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STATUTORY INSTRUMENTS

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**1996 No. 1496**

**DENTISTS**

**The Dental Qualifications (Recognition) Regulations 1996**

<i>Made</i>	- - - -	<i>10th June 1996</i>
<i>Laid before Parliament</i>		<i>10th June 1996</i>
<i>Coming into force</i>	- -	<i>1st July 1996</i>

The Secretary of State being designated for the purposes of, and in exercise of the powers conferred by, section 2(2) of the European Communities Act 1972<sup>(1)</sup> and in exercise of all other powers enabling him in that behalf hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Dental Qualifications (Recognition) Regulations 1996 and shall come into force on 1st July 1996.

(2) In these Regulations “the Act” means the Dentists Act 1984<sup>(2)</sup>.

**Registration of persons qualified in other EEA States**

2.—(1) In subsections (1) and (2) of section 15 of the Act (qualification for registration in the dentists register), for the words “a member State” there are substituted the words “an EEA State”.

(2) After subsection (2) of that section there is inserted the following subsection—

“(2A) Any person who—

(a) is not a national of an EEA State, but

(b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68<sup>(3)</sup> or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1)(b) above as if he were such a national.”.

(3) After subsection (6) of that section there is inserted the following subsection—

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(1) 1972 c. 68. See S.I. 1995/3207, which designates the Secretary of State for the purposes of section 2(2) in relation to measures relating to the access to, the training for, the pursuit of and the award of qualifications in (amongst other professions) dentistry. The Act of 1972 is to be read with the European Economic Area Act 1993 (c. 51).  
(2) 1984 c. 24. Relevant amendments were made by S.I. 1986/23, Article 3.  
(3) O.J. No. L257, 19.10.68 p.1. (amended by Council Regulation (EEC) No. 312/76 O.J. No. L39, 14.2.76, p.2).

“(7) In this Act—

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(4)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(5)</sup>;

“EEA State” means a State which is a contracting party to the EEA Agreement.”.

(4) For subsection (2) of section 18 of the Act (procedure for registration) there is substituted the following subsection—

“(2) Any person applying to be registered shall produce or send to the registrar—

- (a) the document conferring or evidencing his licence or other qualification;
- (b) a statement of his name and address and the other particulars (if any) required for registration; and
- (c) in the case of an application made by virtue of subsection (2A) of section 15 above, evidence of the enforceable Community right on which he relies.”.

### **Appropriate European Diplomas**

3.—(1) Part I (appropriate European diplomas) of Schedule 2 to the Act (European dental qualifications) is amended as follows.

(2) For paragraph 1 there is substituted the following paragraph—

“1.—(1) In this Part of this Schedule—

“Community Council Directive No. [78/686/EEC](#)” means Community Council Directive No. [78/686/EEC](#)<sup>(6)</sup> concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners in dentistry, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. [81/1057/EEC](#)<sup>(7)</sup>, the Accession of Spain and Portugal Act, Council Directives Nos. [89/594/EEC](#)<sup>(8)</sup> and [90/658/EEC](#)<sup>(9)</sup>, the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

“competent authority” means an authority or body designated by an EEA State in accordance with Community Council Directive No. [78/686/EEC](#);

“the Dental Training Directive” means Community Council Directive No. [78/687/EEC](#)<sup>(10)</sup> concerning the co-ordination of provisions in respect of activities of dental practitioners as amended by the Accession of Austria, Finland and Sweden Act;

“the implementation date” means—

- (a) in the case of Greece, 1st January 1981;
- (b) in the case of Portugal, 1st January 1986;
- (c) in the case of Finland, Iceland, Norway and Sweden, 1st January 1994;
- (d) in the case of Liechtenstein, 1st May 1995; and
- (e) in the case of any other EEA State, the date notified by the State to the Commission as that on which it implemented the Dental Training Directive;

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<sup>(4)</sup> Cm 2073 and O.J. No. L1, 3.1.94, p.3.

