



BILLE NA bhFIACLOIRI, 1927.

DENTISTS BILL, 1927.

*Mar do tugadh isteach.**As introduced.*

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SAORSTÁT EIREANN.

BILLE NA FIACLOIRI, 1927.
DENTISTS BILL, 1927.

BILL

entitled

5

AN ACT TO MAKE PROVISION FOR THE REGISTRATION
AND CONTROL OF PERSONS PRACTISING DENTISTRY
OR DENTAL SURGERY AND FOR OTHER PURPOSES
RELATING TO THE PRACTICE OF DENTISTRY OR
10 DENTAL SURGERY AND THE PERSONS ENGAGED IN
SUCH PRACTICE.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

1.—In this Act—

15 the expression “the Minister” means the Minister for Local
Government and Public Health;

Definitions.

the expression “the Board” means the Dental Board constituted
by this Act;

20 the expression “the register” means the Register of Dentists
for Saorstát Eireann to be established under this Act;

the expression “the General Council” means the General
Council of Medical Education and Registration constituted under
the Medical Acts;

25 the expression “the General Dental Board” means the Dental
Board in the United Kingdom as constituted under the Dentists
Acts as modified by the Agreement set out in the First Schedule
to this Act;

the expression “the General Dentists Register” means the
Dentists Register maintained under the Dentists Acts;

30 the expression “the Medical Council” means the Medical Regi-
stration Council;

35 the expression “registered dentist” in relation to anything done
or to be done or an event happening before the establishment of
the register means a person registered in the General Dentists
Register and in relation to anything done or to be done or an
event happening after the establishment of the register means a
person registered in the register;

40 the expression “qualifying examination” means an examina-
tion in dentistry or dental surgery held for the purpose of grant-
ing certificates of fitness to practise dentistry or dental surgery
by any university or college in Saorstát Eireann for the time
being having power to grant such certificates;

45 the expression “practice of dentistry or dental surgery” means
the performance of any operation and the giving of any treat-
ment, advice, opinion or attendance usually performed or given
by a dental surgeon or dentist and includes the performance of
any operation or the giving of any treatment, advice or attend-
ance on or to any person preparatory to or for the purpose of or
in connection with the fitting, insertion or fixing of artificial
50 teeth;

the expression “self-governing dominion” means and includes
the Dominion of Canada, the Commonwealth of Australia, the
Dominion of New Zealand, the Union of South Africa, and New-
foundland;

55 the expression “British possession” does not include Great
Britain or Northern Ireland or the self-governing dominions.

Confirmation of Agreement and consequential amendments of the law.

2.—(1) The Agreement set forth in the First Schedule to this Act is hereby confirmed and shall take effect on whichever of the following dates is the later, that is to say, the date of the passing of this Act and the date of the passing into law by the Parliament of the United Kingdom of Great Britain and Northern Ireland of legislation to give statutory effect to the said Agreement.

(2) For the purpose of enabling the said Agreement to have statutory effect in Saorstát Éireann it is hereby enacted—

- (a) the said Agreement, in so far as the terms thereof are inconsistent with the Dentists Acts, shall be deemed to amend or modify to that extent those Acts and those Acts are hereby amended and modified accordingly;
- (b) the Dentists Acts as so amended or modified shall be and continue in force in Saorstát Éireann so far as is so provided by the said Agreement or is necessary to enable the said Agreement to have full force and effect in Saorstát Éireann;
- (c) save as is otherwise enacted in the foregoing paragraph the Dentists Acts shall cease to have effect on the date of the passing of this Act.

Constitution of the Dental Board.

3.—(1) A board to be styled the Dental Board (in this Act referred to as the Board) shall be established in accordance with this Act to fulfil the functions assigned to it by this Act.

(2) The Board shall be a body corporate having perpetual succession and may provide itself with a seal and may sue and be sued under its said style and name.

(3) The Board shall consist of nine members nominated or elected from time to time as follows, that is to say:—

- (a) one shall be nominated by the Executive Council,
- (b) three shall be nominated by the Medical Council,
- (c) one, who in the case of the first election shall be a person resident in Saorstát Éireann and registered in the General Dentists Register under section 3 of the Dentists Act, 1921 and shall be elected by the persons who are for the time being so resident and registered and in the case of every subsequent election shall be a person resident in Saorstát Éireann and registered in the register by virtue of a previous registration in the General Dentists Register under section 3 of the Dentists Act, 1921 and shall be elected by persons so resident and registered, and
- (d) four, who in the case of the first election shall be persons resident in Saorstát Éireann and registered in the General Dentists Register otherwise than under section 3 of the Dentists Act, 1921 and shall be elected by the persons so resident and registered, and in the case of every subsequent election shall be persons resident in Saorstát Éireann and registered in the register otherwise than by virtue of a previous registration in the General Dentists Register under section 3 of the Dentists Act, 1921 and shall be elected by the persons so resident and registered.

(4) In this section the expression “the first election” means the election of elected members of the Board required by this Act to be held by the nominated members of the Board.

Term of office of member of the Board.

4.—(1) Subject to the provisions of this section in relation to persons elected or nominated to fill casual vacancies every member of the Board shall, unless he sooner dies, resigns, or becomes disqualified, hold his office as such member for the term of five years reckoned, in the case of the first members, from the establishment of the Board and, in the case of every subsequent member, from the expiration of the term of office of his predecessor.

(2) A member of the Board elected or nominated to fill a

casual vacancy in the Board shall, unless he sooner dies, resigns, or becomes disqualified, hold office for the residue of the term for which the member whose death, resignation, or disqualification occasioned the vacancy would have held office if he had not died,
5 resigned, or become disqualified.

(3) Every member of the Board shall on the cesser of his membership by effluxion of time be eligible for re-election or re-nomination.

