Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.

Number 9 *of* 1985

DENTISTS ACT 1985

REVISED

Updated to 6 May 2025

This Revised Act is an administrative consolidation of the *Dentists Act 1985*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Financial Services and Pensions Ombudsman (Amendment) Act 2025* (3/2025), enacted 15 April 2025, and all statutory instruments up to and including the *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2025* (S.I. No. 151 of 2025), made 30 April 2025, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 9 *of* 1985

DENTISTS ACT 1985

REVISED

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Health Act 1970	1970, No. 1
Local Government (Superannuation) Act 1956	1956, No. 10
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Medical Practitioners Act 1978	1978, No. 4
Petty Sessions (Ireland) Act 1851	1851, c. 93



Number 9 *of* 1985

DENTISTS ACT 1985

REVISED

Updated to 6 May 2025

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL TO BE KNOWN AS AN CHOMHAIRLE FIACLÓIREACHTA OR IN THE ENGLISH LANGUAGE THE DENTAL COUNCIL WHICH SHALL PROVIDE FOR THE REGISTRATION AND CONTROL OF PERSONS ENGAGED IN THE PRACTICE OF DENTISTRY AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE PRACTICE OF DENTISTRY AND THE PERSONS ENGAGED IN SUCH PRACTICE AND TO PROVIDE FOR THE REPEAL OF THE DENTISTS ACT 1928, AND THE DENTISTS (AMENDMENT) ACT 1983, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [11*th May*, 1985]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

Short title.

1.—This Act may be cited as the Dentists Act 1985.

Interpretation.

2.—F1**[**(1)**]** In this Act—

F2**[**"appropriate fee", in relation to a provision of this Act, means the fee (if any) determined under *section 25* that is appropriate for the purposes of that provision;**]**

"auxiliary dental worker" means a member of a class of dental workers established under a scheme made by the Council pursuant to *section 53* of this Act;

F2**[**"condition" includes a restriction;**]**

"the Council" means An Chomhairle Fiaclóireachta or the Dental Council established by this Act;

F2**[**"Council website" means an internet website of the Council (including part of such a website)—

(*a*) to which access is readily available by members of the public, and

(*b*) where anything published on the website is readily available for inspection by members of the public;**]**

"the Dental Board" means the Dental Board established under the Dentists Act 1928;

"establishment day" means the day appointed to be the establishment day under *section 4* of this Act;

"Fitness to Practise Committee" means the committee established by the Council under *section 13 (2) (b)* of this Act;

"full registration" means registration other than temporary registration and "fully registered" shall be construed accordingly;

F2**[**"health or social care", in relation to a person (howsoever described), means the health or social care that the person provides or has provided in his or her capacity or former capacity as a member of a relevant profession;**]**

"the Medical Council" means Comhairle na nDochtúirí Leighis established by the Medical Practitioners Act, 1978;

"Member State" means a state, other than the State, which is a member of the European Economic Community;

"the Minister" means the Minister for Health;

"practice of dentistry" means the performance of any operation and the giving of any treatment, advice, opinion or attendance which is usually performed or given by a dentist and includes the performance of any operation or the giving of any treatment, advice or attendance on or to any person preparatory to, for the purpose of, or in connection with, the fitting, insertion, or fixing of artificial teeth;

"the register" means the Register of Dentists established under *section 26* of this Act;

"registered dentist" means a person whose name is registered in the register;

"registered medical practitioner" means a person whose name is entered in the General Register of Medical Practitioners established under the Medical Practitioners Act, 1978;

"Register of Dental Specialists" means the register referred to in *section 29* of this Act;

"the Registrar" means the chief officer of the Council;

F3**[**"Regulations of 2017" means the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017);**]**

F2**[**"relevant profession" means any of the following professions:

(*a*) dentist;

(*b*) a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005;

(*c*) medical practitioner;

(*d*) midwife;

(*e*) nurse;

(*f*) pharmacist;**]**

F2**[**"restriction" includes a condition;**]**

"retention fee" means a fee payable by a person entitled to be registered in any register maintained by the Council for the retention of his name in that register;

"temporary registration" means registration by virtue of *section 28* of this Act and "temporarily registered" shall be construed accordingly.

F2**[**(2) Unless otherwise specified in this Act, nothing in this Act shall be construed to prejudice the performance by the Council of its functions under the Regulations of 2017 as the competent authority in respect of the regulated professions (within the meaning of Regulation 3 of those Regulations) concerned.**]**

Commencement.

3.—This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to a particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act.

Establishment day.

4.—The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

Repeals.

5.—The Dentists Act 1928, and the Dentists (Amendment) Act, 1983, are hereby repealed.

PART II

The Dental Council

Establishment of the Dental Council.

6.—(1) There shall, by virtue of this section, be established on the establishment day a body to be known as An Chomhairle Fiaclóireachta, or, in the English language, the Dental Council (in this Act referred to as the Council) the general concern of which shall be to promote high standards of professional education and professional conduct among dentists, and which shall, in particular, fulfil the functions assigned to it by this Act.

(2) The Council shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name, and to acquire, hold and dispose of land or any interest in land.

(3) The Council may, subject to the provisions of this Act, regulate its own procedure.

(4) The *First Schedule* to this Act shall apply to the Council.

Dissolution of Dental Board.

7.—(1) The Dental Board shall, on the establishment day, be dissolved by virtue of this subsection.

(2) All property, whether real or personal (including choses in action) which immediately before the establishment day was vested in or belonged to or was held in trust or subject to conditions for the Dental Board, and all rights, powers and privileges relating to or connected with any such property, shall, on the establishment day, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust or subject to conditions for (as the case may require) the Council.

(3) All property transferred by this section which immediately before the establishment day was standing in the books of any bank, corporation or company in the name of the Dental Board shall, upon the request of the Council made at any time on or after the establishment day, be transferred in those books by the bank, corporation or company into the name of the Council.

(4) Every chose in action transferred by this section may, on or after the establishment day, be sued upon, recovered, or enforced by the Council in its own name and it shall not be necessary for the Council to give notice to the person bound by any such chose in action of the transfer effected by this section.

(5) Every debt or other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the establishment day is owing and unpaid and is undischarged by the Dental Board shall, on the establishment day, become and be the debt or liability of the Council and shall be paid and discharged by and may be recovered from and enforced against the Council accordingly.

(6) Every contract which was entered into and is in force immediately before the establishment day between the Dental Board and any person shall continue in force on or after the establishment day but it shall be construed and have effect as if the Council were substituted therein for the Dental Board and shall be enforceable by or against the Council accordingly.

(7) Where, immediately, before the establishment day, any legal proceedings are pending to which the Dental Board is a party, the name of the Council shall be substituted for that of the Dental Board and the proceedings shall not abate by reason of such substitution.

(8) F5**[**...**]**

(9) Any contract of service (express or implied) in force immediately before the establishment day between the Dental Board and any person shall continue in force on or after the establishment day but shall be construed and have effect as if the name of the Council were substituted therein for the name of the Dental Board and every such contract shall be enforceable accordingly by or against the Council.

Seal of Council.

8.—(1) The Council shall as soon as may be after its establishment provide itself with a seal.

(2) The seal of the Council shall be authenticated by the signature of the President of the Council or such other member thereof as may be authorised by the Council to act in that behalf and the signature of an officer of the Council authorised by the Council to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Council, and every document purporting to be an instrument made by the Council and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Council shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

Membership of Council.

9.—(1) The Council shall consist of 19 members appointed in the following manner, that is to say—

(*a*) two persons appointed by each of the following bodies—

(i) University College Cork,

(ii) the University of Dublin;

(*b*) one person appointed by the Royal College of Surgeons in Ireland;

(*c*) seven fully registered dentists resident in the State appointed by election by fully registered dentists;

(*d*) two persons appointed by the Medical Council;

(*e*) one person appointed by the Minister for Education;

(*f*) four persons appointed by the Minister, at least two of whom—

(i) shall not be registered dentists, and

(ii) shall, in the opinion of the Minister, after consultation with the Minister for Industry, Trade, Commerce and Tourism, represent the interests of the general public as consumers of dental services.

(2) The Minister may, by regulations made after consultation with the Council, vary the provisions of *subsection (1)* of this section.

(3) Whenever the Minister proposes to make regulations under *subsection (2)* of this section, a draft of the proposed regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each House.

Appointment of persons to be members of Council.

10.—The Minister shall take all steps necessary to secure the appointment of members to the first Council established after the commencement of this Act and the Council shall take all steps necessary to secure the appointment of members to any subsequent Council.

Election of members of Council.

11.—(1) Before the establishment day, in the case of the first election of members of the Council pursuant to this Act, and before the commencement of their term of office in the case of every subsequent election, the members of the Council to be elected in accordance with *section 9 (1) (c)* of this Act shall be elected by way of an election held on a system of proportional representation by means of the single transferable vote and in accordance with regulations made by the Minister and any such regulations may, in particular, specify, in relation to any class of persons specified in the regulations, the qualifications to be held by candidates for election to the Council.

(2) In the case of the first election to the Council, the returning officer for that election shall be appointed by the Minister, and in the case of every subsequent election, the returning officer for such election shall be appointed by the Council.

First meeting of Council.

12.—(1) The first meeting of the Council shall be held on a day to be appointed by the Minister and the Minister shall notify the members of the Council of the time and place of such meeting.

(2) The Council shall meet at the time and place appointed by the Minister under this section for its first meeting and shall thereupon enter on its duties under this Act.

Committees of Council.

13.—(1) The Council may, subject to the subsequent provisions of this section, from time to time establish committees to perform such, if any, functions of the Council, as in the opinion of the Council, may be better or more conveniently performed by a committee, and are assigned to a committee by the Council.

(2) In particular, and without prejudice to the generality of *subsection (1)* of this section, the Council shall establish—

(*a*) a committee to act in relation to its functions under *Part IV* of this Act,

(*b*) a committee to act in relation to its functions under *Part V* of this Act, and

(*c*) a committee to act in relation to its functions regarding auxiliary dental workers under *Part VII* of this Act.

(3) A committee established under this section, other than the committee referred to in *subsection (2) (b)* of this section, may, if the Council thinks fit, include in its members persons who are not members of the Council.

(4) The chairman of every committee established under this section shall be a member of the Council: Provided that the chairman of the committee referred to in

subsection (2) (b) of this section shall be neither the President nor the Vice-President of the Council.

(5) The committee established under *subsection (2) (a)* of this section shall include in its membership each person appointed to the Council under *section 9 (1) (a), 9 (1) (b)* and *9 (1) (e)* of this Act.

