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STATUTORY INSTRUMENTS

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**1998 No. 811**

**The European Primary and Specialist  
Dental Qualifications Regulations 1998**

**PART III**

**PRIMARY QUALIFICATIONS**

**The competent authorities**

**16.**—(1) Subject to paragraph (5), in relation to primary qualifications awarded in the United Kingdom, to appropriate European diplomas, and to registration under the Act by virtue of such qualifications or diplomas, the GDC shall be the competent authority in the United Kingdom for the purposes of the Recognition Directive.

(2) Accordingly, in relation to such qualifications or diplomas and to persons registered or seeking registration under the Act by virtue of them, the GDC shall as respects the United Kingdom perform (in addition to any functions provided for elsewhere) the following functions conferred by the Recognition Directive (the relevant article of that Directive being referred to in brackets where it is not otherwise mentioned)—

- (a) the function of issuing in respect of practice in the United Kingdom the certificate of effective and lawful practice referred to in article 7(1);
- (b) where the United Kingdom is the host State, the function of providing, where the GDC thinks fit, the information referred to in the first paragraph of articles 9(3) and 10(2);
- (c) where the GDC receives such information, the function of verifying the accuracy of the facts, of deciding on the nature and the extent of the investigation to be made and of informing the host State of action taken (as mentioned in the second paragraph of articles 9(3) and 10(2)), such information to be provided within the period of three months beginning with the date on which the request for information was received (as mentioned in article 13(2));
- (d) the function of receiving or (as the case may be) forwarding the information referred to in article 10(1);
- (e) the function of ensuring the confidentiality of information forwarded under articles 9 and 10 (articles 9(4) and 10(3));
- (f) the function of supplying the certificates referred to in the second and third indents of article 15(3) in the case of a person established in the United Kingdom, and of withdrawing the former in the circumstances referred to in article 15(5); and
- (g) the function of requiring, in the event of justified doubts, confirmation of authenticity of diplomas, certificates and other evidence of formal qualifications granted by another EEA State and confirmation that a national of an EEC State seeking registration under the Act by virtue of an appropriate European diploma has fulfilled the Dental Training Directive's training requirements (article 21).

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(3) In addition, in relation to primary qualifications awarded in the United Kingdom and to registration under the Act, the GDC shall as respects the United Kingdom have the functions of a competent authority referred to in the following articles of the Recognition Directive—

- (a) article 7(3) (issue of certificates of fulfilment of the Dental Training Directive training requirements in respect of qualifications which do not conform with the designations set out in the Recognition Directive;)
- (b) article 9(1) (issue of certificates of good character);
- (c) article 21 (function of confirming authenticity of qualifications and of confirming that a person has fulfilled the Dental Training Directive’s training requirements).

(4) The GDC is hereby designated as respects the United Kingdom for the purposes set out in this regulation in accordance with article 22 of the Recognition Directive (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in that Directive).

(5) The dental authorities are hereby designated as respects the United Kingdom for the award of the diplomas of Bachelor of Dental Surgery (BDS or B.Ch.D) and Licentiate in Dental Surgery (LDS) in accordance with article 22 of the Recognition Directive (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in that Directive).

## **Fees**

**17.** The GDC may charge such reasonable fees as it determines to cover the cost of providing certificates in the course of the performance of the functions specified in paragraphs (2)(a) and (f) and (3)(a) and (b) of regulation 16, but the fees must not include any element of profit.

## **Minimum requirements of primary dental training**

**18.** No dental authority shall grant a degree or licence or other diploma in dentistry unless it meets at least the minimum dental training requirements set out in Schedule 2 to these Regulations.

## **Evidence of good character and of good health**

**19.** In section 15 of the Act (qualification for registration in the dentists register) there are inserted after subsection (4) the following subsections—

“(4A) In relation to a person who is a national of an EEC State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good character for the purposes of subsection (3)(b)—

- (a) a certificate issued by a competent authority in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, attesting that the requirements of that State in relation to good character for taking up the profession of dentistry have been met; or
- (b) (where the State does not require proof of good character for taking up of the profession of dentistry) an extract from the judicial record or an equivalent document issued by a competent authority in the State showing that he is of good character.