5.—A member of the Board may at any time resign his office
10 as such member by letter addressed and sent to the Board and every such resignation shall take effect at the commencement of the meeting of the Board commencing next after the receipt of such resignation by the Board. **Resignation of member of the Board.**

6.—(1) Whenever a vacancy (in this Act called a casual
15 vacancy) occurs in the membership of the Board by reason of the death, resignation, or disqualification of a nominated member, the Board shall forthwith notify the authority or body by which such member was nominated of the occurrence of such vacancy and such authority or body shall as soon as conveniently may be
20 nominate a person to fill such vacancy. **Casual vacancies in the Board.**

(2) Whenever a vacancy (in this Act called a casual vacancy) occurs in the membership of the Board by reason of the death, resignation, or disqualification of an elected member, the Board shall at its next meeting but one after the occurrence of such
25 vacancy elect a person to fill such vacancy.

(3) Every person nominated or elected under this section to fill a casual vacancy shall be nominated or elected from the class of persons (if any) from which the member whose death, resignation, or disqualification occasioned such vacancy was re-
30 quired to be nominated or elected.

7.—(1) The Board shall fix the times and places of its meetings and every meeting of the Board subsequent to the first meeting thereof shall be held at the time and place so fixed. **Meetings and procedure of the Board.**

(2) The procedure of the Board at its meetings and otherwise
35 shall be conducted in accordance with the regulations in that behalf made by the Board under this Act.

(3) One-third of the members of the Board shall constitute a quorum.

(4) Every decision to be made by the Board at any meeting
40 thereof shall be made by a simple majority of the members of the Board present at such meeting and voting on such decision.

(5) At every meeting of the Board the members of the Board present at such meeting shall elect one of their number to be the chairman of such meeting.

45 (6) Whenever at a meeting of the Board an equal number of votes of the members of the Board present and voting is cast for and against a proposed motion or resolution the chairman of such meeting shall, in addition to his vote as a member of the Board, have a casting vote.

50 (7) The Board may act notwithstanding one or more vacancies in its membership.

8.—(1) As soon as may be after the passing of this Act the Minister shall send to every authority and body (other than the Executive Council) entitled under this Act to nominate a member
55 of the Board a notice in writing requesting such body or authority to nominate a member of the Board. **First nomination of nominated members of the Board.**

(2) Not less than three nor more than four weeks after the sending of the notices mentioned in the foregoing sub-section the Minister shall communicate to the Executive Council the names
60 of the members of the Board nominated by authorities and bodies other than the Executive Council and shall at the same time request the Executive Council to nominate a member of the Board.

(3) When the Executive Council has nominated a member of the Board pursuant to the foregoing sub-section the Minister shall by notice in writing send by post to every member of the Board nominated pursuant to this section appoint a time and place for the first meeting of the nominated members of the Board. 5

(4) The nominated members of the Board shall meet at the time and place appointed under this section for their first meeting.

(5) The failure of any authority or body (other than the Executive Council) to nominate a member of the Board before the summoning under this section of the first meeting of the nominated members of the Board shall not invalidate such meeting or anything done thereat or subsequently by the Board or the nominated members thereof or disentitle such authority or body to nominate a member of the Board subsequently to such summoning of such meeting. 10 15

First meeting
of the nominated
members of the
Board.

9.—(1) The nominated members of the Board shall at their first meeting and thereafter do the following things, that is to say:—

- (a) regulate their procedure and appoint the times and places of their meetings, and 20
- (b) prepare with the approval of the Minister a scheme for holding in accordance with this section an election of elected members of the Board, and
- (c) hold such election and communicate to the Minister the names of the persons elected thereat. 25

(2) The scheme to be prepared under this section for the election of elected members of the Board shall provide for the voting thereat being made by post and for such voting being secret and for the holding of such election at such time and in such manner that the same is completed and the names of the persons elected thereat communicated to the Minister within two months after the first meeting of the nominated members of the Board. 30

(3) Three nominated members of the Board shall constitute a quorum at the first and every subsequent meeting of the nominated members of the Board. 35

(4) The powers of the nominated members of the Board under this section shall cease on the establishment of the Board.

The establish-
ment of the
Board.

10.—(1) As soon as may be after the completion of the election of elected members of the Board required by this Act to be held by the nominated members of the Board and the communication to the Minister by such nominated members of the names of the persons elected at such election the Minister shall publish in the *Iris Oifigiúil* a notice declaring the Board to be established as on and from a date named in such notice and stating the names of the persons then elected and nominated in pursuance of this Act to be members of the Board. 40 45

(2) The failure of any authority or body (other than the Minister) entitled under this Act to nominate a member of the Board so to do before the publication of the notice in the *Iris Oifigiúil* pursuant to the foregoing sub-section shall be stated in such notice but shall not invalidate or prejudice the establishment of the Board or disentitle such authority or body subsequently to nominate or join in nominating (as the case may be) a member of the Board. 50 55

(3) The date to be named in the said notice published in *Iris Oifigiúil* as the date for the establishment of the Board shall be subsequent to but not more than ten days subsequent to the publication of such notice and all references in this Act to the establishment of the Board as a point in time shall be construed as referring to the date so named in such notice. 60

First meeting
of the Board.

11.—(1) As soon as may be after the establishment of the Board the Minister shall by notice in writing sent by post to

every member of the Board appoint a time and place for the first meeting of the Board.

(2) The Board shall meet at the time and place appointed under this section for its first meeting and shall thereupon enter on its duties under this Act and in particular shall at such meeting or as soon as may be thereafter proceed to establish the register.

12.—(1) Not more than two months nor less than one month before every expiration of the term of office of the nominated members of the Board, the Board shall send to every authority and body entitled under this Act to nominate a member of the Board a letter notifying such authority or body of the date of such expiration and requesting such authority or body to nominate a person to become and be a member of the Board on such expiration.

