prescribing a fee to be charged when a person's name is entered in the roll or record,

(*b*) prescribing a fee to be charged in respect of the retention of a person's name in the roll or record in any year subsequent to the year in which that person's name was first recorded, and

(*c*) authorising the person in charge of the roll or record to erase from the roll or record 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 the last foregoing paragraph.

(8) Section thirty-four of this Act shall not operate to prevent a person doing anything which he is permitted to do by regulations under this section, and the prohibition contained in that section on a person holding himself out as practising or being prepared to practise dentistry shall not apply to a person for the time being permitted by regulations under this section to practise dentistry of any particular kind.

(9) The General Dental Council shall not make any regulations under this section unless a draft of those regulations which has been approved by the Privy Council has been laid before Parliament and has been approved by a resolution of each House of Parliament, and the Privy Council shall not approve a draft of regulations prescribing—

(*a*) a fee under paragraph (*a*) of subsection (7) of this section of an amount exceeding two pounds, or

PART IV —*cont.*

(*b*) a fee under paragraph (*b*) of that subsection of an amount exceeding one pound,

unless in their opinion a fee of that amount is justified by changes in circumstances which have taken place since the passing of the Dentists Act, 1956.

Restrictions on employment of ancillary dental workers.

42.—(1) Regulations under the last foregoing section shall not permit an ancillary dental worker of any class to undertake—

(*a*) the extraction of teeth other than deciduous teeth, or

(*b*) except in the course of the provision of national and local authority health services, the filling of teeth or the extraction of deciduous teeth, or

(*c*) the fitting, insertion or fixing of dentures or artificial teeth.

(2) Regulations under the last foregoing section shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by an ancillary dental worker in the course of the provision of national and local authority health services is carried out under the direction of a registered dentist, and it shall be the duty of the General Dental Council to secure, either by provision in the said regulations or otherwise, that, so long as they think it advisable, such work is only carried out after the registered dentist has examined the patient and has indicated to the ancillary dental worker the course of treatment to be provided for the patient.

(3) Regulations under the last foregoing section shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by an ancillary dental worker otherwise than in the course of providing national and local authority health services is carried out under the direct personal supervision of a registered dentist.

(4) References in this section and in any other provision of this Act to the provision of national and local authority health services shall be construed as references to the provision—

(*a*) of hospital and specialist services under Part II of the National Health Service Act, 1946, Part II of the National Health Service (Scotland) Act, 1947, or Part III of the Health Services Act (Northern Ireland), 1948, or

(*b*) of services at health centres under section twenty-one of the National Health Service Act, 1946, section fifteen of the National Health Service (Scotland) Act, 1947, or section seventeen of the Health Services Act (Northern Ireland), 1948, or

PART IV —*cont.*

(*c*) of services for mothers and young children under section twenty-two of the National Health Service Act, 1946, section twenty-two of the National Health Service (Scotland) Act, 1947, or section thirty-eight of the Health Services Act (Northern Ireland), 1948, or

(*d*) of medical inspection and treatment of pupils under section forty-eight or seventy-eight of the Education Act, 1944, section four of the Education (Miscellaneous Provisions) Act, 1953, section fifty-one of the Education (Scotland) Act, 1946, section six of the Education (Scotland) Act, 1956, or section forty-two or subsection (2) of section seventy-four of the Education Act (Northern Ireland), 1947.

Duty to make arrangements for experimental scheme.

43.—(1) If the Privy Council, after consulting the General Dental Council, are of opinion that, in order that the value to the community of the existence of a class of ancillary dental workers—

(*a*) permitted to undertake the filling of teeth and the extraction of deciduous teeth, and

(*b*) employed to do work of that kind in the course of the provision of national and local authority health services,

may be judged, the experiment provided for by the following subsections of this section should be carried out, they may require the General Dental Council to comply with the following subsections of this section; and those subsections shall not come into operation unless the Privy Council make that requirement.