(6) Every member of the committee referred to in *subsection (2) (b)* of this section shall be a member of the Council and—

(*a*) a majority of the members of such committee shall be persons who have been appointed by election to the Council, and

(*b*) at least one member of such committee shall be a person other than a registered dentist who has been appointed to the Council by the Minister under *section 9 (1) (f)* of this Act.

(7) (*a*) The committee established under *subsection (2) (c)* of this section shall include the person appointed to the Council pursuant to *section 9 (1) (e)* of this Act and a person representative of each class of auxiliary dental worker established under a scheme made by the Council under *section 53* of this Act.

(*b*) The first appointment of a person representative of a class of auxiliary dental workers to a committee established under *subsection (2) (c)* of this section after the commencement of this Act shall be made, for a period of one year from the date of the appointment, by the Council and every subsequent such appointment to such a committee shall be by election, in accordance with rules made by the Council, by the registered members of each class of auxiliary dental workers so established.

(8) The acts of a committee established under this section shall be subject to confirmation by the Council unless the Council, at any time, dispenses with the necessity for such confirmation.

(9) The Council may, subject to the provisions of this Act, regulate the procedure of committees established under this section, but, subject to any such regulation, committees established under this section may regulate their own procedure.

Expenses of members of Council and committees.

14.—A member of the Council or of any committee established by the Council shall be paid, out of funds at the disposal of the Council, such allowances for travelling and subsistence expenses incurred in respect of his attendance at a meeting of the Council or of a committee or otherwise in connection with the affairs of the Council as the Minister, with the consent of the Minister for the Public Service, may determine.

Removal of Council from office.

15.—(1) If the Council fails, neglects or refuses to perform any function assigned to it under this Act, the Minister may, by order, direct the Council to discharge that function and for that purpose to do such other matters or things ancillary or incidental thereto as may be specified in the order.

(2) If the Council fails to comply with any direction of the Minister contained in an order made by him under *subsection (1)* of this section, the Minister may, by order, remove from office the members of the Council.

(3) An order made by the Minister under this section may contain such provisions as the Minister considers necessary to enable the functions of the Council to be performed notwithstanding the removal from office of its members, and any such order may, in particular, appoint a person or persons to discharge all or any of the functions of the Council.

(4) The Minister may amend or revoke an order made under this section, including this subsection.

(5) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and, if a resolution annulling the order is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly and in the case of an order made under *subsection (2)* of this section the members of the Council who had been removed from office by virtue of the order shall be restored to office but without prejudice to the validity of anything previously done by any person or persons appointed to discharge all or any of the functions of the Council under and by virtue of the order.

The Registrar.

16.—(1) There shall be a chief officer of the Council who shall act and be known as the Registrar of the Council.

(2) The Registrar shall be appointed by the Council and shall hold his office on such terms and conditions as the Council, with the approval of the Minister given with the consent of the Minister for the Public Service, determines.

(3) The Registrar shall be paid, out of funds at the disposal of the Council, such remuneration and allowances as the Council, with the approval of the Minister given with the consent of the Minister for the Public Service, from time to time determines.

(4) The Registrar shall perform such duties as the Council from time to time determines.

Other officers and servants of Council.

17.—(1) In addition to the Registrar, the Council shall appoint such and so many persons to be officers and servants of the Council as the Council, with the approval of the Minister, from time to time determines.

(2) An officer or servant of the Council shall hold his office or employment on such terms and conditions as the Council, with the approval of the Minister given with the consent of the Minister for the Public Service, from time to time determines.

(3) An officer or servant of the Council shall be paid, out of funds at the disposal of the Council, such remuneration and allowances as the Council, with the approval of the Minister given with the consent of the Minister for the Public Service, from time to time determines.

(4) An officer or servant of the Council shall perform such duties as the Council from time to time determines.

Age limits.

18.—F7**[**(1) A person who is a permanent officer of the Council shall cease to be a permanent officer on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to cease holding office on grounds of age shall not apply.**]**

(2) F8**[**...**]**

Superannuation.

19.—The Local Government (Superannuation) Act, 1956, shall apply to the Council and to its officers and servants as if it were a local authority and they were officers and servants of a local authority, and the Local Government (Superannuation) Act, 1980, shall apply to the Council and to its officers and servants as if it were a body to which section 2 of that Act applies and they were officers and servants of such a body, but the said two Acts shall apply to the Council subject to any modifications (including modifications to any scheme or regulations made under the Local Government (Superannuation) Act, 1980, and modifications relating to service reckonable as pensionable service) which may, with the consent of the Minister for the Environment, be determined by the Minister.

Membership of either House of Oireachtas or of Assembly of the European Communities by officer or servant of Council.

20.—(1) Where a person who is either an officer or servant of the Council is—

(*a*) nominated as a member of Seanad Éireann or as a candidate for election to Dáil Éireann or to the Assembly of the European Communities,

(*b*) elected as a member of Seanad Éireann, or

(*c*) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977, as having been elected to the Assembly of the European Communities to fill a vacancy,

he shall stand seconded from employment by the Council and shall not be paid by, or be entitled to receive from, the Council any remuneration or allowances—

(i) in case he is nominated as a member of, or elected to Seanad Éireann or is so elected to the Assembly of the European Communities, in respect of the period commencing on such nomination or election to Seanad Éireann or such election to the Assembly of the European Communities, as the case may be, and ending when he ceases to be a member of Seanad Éireann or that Assembly,

(ii) in case he is nominated as a candidate for election to Dáil Éireann or to the Assembly of the European Communities, in respect of the period commencing on his nomination and ending when he ceases to be a member of Dáil Éireann or that Assembly, as the case may be, or fails to be elected or withdraws his candidature, as may be appropriate.

(2) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the Assembly of the European Communities shall, while he is so entitled or is such a member, be disqualified from becoming an officer or servant of the Council.

(3) Without prejudice to the generality of *subsection (1)* of this section, that subsection shall be construed as prohibiting the reckoning of a period mentioned in *paragraph (i)* or *paragraph (ii)* of that subsection as service with the Council for the purpose of any superannuation benefit.

Accounts of Council.

21.—(1) The Council shall keep all proper accounts of all income and expenditure of the Council and of the sources of such income and the subject matter of such expenditure and the Council shall keep all proper accounts of the property, assets and liabilities of the Council.

(2) The accounts of the Council shall be audited at least once in every year by an auditor appointed for that purpose by the Minister and the fees of such auditor and the expenses generally of such audit shall be paid by the Council as soon as may be after each such audit.

(3) As soon as may be after each audit under this section, a copy of the accounts of the Council and the auditor's certificate and report thereon shall be given to the Minister.

(4) As soon as may be after each audit under this section, a copy of such accounts and the auditor's certificate thereon shall be laid before each House of the Oireachtas and as soon as may be after such accounts have been so laid, the Council shall cause such accounts and the auditor's certificate thereon to be printed, published and put on sale.

Power of Council to borrow.

22.—(1) The Council may, subject to any conditions which may be imposed by the Minister, or in accordance with any directions given by him, borrow money for capital or current purposes.

(2) Any moneys borrowed by the Council pursuant to this section and any interest accruing thereon may be secured on the revenue, funds or property of the Council.

Acceptance of gifts by Council.

23.—(1) The Council may accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor.

(2) The Council shall not accept a gift if the conditions attached to the acceptance by the donor are inconsistent with the functions of the Council.

Expenses of Council and Minister.

24.—(1) All expenses incurred by the Council, and any expenses which may be incurred by the Minister in relation to the establishment of the Council, shall be defrayed by the Council out of funds at the disposal of the Council.

(2) The surplus (if any) of funds at the disposal of the Council may be allocated by the Council to the development of dental education, to research or to any public purposes connected with the profession of dentistry in such manner as the Council may determine.

(3) Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be approved of by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Fees.

25.—The Council may charge such fees as may, from time to time, be determined by the Council, with the consent of the Minister, for—

(*a*) the registration of a person in any register maintained by the Council,

F9**[**(*aa*) the recognition of a qualification (other than a professional qualification referred to in *paragraph (ab)*) held by a person,**]**

F9**[**(*ab*) subject to Regulation 90(2) of the Regulations of 2017, the recognition under those Regulations of a professional qualification (within the meaning of Regulation 3 of those Regulations) as a dental practitioner or dental specialist,**]**

(*b*) the retention of the name of a person in any register maintained by the Council,

(*c*) the restoration in any register maintained by the Council of the name of any person whose name has been erased or removed pursuant to the provisions of this Act from such register,

(*d*) the removal of the name of any person from any register maintained by the Council on the application of that person,

(*e*) the entry of additional qualifications of any person in any register maintained by the Council,

(*f*) the giving to any person of a certificate of registration, and

(*g*) any other service which the Council may, from time to time, provide.

F10**[**Council's power to make rules

25A.— ...**]**

PART III

Registration

Establishment of register.

26.—(1) As soon as may be after the establishment of the Council, the Council shall prepare and establish a register of dentists (in this Act referred to as "the register") to be known as the Register of Dentists.

(2) The register shall be in such form as the Council shall specify and shall indicate whether each person whose name is entered therein is fully registered or temporarily registered.

(3) Every person whose name is entered in the register shall, as soon as may be after his registration has been completed, be sent by the Council a certificate stating that his name has been entered in the register and stating whether the registration is full or temporary registration.

(4) Every person whose name is entered in the register shall, as soon as may be after he has received the certificate specified in *subsection (3)* of this section, cause the said certificate to be displayed at the place where he practises dentistry at all times during which his registration continues and at no other time.

(5) Nothwithstanding the repeal of the Dentists Act 1928, effected by this Act, the register of dentists prepared and maintained by the Dental Board under section 23 of that Act shall be maintained and kept by the Council until such time as the Council prepares and establishes the register under *subsection (1)* of this section and the said register of dentists shall until that time be deemed, for the purposes of this Act, to be the register.

(6) A certificate issued by the Registrar that the name of the person to whom the certificate relates is entered in the register shall, without proof of the signature of the person purporting to sign the certificate or that that person was the proper person so to sign, be evidence in any legal proceedings of the matters certified in the certificate, until the contrary is shown.

(7) The register shall be kept at the offices of the Council and shall be available for inspection during office hours.

F11[Recognition of qualification held by person

26A.— ...]

F12[Recognition of qualification for register

26B.—...]

F13[Recognition of qualification for Register of Dental Specialists

26C.— ...]

F14[Application to be registered in register

26D.—...]

F15[Application to be registered in Register of Dental Specialists

26E.— ...]

F16[Notification of relevant decisions under *section 26A, 26D* or *26E*, etc.

26F.— ...]

Persons entitled to be registered in register.

27.—(1) Subject to the provisions of this Act, every person whose name, at the date of the establishment of the register, is entered in the register of dentists maintained by the Dental Board under section 23 of the Dentists Act 1928, shall be registered in the register.