<sup>(5)</sup> Cm 2183 and O.J. No. L1, 3.1.94, p.572.

<sup>(6)</sup> O.J. No. L233, 24.8.78, p.1.

<sup>(7)</sup> O.J. No. L385, 31.12.81, p.25.

<sup>(8)</sup> O.J. No. L341, 23.11.89, p.19.

<sup>(9)</sup> O.J. No. L353, 17.12.90, p.73.

<sup>(10)</sup> O.J. No. L233, 24.8.78, p.10.

“scheduled European diploma” means a diploma specified in Part II of this Schedule.

(2) For the purposes of this paragraph—

“the Accession of Greece Act” means the Act annexed to the Treaty relating to the accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979<sup>(11)</sup>;

“the Accession of Spain and Portugal Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Community signed at Madrid and Lisbon on 12th June 1985<sup>(12)</sup>;

“the Accession of Austria, Finland and Sweden Act” means the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994<sup>(13)</sup>, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union<sup>(14)</sup>.”

(3) For paragraph 2 there is substituted the following paragraph—

“2. Subject to paragraphs 3, 3A and 4 below, any diploma in dentistry granted in an EEA State is an appropriate European diploma for the purposes of section 15(1)(b) of this Act.”

(4) In paragraph 3, for the words “a member State” and “any member State” there are substituted the words “an EEA State” and “any EEA State” respectively.

(5) After that paragraph there is inserted the following paragraph—

“3A. A diploma granted in an EEA State on or after the implementation date which is not evidence of training commenced by the holder before that date (not being a scheduled European diploma) is not an appropriate European diploma for the said purposes unless the holder produces to the registrar a certificate issued by the competent authority of the EEA State certifying that the diploma—

(a) was awarded following training which satisfies the requirements laid down by the Dental Training Directive; and

(b) is treated by that EEA State as if it were a scheduled European diploma.”

(6) In paragraph 4—

(a) for the words “a Member State” there are substituted the words “an EEA State”; and

(b) after the words “paragraph 3(b)” there are inserted the words “or 3A”.

(7) For paragraphs 5 and 6 there is substituted—

“5.—(1) Subject to paragraph 6 below, on or after the date notified to the Commission by Italy, Spain or Austria as that on which that State implemented Community Council Directive No. 78/686/EEC, a diploma in medicine awarded in the State to a person who began medical training at a university before the relevant date is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where that person produces to the registrar a certificate issued by the competent authority of the State certifying that—

(a) he has effectively, lawfully and principally practised dentistry in the State for at least three consecutive years during the five years preceding the date of issue of the certificate; and

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<sup>(11)</sup> O.J. No. L291, 19.11.79, p.91.

<sup>(12)</sup> O.J. No. L302, 15.11.85, p.160.

<sup>(13)</sup> O.J. C241, 29.8.94, p.21. Norway did not ratify the Treaty.

<sup>(14)</sup> O.J. No. L1, 1.1.95, p.1. See the Annex-Annex I (XI)(D)(III)(3).

- (b) he is authorised to practise dentistry under the same conditions as holders of the State’s scheduled European diploma.
- (2) In this paragraph “the relevant date” means—
  - (a) 28th January 1980 in relation to Italy;
  - (b) 1st January 1986 in relation to Spain; and
  - (c) 1st January 1994 in relation to Austria.
- 6. A person shall be excepted from satisfying the requirement referred to in paragraph 5(1)(a) above if he satisfies the registrar that he has successfully completed three years of study which are certified by the competent authority of the State concerned as being equivalent to the training referred to in Article 1 of the Dental Training Directive.
- 7. A diploma in dentistry which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic is an appropriate European diploma for the purposes of section 15(1)(b) of this Act if—
  - (a) the holder produces to the registrar a certificate of the competent authority of Germany certifying that he has effectively and lawfully practised dentistry in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate; and
  - (b) he is authorised to practise dentistry throughout the territory of Germany under the same conditions as holders of the German scheduled European diploma.”.