(2) The General Dental Council shall make arrangements for encouraging and helping a number of persons to undergo training approved by the General Dental Council for the purposes of this section and arrangements for making available to such of those persons as, in the opinion of the General Dental Council, attain the necessary standards of proficiency, employment in the course of the provision of national and local authority health services.

(3) The General Dental Council shall ensure that the number of persons selected to undergo training under the arrangements is adequate having regard to the conclusions which will be drawn from the experiment under this section.

(4) The General Dental Council shall delegate their functions under subsections (2) and (3) of this section to a committee constituted in accordance with paragraph 13 of Part II of the First Schedule to this Act and that committee shall carry out those functions subject to the general control of the Council.

PART IV —*cont.*

(5) The General Dental Council may by regulations contained in a statutory instrument prescribe the kinds of dental work which persons designated by the regulations, being persons to whom employment is made available under the arrangements, may undertake in the course of the provision of national and local authority health services and the conditions subject to which they may undertake work of that kind and subsection (8) of section forty-one of this Act shall apply in relation to regulations under this subsection as it applies in relation to regulations under that section.

(6) The General Dental Council shall exercise the power conferred by the last foregoing subsection so as to secure that—

(*a*) while the arrangements are in force, persons to whom employment is made available under the arrangements are not permitted to practise dentistry except in accordance with the arrangements; and

(*b*) when the arrangements have been terminated, the persons who have in the opinion of the General Dental Council attained the necessary standards of proficiency under the arrangements shall, unless they infringe disciplinary provisions laid down by the regulations, or unless they become qualified to become members of such a class as is referred to in subsection (1) of this section, continue to have an opportunity to earn their livelihood by doing work of the kind for which they have been trained under the arrangements.

(7) The General Dental Council shall, not later than three years after the arrangements are set in train, make to the Privy Council an interim report on the progress of the experiment under this section, and the Privy Council shall lay the said report before Parliament.

(8) The Minister of Health and the Secretary of State shall have power with the consent of the Treasury to contribute out of moneys provided by Parliament towards defraying expenses incurred by the General Dental Council in connection with the making of arrangements under this section.

Termination of experimental scheme.

44.—(1) The Privy Council may, when, after consulting the General Dental Council, it appears to them that they are in a position to judge the results of the arrangements under the last foregoing section, require the General Dental Council to terminate the arrangements; and the General Dental Council shall have regard to the desirability of not admitting persons for training under the arrangements under such circumstances that they are unlikely to have completed their training before the arrangements are terminated.

PART IV —*cont.*

(2) The General Dental Council on being required by the Privy Council to terminate the arrangements shall make to them a final report on the results of the experiment and the Privy Council shall lay the report before Parliament.

(3) After the termination of the arrangements the Privy Council, unless in the light of the said reports they conclude that the existence of such a class of ancillary dental workers as is referred to in subsection (1) of the last foregoing section would not be of value to the community, may require the General Dental Council to make regulations under section forty-one of this Act for the establishment of such a class as aforesaid; and the General Dental Council shall comply with the requirement.

This subsection shall be without prejudice to the power of the Council to make such regulations without any requirement.

Establishment of Ancillary Dental Workers Committee.

45.—(1) The General Dental Council shall set up an Ancillary Dental Workers Committee and shall refer to the Committee all matters connected with ancillary dental services.

(2) Paragraph 14 of Part II of the First Schedule to this Act shall have effect as respects the Ancillary Dental Workers Committee.

(3) Regulations under section forty-one of this Act may provide for entrusting to the Ancillary Dental Workers Committee the duty of enforcing standards of conduct among ancillary dental workers and for enabling that Committee to withdraw from a person not conforming to those standards the right to undertake dental work as an ancillary dental worker of all or any classes.

PART V

SUPPLEMENTAL

Provisions as to proceedings before Disciplinary Committee.

