
STATUTORY INSTRUMENTS

1986 No. 887

Dental Auxiliaries Regulations 1986

PART IV

ERASURE FOR MISCONDUCT OF A NAME FROM A ROLL

9.—(1) Where it is brought to the notice of the Council that an enrolled dental auxiliary (in this part of these regulations referred to as “the respondent”) either before or after his name has been entered in a roll (a) has been convicted in the United Kingdom of a criminal offence or has been convicted elsewhere of an offence which, if committed in England and Wales, would constitute a criminal offence, or (b) is alleged to have been guilty of any misconduct, the Registrar, after making such further inquiries as he considers necessary, shall submit the matter to the chairman of the Committee who, having consulted with the President of the Council, shall, if he thinks fit, bring it before the Committee.

Provided that the chairman may after consultation with the President decline to proceed with the matter unless the evidence in support of the allegation (except in the case of a conviction) is supported by a statutory declaration.

(2) Where the chairman decides to bring a case before the Committee, the Registrar shall invite the respondent to furnish any written statement or explanation which he may desire to offer.

(3) Where a case has been brought before the Committee by the chairman, the Committee shall, having regard to any declarations or statements or explanations received with reference thereto, decide whether or not the matter should proceed to a hearing.

(4) The Committee may at any time take the advice of a solicitor appointed by the Council and may instruct him to obtain proofs of evidence in support of the allegations against the respondent.

10. If the Committee decide that the matter should proceed to a hearing, the solicitor shall send to the respondent a “notice of inquiry” specifying the matter alleged against the respondent in the form of a charge or charges and stating the day, time and place appointed for the hearing, together with a copy of these regulations, in a registered letter or in a letter sent by the recorded delivery service addressed to the respondent at the address entered against his name in the roll or at at his last known address.

11.—(1) At any hearing held in accordance with these regulations, the respondent shall be entitled to be represented by a friend or by counsel or a solicitor.

(2) If the respondent does not attend, either personally or by representative, the Committee may proceed to hear and determine the case in his absence, provided they are satisfied that all practicable steps have been taken to bring the notice of inquiry to the attention of the respondent and that (whether he is shown to have received the notice or not) the substance of the matters alleged therein and the likelihood of an inquiry resulting therefrom have been made known to him.

12. At the hearing of the case, the solicitor or other person appointed by the Committee for the purpose shall first state to the Committee the facts of the case and the charge alleged against the respondent, and shall then adduce evidence in support of the charge, and the respondent or

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his representative shall be entitled to cross-examine any witness appearing against him on matters relevant to the charge.

13. When the statement of the charge and the evidence in support thereof are concluded, the respondent, or his representative, shall be invited by the chairman to address the Committee and to adduce evidence in answer to the charge, and the solicitor or other person appointed by the Committee for the purpose shall be entitled to cross-examine any witness tendered in answer to the charge.

14. If the Committee find the charges against the respondent proved either in whole or in part, the chairman

- (a) may invite the solicitor or other person appointed by the Committee for the purpose to address the Committee and to adduce evidence as to the character and antecedents of the respondent, and
- (b) shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

15.—(1) Upon the conclusion of the case the Committee shall, after consideration of the relevant evidence, pronounce their decision either forthwith or at a later date in writing or at a subsequent meeting provided that their decision shall be pronounced within six months of the conclusion of the case.

(2) If the Committee determine not to postpone their decision they shall decide whether the Registrar shall be directed to erase the name of the respondent from any roll in which it is entered.

(3) If the Committee postpone their decision to a later date they may invite the respondent to furnish the Registrar shortly before that date with the names and addresses of persons to whom reference may be made confidentially as to his character and conduct and any information received from any such person in consequence of such reference may be considered by the Committee.

(4) As soon as the Committee pronounce their decision, the Registrar shall communicate that decision to the respondent by registered letter or by a letter sent by the recorded delivery service.

16. The Committee may, if they think fit, appoint a barrister, advocate or solicitor to advise them on questions of law arising in any proceedings under this Part of these regulations.

17. Where in the exercise of their powers under paragraph 12(8) of Part II of Schedule 1 to the Act the Committee have appointed a sub-committee to deal with questions of conduct connected with members of a class of dental auxiliaries, the provisions of this Part and of the next following Part of these regulations shall apply as if references to the Committee were references to the sub-committee so appointed.