Nomination of the nominated members of the Board.

(2) Every authority or body nominating a member of the Board shall, in the case of a nomination made before the establishment of the Board, communicate to the Minister and, in the case of a nomination made after such establishment, communicate to the Board in writing the name of the person so nominated by it and no such nomination shall be complete until the name of the person nominated has been so communicated to the Minister or the Board (as the case may be) by the body or authority making such nomination.

13.—(1) Before every expiration of the term of office of the elected members of the Board, the Board shall hold an election in accordance with this Act of elected members of the Board and shall so hold and conduct such election that the same is completed before but not more than two weeks before the commencement of the term of office of the members.

Elections of elected members of the Board.

(2) Every election of elected members of the Board held after the establishment of the Board shall be conducted in accordance with a scheme prepared, either generally or for such particular election, by the Board with the approval of the Minister, and every such scheme shall provide for the voting at every election held thereunder being by post and for such voting being secret.

14.—(1) The Board shall appoint a registrar (in this Act referred to as the registrar) and may appoint such other officers and servants as it thinks proper.

Officers and servants of the Board.

(2) The registrar and every other officer and servant of the Board shall receive such remuneration and be subject to such conditions of service as the Board shall direct.

15.—(1) It shall be the duty of the registrar to keep the register and to make therein such entries and erasures as he shall be directed by the Board by regulations made under this Act to make therein and for that purpose the Board may by such regulations delegate to the registrar such of the powers and duties of the Board under this Act in relation to the register as are of a ministerial character and do not involve the exercise of any discretion or are authorised by this Act to be so delegated.

The duties of the registrar.

(2) The registrar shall also act as secretary of the Board and perform such other duties and in particular such duties in relation to the preparation, printing, publication, and sale of the dental register as the Board shall direct.

16.—(1) The Board shall keep in such form as shall be approved by the Minister after consultation with the Minister for Finance all proper and usual accounts of all moneys received or expended by the Board.

Accounts of the Board and the audit thereof.

(2) The accounts of the Board shall be audited at least once in every year by an auditor appointed for the purpose by the Minister and the fees of such auditor shall be fixed by the Minister and such fees and also the expenses generally of such audits shall be paid by the Board.

(3) As soon as may be after every audit under this section of the accounts of the Board the Board shall cause such accounts and the auditor's certificate and report thereon to be printed, published, and put on sale either by inclusion in the volume containing the dental register or as a separate volume and shall immediately after every such publication present to the Minister and to each House of the Oireachtas a copy of such accounts and such certificates and report thereon as so printed and published. 5

Expenses of the Board and of the Minister.

17.—(1) All expenses incurred by the Board in the execution of this Act up to the expiration of one year after the establishment of the register shall, to such extent as shall be sanctioned by the Minister for Finance, be defrayed out of moneys to be provided by the Oireachtas. 10

(2) All expenses incurred by the Board after the expiration of one year after the establishment of the register shall be defrayed by the Board out of its own moneys. 15

(3) All expenses incurred by the Minister in the execution of this Act shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 20

Making of regulations by the Board.

18.—The Board may by regulations made by it prescribe all or any of the following things, that is to say:—

- (a) the procedure of the Board at its meetings and otherwise,
- (b) the maintenance and keeping generally of the register and, with the approval of the Minister, the form of the register, 25
- (c) the form and mode of application for registration in the register and the evidence to be given on such application of the title of the applicant to be so registered, 30
- (d) subject to the provisions of this Act and the approval of the Minister, the fees to be paid for the registration of persons,
- (e) the preparation, printing, publication, and sale generally of the dental register and, with the approval of the Minister, the form of the dental register, 35
- (f) the conduct of and proceedings at inquiries into the conduct of registered persons alleged to have been guilty of infamous or disgraceful conduct in a professional respect. 40
- (g) so far as is authorised by this Act, the delegation to the registrar of the powers and duties of the Board in relation to the register,
- (h) any matter or thing referred to in this Act as prescribed or to be prescribed by regulations made by the Board and not hereinbefore expressly mentioned. 45

Exercise by the Minister of the functions of the Board.

19.—(1) If at any time the Minister is satisfied, either after such inquiry as the Minister thinks fit to make or without such inquiry, that the Board has on any occasion failed to do any matter or thing which the Board is authorised or required by this Act to do and the doing of which by the Board on that occasion was in the opinion of the Minister necessary or appropriate for the proper exercise of the functions or the proper discharge of the duties conferred or imposed on the Board by this Act, the Minister may by order direct the Board to do such matter or thing and for that purpose to do such other matters or things ancillary or incidental thereto as may be specified in such order. 50 55

(2) If the Board fails to comply with the directions contained in an order made by the Minister under this section, the Minister may himself take such steps as he thinks fit to carry out the directions contained in such order and for that purpose the 60

Minister shall have and may exercise such of the rights and powers conferred on the Board by this Act as are necessary for the due compliance with such directions.

20.—(1) As soon as may be after the establishment of the Board, the Board shall prepare and establish a register of dentists to be known as "The Register of Dentists for Saorstát Eireann" and in this Act referred to as the register. The establishment of the register.

(2) As soon as the Board is in a position to appoint a date for the establishment of the register and in any event not later than ten months after the passing of this Act the Board shall communicate in writing to the Minister the date (not being less than two months after such communication nor more than twelve months after the passing of this Act) on which they desire the register to be established by notice published by him in the *Iris Oifigiúil* declare that the register shall be established as on and from such date or such later date as the Minister may think proper to specify in such notice.

(3) The notice to be published in the *Iris Oifigiúil* pursuant to the foregoing sub-section shall be so published not less than one month before the date specified therein for the establishment of the register.