46.—(1) For the purposes of any proceedings under this Act before the Disciplinary Committee relating to the removal of a person's name from the register, or its restoration to the register, or relating to the withdrawal from a body corporate of the right to carry on the business of dentistry, the Committee may administer oaths, and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) Section forty-nine of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides a special procedure for the issue of such writs so as to be in force throughout the

PART V —*cont.*

United Kingdom), shall apply in relation to any such proceedings as aforesaid as it applies in relation to causes or matters in the High Court.

(3) In relation to proceedings before the Disciplinary Committee, the expression " party " means, unless the context otherwise requires,—

(*a*) in a case relating to the removal of a person's name from the register or its restoration to the register, that person, and

(*b*) in a case relating to the withdrawal from a body corporate of a right to carry on the business of dentistry, that body corporate and any director of that body corporate, and

(*c*) in any case, any person on whose complaint the proceedings are brought or any solicitor appointed by the General Dental Council to represent them at the proceedings.

Exercise of powers conferred on Privy Council.

47. The powers conferred by this Act on the Privy Council (other than the power of hearing appeals against determinations to erase names from the register or determinations to withdraw from bodies corporate the right to carry on the business of dentistry) shall be exercisable by any two or more members of the Privy Council.

Rules, regulations, orders and other instruments.

48.—(1) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing regulations made by the General Dental Council under this Act in like manner as if the regulations had been made by a Minister of the Crown.

(2) Prima facie evidence of any document issued by the General Dental Council or the Dental Board (that is to say the Board dissolved in pursuance of the Dentists Act, 1956, and replaced by the General Dental 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 General Dental 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.

Transitional provisions as respects employees prejudiced by dissolution of Dental Board.

49. The Privy Council may by statutory instrument make regulations for compensating, out of the funds of the General Dental Council, such of the employees of the Dental Board as have suffered loss of employment or loss or diminution of emoluments attributable to the dissolution of the Dental Board and the other consequences of the passing of the Dentists Act, 1956.

Interpretation.

50.—(1) In this Act—

"dental authority" has the meaning assigned to it by section two of this Act;

"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 within or without Her Majesty's dominions;

"Commonwealth diploma" and "foreign diploma" have the meanings assigned to them by section fourteen of this Act;

"disciplinary case" has the meaning assigned to it by section twenty-five of this Act;

"practice of dentistry" has the meaning assigned to it by section thirty-three of this Act.

(2) References in this Act to the provision of national and local authority health services shall be construed in accordance with the provisions of section forty-two of this Act.

(3) Any reference in this Act to any provision of any other Act shall, unless the context otherwise requires, be construed as including a reference to that provision as amended by any other Act, including any Act of the Parliament of Northern Ireland.

Repeal and savings.

51.—(1) The enactments set out in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(2) Nothing in the repeals made by this section shall affect any bye-law, rule, regulation, order or other instrument made under an enactment repealed by this section, or any appointment, election, nomination, application, authority, direction, notice, registration or other thing so made, given or done and every such instrument or other thing which at the commencement of this Act has effect or is continued in force under an enactment so repealed shall continue in force and, so far as it could have been made, given or done under the corresponding provision of this Act, shall have effect as if made, given or done under that provision.

(3) Without prejudice to subsection (2) of this section, the said repeals shall not affect the continued registration in the dentists register of persons duly admitted to the register under any enactment not reproduced in this Act.

PART V —*cont.*

(4) A reference in any Act to colonial dentists or to registration as a colonial dentist shall, unless the context otherwise requires, be construed as a reference to dentists registered in the Commonwealth list and to registration as a Commonwealth dentist.

(5) Any enactment or other document whatsoever referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment in this Act.

(6) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Application to Northern Ireland.

52. It is hereby declared that this Act extends to Northern Ireland and for the purposes of section six of the Government of Ireland Act, 1920 (which precludes the Parliament of Northern Ireland from amending Acts of Parliament of the United Kingdom passed after the day appointed under that Act) this Act shall be treated as passed before that day.