### **Scheduled European Diplomas**

- 4.—(1) Part II (scheduled European diplomas) of Schedule 2 to the Act is amended as follows.
- (2) Before the entry relating to Belgium there is inserted the following entry—

*“Austria*

The diploma the title of which will be notified by Austria to EEA States and to the Commission in accordance with Community Council Directive No. 78/686/EEC.”.

- (3) After the entry relating to Denmark there is inserted the following entry—

*“Finland*

“*Todistus hammaslääketieteen lisensiaatin tutkinnosta/bevis om odontologi licentiat examen*” (certificate of the degree of licentiate in dentistry) awarded by a university faculty of medicine and a certificate of practical training issued by the National Board of Medico-Legal Affairs.”.

- (4) In the entry relating to Germany, paragraph (2) is omitted.
- (5) After the entry relating to Greece there is inserted the following entry—

*“Iceland*

“*Próffrá tannlæknaeild Háskóla Íslands*” (diploma from the dental faculty of the University of Iceland).”.

- (6) For the entry relating to Italy there is substituted the following entry—

*“Italy*

“Diploma di Laurea in Odontoiatria e Protesi Dentaria” accompanied by a “Diploma di Abilitazione all’ esercizio dell’ Odontoiatria e Protesi Dentaria” issued by the State Examining Commission.”.

(7) After that entry there is inserted the following entry—

*“Liechtenstein*

Any diploma which—

- (a) has been awarded in any EEA State to which Community Council Directive No. [78/686/EEC](#) applies;
- (b) is listed elsewhere in this Part of this Schedule; and
- (c) is accompanied by a certificate, issued by the competent authority in that EEA State, as to the completion of practical training.”.

(8) After the entry relating to the Netherlands there is inserted the following entry—

*“Norway*

“Bevis for bestått odontologisk embetseksamen” (diploma of the degree cand. odont.) awarded by a university faculty of dentistry.”.

(9) For the entry relating to Spain there is substituted the following entry—

*“Spain*

“Título de Licenciado en Odontología” awarded by the rector of a university.”.

(10) After that entry there is inserted the following entry—

*“Sweden*

“Tandläkarexamen” (university diploma in dentistry) awarded by schools of dentistry and a certificate of practical training issued by the National Board of Health and Welfare.”.

### **Visiting EEA practitioners**

**5.—**(1) Schedule 4 to the Act (visiting EEC practitioners) is amended as follows.

(2) For sub-paragraph (2) of paragraph 1 there are substituted the following sub-paragraphs—

“(2) This Schedule applies to any national of an EEA State who is established in dental practice in an EEA State other than the United Kingdom.

(2A) Any person who—

- (a) is not a national of an EEA State, but
- (b) is, by virtue of a right conferred by Article 11 of Council Regulation ([EEC](#)) [No. 1612/68\(15\)](#) or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State,

shall be treated for the purposes of sub-paragraph (2) above as if he were such a national.”.

(3) In sub-paragraph (3) of that paragraph—

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(15) O.J. No. L257, 19.10.68 p.1. (amended by Council Regulation ([EEC](#)) [No. 312/76](#) O.J. No. L39, 14.2.76, p.2.).

- (a) in the definition of “national”, for the words “a member State” there are substituted the words “an EEA State”; and
- (b) for the definition of “the Recognition Directive” there is substituted the following definition—

““the Recognition Directive” has the meaning which “Community Council Directive No. 78/686/EEC” has in Schedule 2 to this Act.”.

(4) In sub-paragraph (1) of paragraph 2, for the words “the member State”, “a member State” and “member States” there are substituted the words “the EEA State”, “an EEA State” and “EEA States” respectively.

(5) In paragraph 3, for the words “EEC practitioners”, in both places where they occur, there are substituted the words “EEA practitioners”.

(6) In paragraphs 4 and 5—

- (a) for the words “EEC practitioners” there are substituted the words “EEA practitioners”; and
- (b) for the words “a member State” there are substituted the words “an EEA State”.