(4) All references in this Act to the establishment of the register as a point in time shall be construed as referring to the date declared by the Minister under this section to be the date as on and from which the register shall be established.

(5) From and after the establishment of the register the Board shall maintain and keep the register in accordance with this Act and the regulations made by the Board thereunder.

(6) The register shall be in such form as the Board shall, with the approval of the Minister, prescribe.

21.—(1) For the purpose of keeping the register correct the Board shall from time to time as occasion requires correct all verbal or clerical errors in the register, remove therefrom all entries therein procured by fraud or misrepresentation, enter in the register every change which comes to their knowledge in the addresses of the persons registered therein, and remove from the register the names of all persons who shall have died or who by reason of non-payment of fees have ceased to be entitled to have their names retained in the register. Correction of the register.

(2) The Board may at any time on such terms and as from such date as they think proper restore to the register the name of any person whose name was erroneously removed from the register on the ground that he was dead or whose name was removed from the register because of non-payment of fees.

(3) The Board may by regulations made under this Act delegate to the registrar all or any of their powers and duties under this section other than the power of restoring a name to the register.

22.—(1) Subject to payment of the prescribed fee, there shall be registered in the register at the establishment thereof— Persons entitled to be registered at the establishment of the register.

(a) every person who was registered in the General Dentists Register immediately before the establishment of the register and was then resident in Saorstát Eireann, and

(b) every person who was registered in the General Dentists Register immediately before the establishment of the register and was then resident outside Saorstát Eireann and applies to the Board within one month before such establishment to be registered in the register.

(2) For the purposes of this section a person shall be deemed to be resident at his address as stated in the General Dentists Register.

Persons entitled to be registered after the establishment of the register.

23.—(1) After the establishment of the register the following persons shall, on making the prescribed application and paying the prescribed fees, be entitled (save as is otherwise provided by this section) to be registered in the register, that is to say:—

- (a) every person who is at the time of such application registered in the General Dentists Register, and
- (b) every person who is at the time of such application possessed of a degree or licence in dental surgery granted by a university or college in Saorstát Éireann having, at the time of such degree or licence, power to grant the same.

(2) No person whose name shall have been erased from the register by the Board on account of his having been convicted of treason or a felony, misdemeanour, crime, or offence or by direction of the Medical Council on account of his having been judged guilty of infamous or disgraceful conduct in a professional respect shall be entitled to have his name restored to the register under this section solely by reason of his being registered in the General Dentists Register.

(3) A person not previously registered in the register shall not be entitled to be registered therein under this section if at any time before his application for such registration his name has been erased from the General Dentists Register on account of his having been convicted of a felony, misdemeanour, crime, or offence or his having been judged guilty of infamous or disgraceful conduct in a professional respect.

Registration of persons mentioned in Second Schedule.

24.—(1) The several persons named in the Second Schedule to this Act shall on passing an examination in dentistry prescribed and held by the Board for the purpose within seven years after the passing of this Act and on making the prescribed application and paying the prescribed fees be entitled to be registered in the register.

(2) Every person registered in the register under this section and resident in Saorstát Éireann shall be entitled to vote at an election of the elected members of the Board held after such person is so registered as if such persons were registered in the register by virtue of a previous registration in the General Dentists Register under section 3 of the Dentists Act, 1921.

Registration of persons possessing certain qualifications.

25.—The Board may at any time by special direction in that behalf and on account of special circumstances to be stated in such direction register in the register any person who in the opinion of the Board has received training and possesses qualifications not inferior to the standard of training and qualifications necessary for obtaining the right to be registered under any other section of this Act.

Foreign practitioners.

26.—(1) Any person who was trained and is for the time being registered as a dentist, dental surgeon, or surgeon dentist in any British possession, self-governing dominion, or foreign country which is for the time being recognised by the Board for the purposes of this section, shall be entitled, on making the prescribed application and paying the prescribed fees, to be registered in the register.

(2) The Board may recognise for the purposes of this section any British possession, self-governing dominion, or foreign country in which there is in force at the time of such recognition legislation—

- (a) providing for the registration by a public authority of persons engaged in the practice of dentistry, and
- (b) requiring for such registration a standard of training and knowledge which is in the opinion of the Board not lower than the standard of training and knowledge necessary for obtaining the right to be registered under this Act, and

(c) providing for the admission of persons registered under this Act to registration under such legislation on terms which in the opinion of the Board are reasonably equivalent to the terms on which persons registered under such legislation are admitted to registration under this Act.

(3) The Board may at any time cease to recognise for the purposes of this section any British possession, self-governing dominion, or foreign country previously so recognised.

(4) Persons registered in the register under this section are in this Act referred to as foreign practitioners.

27.—(1) Whenever a person registered in the register is convicted in Saorstát Eireann of treason or of a felony or a misdemeanour or is convicted outside Saorstát Eireann of a crime or offence which would be a felony or a misdemeanour if committed in Saorstát Eireann the Board may erase the name of such person from the register.

Erasure from the register of persons convicted of crimes.

(2) A person whose name has been erased from the register under this section may be restored to the register by order of the High Court under this Act or at any time by special direction of the Board but not otherwise and when a person is so restored to the register by the Board the Board may attach to such restoration such conditions (including the payment of a fee not exceeding the fee which would be payable by such person for registration if he was then being registered for the first time) as the Board thinks fit.

28.—(1) The Board may at any time and shall on the application of any university or college in Saorstát Eireann having for the time being power to grant certificates of fitness to practise dentistry or dental surgery hold or appoint one or more members of the Board to hold an inquiry into the conduct of any person registered in the register who is alleged to have been guilty of infamous or disgraceful conduct in a professional respect.

Erasure from the register of persons found guilty of infamous or disgraceful conduct.