Short title and commencement.

53.—(1) This Act may be cited as the Dentists Act, 1957.

(2) This Act shall come into operation at the expiration of a period of three months beginning with the date on which it is passed.

SCHEDULES

Sections 1, 8, 26, 43, 45.

FIRST SCHEDULE

THE GENERAL DENTAL COUNCIL AND ITS COMMITTEES

PART I

CONSTITUTION, ETC., OF COUNCIL

1. The General Dental Council shall be a body corporate, shall have a common seal, and shall have power to acquire and hold land without licence in mortmain.

2.—(1) The General Dental Council shall consist of eighteen members together with the members to be nominated under this Part of this Schedule by the authorities who are for the time being dental authorities.

(2) Of the members of the Council—

(*a*) eleven shall be elected by registered dentists from among themselves;

(*b*) three, who shall be registered dentists, shall be nominated by Her Majesty on the advice of Her Privy Council;

(*c*) three, who shall not be registered dentists, and of whom two shall be chosen for England and Wales and one for Scotland, shall be nominated by Her Majesty on the advice of Her Privy Council;

(*d*) one, who shall not be a registered dentist, shall be nominated by the Governor of Northern Ireland;

and of the remaining members, all of whom shall be registered dentists, the University of London (so long as it is a dental authority) shall nominate two, and every other authority which is for the time being a dental authority shall nominate one.

(3) In addition there shall be six persons nominated by the General Medical Council from among members of that Council who shall act and vote as members of the General Dental Council in connection with dental education and examinations, but who, save as otherwise expressly provided by this sub-paragraph or any other provision of this Act, shall not be treated as members of the General Dental Council for the purposes of this Act:

Provided that no proceedings of the General Dental Council shall be invalid by reason of any member nominated by the General Medical Council having acted or voted in a manner not permitted by this sub-paragraph.

3.—(1) The term of office of those elected as members of the General Dental Council on its establishment shall end at the expiration of five years from the fourth day of July, nineteen hundred and fifty-six, and on that date in the year nineteen hundred and sixty-one, and at the expiration of each succeeding period of five years, all the persons who are then elected members of the Council shall retire together; and elections shall be held accordingly before the end of each of the said periods.

(2) An election shall be held to fill a casual vacancy among the elected members if, and only if, the vacancy occurs more than twelve months before the beginning of the next five-year perod.

1ST SCH. —*cont.*

(3) Of the eleven elected members—

(*a*) seven shall be elected by the dentists whose addresses in the register are in England, the Isle of Man or the Channel Islands;

(*b*) one shall be elected by the dentists whose addresses in the register are in Wales;

(*c*) two shall be elected by the dentists whose addresses in the register are in Scotland;

(*d*) one shall be elected by the dentists whose addresses in the register are in Ireland.

(4) Elections under this paragraph shall be conducted in accordance with rules made by the General Dental Council which shall include provision—

(*a*) for nominations being made by registered dentists;

(*b*) for the use of voting papers and for voting by post.

(5) This paragraph shall apply in relation to Monmouthshire as if it were part of Wales and not part of England and references to England and Wales shall be construed accordingly.

4.—(1) The term of office of those nominated as members of the Council shall end at the expiration of three years from the fourth day of July, nineteen hundred and fifty-six, and on that date in the year nineteen hundred and fifty-nine, and at the expiration of each succeeding period of five years, all the persons who are then nominated members of the Council shall retire together; and nominations shall be made accordingly before the end of the said three-year period and of each five-year period.

(2) A nomination shall be made to fill a casual vacancy among the nominated members whenever it occurs.

(3) In this paragraph references to nominated members include references to members nominated by the General Medical Council for the limited purposes set out in sub-paragraph (3) of paragraph 2 of this Part of this Schedule.

(4) Where in the course of the said period of three years or one of the said periods of five years an authority becomes for the first time a dental authority, the right of that authority to nominate a member of the General Dental Council shall be postponed until the end of that period.