(4B) In relation to a person who is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)), the registrar shall accept as sufficient evidence of good health for the purposes of subsection (3)(c)—

- (a) the document required in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, as proof of good health; or
  - (b) (where the State does not require proof of good health for the taking up of the profession of dentistry) a certificate issued by a competent authority in the State corresponding to the certificates of good health issued by the Council.
- (4C) the registrar shall not accept any certificate referred to in subsection (4A) or (4B) if it is presented more than three months after the date on which it was issued.”.

### Holders of overseas diplomas

**20.**—(1) In section 15 of the Act (qualification for registration in the dentists register), in subsection (4)(d) for “he” there is substituted—

“he—

- (i) is a national of an EEA State (or is treated as such for the purposes of subsection (1)(b)); or
- (ii)”.

(2) In section 16 of the Act (supplementary provisions as to registration of holders of overseas diplomas) there is inserted after subsection (2) the following subsection—

“(2A) In deciding for the purposes of section 15(4)(c) whether a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill, the Council—

- (a) shall take into account any dental qualifications awarded outside the EEA which have been accepted by another EEA State as qualifying him to practise as a dentist in that State;
- (b) shall take into account any professional dental experience or knowledge that he has acquired in another EEA State; and
- (c) may treat a qualification which is not of a kind recognised for the time being by the Council as furnishing sufficient guarantees that he has the requisite knowledge and skill as if it were such a qualification.”.

(3) In section 17 of the Act (temporary registration)—

- (a) for subsection (2)(d) there is substituted—

“(d) that he—

- (i) is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)); or
- (ii) has the necessary knowledge of English; and”;

- (b) after subsection (3) there is inserted—

“(3A) In deciding for the purposes of subsection (2)(c) whether a person who is a national of an EEA State (or a person who is treated as such for the purposes of section 15(1)(b)) has the requisite knowledge and skill for the efficient practice of dentistry in the post in question, the Council shall take into account any professional dental experience or knowledge that he has acquired in another EEA State, and any acceptance by such a State of his right to practise as a dentist in that State.”.

### Minor amendments to the Act

**21.**—(1) After section 21 of the Act (notification of reasons for refusal of application for registration etc), there is inserted—

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(1) Where a person who is a national of an EEA State (or is treated as such for the purposes of section 15(1)(b)) applies for registration under section 15(1)(b), the registrar shall notify him of the result of his application—

- (a) within three months of the date when the registrar received all documents (or any remaining documents) that he needed to determine the application; or
- (b) within such longer period as is allowed by article 13 of Community Council Directive No. [78/686/EEC](#).

(2) The notification may be sent by post.

(3) In subsection (1)(b), “Community Council Directive No. [78/686/EEC](#)” has the meaning given to it in Schedule 2, Part I, paragraph 1.”

(2) In paragraph 2(2)(a) of Schedule 4 to the Act (declaration and certificates to be provided by visiting EEA practitioners)—

- (a) after the words “under paragraph (a)” there are inserted the words “ and the certificates to be provided under paragraph (b) ”; and
- (b) for the words “it shall be provided” there are substituted the words “ they shall be provided ”.

