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FIRST SCHEDULE

RULES IN RELATION TO MEMBERSHIP AND MEETINGS OF AN CHOMHAIRLE FIAGLÓIREACHTA (THE DENTAL COUNCIL)

SECOND SCHEDULE

PRIMARY QUALIFICATIONS

ACTS REFERED TO

Dentists Act, 1928 1928, No. 25
Dentists (Amendment) Act, 1983 1983, No. 30
Finance Act, 1895 58 & 59 Vic. c. 16
Health Act, 1970 1970, No. 1
Local Government (Superannuation) Act, 1956 1956, No. 10
Local Government (Superannuation) Act, 1980 1980, No. 8
Medical Practitioners Act, 1978 1978, No. 4
Petty Sessions (Ireland) Act, 1851 1851, c. 93
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.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

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

2.—In this Act—

“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;

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

“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;
“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;

“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.

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

6.—(1) There shall, by virtue of this section, be established on the establishment day a body to be known as An Chomhairle Fiaclineachta, 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.

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) Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Council of the property or rights transferred by this section.

(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.
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.

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.

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.
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.

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.

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.

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.

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.
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.

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.

18.—(1) A person who is a permanent officer of the Council shall cease to be a permanent officer on his attaining the age of 65 years or, in a case where a higher age is fixed by order of the Minister made under this section, on his attaining that age.

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

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.

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
Accounts of Council.

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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.

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.
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.

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.

25.—(1) 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,

(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.

PART III

REGISTRATION

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) Notwithstanding 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.

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

(c) is a national of a Member State and has been awarded a qualification in dentistry in a Member State which, pursuant to the provisions of any Directive adopted by the Council of the European Communities, the State is obliged to recognise, 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.

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.

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.

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,

(c) every national of a Member State who has been awarded in a Member State a qualification in a dental specialty recognised by the Council which, pursuant to the provisions of any Directive adopted by the Council of the European Communities, the State is obliged to recognise,

(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.

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 determine 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.

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 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.

(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.
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.

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

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—

(a) his alleged professional misconduct, or

(b) his alleged unfitness to engage in such practice by reason of physical or mental disability,

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,

(b) the Registrar, or any other person with the leave of the Fitness to Practise Committee shall present to that Committee the evidence of alleged professional misconduct or unfitness to practise by reason of physical or mental disability, as the case may be,

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

(i) the alleged professional misconduct of the registered dentist, or

(ii) the fitness or otherwise of that dentist to engage in the practice of dentistry by reason of his alleged physical or mental disability,

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 sent by pre-paid post to the address of that person as stated in the register 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) 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, to be—

(a) guilty of professional misconduct, or

(b) unfit to engage in the practice of dentistry because of physical or mental disability,

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

(e) 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.

39.—(1) Where a registered dentist—

(a) has been found by the Fitness to Practise Committee, on the basis of an inquiry and report under section 38 of this Act, to be guilty of professional misconduct or to be unfit to engage in the practice of dentistry because of physical or mental disability, 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 by pre-paid post to the person, at his address as stated in the register, 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 by pre-paid post to the person to whom the decision relates, at his address as stated in the register, 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 con-
cerned 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.

(5) The decision of the High Court on an application under this section shall be final save that, by leave of that Court or of the Supreme Court, an appeal, by the Council or by the person concerned, from that decision shall lie to the Supreme Court 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 by pre-paid post to such person, at his address as stated in the register, 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 of that period, send by pre-paid post to such person, at his address as stated in the register, 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.

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.

(2) On making a decision under this section, the Council shall forthwith send by pre-paid post to the person to whom the decision relates, at his address as stated in the register, 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 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 (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.

(5) The decision of the High Court on an application under this
section shall be final save that, by leave of that Court or of the
Supreme Court, an appeal, by the Council or the person concerned
from the decision shall lie to the Supreme Court on a specified
question of law.

(6) On attaching conditions under this section to the retention of a
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

41.—(1) 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, advise, admonish or censure such person in relation to his profes­
ional conduct.

(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.

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 by pre-paid post to the person to whom the decision
relates, at his address as stated in the register, 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 appli­
cation, 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.

(5) The decision of the High Court on an application under this section shall be final, save that, by leave of that Court or of the Supreme Court, an appeal, by the Council or the person concerned, from the decision shall lie to the Supreme Court 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 by pre-paid post to such person, at his address as stated in the register, 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.

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.

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.

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.

25
Erasure or 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.—The Council shall notify the Minister 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 this Act, or

(e) the attachment of conditions to the retention of the name of a person in a register maintained under this Act,

of the erasure, restoration, suspension, termination of suspension or attachment of conditions, as the case may be.

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 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

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 connect-
ion 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.

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.

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.

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

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 by pre-paid post to the person, at his address as stated in any register maintained by the Council under this section, 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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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 accord­
ingly, but without prejudice to the validity of anything previously
done thereunder.

64.—The Minister may by regulations make, in respect of any 5
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. 10

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 15
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 20
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.

66.—(1) It shall be a function of the Council to advise the Minister, 25
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 30
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. 35

67.—(1) It shall be an offence for a person to make any false
declaration or misrepresentation for the purpose of obtaining regis­
tration 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 40
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 45
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.

68.—Every offence under this Act may be prosecuted by the 50
Council.
FIRST SCHEDULE

RULES IN RELATION TO MEMBERSHIP AND MEETINGS OF AN CHOMHAIRLE FIACLÓIREACHTA (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.

5 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.
An Act to provide for the establishment of a Council to be known as An Chomhairle Fiacloireachta 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.

Passed by both Houses of the Oireachtas,
2nd May, 1985

BAILÉ ÁTHA CLIAITH:
ARNA FOHIÓISIÚ AG OIFIG AN ISOLÁTHAIR

 Passed by both Houses of the Oireachtas, 2nd May, 1985

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