(2) If, as the result of an inquiry held under the foregoing sub-section or as the result of a report received by the Board from the General Dental Board of an inquiry held by such Board, the Board finds that the person in respect of whose conduct such inquiry was held was guilty of infamous or disgraceful conduct in a professional respect the Board shall send to the Medical Council a report of the facts proved at such inquiry and of the finding of the Board.

(3) If the Medical Council, on consideration of a report sent to it under this section and after giving the person to whom such report relates and the university or college (if any) at whose instance the said inquiry was held a reasonable opportunity of being heard, is of opinion that the name of such person should be erased from the register, the Medical Council shall direct the Board to erase the name of such person from the register and the Board shall forthwith erase such name accordingly.

(4) A person whose name has been erased from the register under this section may be restored to the register by order of the High Court under this Act or at any time by special direction of the Board given with the consent of the Medical Council but not otherwise, and when a person is so restored to the register by the Board the Board may with the consent of the Medical Council attach such conditions (including the payment of a fee not exceeding the fee which would be payable by such person for registration if he was then being registered for the first time) as the Board with the approval of the Medical Council thinks fit.

29.—(1) Whenever the Board refuses to register in the register a person who has applied for such registration or erases the name of any person from the register the Board shall forthwith send by post to such person notice in writing of such refusal or erasure and of the reason therefor.

Appeals to the High Court.

(2) Whenever the Board refuses or fails to register in the register a person who has applied for such registration or erases the name of any person from the register such person may within three months after receiving from the Board notice under this section of such refusal or erasure or, in the case of a failure to register, within six months after his application for such registration appeal to the High Court in accordance with rules of court against such refusal, failure, or erasure, and on the hearing of any such appeal the High Court may give such directions as it thinks proper including a direction that the name of the appellant be registered in or restored to the register as on and from the date of the order of the Court or any earlier date and directions as to how the costs of the appeal are to be borne.

(3) On the hearing of an appeal under this section from an erasure on account of the appellant having been found guilty of infamous or disgraceful conduct in a professional respect, the High Court may, if it thinks proper so to do, admit and have regard to evidence of persons of standing in the medical profession or the dental profession as to what is infamous or disgraceful conduct in a professional respect.

(4) Whenever the High Court on an appeal under this section directs the name of a person to be registered in or restored to the register, the Board shall register or restore (as the case may be) the name of such person in or to the register in accordance in all respects with such direction.

(5) The decision of the High Court on an appeal under this section shall be final and shall not be subject to appeal to any other court.

Inquiry by
Board into
allegation of
infamous
conduct.

30.—(1) Whenever the Board holds or appoints any members or member of the Board to hold an inquiry under this Act into the conduct of any person who is alleged to have been guilty of infamous or disgraceful conduct in a professional respect the Board or the members or member so appointed (as the case may be) shall have power to summon witnesses to attend such inquiry and to examine them on oath and for that purpose to administer an oath to such witnesses and to compel such witnesses to produce any documents in their power or control the production of which the Board or such members or member (as the case may be) considers necessary for the purpose of such inquiry.

(2) Every person who on being duly summoned by the Board or by any such members or member as aforesaid fails to attend an inquiry held under this section or being in attendance thereat as a witness refuses to take an oath or to give evidence or to produce a document in his power or control when required under this section so to do shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(4) The list and every separate list and sub-list of names of persons to be contained in the dental register under this section shall be arranged in such list, separate list, or sub-list in alphabetical order of surnames and, in the case of persons having the same surname, in alphabetical order of Christian names, and shall contain after or opposite the name of every such person his address and qualifications as stated in the register on the appropriate 1st day of January or, in the case of the dental register published in the year in which the register is established, on the day after the establishment of the register.

(5) A copy purporting to be a copy printed and published by or for the Board under this section of the dental register which is for the time being the latest dental register so printed and published shall be evidence in any court until the contrary is proved that every person whose name is entered in such dental register is registered in the register under and in accordance with this Act and that any person whose name is not entered in such dental register is not so registered.

(6) A certificate purporting to be signed by the registrar and to certify that on a specified day or days or during the whole of

a specified period a particular person was duly registered in the register or that on a specified day or days or during the whole of a specified period a particular person was not registered in the register or that on a specified day the name of a particular person
5 was erased from the register shall without proof of the signature of the person purporting to sign such certificate or that he was the registrar and notwithstanding any discrepancy between such certificate and the dental register be conclusive evidence of the matters certified in and by such certificate.

- 10 31.—(1) The Board shall in every year cause to be printed, published, and sold under the title "The Dental Register of Saorstát Eireann" (in this Act referred to as the dental register) a correct list, in such form as shall be prescribed by the Board with the approval of the Minister, of the names of all persons
15 whose names are entered in the register on the 1st day of such year.

The dental register.

- (2) The Board may, if it so thinks proper with the consent of the Minister refrain from publishing the dental register in the year in which the register is established, but if the Board does
20 publish the dental register in such year such dental register shall be a list of the names of all persons whose names are entered in the register on the day after the establishment of the register.

- (3) The Board may with the approval of the Minister arrange in any dental register the names of foreign practitioners in a
25 separate list and may also with the like approval subdivide such separate list into separate sub-lists containing respectively the names of persons trained and registered in British possessions, the self-governing dominions, and foreign countries.

- 32.—(1) Every person who for the purpose of being registered in the register makes or procures or causes to be made or
30 procured or aids or abets the making or procuring of any representation or declaration which to the knowledge of such person is false or fraudulent shall be guilty of an offence under this section and shall be liable on summary conviction thereof to
35 imprisonment with or without hard labour for any term not exceeding twelve months.

Offences and penalties in relation to the register.