(2) Subject to the provisions of *sections 28* and *65* of this Act, any person who—

(*a*) immediately before the establishment of the register was entitled to be registered in accordance with the Dentists Act 1928, and was not so registered, or

(*b*) following the establishment of the register is awarded any of the primary qualifications in dentistry specified in the *Second Schedule* to this Act, or

F17**[**(*c*) has his or her professional qualifications as a dental practitioner recognised under the Regulations of 2017, or**]**

(*d*) satisfies the Council that he has undergone such courses of training and passed such examinations as are specified for the purposes of this section in rules made by the Council,

shall, on making application in the form and manner determined by the Council and on payment of the appropriate fee, be registered in the register.

(3) Nothing in this section shall operate to prevent the Council from refusing to register the name of any person, who is otherwise entitled to be registered, on the grounds of the unfitness of that person to engage in the practice of dentistry.

(4) On making a decision under *subsection (3)* of this section, the Council shall forthwith send by pre-paid post to the person to whom the decision relates a notice in writing stating the decision, the date thereof and the reasons therefor.

(5) A person to whom a decision under *subsection (3)* of this section relates may, within the period of two months, beginning on the date of the decision, apply to the High Court for cancellation of the decision and, if he so applies, the High Court, on the hearing of the application, may—

(*a*) declare that it was proper for the Council to make the decision, or

(*b*) cancel the decision and direct the Council to register the name of the person making the application, or

(*c*) cancel the decision and—

(i) direct the Council to make a new decision, or

(ii) give such other directions to the Council as the Court thinks proper.

Temporary registration.

28.—(1) Where the Council is satisfied—

(*a*) that a person, who is not otherwise entitled to registration, is or intends to be in the State temporarily for the purpose of employment in the practice of dentistry in an institution or clinic approved of by the Council for the purposes of this section, and

(*b*) that such person holds a degree, diploma or other qualification which, in the opinion of the Council, affords sufficient guarantee that he possesses the requisite knowledge and skill for the efficient practice of dentistry and has passed an examination appropriate for obtaining such degree, diploma, or other qualification, as the case may be,

the Council may, subject to *subsection (2)* of this section, upon such person making application in the form and manner determined by the Council and on payment of

the appropriate fee, temporarily register such person in the register for such period as the Council may determine.

(2) The Council may extend a period determined under *subsection (1)* of this section for such further period or periods as the Council may determine, provided that the aggregate of such periods shall not exceed five years.

The Register of Dental Specialists.

29.—(1) The Council may, with the consent of the Minister, prepare and establish a register to be known as the Register of Dental Specialists containing therein a division in respect of each dental specialty from time to time recognised by the Council under *section 37* of this Act.

(2) The Register of Dental Specialists shall be kept at the offices of the Council and shall be available for inspection during office hours.

Persons entitled to be registered in Register of Dental Specialists.

30.—(1) Whenever the Council establishes a register pursuant to *section 29* of this Act, the following persons who comply with the conditions specified in *subsection (2)* of this section shall, subject to the provisions of this Act, be entitled to be registered in the Register of Dental Specialists, that is to say—

(*a*) every registered dentist who, prior to the establishment of that register, has, in the opinion of the Council, completed his specialist training in a specialty recognised by the Council under *section 37 (1)* of this Act,

(*b*) every registered dentist who, following the establishment of that register, is granted evidence of satisfactory completion of specialist training by a body recognised by the Council under *section 37 (3)* of this Act,

F19**[**(*c*) every person who has his or her professional qualification as a specialised dental practitioner recognised under the Regulations of 2017,**]**

(*d*) any person who satisfies the Council that he has completed a programme of training in specialised dentistry of a standard considered by the Council to be adequate.

(2) Before any person is registered in the Register of Dental Specialists, he shall—

(*a*) be fully registered in the register,

(*b*) apply for registration in the Register of Dental Specialists in the form and manner determined by the Council, and

(*c*) pay the appropriate fee in respect of each such registration.

(3) Nothing in this section shall operate to prevent the Council from refusing to register the name of any person, who is otherwise entitled to be registered, on the grounds of the unfitness of that person to engage in the practice of dentistry.

(4) On making a decision under *subsection (3)* of this section, the Council shall forthwith send by pre-paid post to the person to whom the decision relates a notice in writing stating the decision, the date thereof and the reasons therefor.

(5) A person to whom a decision under *subsection (3)* of this section relates may, within the period of two months, beginning on the date of the decision, apply to the High Court for cancellation of the decision and, if he so applies, the High Court, on the hearing of the application, may—

(*a*) declare that it was proper for the Council to make the decision, or

(*b*) cancel the decision and direct the Council to register the name of the person making the application, or

(*c*) cancel the decision and—

(i) direct the Council to make a new decision, or

(ii) give such other directions to the Council as the Court thinks proper.

Registration of additional qualifications.

31.—(1) Subject to *subsection (2)* of this section, any person who is registered in the register may, at any time after his first registration, apply in the form and manner determined by the Council to have a further qualification entered in the register in addition to his qualifications already entered therein.

(2) The Council shall determined the qualifications, not being qualifications required for the purpose of registration, which, on application by a person registered in the register in the manner determined by the Council and on payment of the appropriate fee, may be entered in the register as additional qualifications.

(3) Whenever, on an application by any registered dentist, the Council decides to enter in the register, pursuant to this section, any additional qualifications in respect of that dentist, the Council shall, as soon as may be after the registration is completed, send to that dentist a certificate stating that such additional qualifications have been entered in the register.

Application by registered dentist to have name removed from register.

32.—(1) Any registered dentist may apply to the Council to have his name removed from any register maintained by the Council in which his name is registered and, on receipt of such application and on payment of the appropriate fee, the Council may remove the name of the registered dentist from any such register.

(2) Any person, whose name has been removed under *subsection (1)* of this section from any register maintained by the Council, may, at any time, apply to the Council to have his name restored to such register, and, subject to the provisions of this Act and on payment of the appropriate fee, the Council may restore the name of that person to any register from which it has been so removed.

(3) In any case where a registered dentist applies to the Council under this section to have his name removed from any register maintained by the Council and—

(*a*) an application has been made under *section 38* of this Act for an inquiry into the fitness to practise dentistry of that registered dentist, or

(*b*) that registered dentist has been convicted in the State of an offence triable on indictment or has been convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State,

the Council shall not consider the application by that registered dentist to have his name so removed until such time as the Council has decided whether or not the name of such registered dentist should be erased from any such register under the provisions of this Act.

(4) Nothing in this section shall operate to prevent the Council from refusing to restore the name of any person, who is otherwise entitled to be registered, on the grounds of the unfitness of that person to engage in the practice of dentistry.

(5) On making a decision under *subsection (4)* of this section, the Council shall forthwith send F21**[**...**]** to the person to whom the decision relates a notice in writing stating the decision, the date thereof and the reasons therefor.

(6) A person to whom a decision under *subsection (4)* of this section relates may, within the period of two months, beginning on the date of the decision, apply to the High Court for cancellation of the decision and, if he so applies, the High Court, on the hearing of the application, may—

(*a*) declare that it was proper for the Council to make the decision, or

(*b*) cancel the decision and direct the Council to register the name of the person making the application, or

(*c*) cancel the decision and—

(i) direct the Council to make a new decision, or

(ii) give such other directions to the Council as the Court thinks proper.

F22[Declarations by registered dentists in relation to certain matters in State or other jurisdictions, etc.

32A.—(1) Subject to *subsections (2)* to *(4)*, a registered dentist shall, in each year, give to the Council a declaration in writing providing particulars of any relevant proceedings that are pending or in progress.

(2) If, in any year, *subsection (1)* does not apply to a registered dentist because there are no particulars referred to in that subsection which he or she is required to give to the Council, the dentist shall give to the Council a declaration in writing to that effect.

(3) If, in any year subsequent to a year in which a registered dentist gave particulars referred to in *subsection (1)* to the Council, there has been no material change in the matter to which the particulars relate, the dentist may, instead of again giving those particulars to the Council, give to the Council a declaration in writing to the effect that there has been no material change to the matter to which the particulars relate.

(4) A registered dentist shall, in each year, comply with *subsection (1)*, *(2)* or *(3)* —

(*a*) not earlier than 2 months before he or she is required to pay, in that year, the appropriate fee determined under *section 25(b)*, and

(*b*) not later than the last day of that 2 months.

(5) A registered dentist shall, not later than 3 months after the final determination of any relevant proceedings, give to the Council—

(*a*) a declaration in writing providing particulars of the sanctions (if any) imposed on the dentist in consequence of those proceedings, or

(*b*) if no such sanctions were so imposed, a declaration in writing to that effect.

(6) The Council may, by notice in writing given to a registered dentist who has made a declaration under this section, require the dentist to provide to the Council, within a reasonable period specified in the notice, further information concerning any particulars provided to the Council in the declaration.

(7) (*a*) A registered dentist shall comply with a notice under *subsection (6)* given to the dentist.

(*b*) Where the Council considers that a registered dentist has failed to comply with *paragraph (a)*, the Council shall forthwith make an application under *section 38* as regards such failure.

(8) In this section—

"final determination", in relation to any relevant proceedings and a registered dentist, means—

(*a*) the conclusion of those proceedings without any party to the proceedings making an appeal, against a decision in those proceedings to impose or to not impose a sanction on the dentist, within the ordinary time in the State or other jurisdiction concerned, as appropriate, for making such an appeal, or

(*b*) if such an appeal is made—

(i) the abandonment or withdrawal of the appeal, or

(ii) the determination of the appeal,

whichever first occurs;

"relevant proceedings", in relation to a registered dentist, means any disciplinary or judicial proceedings (other than any such proceedings under this Act), in respect of which the dentist is the subject—

(*a*) in the State or another jurisdiction which may directly or indirectly result in the dentist—

(i) being prohibited from providing one or more than one kind of health or social care in the State or that jurisdiction, or

(ii) having a restriction placed on his or her ability to provide one or more than one kind of health or social care in the State or that jurisdiction,

(*b*) in another jurisdiction which may result in the dentist being convicted, in that jurisdiction, for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment, or

(*c*) in the State which may result in the dentist being convicted, in the State, for an offence triable on indictment;

"sanction" includes any restriction or measure.**]**

Correction of registers.

33.—(1) For the purpose of keeping any register maintained by it correct, the Council shall from time to time as occasion demands correct all verbal or clerical errors in such register, remove therefrom all entries therein procured by fraud or misrepresentation, enter in any register every change which comes to its knowledge in the addresses of the persons registered therein, and remove from any such register the names of all persons whose death has either been notified to, or come to the knowledge of, the Council.