5.—(1) The General Dental Council shall elect a registered dentist as President from among the members of the Council.

(2) The President shall hold office until he next retires from membership of the Council.

6. A person shall not be disqualified for being elected or nominated as a member of the Council or for being elected as President of the Council by reason of having already served as a member or, as the case may be, as President.

General powers of Council

7.—(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 its members, including the members nominated by the General Medical Council, fees for attendance at meetings of the Council or its committees and travelling and subsistence allowances while attending such meetings or while on any other business of the Council but, save as expressly provided by this paragraph or any other provision of this Act, the Council shall not have power to pay to its members any remuneration for doing the business of the Council and shall not have power to pay the said fees for attendance to a member of the Council who is also a member of the House of Commons or a member of the Senate or House of Commons of Northern Ireland.

(3) The powers of the Council and of any of the Council's committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or of any of the Council's committees shall be invalidated by any defect in the appointment of a member.

8.—(1) The Council may, after paying their expenses, including the payments authorised under this Schedule to be made to their members and the salaries or remuneration of their officers, allocate any money received by them whether by way of fees or otherwise to purposes connected with dental education and research or any other public purposes connected with the profession of dentistry in such manner as they may think fit.

(2) The Council shall keep accounts of all sums received or paid by them under this Act and the accounts shall be audited in manner prescribed by regulations made by the Privy Council and shall be published annually and laid before Parliament.

9.—(1) The Council may make rules for regulating the proceedings (including quorum) of the Council and for delegating, subject to the provisions of this Act, to committees, including the committees referred to in Part II of this Schedule, functions of the Council and, subject as aforesaid, for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in Part II of this Schedule and any sub-committees.

(2) The power conferred by the foregoing sub-paragraph shall include power to make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee (other than proceedings in disciplinary cases) but rules under this sub-paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument:

Provided that before making any rules under this sub-paragraph the Council shall consult with such bodies of persons representing dentists as appear to the Council requisite to be consulted.

(3) Nothing in this paragraph shall authorise the Council to delegate any power of making rules or regulations under any other provision of this Act or the power of appointing assessors in inquiries in disciplinary cases.

1ST SCH. —*cont.*

PART II

COMMITTEES OF THE COUNCIL

The Education Committee

10.—(1) The Education Committee shall consist of the President and eight other members of the Council (who shall all be registered dentists) and those persons who are only members of the Council for the limited purposes set out in sub-paragraph (3) of paragraph 2 of Part I of this Schedule.

(2) The Committee shall appoint a registered dentist to be chairman from among the members of the Committee.

The Preliminary Proceedings Committee

11. The Preliminary Proceedings Committee shall consist of the President and five other members of the Council of whom one shall be a person who is not a registered dentist:

Provided that the President may appoint for the consideration of any particular case one or two members of the Council to be additional members of the Committee notwithstanding that the membership of the Committee is thereby raised to seven or eight.

The Disciplinary Committee

12.—(1) The Disciplinary Committee shall consist of the President and ten other members of the Council of whom at least four shall be elected members of the Council and at least two shall be neither such elected members nor registered dentists.

(2) A member of the Preliminary Proceedings Committee other than the President of the Council shall not at the same time be a member of the Disciplinary Committee.

(3) At any meeting of the Disciplinary Committee the President of the Council or, in his absence, such member of the Committee as the Committee may choose, shall be chairman.

(4) All acts of the Disciplinary Committee shall be decided by a majority of the members present at any meeting.

(5) The quorum for a meeting of the Disciplinary Committee shall be five, of whom at least one shall be an elected member of the Council.

The committee entrusted with carrying out the experimental scheme for training ancillary dental workers

13.—(1) The committee entrusted with carrying out the experimental scheme for training ancillary dental workers shall consist of the President and eight other members of the Council and four persons who need not be members of the Council.