- (2) Every person who wilfully and fraudulently makes or causes to be made or aids or abets the making of any entry in the register which to the knowledge of such person is false or
40 misleading in any material particular shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment with or without hard labour for any term not exceeding twelve months.

- (3) Every person who after the establishment of the register,
45 wilfully and falsely represents himself to be or holds himself out as being a person who is registered in the register or uses any name, title, addition or description implying that he is so registered shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding
50 twenty-five pounds.

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

Descriptions of registered persons.

- (2) A person who is registered in the register shall not—

- 55 (a) use any name other than the name in which he is registered in the register, or
(b) take or use, or affix to or use in connection with his premises any title or description relating to himself, his premises, or the work done or proposed to be done
60 by him which is reasonably calculated to suggest that he possesses any professional status or qualification other than a professional qualification or status which he in fact possesses and which is indicated by the particulars relating to him entered in the register.

(3) The name of any person who acts in contravention of this section may, at the discretion of the Board, be erased from the register.

**Qualifying
examinations.**

34.—(1) Every university or college in Saorstát Eireann which has, at the date of the passing of this Act, power to grant decrees in surgery may from time to time hold examinations for the purpose of testing the fitness of persons to practise dentistry or dental surgery (in this Act referred to as “qualifying examinations”) and to grant certificates of such fitness to such persons as a result of such examinations. 5 10

(2) Every person who after having passed a qualifying examination obtains from any such university or college as aforesaid a certificate of fitness to practise dentistry or dental surgery shall (where such certificate is granted by any such university as aforesaid) be a graduate of such university and shall (where such certificate is granted by any such college as aforesaid) be a licentiate of such college. 15

**Board of
examiners.**

35.—(1) The governing body of every university or college in Saorstát Eireann which is authorised by this Act to hold qualifying examinations in dentistry or dental surgery shall appoint in accordance with the provisions of this section a board (in this Act referred to as a board of examiners) for the purpose of conducting such qualifying examinations. 20

(2) Every board of examiners shall consist of and be maintained at not less than six persons of whom not less than three shall be appointed from persons who are registered in the register. 25

(3) Every member of a board of examiners shall hold office as such member for such period as the governing body of the university or college by which he is appointed shall determine. 30

(4) Whenever a vacancy occurs in the membership of a board of examiners the governing body by which such board was appointed may and, when necessary for the maintenance of the minimum membership, shall fill such vacancy.

**Conduct of
qualifying
examinations.**

36.—It shall be the duty of every board of examiners to conduct in the manner directed by the university or body by which such board of examiners is appointed the qualifying examinations in dentistry or dental surgery held by such university or college and to grant in the form directed by such university or college certificates of fitness to practise dentistry or dental surgery. 35 40

**Admission to
qualifying
examinations.**

37.—Every university and college which is authorised by this Act to hold qualifying examinations in dentistry or dental surgery shall admit as a candidate at such examinations every person who has—

(a) attained the age of twenty-one years, and 45

(b) fulfilled the conditions required by the rules for the time being in force of such university or college to be fulfilled by candidates for such examination.

**Information as
to course of
study, etc., to
be furnished
to Medical
Council.**

38.—(1) Every university or college which is authorised by this Act to hold qualifying examinations in dentistry or dental surgery and to grant as a result of such examinations certificates of fitness to practise dentistry or dental surgery shall from time to time as and whenever so required by the Medical Council, furnish to the Medical Council such information as the Medical Council may require relating to such examinations and such certificates and the course of study to be completed by candidates for such examinations and generally the conditions to be fulfilled before such certificates as aforesaid are granted by such university or college. 50 55 60

(2) For the purpose of satisfying itself upon any matter or thing relating to which any such university or college as afore-

said is required under the foregoing sub-section to furnish information to the Medical Council, the Medical Council may appoint any person whether such person is or is not a member of the Medical Council to attend any qualifying examination held by
5 such university or college and every person so appointed may attend such qualifying examination.

39.—(1) If at any time it appears to the Medical Council that the standard of theoretical or practical knowledge required at any qualifying examination is not such as to guarantee the
10 possession by persons to whom a certificate of fitness to practise dentistry or dental surgery may be granted as a result of such examination, the Medical Council may notify in writing such university or college to that effect.

Declaration of
insufficiency of
qualifying
examinations.

(2) The university or college by which the qualifying examination to which such notification as aforesaid relates is held may,
15 not later than one month after the receipt thereof, make such representations thereon as such university or college may think fit and may forward such observations to the Medical Council.

(3) The Medical Council shall consider every representation
20 made to it under this section by any such university or college as aforesaid and, if still satisfied after such consideration that the standard of knowledge required at the qualifying examination to which such representation relates is not such as to guarantee the possession by persons to whom a certificate of fitness to practise
25 dentistry or dental surgery may be given as a result of such examination of the knowledge requisite for the efficient practice of dentistry or dental surgery may declare that in its opinion the possession of such certificate of fitness of such university or college shall not entitle the possessor thereof to be registered in
30 the register.

(4) Whenever the Medical Council makes any such declaration as aforesaid the Medical Council shall notify in writing the university or college to which such declaration relates and also the Minister of the fact that such declaration has been made.

35 (5) The Minister, not later than one month after the receipt by him of such notification as aforesaid, and either after such inquiry into the matter as he may think fit to make or without inquiry, may by order confirm (as on and from the date specified in that behalf in such order) or refuse to confirm the declaration to
40 which such notification relates.

(6) The member of the Board nominated under this Act by a university or college to which an order made under this section by the Minister relates shall while such order remains in force
45 shall not while such order remains in force nominate any person to be a member of the Board.