(2) Whenever the Council takes any action under *subsection (1)* of this section for the purposes of keeping any register maintained by it correct, the Council shall forthwith notify the person concerned, or his next of kin, as the case may be, of the action taken and of the reasons therefor.

F23**[**Council may request certain information concerning registered dentists from certain bodies in State or other jurisdictions

33A.—(1) Where a registered dentist provides, or has provided, one or more than one kind of health or social care in the State or another jurisdiction, the Council may make a request in writing, accompanied by the relevant statement, to the body, duly authorised in the State or that jurisdiction, as appropriate, to regulate persons who provide that kind of health or social care in the State or that jurisdiction, to provide the Council with any information relevant to either or both of the following:

(*a*) any material matter that has occurred in the State or that jurisdiction in relation to the dentist;

(*b*) the dentist's qualifications, or registration (or equivalent thereof in that jurisdiction), as a person who provides that kind of health or social care.

(2) In *subsection (1)* —

"material matter", in relation to a registered dentist, means—

(*a*) any of the following taken by any regulatory body (whether in or outside the State), other than the Council, in relation to the provision of one or more than one kind of health or social care by such dentist:

(i) the imposition of conditions on any registration or licence;

(ii) the suspension, withdrawal or removal of any registration or licence;

(iii) the refusal to grant registration or a licence,

or

(*b*) a conviction in the State for an offence triable on indictment (other than a spent conviction within the meaning of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016), or a conviction outside the State for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment;

"registered dentist" includes a person who has made an application under this Act to have his or her name entered in a register maintained under this Act which has not yet been determined by the Council;

"relevant statement", in relation to a request under *subsection (1)*, means a statement to the effect that any information provided to the Council, pursuant to that request, by the body to which the request is made may be used in any proceedings under this Act concerning the registered dentist the subject of the request.**]**

PART IV

Education and Training

Duties of Council in relation to education and training.

34.—It shall be the duty of the Council from time to time to satisfy itself—

(*a*) as to the suitability of the dental education and training provided by any body referred to in the *Second Schedule* to this Act,

(*b*) as to the standards of theoretical and practical knowledge and clinical experience required at examinations for primary qualifications, and

(*c*) as to the adequacy and suitability of postgraduate education and training provided by bodies recognised by the Council for the purpose of dental specialist training.

Functions of Council in relation to Directives adopted by Council of the European Communities as to education and training.

35.—(1) The Council shall ensure that the requirements relating to education and training for a qualification in dentistry shall satisfy the minimum standards specified in any Directive adopted by the Council of the European Communities relating to that qualification.

(2) The Council shall ensure that the requirements relating to education and training in specialised dentistry shall satisfy the minimum standards specified in any Directive adopted by the Council of the European Communities relating to such education and training.

Primary qualifications.

36.—(1) The primary qualifications granted in the State which shall entitle a person to be registered in the register shall be the qualifications specified in the *Second Schedule* to this Act.

(2) The Minister may, if he thinks fit, on the recommendation of the Council, by regulations made under this section amend the provisions of the *Second Schedule* to this Act.

Training bodies and qualifications for purposes of the Register of Dental Specialists.

37.—(1) The Council may, from time to time with the consent of the Minister, determine the specialties which it shall recognise for the purpose of specialist registration under this Act.

(2) The Council may from time to time specify, in relation to each specialty recognised by it, the titles and designations of qualifications in specialised dentistry granted in the State which may be required to enable a person to secure registration in the Register of Dental Specialists.

(3) The Council shall from time to time determine, in relation to each specialty recognised by it, the body or bodies which the Council shall recognise in the State for the purpose of granting evidence of satisfactory completion of specialist training.

(4) The Council may, with the consent of the Minister, withdraw recognition from any body recognised by it under *subsection (3)* of this section.

(5) The specialties recognised by the Council under *subsection (1)* of this section shall include such specialties as may be designated as applying to the State in any Directive adopted by the Council of the European Communities relating to specialised dentistry.

PART V

Fitness to Practise

Inquiry by Fitness to Practise Committee into conduct of a registered dentist.

38.—(1) The Council or any person may apply to the Fitness to Practise Committee for an inquiry into the fitness of a registered dentist to practise dentistry on the grounds of—

F24**[**(*a*) his alleged professional misconduct,**]**

F24**[**(*b*) his alleged unfitness to engage in such practice by reason of physical or mental F26**[**disability,**]]**

F25**[**(*c*) his alleged failure to comply with regulations made under section 13(2) of the Health (Pricing and Supply of Medical Goods) Act 2013,**]**

F27**[**(*d*) his or her alleged failure to comply with *section 32A*,**]**

F27**[**(*e*) a prohibition against him or her providing one or more than one kind of health or social care in the State or another jurisdiction, or**]**

F27**[**(*f*) a restriction on his or her ability to provide one or more than one kind of health or social care in the State or another jurisdiction,**]**

and the application shall, subject to the provisions of this Act, be considered by the committee established by the Council under *section 13(2)(b)* of this Act (in this Act referred to as the "Fitness to Practise Committee").

(2) Where an application is made under this section and the Fitness to Practise Committee, after consideration of the application, is of opinion that there is not sufficient cause to warrant the holding of an inquiry, it shall so inform the Council and the Council, having considered the matter, may decide that no further action shall be taken in relation to the matter and shall so inform the Fitness to Practise Committee and the applicant, or it may direct the Committee to hold an inquiry into the matter in accordance with the provisions of this section.

(3) Where an application for an inquiry is made under this section and the Fitness to Practise Committee, after consideration of the application, is either of opinion that there is a *prima facie* case for holding the inquiry or has been given a direction by the Council under *subsection (2)* of this section to hold the inquiry, the following shall have effect—

(*a*) the Fitness to Practise Committee shall proceed to hold the inquiry,

F24**[**(*b*) the Registrar, or any other person with the leave of the Fitness to Practise Committee, shall present to that Committee the evidence of—

(i) the alleged professional misconduct,

(ii) the alleged unfitness to practise by reason of physical or mental F26**[**disability,**]**

(iii) the alleged failure to comply with regulations referred to in *subsection (1)(c)*,

F27**[**(iv) the alleged failure to comply with *section 32A*,**]**

F27**[**(v) a prohibition against him or her providing one or more than one kind of health or social care in the State or another jurisdiction, or**]**

F27**[**(vi) a restriction on his or her ability to provide one or more than one kind of health or social care in the State or another jurisdiction,**]**

as the case may be,**]**

(*c*) on completion of the inquiry, the Fitness to Practise Committee shall embody its findings in a report to the Council specifying therein the nature of the application and the evidence laid before it and any other matters in relation to the registered dentist which it may think fit to report including its opinion, having regard to the contents of the report, as to—

F24**[**(i) the alleged professional misconduct of the registered dentist,**]**

F24**[**(ii) the fitness or otherwise of that dentist to engage in the practice of dentistry by reason of his or her alleged physical or mental F26**[**disability,**]]**

F25**[**(iii) the alleged failure to comply with regulations referred to in *subsection (1)(c)*,**]**

F27**[**(iv) the alleged failure to comply with *section 32A*,**]**

F27**[**(v) a prohibition against him or her providing one or more than one kind of health or social care in the State or another jurisdiction,**]**

F27**[**(vi) a restriction on his or her ability to provide one or more than one kind of health or social care in the State or another jurisdiction,**]**

as the case may be.

(4) When it is proposed to hold an inquiry under *subsection (3)* of this section, the person who is the subject of the inquiry shall be given notice in writing by the Registrar F28**[**...**]** of the nature of the evidence proposed to be considered at the inquiry and that the person and any person representing him shall be given the opportunity of being present at the hearing.

(5) F26**[**Subject to *sections 47(4)* and *47A*, the findings**]** of the Fitness to Practise Committee on any matter referred to it, and the decision of the Council on any report made to it by that Committee shall not be made public without the consent of the person who has been the subject of the inquiry before the Fitness to Practise Committee unless such person has been found, as a result of such inquiry, F28**[**...**]**—

F24**[**(*a*) F27**[**to be**]** guilty of professional misconduct,**]**

F24**[**(*b*) F27**[**to be**]** unfit to engage in the practice of dentistry because of physical or mental F26**[**disability,**]]**

F26**[**(*c*) to be guilty of a failure to comply with regulations referred to in *subsection (1)(c)*,**]**

F27**[**(*d*) to have failed to comply with *section 32A*,**]**

F27**[**(*e*) to have a prohibition against him or her providing one or more than one kind of health or social care in the State or another jurisdiction, or**]**

F27**[**(*f*) to have a restriction on his or her ability to provide one or more than one kind of health or social care in the State or another jurisdiction,**]**

as the case may be.

(6) The Fitness to Practise Committee shall, for the purposes of an inquiry held under *subsection (3)* of this section, have the powers, rights and privileges vested in the High Court or a judge thereof on the hearing of an action in respect of—

(*a*) the enforcement of the attendance of witnesses and their examination on oath or otherwise, and

(*b*) the compelling of the production of documents,

and a summons signed by the chairman of the Fitness to Practise Committee or such other member of that Committee as may be authorised by it for that purpose may be substituted for and shall be equivalent to any formal procedure capable of being issued in an action for forcing the attendance of witnesses and compelling the production of documents.

(7) Where—

(*a*) a person on being duly summoned to attend before the Fitness to Practise Committee makes default in attending, or

(*b*) a person, being in attendance as a witness before the Fitness to Practise Committee, refuses to take an oath lawfully required by that Committee to be taken, or to produce any document in his power or control lawfully required by that Committee to be produced by him or to answer any question to which that Committee may lawfully require an answer, or

(*c*) a person, being in attendance before the Fitness to Practise Committee does anything which, if that Committee were a court of law having power to commit for contempt, would be contempt of court,

such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(8) A witness before the Fitness to Practise Committee shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

(9) If the Fitness to Practise Committee requires the dental records of a patient of any registered dentist to be produced for the purpose of any inquiry conducted by that Committee, such records shall not be made available to the Fitness to Practise Committee without the consent of the patient concerned, unless that Committee specifically directs the registered dentist concerned to produce such records.

Erasure or suspension from register for professional misconduct, unfitness to practise or failure to pay retention fee.