(2) Not less than three of the said eight members of the committee shall be members of the Council appointed by the dental authorities and not less than two of the said eight members of the committee shall be members of the Council elected by registered dentists.

(3) The four members of the committee who need not be members of the Council shall be appointed by the Privy Council, and of those four members of the committee two shall be registered dentists who

are employed in the course of the provision of national and local authority health services and one shall be a person who is not a registered dentist.

(4) The committee shall appoint a registered dentist to be chairman from among the members of the committee.

The Ancillary Dental Workers Committee

14.—(1) The Ancillary Dental Workers Committee shall consist of the President and eight other members of the Council and six persons who are not members of the Council.

(2) Not more than six members of the Committee (excluding the President) shall be both members of the Council and registered dentists.

(3) Three of the six members of the Committee who are not members of the Council shall be appointed by the Minister of Health, the Secretary of State and the Minister of Health and Local Government for Northern Ireland acting jointly and two of the said three so appointed shall be registered dentists who are or have been employed in the course of the provision of national and local authority health services.

The said three members appointed by the said Ministers shall be appointed in the first instance to take office at the same time and they and their successors shall retire together at the end of successive three year periods, and an appointment made in the course of one of the said periods to fill a casual vacancy shall be for the remainder of that period.

(4) The other three of the six members of the Committee who are not members of the Council shall not be appointed until regulations have been made under this Act establishing a class of ancillary dental workers and shall then, in the first instance, be appointed by the Council from among members of the class so established.

(5) The said three persons appointed by the Council in the first instance shall retire on such date as the Council may fix and the persons to fill their vacancies shall be elected by members of all the classes of ancillary dental workers established by regulations under this Act in such manner and at such intervals as may be provided by rules made by the Council.

(6) The Council shall pay to members of the Committee who are not members of the Council allowances and fees at the same rates as in the case of those who are members of the Council and shall, as respects any member who is also a member of the House of Commons or of the Senate or House of Commons of Northern Ireland, follow the same rule as to not paying him any fees for attendance.

(7) The chairman of the Committee shall be chosen by the Committee from among the members of the Committee who are registered dentists.

(8) The Committee may appoint a sub-committee to deal with disciplinary questions connected with members of a class of ancillary dental workers.

The said sub-committee shall consist of not more than nine members.

Section 51.

SECOND SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
41 & 42 Vict. c. 33.	The Dentists Act, 1878...	Section two. Section five so far as it applies in the United Kingdom. Sections six to forty and the Schedule.
11 & 12 Geo. 5. c. 21.	The Dentists Act, 1921...	The whole Act.
13 & 14 Geo. 5. c. 36.	The Dentists Act, 1923...	The whole Act.
17 & 18 Geo. 5. c. 39.	The Medical and Dentists Acts Amendment Act, 1927.	In section two, in subsection (1) the words from " and so far as " to the end of the subsection and subsection (2). In section three, subsection (3).
4 & 5 Eliz. 2. c. 29.	The Dentists Act, 1956...	The whole Act except subsection (9) of section sixteen and in subsection (1) of section thirty-seven the short title.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Judicial Committee Act, 1833	3 & 4 Will. 4. c. 41.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Juries Act, 1922	12 & 13 Geo. 5. c. 11.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Consolidation of Enactments (Procedure) Act, 1949	12, 13 & 14 Geo. 6. c. 33.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Education (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 33.
Dentists Act, 1956	4 & 5 Eliz. 2. c. 29.
Education (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 75.
Medical Act, 1956	4 & 5 Eliz. 2. c. 76.

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5 & 6 ELIZ. 2 CH. 29

ARRANGEMENT OF SECTIONS

Section

1. Plea of guilty in absence of accused
2. Proof of identity of driver of vehicle.
3. Proof of previous convictions.
4. Amendment as to arrest of accused on non-appearance.
5. Mitigation of penalties.
6. Citation, construction, extent and commencement.