(7) The Minister may at any time, if he thinks fit so to do, by order revoke an order made under this section and upon such
50 order of revocation being made the order so revoked shall as from the date of such order of revocation cease to be in force but no such order of revocation shall be made save either on the application of the Medical Council and after reasonable notice to the university or college to which the order proposed to be revoked relates and consideration of the observations (if any) made by
55 such university or college or on the application of such university or college and after reasonable notice to the Medical Council and consideration of the observations (if any) made by the Medical Council.

40.—(1) The Medical Council when exercising its functions
60 under this Act shall include three additional members appointed under this section and such additional members shall, in relation to the exercise of such functions but no further or otherwise, have all the rights and privileges of members of the Medical Council.

Additional
members of the
Medical
Council.

(2) The said additional members of the Medical Council shall be registered dentists and members of the Board and shall be appointed by the Board.

(3) Every such additional member of the Medical Council shall, unless he sooner dies, resigns, ceases to be a registered dentist, or ceases to be a member of the Board, hold office as such additional member for such period not exceeding five years as the Board shall determine. 5

Prohibition of practice of dentistry by unregistered persons.

41.—(1) Subject to the provisions of this section it shall not be lawful for any person on or after the date of the passing of this Act to practise or to represent or hold himself out whether directly or by implication as practising or being prepared to practise dentistry or dental surgery unless such person is a registered dentist. 10

(2) The provisions of the foregoing sub-section shall not operate to prohibit— 15

(a) the practice of dentistry or dental surgery by a registered medical practitioner who is at the date of the passing of this Act a registered medical practitioner, or 20

(b) the performance of any surgical operation in connection with the tissues of the mouth or jaws, or the giving of any dental treatment, advice or attendance in urgent dental cases by any registered medical practitioner, or 25

(c) the extraction of a tooth without the application of any local or general anæsthetic by a duly registered pharmaceutical chemist or a duly registered chemist and druggist in dental cases which are urgent and where a registered dentist or a registered medical practitioner is not available for the purpose of such extraction, or 30

(d) the employment of mechanics or apprentices by a registered dentist to carry out under the supervision of such registered dentist any work which is usually done in a dental workshop. 35

(3) Every person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable in respect of each such offence on summary conviction thereof to a fine not exceeding one hundred pounds and not less than fifty pounds. 40

Prohibition of practice of dentistry by bodies corporate.

42.—(1) Subject to the provisions of this section, it shall not be lawful for any body corporate to engage in the practice of dentistry or dental surgery.

(2) The provisions of the foregoing sub-section shall not operate to prohibit the practice of dentistry or dental surgery— 45

(a) during a period of two years from the date of the passing of this Act by any body corporate which was on the 30th day of April, 1927 entitled under any statute to engage and was on that date actually engaged in the practice of dentistry or dental surgery, or 50

(b) by any hospital or by any dental school which is authorised by the Board to engage in the practice of dentistry or dental surgery, or

(c) by any two or more registered dentists in partnership. 55

(3) Every body corporate which engages in the practice of dentistry or dental surgery in contravention of the provisions of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof in respect of each such offence to a fine not exceeding one hundred pounds and not less than fifty pounds. 60

(4) The manager and also every director of a body corporate

which engages in the practice of dentistry or dental surgery in contravention of the provisions of this section shall be guilty of a misdemeanour and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and not less than fifty pounds.

43.—Every offence under any section of this Act may be prosecuted at the suit of the Board.

Prosecution of offences.

44.—This Act may be cited as the Dentists Act, 1927.

Short title.

FIRST SCHEDULE.

10 AGREEMENT BETWEEN GREAT BRITAIN, THE IRISH FREE STATE AND NORTHERN IRELAND AS TO THE REGISTRATION AND CONTROL OF DENTISTS.

1.—In this Agreement,

15 the expression "the Dentists Acts" means the Dentists Acts, 1878 and 1921, and any Acts amending the same;

the expression "the Dental Board" means the Dental Board established under the Dentists Acts;

the expression "the Medical Acts" means the Medical Act, 1858, and the Medical Act, 1886, and any Acts amending the same;

20 the expression "the General Medical Council" means the General Council established under the Medical Acts;

the expression "medical authorities" means the bodies and universities who choose members of the General Medical Council;

25 the expression "the Dentists Register" means the register established under the Dentists Acts;

the expression "the Irish Free State Dental Board" means any Board which may hereafter be established by Act of the Oireachtas of the Irish Free State for the purpose of registering and controlling dentists in the Irish Free State;

30 the expression "the Irish Free State Dentists Register" means any register of dentists which the Irish Free State Dental Board may by any such Act of the Oireachtas be required to keep;

the expression "the Irish Free State Medical Council" means any council which may hereafter be established by Act of the Oireachtas of the Irish Free State for the purpose of registering and controlling medical practitioners in the Irish Free State;

35 the word "formerly" shall be construed as referring to times previous to the establishment of the Irish Free State.

2.—(1) The appointment of a member of the Dental Board as constituted after the expiration of the term of office of the first members of that Board required to be made by the Lord Lieutenant of Ireland shall henceforth be made by the Governor of Northern Ireland.

45 (2) Subject to the provisions of sub-paragraph (1) of this paragraph, the appointment of the appointed members and the election of the elected members of the Dental Board as so constituted as aforesaid shall be made and had in like manner in all respects as the same were formerly required to be made and had respectively.

50 (3) Nothing in this Agreement shall affect the tenure of office of any member of the Dental Board who holds office at the date on which this Agreement takes effect.