39.—(1) Where a registered dentist—

F31**[**(*a*) has been found by the Fitness to Practise Committee, on the basis of an inquiry and report under *section 38*—

(i) to be guilty of professional misconduct,

(ii) to be unfit to engage in the practice of dentistry because of physical or mental F32**[**disability,**]**

(iii) to be guilty of a failure to comply with the regulations referred to in *section 38(1)(c)*,

F33**[**(iv) to be guilty of a failure to comply with *section 32A*,**]**

F33**[**(v) to have a prohibition against him or her providing one or more than one kind of health or social care in the State or another jurisdiction, or**]**

F33**[**(vi) to have a restriction on his or her ability to provide one or more than one kind of health or social care in the State or another jurisdiction,**]**

as the case may be, or**]**

(*b*) has failed to pay a retention fee charged by the Council under *section 25* of this Act after the Council had not less than two months previously by notice in writing sent F32**[**to the person**]**, requested payment of the fee on more than one occasion,

the Council may decide that the name of such person should be erased from the register or from the Register of Dental Specialists, as the case may be, or that, during a period of specified duration, registration of his name in the register concerned should not have effect.

(2) On making a decision under this section, the Council shall forthwith send F32**[**to the person to whom the decision relates**]** a notice in writing stating the decision, the date thereof and the reasons therefor.

(3) A person to whom a decision under this section relates may, within the period of 21 days, beginning on the date of the decision, apply to the High Court for cancellation of the decision and if he so applies—

(*a*) The High Court, on the hearing of the application, may—

(i) cancel the decision, or

(ii) declare that it was proper for the Council to make a decision under this section in relation to such person and either (as the Court may consider proper) direct the Council to erase his name from the register concerned or direct that during a specified period (beginning not earlier than 7 days after the decision of the Court) registration of his name in that register shall not have effect, or

(iii) give such other directions to the Council as the Court thinks proper,

(*b*) if at any time the Council satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, declare that it was proper for the Council to make a decision under this section in relation to such person and either (as the Court may consider proper) direct the Council to erase his name from the register concerned or direct that during a specified period (beginning not earlier than 7 days after the decision of the Court) registration of his name in that register shall not have effect,

(*c*) the High Court may direct how the costs of the application are to be borne.

(4) Where a person to whom a decision of the Council under this section relates does not, within the period of 21 days, beginning on the date of the decision, apply to the High Court for cancellation of the decision, the Council may apply *ex parte* to the High Court for confirmation of the decision and, if the Council so applies, the High Court, on the hearing of the application, shall, unless it sees good reason to the contrary, declare accordingly and either (as the Court may consider proper) direct the Council to erase the name of such person from the register concerned or direct that during a specified period (beginning not earlier than 7 days after the decision of the Court) registration of his name in that register shall not have effect.

F32**[**(5) Following the decision of the High Court on an application under *subsection (3)*, the Council or the person the subject of that decision may, by leave of that Court or the Court of Appeal, appeal from the decision to the Court of Appeal on a specified question of law.**]**

(6) (*a*) On erasing the name of a person from any register under this section, the Council shall forthwith send F32**[**to such person**]** notice in writing of the erasure.

(*b*) Where a direction is given under this section that during a specified period registration of the name of a person in any register shall not have effect, the Council shall, before the commencement on that period, send F32**[**to such person**]** notice in writing of such direction.

(7) The name of any person which has been erased from any register under this section may at any time be restored to that register by direction of the Council but not otherwise and, when a person's name is so restored to that register, the Council may attach to the restoration such conditions (including the payment of the appropriate fee which shall not exceed the fee which would be payable by such person for registration if he was then being registered for the first time) as the Council thinks fit.

(8) Where the registration of a person in any register has ceased to have effect for a period of specified duration, the Council may, if it thinks fit, on application made to it by such person, by direction terminate the suspension.

(9) On the hearing of an application under this section, the High Court may, if it thinks it proper so to do, admit and have regard to the evidence of any person of standing in the dental profession as to what is professional misconduct.

Attaching of conditions to retention on register.

40.—(1) The Council, following an inquiry and report by the Fitness to Practise Committee under *section 38* of this Act, may decide to attach such conditions as it thinks fit to the retention in any register maintained under this Act of a person whose name is entered in such register.

F35**[**(1A) The powers conferred by *subsection (1)* may be exercised in substitution for any of the powers conferred by *section 42* as if the words "where *section 42* would otherwise apply" were substituted for the words "following an inquiry and report by the Fitness to Practise Committee under *section 38* of this Act" appearing in that subsection.**]**

(2) On making a decision under this section, the Council shall forthwith send F36**[**to the person to whom the decision relates**]** a notice in writing stating the decision, the date thereof and the reasons therefor.

(3) A person to whom a decision under this section relates may, within the period of 21 days beginning on the date of the decision, apply to the High Court for cancellation of the decision and if he so applies—

(*a*) the High Court, on the hearing of the application, may—

(i) cancel the decision, or

(ii) declare that it was proper to make a decision under this section in relation to such person and (as the Court may think proper) direct the Council to attach such conditions as the Court thinks proper to the retention of the name of such person in any register maintained under this Act, or

(iii) give such other directions to the Council as the Court thinks proper,

(*b*) if at any time the Council satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, declare that it was proper for the Council to

make a decision under this section in relation to such person and (as the Court may consider proper) direct the Council to attach such conditions as the Court may specify to the retention of the name of such person in any register maintained under this Act,

(*c*) the High Court may direct how the costs of the application are to be borne.

(4) Where a person to whom a decision of the Council under this section relates does not, within the period of 21 days, beginning on the date of the decision, apply to the Hight Court for cancellation of the decision, the Council may apply *ex parte* to the High Court for confirmation of the decision and, if the Council so applies, the High Court, on the hearing of the application, shall, unless it sees good reason to the contrary, declare accordingly and (as the Court may consider proper) direct the Council to attach such conditions as the Court may specify to the retention of the name of such person in any register maintained under this Act.

F36**[**(5) Following the decision of the High Court on an application under *subsection (3)*, the Council or the person the subject of that decision may, by leave of that Court or the Court of Appeal, appeal from the decision to the Court of Appeal on a specified question of law.**]**

(6) On attaching conditions under this section to the retention of the name of a person in any register maintained under this Act, the Council shall forthwith send by pre-paid post to such person, at his address as stated in the register, notice in writing of the conditions.

(7) The Council may at any time remove in whole or in part the conditions attached to the retention of the name of any person in any register maintained under this Act.

Powers of Council to advise, admonish, etc.

41.—(1) F37**[**Subject to *subsection (1A)*, the Council**]**, following an inquiry and report by the Fitness to Practise Committee under *section 38* of this Act into the conduct of a person whose name is entered in any register maintained under this Act may, on receipt of the report of that Committee, if it so thinks fit, F38**[**decide to**]** advise, admonish or censure such person in relation to his professional conduct.

F38**[**(1A) A decision under *subsection (1)* to advise, admonish or censure a person shall not take effect unless—

(*a*) the decision is confirmed by the High Court on an application under *subsection (4)*, or

(*b*) the 21 days referred to in *subsection (4)* within which the person may apply to the High Court for the cancellation of the decision expires without the person making such application.**]**

(2) The powers conferred by *subsection (1)* of this section may be exercised either in addition to or in substitution for any of the powers conferred by *sections 39*, *40* and *42* of this Act.

F38**[**(3) On making a decision to exercise a power under *subsection (1)*, the Council shall forthwith send to the person to whom the decision relates a notice in writing stating the decision, the date on which the decision was made and the reasons for the decision.**]**

F38**[**(4) A person to whom a decision under this section relates may, not later than 21 days after the date on which the person was given notice of the decision, apply to the High Court for the cancellation of the decision.**]**

F38**[**(5) The High Court, on the hearing of an application under *subsection (4)* made by a person in relation to a decision under this section, may—

(*a*) declare that it was proper for the Council to make the decision,

(*b*) cancel the decision, or

(*c*) cancel the decision and—

(i) direct the Council to make a new decision, or

(ii) give such other directions to the Council as the Court thinks proper.**]**

F38**[**(6) The High Court may direct how the costs of the application are to be borne.**]**

Erasure from register of persons convicted of indictable offences.

42.—(1) Where a registered dentist is convicted in the State of an offence triable on indictment or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State, the Council may decide that the name of such person should be erased from the register.

(2) On making a decision under this section, the Council shall forthwith send F39**[**to the person to whom the decision relates**]** a notice in writing stating the decision, the date thereof and the reasons therefor.

(3) A person to whom a decision under this section relates may, within the period of 21 days, beginning on the date of the decision, apply to the High Court for cancellation of the decision and if he so applies—

(*a*) the High Court, on the hearing of the application, may—

(i) cancel the decision, or

(ii) confirm the decision and direct the Council to erase the name of such person from the register, or

(iii) give such other directions to the Council as the Court thinks proper,

(*b*) if at any time the Council satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, confirm the decision and direct the Council to erase the name of such person from the register,

(*c*) the High Court may direct how the costs of the application are to be borne.

(4) Where a person to whom a decision of the Council under this section relates does not, within the period of 21 days, beginning on the date of the decision, apply to the High Court for cancellation of the decision, the Council may apply *ex parte* to the High Court for confirmation of the decision and, if the Council so applies, the High Court, on the hearing of the application, shall, unless it sees good reason to the contrary, confirm the decision and direct the Council to erase the name of such person from the register.

F39**[**(5) Following the decision of the High Court on an application under *subsection (3)*, the Council or the person the subject of that decision may, by leave of that Court or the Court of Appeal, appeal from the decision to the Court of Appeal on a specified question of law.**]**

(6) On erasing the name of a person from the register under this section, the Council shall forthwith send F39**[**to such person**]** notice in writing of the erasure.

(7) The name of any person which has been erased from the register under this section may at any time be restored to the register by special direction of the Council but not otherwise, and when a person's name is so restored to the register, the Council may attach to the restoration such conditions (including the payment of the appropriate fee which shall not exceed the fee which would be payable by such person if he was then being registered for the first time) as the Council thinks fit.

F40**[**(8) (*a*) The Registrar may, whenever he or she considers it necessary to do so for the purposes of this section, request in writing the Garda Síochána to give to him or her information concerning the criminal record of the registered dentist the subject of the request.

(*b*) The Garda Síochána shall, subject to section 55 of the Data Protection Act 2018, comply with a request under *paragraph (a)* as soon as is practicable after receiving the request.

(*c*) The Registrar may, whenever he or she considers it necessary to do so for the purposes of this section, request in writing that the registrar or clerk of a court which has convicted a registered dentist of an offence in the State to give to him or her a certificate of conviction (or, in the case of the District Court, a certified copy of the order concerned made by the Court), or a certified copy of the judgment, or both, in respect of the offence that the Registrar or Council (including any committee thereof), or both, may reasonably require for the performance of his, her or its functions under this Act in relation to that dentist.

(*d*) The registrar or clerk of the court concerned the subject of a request under *paragraph (c)* shall comply with the request as soon as is practicable after receiving the request.

(*e*) In this subsection, "criminal record", in relation to a registered dentist, means a record of the previous convictions (other than spent convictions within the meaning of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016) of the dentist for offences (if any).**]**

Continuance of existing inquiry.

