
STATUTORY INSTRUMENTS

2005 No. 2011

The Dentists Act 1984 (Amendment) Order 2005

PART 3

Fitness to practise, proceedings and appeals

Amendment of section 29

19. In section 29 (appeals)(1)—

(a) for subsections (1) and (1A) substitute—

“(1) The following decisions are appealable decisions for the purposes of this section—

(a) a decision of the Professional Conduct Committee under section 24—

(i) giving a direction for erasure of a person’s name from the register under subsection (3) of that section, or

(ii) refusing an application to restore a person’s name to the register, or refusing to restore his name until the end of a specified period, under subsection (6) of that section;

(b) a decision of a Practice Committee under section 27B or 27C giving a direction for erasure, for suspension, for conditional registration or for varying or adding to the conditions imposed by a direction for conditional registration; and

(c) a decision of the Professional Conduct Committee under section 28—

(i) refusing to grant an application to restore a person’s name to the register,

(ii) giving a direction for conditional registration under subsection (6)(b) of that section, or

(iii) giving a direction under subsection (9) of that section suspending indefinitely the right to make further applications under that section.

(1A) In subsection (1)—

(a) a reference to a direction for suspension includes a reference to a direction extending a period of suspension and a direction for indefinite suspension; and

(b) a reference to a direction for conditional registration includes a reference to a direction extending a period of conditional registration.

(1B) Subject to subsection (1C), a person in respect of whom an appealable decision has been made may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 24(7), 27B(8), 27C(6) or 28(7), (8) or (10), appeal against the decision to the relevant court.

(1C) Where—

- (a) any notification of a decision required to be served on a person under any of the provisions specified in subsection (1B) is served by sending it to him by post, and
- (b) the registrar is satisfied, on the application of that person, that he did not receive the notification within the period of 14 days beginning with the day on which the decision was made,

the registrar may, if he thinks fit, by authorisation in writing extend the period of time within which an appeal under this section may be brought.

(1D) In subsection (1B) “the relevant court”—

- (a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session;
 - (b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court in Northern Ireland; and
 - (c) in the case of any other person, means the High Court in England and Wales.”;
- and

(b) in subsection (3), for paragraphs (b) to (d) substitute—

- “(b) allow the appeal and quash the decision appealed against,
- (c) substitute for the decision appealed against any other decision which could have been made by the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee, or
- (d) remit the case to the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to dispose of the case under section 24, 27B, 27C or 28 in accordance with the directions of the court.”.