3.—Subject to the provisions of this Agreement and notwithstanding anything contained in the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922, or the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922, passed by the Provisional Parliament of Ireland, or the Adaptation of Enactments Act, 1922, passed by the

Oireachtas of the Irish Free State, or any Order made under any of those Acts the constitution of the Dental Board under the Dentists Act and the powers of holding examinations for the purpose of testing the fitness of persons to practise dentistry or dental surgery, and of granting certificates of such fitness for the purpose of registration in the Dentists Register formerly vested in the Dental Board or the medical authorities in Ireland shall be deemed not to have been affected by the establishment of the Irish Free State, and for the purpose of the preparation and keeping of the Dentists Register the Dental Board and the General Medical Council and their respective officers shall have and may exercise in relation to persons, medical authorities and matters in the Irish Free State all such powers, jurisdictions and authorities under the Dentists Acts as the said Board and the said Council had and might exercise under the Dentists Acts for that purpose in relation to persons, medical authorities, and matters respectively in Ireland.

4.—Any person who is or shall be registered in the Dentists Register shall be entitled on payment of such fees as may from time to time be prescribed in that behalf by or in pursuance of any Act of the Oireachtas of the Irish Free State, to be registered in the Irish Free State Dentists Register: Provided that

(a) the fees payable by such persons in respect of such registration shall at no time exceed the fees payable in respect of registration in the Irish Free State Dentists Register by any other person who may be or become entitled to be registered therein, and

(b) no person whose name has been erased from the Irish Free State Dentists Register on account of his having been convicted of a felony, misdemeanour, crime or offence or having been found guilty of infamous or disgraceful conduct in a professional respect shall be entitled to be subsequently registered in the said Register solely by reason of his being registered in the Dentists Register, and

(c) a person not previously registered in the Irish Free State Dentists Register shall not be entitled to be registered therein if his name has been erased from the Dentists Register on account of his having been convicted of a felony, misdemeanour, crime or offence or having been found guilty of infamous or disgraceful conduct in a professional respect.

5. In the event of any examinations of a new university at any time hereafter created in the Irish Free State becoming qualifying examinations in medicine, surgery and midwifery for the purposes of the Medical Acts that university shall have the same powers of holding examinations for the purposes of testing the fitness of persons to practise dentistry or dental surgery, and of granting certificates of such fitness for the purpose of registration in the Dentists Register as if it were a medical authority for the purposes of section 18 of the Dentists Act, 1878.

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

(a) The Dental Board shall report to the Irish Free State Dental Board every case in which they propose, in connection with the exercise of their disciplinary powers, to hold an inquiry into the conduct in Great Britain or in Northern Ireland of any person registered in the Irish Free State Dentists Register, and the Irish Free State Dental Board shall report to the Dental Board every case in which they propose, in connection with the exercise of their disciplinary powers, to hold an enquiry into the conduct in the Irish Free State of any person registered in the Dentists Register;

(b) The Dental Board upon receipt by them of any such report as aforesaid from the Irish Free State Dental

Board, shall have regard to the desirability of postponing inquiry by them into the matter to which such report relates until the inquiry to which such report relates by the Irish Free State Dental Board is completed;

- 5 (c) The Irish Free State Dental Board upon receipt by them of any such report as aforesaid from the Dental Board, shall have regard to the desirability of postponing inquiry by them into the matter to which such report relates until the inquiry to which such report relates by the Dental Board is completed.

- 10 (2) The Dental Board shall report to the Irish Free State Dental Board every case in which disciplinary action resulting in erasure from the Dentists Register is taken by them against a person registered in the Irish Free State Dentists Register, and
15 the Irish Free State Dental Board shall report to the Dental Board every case in which disciplinary action resulting in erasure from the Irish Free State Dentists Register is taken by them against a person registered in the Dentists Register.

- 20 7.—His Majesty's Governments in Great Britain and the Irish Free State respectively shall as soon as possible introduce into their respective Parliaments such legislation as may be necessary to give statutory effect to this Agreement, and this Agreement shall not take effect until such legislation in both such Parliaments shall have been passed into law.

- 25 Signed on behalf of Great Britain—BALFOUR.
Signed on behalf of the Irish Free State—P. MCGILLIGAN.
Signed on behalf of Northern Ireland—R. DAWSON BATES.

SECOND SCHEDULE.

Persons entitled to be registered upon passing special examination.

NAME.	ADDRESS.
Browne, Robert Victor.	Shankiel, Cork.
Clancy, William.	51 Gt. Charles Street, Dublin.
Corbet, Pierce Vincent.	23 Harecourt Street, Dublin.
Cordell, James F.	4 Addison Road, Fairview, Dublin.
Denver, Charles McHenry.	28 St. Lawrence Road, Clontarf, County Dublin.
Hurley, James.	19 Upper Glentworth Street, Limerick.
Lydon, Michael J.	Callowhill House, Ballinamore, County Leitrim.
McEvoy, Edward.	44 Westland Row, Dublin.
Parker, Daniel.	1 Chapel Street, Sligo.
Presley, William.	6 Farnham Street, Cavan.
Simmonds, Arthur William.	6 Parkview Terrace, Limerick.
Tucker, Richard.	1 Leinster Crescent, Carlow.

BILLE NA bhFIACLOIRI, 1927.

DENTISTS BILL, 1927.

BILLE

BILL

(mar do tugadh isteach)
dá ngairmtear

(as introduced)
entitled

Acht chun soerú do dhéanamh chun daoine chleachtann fiaclóireacht no máinliaghacht fhiacal do chláir agus do rialú agus chun crícheanna eile bhaineas le cleachta fiaclóireachta no máinliaghachta fiacal agus leis na daoine atá ag gabháil don chleachta san.

An Act to make provision for the registration and control of persons practising dentistry or dental surgery and for other purposes relating to the practice of dentistry or dental surgery and the persons engaged in such practice.

An tAire Tionnscail agus Trachtála do thug isteach.

Introduced by the Minister for Industry and Commerce.

Do hordúodh, ag Dáil Éireann, do chlóbhuála, 5adh Bealtaine, 1927.

Ordered, by Dáil Éireann, to be printed, 5th May, 1927.

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