43.—Where the Dental Board has decided to hold, or has appointed any member or members of the Board to hold, an inquiry pursuant to section 32 of the Dentists Act 1928, and that inquiry has not been completed before the commencement of this Act, the inquiry shall be discontinued and shall be recommenced by the Fitness to Practise Committee as if this Act had been in force at the time at which such decision was taken or such member or members were appointed and the provisions of this Part of this Act shall apply to any inquiry discontinued and recommenced pursuant to this section.

Application by Council for order suspending registration.

44.—(1) Whenever the Council is satisfied that it is in the public interest so to do, the Council may apply to the High Court for an order in relation to any person registered in any register maintained under this Act that, during the period specified in the order, registration of that person's name in that register shall not have effect.

(2) An application under this section may be made in a summary manner and shall be heard otherwise than in public.

(3) The High Court may make, in any application under this section, such interim or interlocutory order (if any) as it considers appropriate.

F41**[**(4) (*a*) *Paragraph (b)* applies where—

(i) a registered dentist becomes the subject of an order under *subsection (3)*, and

(ii) the Council has reason to believe that—

(I) the dentist is registered in another jurisdiction as a dentist, or has made an application to be registered as a dentist in another jurisdiction which has not yet been determined, and

(II) that order may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(*b*) The Council shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the Regulations of 2017, provide that body with a copy of the order and copies of other documents relevant to that order.**]**

Privilege in respect of certain matters.

45.—Proceedings under *section 38* of this Act, proceedings of or communications to or by the Council pursuant to *sections 39*, *40*, *41* or *42* of this Act, reports made by the Fitness to Practise Committee to the Council under this Part of this Act and any other communications between the Committee and the Council made in the exercise or performance of the powers, duties or functions of the Committee or the Council, as the case may be, shall in any action for defamation, be absolutely privileged.

Erasure or suspension from and restoration to the Register of Dental Specialists.

46.—(1) Where a person's name has been erased or suspended from the register, the name shall, as soon as may be, if it is registered in the Register of Dental Specialists, be erased or suspended therefrom, as the case may be.

(2) Where a person's name has been restored to the register or its suspension from the register has been terminated, the name shall, if it was registered in the Register of Dental Specialists, be restored to such register or its suspension therefrom be terminated, as the case may be.

Notification to Minister of name erased or restored and of suspensions imposed and terminated.

47.—F42**[**(1)**]** The Council shall notify the F44**[**Health Service Executive and such other persons as it thinks fit**]** on the occasion of—

(*a*) the erasure of the name of a person from a register maintained under this Act,

(*b*) the restoration of the name of a person to a register maintained under this Act,

(*c*) the suspension of the name of a person from a register maintained under this Act,

(*d*) the termination of a period of suspension from a register maintained under F44**[**this Act,**]**

(*e*) the attachment of conditions to the retention of the name of a person in a register maintained under F44**[**this Act, or**]**

F43**[**(*f*) the advisement, admonishment or censure under *section 41* of a person whose name is entered in a register maintained under this Act,**]**

of the erasure, restoration, suspension, termination of suspension F44**[**, attachment of conditions or advisement, admonishment or censure,**]** as the case may be.

F43**[**(2) Where it comes to the Council's attention that, under the law of a state other than the State, a measure corresponding to one referred to in any of *paragraphs (a)* to *(f)* of *subsection (1)* has been taken in relation to a person whose name is entered in a register maintained under this Act, the Council shall, if satisfied that it is in the public interest to do so and as soon as is practicable, give notice in writing to the Health Service Executive of the measure.**]**

F43**[**(3) The Council shall (if satisfied that, in the case of a measure referred to in *subsection (2)*, it is in the public interest to do so) give notice in writing to an employer (other than the Health Service Executive) where—

(*a*) it comes to the Council's attention that any measure referred to in *subsection (1)* or *(2)* has been taken in relation to a person whose name is entered in a register maintained under this Act employed by the employer, and

(*b*) the employer's name is known to the Council.**]**

F43**[**(4) (*a*) *Paragraph (b)* applies where—

(i) it comes to the Council's attention that any measure referred to in *subsection (1)* has been taken in relation to a person whose name is entered in a register maintained under this Act, and

(ii) the Council has reason to believe that—

(I) the person is registered in another jurisdiction, and

(II) that measure may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(*b*) The Council shall give notice in writing to that body of that measure and may, and notwithstanding any provision of the Directive (within the meaning of Regulation 3 of the Regulations of 2017) or of the Regulations of 2017, provide that body with copies of documents relevant to that measure (including a copy of the report concerned referred to in *section 38(3)(c)*).**]**

F43**[**(5) (*a*) *Paragraph (b)* applies where—

(i) it comes to the Council's attention that any measure referred to in *subsection (2)* has been taken in relation to a person whose name is entered in a register maintained under this Act, and

(ii) the Council has reason to believe that—

(I) the person is registered in another jurisdiction, and

(II) that measure may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(*b*) The Council shall, if satisfied that it is in the public interest to do so, give notice in writing to that body of that measure.**]**

F45**[**Information Council may publish in public interest

47A.—(1) Subject to *subsection (2)*, the Council shall—

(*a*) advise the public—

(i) when any measure referred to in *section 47(1)(a)* to *(e)* takes effect under this Part in respect of a person whose name is entered in a register maintained under this Act, and

(ii) if satisfied that it is in the public interest to do so, when any measure referred to in *section 47(1)(f)* takes effect under this Part in respect of a person whose name is entered in a register maintained under this Act,

(*b*) if satisfied that it is in the public interest to do so, advise the public when any measure referred to in *section 47(2)* in respect of a person whose name is entered in a register maintained under this Act comes to the knowledge of the Council, and

(*c*) if satisfied that it is in the public interest to do so, publish a transcript of all or any part of the proceedings of the Fitness to Practise Committee at an inquiry or, subject to *section 38(5)*, publish all or any part of a report referred to in *section 38(3)(c)* of the Fitness to Practise Committee (and, in either case, whether with or without any information which would enable all, or any one or more than one, of the parties to the proceedings to be identified).

(2) Without prejudice to the generality of *subsection (1)*, the Council shall, at the least, use the Council website to effect any advisement or publication referred to in that subsection.

(3) The Council shall not publish anything under this section which is inconsistent with a decision (if any) of the High Court arising from the performance of a function under *section 39(3)* or *(4)*, *40(3)* or *(4)*, *41(5)* or *(9)*, or *42(3)* or *(4)*.**]**

Restoration to register of name removed, or termination of suspension imposed, for non-payment of retention fee.

48.—(1) The Council shall, on the payment of a special fee to the Council by any person whose name was erased from any register or whose registration was suspended under *section 39 (1) (b)* of this Act from any register for non-payment of a retention fee (and for no other reason), restore that person's name to the register, or terminate the suspension, as the case may be.

(2) In this section "special fee" means a fee of such amount as may be fixed from time to time by the Council, with the consent of the Minister.

PART VI

RESTRICTIONS ON PRACTICE OF DENTISTRY

Descriptions of registered persons.

49.—(1) Every person who is registered in the register shall be entitled to take and use the description of dentist, dental surgeon or dental practitioner.

(2) A person who is registered in the register shall not, in connection with the practice of dentistry take or use, or affix to or use in connection with his premises, any title or description which is 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 the particulars relating to him which are entered in the register maintained by the Council.

(3) Any person who acts in contravention of *subsection (2)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(4) Where the Council is of opinion that any special branch of dentistry (including a dental specialty recognised by the Council under *section 37* of this Act) has become so distinctive that it would be for the convenience of the public or of the dental profession that registered dentists, who are qualified to practise in that branch of dentistry, should use a distinctive title, the Council may specify appropriate titles and the conditions under which such titles may be used, and the use of a title so specified in accordance with the specified conditions by a person qualified to use such a title shall not constitute a contravention of *subsection (2)* of this section.

Prohibition on use of titles by unregistered persons.

50.—(1) A person who is not a registered dentist shall not take or use the title of dentist, dental surgeon or dental practitioner and a person, who is not a registered dentist, shall not take or use any title or description which implies that he is a registered dentist.

(2) A person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or, at the discretion of the court to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

Prohibition on practice of dentistry by unregistered persons.

51.—(1) Subject to the provisions of this section, it shall not be lawful, on or after the date of the passing of this Act, for any person—

(*a*) to practise dentistry, or

(*b*) to represent or hold himself out, whether directly or by implication, as practising, or being willing and ready to practise, dentistry,

unless such person is a registered dentist.

(2) The provisions of *subsection (1) (a)* of this section shall not operate to prohibit—

(*a*) the practice of dentistry by a registered medical practitioner, or

(*b*) the performance of dental work by an auxiliary dental worker in accordance with conditions specified in a scheme made by the Council, with the approval of the Minister, under *section 53* of this Act, or

(*c*) the practice of dentistry under the supervision of a registered dentist by—

(i) a student of dentistry at a body referred to in the *Second Schedule* to this Act, or

(ii) a student of medicine at a body in the State recognised by the Medical Council for the purposes of section 35 (*a*) of the Medical Practitioners Act, 1978,

while such student is in the course of instruction or is taking an examination, or

(*d*) the performance of dental work under the supervision of a registered dentist by any person as part of a course of instruction which he is following in order to qualify for membership of a class of auxiliary dental worker recognised by the Council or as part of an examination required to be passed in order to qualify for membership of such class of auxiliary dental worker.

(3) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

(4) Notwithstanding the provisions of section 10 (4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under this section may be instituted at any time within two years from the commission of the offence.

Prohibition on practice of dentistry by bodies corporate.

52.—(1) It shall not be lawful for any body corporate to engage in the practice of dentistry (other than the performance of the dental work referred to in *section 51 (2) (b)* of this Act).

(2) The provisions of *subsection (1)* of this section shall not prohibit the practice of dentistry by—

(*a*) any health board established under the provisions of the Health Act, 1970, or

(*b*) any hospital, or

(*c*) any dental school, or

(*d*) two or more registered dentists in partnership.

(3) Every body corporate which engages in the practice of dentistry in contravention of *subsection (1)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(4) Where a body corporate is convicted of an offence under this section, every director, manager and secretary thereof shall, unless he proves that the offence was committed without his knowledge, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

PART VII

Auxiliary Dental Workers

Creation of classes of auxiliary dental workers.

53.—(1) The Council may, with the consent of the Minister, make a scheme for establishing classes of auxiliary dental workers who may undertake such class or classes of dental work as shall be specified by the Council notwithstanding that the doing of such work would constitute the practice of dentistry within the meaning of this Act.