#### **Minor and consequential amendments of the Act**

6.—(1) In subsections (1) and (2) of section 35 of the Act (effect of disqualification in another member State), for the words “a member State” there are substituted the words “an EEA State”.

(2) In section 36 of the Act (visiting EEC practitioners), for the words “member States” there are substituted the words “EEA States”.

(3) In sections 38(1) and 39(1) of the Act (prohibitions), for the words “EEC practitioner” there are substituted the words “EEA practitioner”.

(4) In subsection (1) of section 53 of the Act (interpretation)—

- (a) after the definition of “diploma” there are inserted the following definitions—

““the EEA Agreement” and “EEA State” have the meanings given by section 15(7) above;”;

- (b) for the definition of “visiting EEC practitioner entered in the list of such practitioners” there is substituted the following definition—

““visiting EEA practitioner entered in the list of such practitioners” means a person entered in the list of EEA practitioners under Schedule 4 to this Act”.

#### **Minor and consequential amendments of other Acts**

7. In the following interpretation provisions, namely—

- (a) section 132(1) of the Medicines Act 1968<sup>(16)</sup>;
- (b) section 37(1) of the Misuse of Drugs Act 1971<sup>(17)</sup>; and
- (c) section 11(2) of the Poisons Act 1972<sup>(18)</sup>,

in the definition of “dentist”, for the words “EEC practitioners” there are substituted the words “EEA practitioners”.

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<sup>(16)</sup> 1968 c. 67.

<sup>(17)</sup> 1971 c. 38.

<sup>(18)</sup> 1972 c. 66.

10th June 1996

*Stephen Dorrell*  
One of Her Majesty's Principal Secretaries of  
State  
Department of Health

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement European obligations relating to primary dental qualifications contained in Council Directive [89/594/EEC](#) (O.J. No. L345, 23.11.89, p.19) and in Council Directive [90/658/EEC](#) (O.J. No. L353, 17.12.90, p.73) which concerns German qualifications following the reunification of Germany. The Regulations also implement obligations under the European Economic Area Agreement (“EEA Agreement”) and take into account the accession of Austria, Finland and Sweden to the European Union.

The Regulations also refer to rights arising under Article 11 of Council Regulation ([EEC](#)) [1612/68](#) (O.J. No. L257, 19.10.1975, p.1) as amended by Council Regulation ([EEC](#)) [312/76](#) (O.J. No. L39, 14.2.1976, p.2), and Articles 48, 52 and 59 of the Treaty of Rome (as amended), which affect the pursuit of their profession not only by nationals of member States of the European Economic Area (“EEA”) but also by their spouses and certain of their dependents (regulations 2 and 5).

Regulation 3 amends Schedule 2 to the Dentists Act 1984 (“the Act”) so as to extend the list of primary dental qualifications which are entitled to automatic recognition in the United Kingdom. These are qualifications which were awarded in an EEA State (other than the UK) following training which satisfied the minimum training requirements set out in Article 1 of the Council Directive No. [78/687/EEC](#) (O.J. No. L233, 24.8.1978, p.10.) concerning the co-ordination of provisions in respect of activities of dental practitioners, but which are not listed in Part II of Schedule 2 to the Act (regulation 3(5)). A specific transitional provision is made in relation to Austria, Spain and Italy in order to allow medical qualifications to be automatically recognised in certain specified circumstances. The conditions for recognition of qualifications awarded in the former German Democratic Republic are also set out.

Regulation 4 amends the list of Scheduled European diplomas listed in Part II of Schedule 2 to the Act so as to include qualifications awarded in the new member States (Austria, Finland and Sweden), Iceland, Liechtenstein and Norway (pursuant to the EEA Agreement) and the formal titles of qualifications in Italy and Spain.

Regulation 5 also amends Schedule 4 to the Act, which deals with visiting EEC practitioners, so as to take account of the EEA Agreement.

Regulation 6 makes minor and consequential amendments to the Act to take account of the EEA Agreement and regulation 7 makes similar amendments in relation to other Acts.