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### Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 inserted by [S.I. 2007/3101 reg. 148](#)
- Sch. A1 omitted by [S.I. 2019/593 Sch. 3 para. 32\(12\)](#)
- Sch. A1 words inserted by [S.I. 2016/1030 reg. 60\(2\)](#)
- Sch. A1 words inserted by [S.I. 2016/1030 reg. 60\(3\)\(b\)](#)
- Sch. A1 words inserted by [S.I. 2016/1030 reg. 60\(4\)](#)
- Sch. A1 words inserted by [S.I. 2016/1030 reg. 60\(5\)](#)
- Sch. A1 words inserted by [S.I. 2016/1030 reg. 60\(6\)](#)
- Sch. A1 words substituted by [2018 c. 12 Sch. 19 para. 236\(2\)](#)
- Sch. A1 words substituted by [2018 c. 12 Sch. 19 para. 236\(3\)](#)
- Sch. A1 words substituted by [S.I. 2016/1030 reg. 60\(3\)\(a\)](#)
- Sch. 2 para. 1 words substituted by [S.I. 2003/3148 reg. 7\(10\)](#)
- reg. 2(3)(e) inserted by [S.I. 2004/1947 reg. 12\(2\)\(b\)\(i\)](#)
- reg. 4(2)(b)(ii)(ia) inserted by [S.I. 2003/3148 reg. 7\(4\)\(c\)](#)
- reg. 7(5) inserted by [S.I. 2016/1030 reg. 57\(2\)](#)
- reg. 8(2)(2A)(2B) substituted for reg. 8(2) by [S.I. 2007/3101 reg. 140](#)
- reg. 8(2)(c) omitted by [S.I. 2019/593 Sch. 3 para. 32\(6\)\(a\)\(ii\)](#)
- reg. 8(2)(c) word substituted by [S.I. 2016/1030 reg. 58\(2\)\(c\)](#)
- reg. 8(2)(c) words substituted by [S.I. 2016/1030 reg. 58\(2\)\(a\)](#)
- reg. 8(2)(c) words substituted by [S.I. 2016/1030 reg. 58\(2\)\(b\)](#)
- reg. 8(2)(e) and word omitted by [S.I. 2019/593 Sch. 3 para. 32\(6\)\(a\)\(ii\)](#)
- reg. 8(2A) omitted by [S.I. 2019/593 Sch. 3 para. 32\(6\)\(b\)](#)
- reg. 8(2B) omitted by [S.I. 2019/593 Sch. 3 para. 32\(6\)\(b\)](#)
- reg. 9(2A) inserted by [S.I. 2007/3101 reg. 141\(d\)](#)
- reg. 9(2A) omitted by [S.I. 2019/593 Sch. 3 para. 32\(7\)\(c\)](#)
- reg. 9(5)-(7) added by [S.I. 2003/3148 reg. 7\(5\)\(b\)](#)
- reg. 9(5)(6)(7) omitted by [S.I. 2007/3101 reg. 141\(g\)](#)
- reg. 9A inserted by [S.I. 2007/3101 reg. 142](#)
- reg. 9A omitted by [S.I. 2019/593 Sch. 3 para. 32\(8\)](#)
- reg. 10(A1)(B1) inserted by [S.I. 2019/593 Sch. 3 para. 32\(9\)\(b\)](#)
- reg. 10(1)(a)(aa)(b)(c)(d) substituted for reg. 10(1)(a)-(d) by [S.I. 2007/3101 reg. 143\(2\)\(a\)](#)
- reg. 10(1)(a)(ii) words omitted by [S.I. 2019/593 Sch. 3 para. 32\(9\)\(c\)\(ii\)](#)
- reg. 10(1)(e) inserted by [S.I. 2004/1947 reg. 12\(4\)\(a\)](#)
- reg. 10(1)(e) table words inserted by [S.I. 2013/3036 reg. 5](#)
- reg. 10(1)(e) words substituted by [S.I. 2007/3101 reg. 143\(2\)\(b\)\(iii\)](#)
- reg. 10(1)(e)(ii)(aa) words substituted by [S.I. 2007/3101 reg. 143\(2\)\(b\)\(i\)\(aa\)](#)
- reg. 10(1)(e)(ii)(aa) words substituted by [S.I. 2007/3101 reg. 143\(2\)\(b\)\(i\)\(bb\)](#)
- reg. 10(1)(e)(ii)(bb) words substituted by [S.I. 2007/3101 reg. 143\(2\)\(b\)\(ii\)](#)
- reg. 10(1)(aa)-(e) omitted by [S.I. 2019/593 Sch. 3 para. 32\(9\)\(c\)\(iii\)](#)
- reg. 10(3)(c)(ca) inserted by [S.I. 2003/3148 reg. 7\(6\)\(c\)](#)
- reg. 10(3)(cb) inserted by [S.I. 2004/1947 reg. 12\(4\)\(b\)\(i\)](#)
- reg. 14(1)(b)-(bc) substituted for reg. 14(1)(b) by [S.I. 2007/3101 reg. 145\(b\)\(i\)](#)
- reg. 14(1)(ba)-(bc) omitted by [S.I. 2019/593 Sch. 3 para. 32\(11\)](#)
- reg. 14A inserted by [S.I. 2007/3101 reg. 146](#)

- reg. 15A inserted by [S.I. 2016/1030 reg. 59](#)