(2) A scheme made by the Council under *subsection (1)* of this section shall—

(*a*) determine the training and qualifications necessary to become a member of such class;

(*b*) determine the nature of the dental work a member of any particular class may undertake and the conditions under which such work may be undertaken;

(*c*) establish a register in respect of each class so established and provide for the entry in, or removal from, such register of the name of an auxiliary dental worker of the class to which the register relates;

(*d*) specify the title which members of a particular class may use to indicate their membership of that class;

(*e*) determine the fee to be charged for the registration of a person or the retention of his name in any register established under *paragraph (c)* of this subsection.

(3) The Council may, with the consent of the Minister, revoke or amend a scheme made under *subsection (1)* of this section.

(4) The Council shall determine a code for the maintenance of standards of conduct among any class or classes of auxiliary dental workers established under *subsection (1)* of this section.

(5) Where any person has failed to pay any retention fee determined by the Council under *subsection (2) (e)* of this section, the Council may decide that the registration of the name of such person in the register shall not have effect until the fee has been paid.

(6) The Council shall not make a decision under *subsection (5)* of this section unless the Council has not less than two months previously by notice in writing sent F46**[**to the person**]** requested payment of the fee on more than one occasion.

(7) Any member of a class of auxiliary dental workers established under a scheme made under this section who—

(*a*) uses a title which he is not authorised to use under the provisions of a scheme made under this section, or

(*b*) uses a title or description which is reasonably calculated to suggest that he possesses some status or qualification connected with dentistry other than one which he in fact possesses, or

(*c*) not being a member of a class of auxiliary dental workers established under a scheme made by the Council under *subsection (1)* of this section, undertakes or represents or holds himself out, whether directly or by implication, as undertaking or being willing to undertake, dental work which that class of auxiliary dental workers may undertake,

shall be guilty of an offence.

(8) A person who acts in contravention of *subsection (7)* of this section shall be liable on summary conviction to a fine not exceeding £1,000.

Restriction on employment of auxiliary dental workers.

54.—(1) An auxiliary dental worker shall, in the performance of any dental work which the class of auxiliary dental workers of which he is a member may undertake in accordance with a scheme made by the Council under *section 53* of this Act, comply with any conditions specified by the Council under *subsection (2)* of that section in regard to the performance of such dental work.

(2) Dental work carried out by an auxiliary dental worker in accordance with a scheme made by the Council under *section 53* of this Act shall be carried out under the supervision of a registered dentist and any such dental work shall only be carried out after the registered dentist has examined the patient and has indicated to the auxiliary dental worker the course of treatment to be provided for the patient.

(3) The provisions of *subsection (2)* of this section shall not apply to the fitting, insertion or fixing of artificial teeth for persons of eighteen years or over, or the giving of advice to, or attendance on, such persons for such purposes by an auxiliary dental worker in accordance with a scheme made by the Council under *section 53* of this Act: Provided that such work does not include any work on natural teeth or on living tissue.

Creation of classes of auxiliary dental workers by direction of Minister.

55.—(1) The Minister may, by order, in any case where he considers the establishment of a particular class of auxiliary dental worker to be desirable, direct the Council to exercise the powers vested in it under *section 53* of this Act to make a scheme for the establishment of such a class and, in any case where the Minister considers it desirable, he may, by order, direct the Council to make a scheme for the establishment of a particular class for a limited period in order that the value to the public of the existence of that class may be judged and the Council shall comply with any such direction.

(2) The Minister may amend or revoke an order made under this section, including this subsection.

(3) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

PART VIII

Miscellaneous

Arrangements with persons to assist Council.

56.—The Council may make and carry out arrangements with any person or body to assist the Council or any of its committees in the proper discharge of any of its functions.

Report by Council.

57.—The Council shall as soon as may be after the end of each year in which it is in office prepare and publish a report of its proceedings under this Act during the preceding year.

Publication of registers.

58.—(1) The Council shall print, publish and place on sale copies of any register maintained by it at intervals of not more than five years and, in each intervening year, the Council shall print, publish and place on sale a supplement to each such register.

(2) The most recently published copy of each register maintained by the Council and any supplements thereof shall, at all times, be made available for inspection by any person, during office hours, by the chief executive officer of a health board at the headquarters of any health board established under the provisions of the Health Act, 1970.

F47**[**(3) The Council may publish any register maintained by it on the Council website.**]**

Construction of references to registered dentists.

59.—Every reference to a registered dentist in any enactment or statutory instrument shall be construed as a reference to a person who is registered in the register.

Functions in relation to Directives adopted by Council of the European Communities.

60.—The Council shall carry out such functions as may be assigned to it from time to time by the Minister in relation to the implementation of any Regulation, Directive or Decision adopted or made by the Council of the European Communities relating to the practice of dentistry.

Assignment to Council of additional functions.

61.—(1) The Council shall carry out such functions additional to the functions assigned to it by this Act in relation to dental education or training or to other matters relating to the practice of dentistry and the persons engaged in such practice as the Minister may by order assign to it.

(2) The Minister may amend or revoke an order made under this section, including this subsection.

(3) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

References in enactments etc. to Dental Board.

62.—Every reference to the Dental Board contained in any other enactment or any statutory instrument shall be construed as a reference to the Council.

Regulations.

63.—(1) The Minister may make regulations for the purposes of giving effect to any of the provisions of this Act.

(2) Every regulation, other than a regulation made under *section 9 (3)*of this Act, made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Regulations regarding adaptations.

64.—The Minister may by regulations make, in respect of any statute, order or regulation in force at the passing of this Act and relating to any matter or thing dealt with or affected by this Act, any adaptation or modifications which appear to him to be necessary to enable such statute, order or regulation to have effect in conformity with this Act.

Continuance in force of agreement.

65.—(1) Notwithstanding the repeal of the Dentists Act 1928, effected by this Act, the agreement specified in the First Schedule to that Act shall continue to have full force and effect until such time as the Minister, by order made under this section, declares that, pursuant to an agreement made between the Government and the Government of the United Kingdom, the said agreement shall cease to have effect.

(2) An order made by the Minister under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary.

(3) Nothing in this Act or in the agreement first referred to in *subsection (1)* of this section shall entitle a person who is registered in the Commonwealth or foreign list of the register maintained by the General Dental Council of the United Kingdom to be registered in the register.

General advisory functions of Council.

66.—(1) It shall be a function of the Council to advise the Minister, either at the request of the Minister or on its own initiative, on all matters relating to the functions assigned to the Council under this Act.

(2) It shall be a function of the Council to give guidance to the dental profession generally on all matters relating to ethical conduct and behaviour.

(3) It shall be a function of the Council to inform the public on all matters of general interest relating to the functions of the Council including any guidelines issued by the Council under *subsection (2)* of this section in relation to ethical conduct and behaviour.

Offences in relation to registers.

67.—(1) It shall be an offence for a person to make any false declaration or misrepresentation for the purpose of obtaining registration in any register maintained by the Council or to aid and abet the making of any such false declaration or misrepresentation.

(2) A person who acts in contravention of *subsection (1)* of this section shall be liable on summary conviction to a fine not exceeding £1,000 or, at the discretion of the Court, to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

(3) Notwithstanding the provisions of section 10 (4) of the petty Sessions (Ireland) Act, 1851, proceedings for an offence under this section may be instituted at any time within two years from the commission of the offence.

F48[Admissibility of certain documents relating to proceedings in State or other jurisdictions

67A.—(1) In any proceedings under this Act concerning a registered dentist, a document that purports to be a relevant document shall be admissible as evidence of any fact stated therein of which evidence would be admissible in those proceedings.

(2) In any proceedings under this Act concerning a registered dentist, a document purporting to be a certification by a court, tribunal or other authority of a document purporting to be a relevant document (and whether or not the certification is incorporated into the document) and to be signed by or on behalf of that court, tribunal or other authority shall be deemed, for the purpose of this section, to be such a certificate and to be so signed, unless the contrary is proved.

(3) Where a document is admissible in evidence under this section, any document which purports to be a translation of that document shall be admissible as evidence of the translation if it is certified as correct by a person competent to do so and a document purporting to be a certificate under this subsection shall be deemed to be such a certificate, and to be signed by the person purporting to have signed it, unless the contrary is proved.

(4) In this section—

"final determination", in relation to any relevant proceedings and a registered dentist, means—

(*a*) the conclusion of those proceedings without any party to the proceedings making an appeal, against a decision in those proceedings to impose or to not impose a sanction on the dentist, within the ordinary time in the State or other jurisdiction concerned, as appropriate, for making such an appeal, or

(*b*) if such an appeal is made—

(i) the abandonment or withdrawal of the appeal, or

(ii) the determination of the appeal,

whichever first occurs;

"registered dentist" includes a person who has made an application under this Act to have his or her name entered in a register maintained under this Act which has not yet been determined by the Council;

"relevant document", in relation to a registered dentist, means any of the following:

(*a*) a copy of a transcript of all or any part of relevant proceedings that has been certified, by or on behalf of the court, tribunal or other authority before which the proceedings were held, to be a true and accurate copy of that transcript;

(*b*) a copy of all or any part of a report arising out of such proceedings certified, by or on behalf of the court, tribunal or other authority which made the report, to be a true and accurate copy of that report;

(*c*) if, after the final determination of such proceedings, sanctions are, or continue to be, imposed on the dentist in consequence of such proceedings, a statement in writing giving particulars of such sanctions so imposed certified, by or on behalf of the court, tribunal or other authority which imposed the sanctions, to be true and accurate particulars of the sanctions that are, or continue to be, imposed on the dentist after the final determination of the proceedings;

(*d*) if, after the final determination of such proceedings, no sanctions are, or continue to be, imposed on the dentist in consequence of such proceedings, a statement in writing to that effect certified by or on behalf of the court, tribunal or other authority before which the proceedings were held;

"relevant proceedings", in relation to a registered dentist, means any disciplinary or judicial proceedings (other than such proceedings under this Act), in respect of which the dentist is the subject—

(*a*) in the State or another jurisdiction which may directly or indirectly result in the dentist—

(i) being prohibited from providing one or more than one kind of health or social care in the State or that jurisdiction, or

(ii) having a restriction placed on his or her ability to provide one or more than one kind of health or social care in the State or that jurisdiction,

(b) in another jurisdiction which may result in the dentist being convicted, in that jurisdiction, for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment, or

(c) in the State which may result in the dentist being convicted, in the State, for an offence triable on indictment;

"sanction" includes any restriction or measure.**]**

Prosecution of offences.

68.—Every offence under this Act may be prosecuted by the Council.

F49**[**Special measures registration having regard to Covid-19

69.—(1) A previous registrant may make an application to the Council to be registered in the register pursuant to this section.

(2) Subject to *subsections (3)* to *(8)*, the provisions of this Act shall, with all necessary modifications, apply to—

(*a*) a *section 69* registration as they apply to registration in the register effected by another section of this Act, and

(*b*) a *section 69* registrant as they apply to a registered dentist who is not a section 69 registrant.

(3) No fee (including a retention fee) shall be charged for, or relating to, a section 69 application or a section 69 registration.

(4) Where a previous registrant's name is entered in the register pursuant to a section 69 registration, the Council shall enter in the register, or cause to be entered in the register, the term "(section 69 registration)" immediately after that name to indicate that his or her registration arises from the operation of this section.

(5) (*a*) Nothing in this section shall be construed to prevent a previous registrant's name from being entered in the register pursuant to the operation of another section of this Act, whether or not his or her name is already entered in the register pursuant to a section 69 registration.

(*b*) Where a previous registrant's name is entered in the register pursuant to the operation of this Act (other than this section) when his or her name is already entered in the register pursuant to a section 69 registration, the Council shall remove from the register, or cause to be removed from the register, the latter entry at the same time as the first-mentioned entry is made.

(*c*) The refusal of a section 69 registration for a previous registrant shall not prevent that registrant from making an application under another section of this Act to be registered in the register.

(6) (*a*) Subject to *paragraph (b)*, a section 69 registrant who has not practised dentistry in the State or elsewhere for 2 years or more immediately before he or she became such registrant shall not practise dentistry.

(*b*) *Paragraph (a)* shall not apply to a person who ceases to be a section 69 registrant by virtue of the operation of *subsection (5)(b)*.

(7) (*a*) Subject to *subsection (8)*, each section 69 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(*b*) The Council shall remove from the register, or cause to be removed from the register, on the date referred to in *paragraph (a)*, or as soon as is practicable thereafter, each name that was entered in the register pursuant to a section 69 registration.

(8) (*a*) The Minister may, by order, specify a different date for the purposes of *subsection (7)* (including a different date for a previous different date specified in an order made under this paragraph) and, if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(*b*) *Section 63(2)* shall, with all necessary modifications, apply to an order made under *paragraph (a)* as that section applies to a regulation made under this Act.

(9) In this section—

"previous registrant" means a former registered dentist whose name was removed from the register pursuant to *section 32(1)*;

"section 69 application" means an application under *subsection (1)*;

"section 69 registrant" means a registered dentist who is such pursuant to—

(*a*) the Council's determination of a section 69 application, or

(*b*) a decision (howsoever called) of the High Court arising from the Council's determination of a section 69 application;

"section 69 registration" means a registration effected in the register pursuant to—

(*a*) the Council's determination of a section 69 application, or

(*b*) a decision (howsoever called) of the High Court arising from the Council's determination of a section 69 application.**]**

F50**[**Power to specify form of documents

70.—(1) The relevant body may specify the form of documents required for the purposes of this Act as the relevant body thinks fit.

(2) The relevant body's power under *subsection (1)* may be exercised in such a way as to—

(*a*) include in the specified form of any document referred to in that subsection a statutory declaration—

(i) to be made by the person completing the form, and

(ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief,

and

(*b*) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the relevant body thinks fit.

(3) The relevant body's power under *subsection (1)* may be exercised in such a way as to include in the specified form of any document a statement requiring the person completing the form to verify any particulars contained in the form, or contained in any document accompanying the form, in such manner as is specified in the form.

(4) A form specified under this section shall be—

(*a*) completed in accordance with such directions and instructions as are specified in the form,

(*b*) accompanied by such documents as are specified in the form, and

(*c*) if the completed form is required to be provided to—

(i) the relevant body,

(ii) another person on behalf of the relevant body, or

(iii) any other person,

so provided in the manner, if any, specified in the form.

(5) Without prejudice to the generality of *subsection (1)*, the Council may—

(*a*) specify a form to be completed by a registered dentist in connection with the payment by the dentist of any fee determined under *section 25(b)*, and

(*b*) in that form, require the practitioner to supply the Council with such information that the dentist would have to supply the Council if the practitioner were not registered but were seeking registration.

(6) In this section, "relevant body" means—

(*a*) subject to *paragraph (b)*, the Council, and

(*b*) in relation to a function under this Act performed by the Fitness to Practise Committee, that Committee.**]**

F51**[**Notifications under Act

71.—(1) Where the Council, the Fitness to Practise Committee or the Registrar is required or authorised under this Act to notify a registered dentist or former registered dentist, or an auxiliary dental worker or former auxiliary dental worker, of a decision or other matter concerning the person, the notification shall be sent by pre-paid post or electronically to him or her at the address stated in any register maintained under this Act in which his or her name is or was (as the case may be) entered.

(2) Where the Council or the Registrar is required or authorised under this Act to notify a person (not being a registered dentist or former registered dentist or auxiliary dental worker or former auxiliary dental worker) who has made an application under this Act of a decision or other matter concerning the application, the notification shall be sent by pre-paid post or electronically to the person at the address stated in the application.

(3) Where a notification under this Act has been sent to a person in accordance with *subsection (1)* or *(2)*, the notification shall be deemed, in the absence of evidence to the contrary, to have been duly delivered to the person on the 3rd working day after the day on which it was so sent.**]**

FIRST SCHEDULE

Rules in Relation to Membership and Meetings of An Chomhairle Fiaclóireachat (The Dental Council)

Tenure of Office

1. Subject to the provisions of this Schedule in relation to the filling of casual vacancies, every member of the Council shall hold office, unless he sooner dies, resigns or becomes disqualified, for a period of five years.

2. No person shall hold office as a member of the Council for more than two consecutive terms of five years.

Resignations and Termination of Membership

3. The Minister may at any time terminate the appointment of a member of the Council who was appointed by him.

4. A member of the Council may resign his membership by giving notice in writing signed by him to the Council, but the resignation shall not become effective until the meeting of the Council next held after receipt of the notice of resignation.

5. The membership of the Council of a person appointed by election shall terminate on his ceasing to be a registered dentist engaged in the practice of dentistry.

Casual Vacancies

6. (*a*) Whenever a casual vacancy occurs among the members of the Council, other than those appointed by election, the Council shall forthwith notify the body or authority which appointed such person and that body or authority shall, as soon as is convenient, appoint a person to fill such vacancy and any person so appointed shall serve as a member of the Council for such period as is unexpired of the term of office of the person whom he replaces.

(*b*) Whenever a casual vacancy occurs among the members of the Council appointed by election, the Council, after consultation with the Minister, shall co-opt a person who would, pursuant to the provisions of this Act, be eligible for election to fill such vacancy and any person so co-opted shall serve as a member of the Council for such period as is unexpired of the term of office of the person whom he replaces.

Quorum

7. The quorum for a meeting of the Council shall be seven; provided that, in the case of a meeting of the Council where the matter of the erasure of the name of a registered dentist from any register maintained by the Council, or the matter of the suspension of a registered dentist from any such register, or the matter of the attachment of conditions to the continued registration of a registered dentist, is on the agenda, the quorum shall be ten.

Meetings

8. The Council shall hold at least four meetings in every year and may hold such other meetings as may be necessary for the performance of its duties.

President and Vice-President

9.—(1) The Council shall, from time to time, elect one of its members to be President of the Council and another of its members to be Vice-President of the Council.

(2) A President and Vice-President of the Council, as the case may be, shall each hold office as such for such term as may be specified by the Council at the time of his appointment unless—

(*a*) he ceases to be, or becomes disqualified from being, a member of the Council,

(*b*) he resigns the office of President or Vice-President, as the case may be, and his resignation becomes effective under this paragraph,

(*c*) the Council by a resolution, for which not less than two-thirds of the members of the Council vote, and of the intention to propose which not less than seven days notice is given to every member of the Council, terminates his appointment as President or Vice-President.

(3) A President or Vice-President of the Council may at any time resign his office by giving notice in writing signed by him to the Council, but the resignation shall not become effective until the meeting of the Council next held after the receipt by the Council of the notice of resignation.

(4) Whenever, at an election of the President or Vice-President of the Council, there is an equality of votes for two or more persons, it shall be determined by lot which of those persons shall be President or Vice-President, as the case may be.

Proceedings at Meetings

10. The proceedings of the Council shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointments to the Council or in the qualifications of any member thereof.

11. The President, or in his absence, the Vice-President of the Council may, on his own initiative, or, shall, when he is requested so to do by a requisition signed by not less than six members of the Council, convene a meeting of the Council.

12.—(1) If the President, or in his absence the Vice-President, of the Council refuses to convene a meeting of the Council after a requisition for that purpose signed by not less than six members of the Council has been presented to him, any six members of the Council may forthwith convene a meeting of the Council.

(2) If the President, or in his absence the Vice-President, of the Council, without so refusing, does not, within seven days after the presentation of a requisition for that purpose signed by not less than six members of the Council, convene a meeting of the Council, any six members of the Council may, on the expiration of those seven days, convene a meeting of the Council.

13. At least eight clear days before every meeting of the Council, notice, signed by the President or Vice-President of the Council, as the case may be, or, if the meeting is convened by members of the Council, by such members, of the time and place of the meeting shall be sent to every member of the Council: if the meeting is convened by members of the Council, the notice convening the meeting shall specify the business to be transacted thereat.

14. At a meeting of the Council—

(*a*) the President of the Council shall, if he is present, be the chairman,

(*b*) if and so long as the President of the Council is not present, or if the office of President is vacant, the Vice-President of the Council shall, if he is present, be the chairman,

(*c*) if and so long as the President of the Council is not present or the office of President is vacant and the Vice-President of the Council is not present or the office of Vice-President is vacant, the members of the Council who are present shall elect one of their number to be chairman of that meeting.

15. Minutes of the proceedings of all meetings of the Council shall be drawn up and entered in a book kept for that purpose and such minutes shall be signed by the chairman of the next ensuing meeting.

16. The names of all members present at a meeting of the Council shall be recorded in the minutes of the proceedings of the meeting.

17. Subject to *Articles 7* and *9 (4)* of this Schedule, all acts of the Council and all questions coming or arising before the Council may be done and decided by a majority of such members of the Council as are present and vote in relation to the act or matter at a meeting of the Council duly convened according to law.

18. In the case of equality of votes on any question arising at a meeting of the Council (other than the election of the President or the Vice-President) the chairman of that meeting shall have a second or casting vote.

19. Save as is otherwise provided by any enactment, including this Act, the Council may make standing orders for the regulation of its proceedings, and may amend or revoke such standing orders.

SECOND SCHEDULE

Primary Qualifications

1. Bachelor of Dental Surgery of the National University of Ireland.

2. Bachelor in Dental Science of the University of Dublin.

Number 9 *of* 1985

DENTISTS ACT 1985

REVISED

Updated to 6 May 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.