



Isle of Man

Ellan Vannin

AT 29 of 1985

DENTAL ACT 1985



Isle of Man

Ellan Vannin

DENTAL ACT 1985

Index

Section	Page
<hr/>	
<i>The practice of dentistry</i>	5
1 Definition of practice of dentistry	5
2 Prohibition on practice of dentistry by layman.....	6
<i>Restrictions on carrying on the business of dentistry</i>	7
3 Definition of business of dentistry	7
4 Restriction on individuals	7
5 Directors of bodies corporate	9
<i>Use of titles and descriptions</i>	9
6 Prohibition on use of practitioners' titles by laymen.....	9
7 Use of titles, etc, by dentists	9
7A Use of titles etc. by dental care professionals	10
7B Professions complementary to dentistry	10
8 [Repealed]	11
<i>Evidence</i>	11
9 The register	11
10 Regulations etc	11
<i>Supplemental</i>	12
11 Interpretation.....	12
12 Amendments and repeals.....	12
13 Short title.....	12
 SCHEDULE 1	 13
<hr/>	
AMENDMENTS OF ENACTMENTS	13
 SCHEDULE 2	 13
 ENDNOTES	 15
<hr/>	
TABLE OF LEGISLATION HISTORY	15
TABLE OF RENUMBERED PROVISIONS	15

TABLE OF ENDNOTE REFERENCES

15



**Isle of Man***Ellan Vannin*

DENTAL ACT 1985

<i>Received Royal Assent:</i>	<i>30 December 1985</i>
<i>Passed:</i>	<i>21 January 1986</i>
<i>Commenced:</i>	<i>21 January 1986</i>

AN ACT to restrict the practice and business of dentistry; and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

The practice of dentistry

1 Definition of practice of dentistry

[P1984/24/37]

- (1) Subject to subsection (1A), for the purposes of this Act, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists; and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to or for the purpose of or in connection with the fitting, insertion or fixing of dentures, artificial teeth or other dental appliances shall be deemed to have practised dentistry within the meaning of this Act.¹
- (1A) For the purposes of this Act, the practice of dentistry shall be deemed not to include the performance of any medical task by a person who —
- (a) is qualified to carry out such a task; and
 - (b) is a member of a profession regulated by a regulatory body (other than the General Dental Council) listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (an Act of Parliament).²
- (2) Dental work to which subsection (2A) or (2B) applies shall not be treated for the purposes of this Act as amounting to the practice of dentistry if it is undertaken under the direct personal supervision of —

- (a) a registered dentist; or
 - (b) a registered dental care professional of a kind authorised by the General Dental Council to carry out such supervision.³
- (2A) This subsection applies to dental work if it is undertaken —
- (a) by a person recognised by a dental authority as a student of dentistry or by a medical authority as a medical student; and
 - (b) as part of a course of instruction or training approved by that authority for students of that kind or as part of an examination so approved.⁴
- (2B) This subsection applies to dental work if it is undertaken by a person as part of —
- (a) a course of instruction or training which he is following in order to qualify for registration in the dental care professionals register under a particular title or titles; or
 - (b) an examination which he must pass in order to satisfy the requirements for registration in that register under a particular title or titles.⁵

(3) In this section —

“dental authority” means a medical authority who grant degrees, licences or other diplomas in dentistry; and

“medical authority” means one of the universities and other bodies who choose appointed members of the General Medical Council.

2 Prohibition on practice of dentistry by layman

[P1984/24/38 and 45(8); 1983/10/1/5]

- (1) A person who is not a registered dentist [or] a registered dental care professional shall not practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry.⁶
- (2) Any person who acts in contravention of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.
- (3) Summary proceedings for an offence under this section may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge, but no such proceedings shall be brought by virtue of this subsection more than 2 years after the commission of the offence.
- (4) For the purposes of subsection (3) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as is mentioned in that subsection came to his knowledge shall be conclusive of that date, and any certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.

- (5) This section shall not operate to prevent a person doing anything which he is permitted to do by regulations under section 45 (dental auxiliaries) of the Dentists Act 1984 (an Act of Parliament, in this Act referred to as “the U.K. Act”); and the prohibition contained in this section on a person holding himself out as practising or being prepared to practise dentistry shall not apply to a person for the time being permitted by regulations under the said section 45 to practise dentistry of any particular kind.

Restrictions on carrying on the business of dentistry

3 Definition of business of dentistry

[P1984/24/40]

- (1) For the purposes of this Act a person shall be treated as carrying on the business of dentistry if, and only if, he or a partnership of which he is a member receives payment for services rendered in the course of the practice of dentistry by him or by a partner of his, or by an employee of his or of all or any of the partners.
- (2) Notwithstanding subsection (1), the receipt of payments —
- (a) by an authority providing national health services, or
 - (b) by a person providing dental treatment for his employees without a view to profit, or
 - (c) by a person providing dental treatment without a view to profit under conditions approved by the Department of Health and Social Care;⁷

shall not constitute the carrying on of the business of dentistry for the purposes of this Act.

4 Restriction on individuals

[P1984/24/41]

- (1) Subject to the provisions of this section, an individual who is not a registered dentist shall not carry on the business of dentistry unless —
- (a) he was engaged in carrying on the business of dentistry immediately before the commencement of this Act; or
 - (b) he falls within a class of registered dental care practitioners prescribed by the General Dental Council under section 36A of the U.K. Act.⁸
- (1A) For the purposes of this section, an “authorised dental care professional” means a registered dental care professional.⁹
- (1B) Any individual who contravenes this section shall be liable on summary conviction to a fine not exceeding £5,000.¹⁰

- (2) The exemption conferred by subsection (1)(a) on persons who were carrying on the business of dentistry on the date there mentioned shall not extend to any person who has at any time ceased to be a registered dentist in consequence of the erasure of his name from the register, or for the suspension of his registration, following a relevant determination that his fitness to practise as a dentist is impaired.¹¹
- (3) This section shall not operate to prevent a person from carrying on the business of dentistry during any period for which –
- (a) his registration in the register is suspended by virtue of a direction given under section 27B or 27C of the U.K. Act, or an order made under section 30(1) of that Act, that his fitness to practise is impaired, or
 - (b) his registration in the dental care professionals register is suspended by virtue of a direction given under section 36P or 36Q of the U.K. Act, or an order made under section 36U(1) of that Act, that his fitness to practise is impaired,
- and subsections (4) and (6) shall apply in relation to a person whose registration is so suspended as they apply in relation to a registered dentist or an authorised dental care professional.¹²
- (4) Where a registered dentist or authorised dental care professional who dies after the commencement of this Act was at his or her death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his or her personal representatives or his or her surviving spouse or surviving civil partner or any of his or her children, or trustees on behalf of his or her surviving spouse or surviving civil partner or any of his or her children, from carrying on the business of dentistry in continuance of that business or practice during the 3 years beginning with his or her death.¹³
- (5) Where a registered dentist who died before the commencement of this Act was at his or her death carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his or her surviving spouse or surviving civil partner, or trustees on behalf of his or her surviving spouse or surviving civil partner, from carrying on the business of dentistry in continuance of that business or practice at any time during his or her life.¹⁴
- (6) Where a registered dentist or authorised dental care professional becomes bankrupt at a time when he is carrying on a business or practice constituting the business of dentistry, this section shall not operate to prevent his trustee in bankruptcy from carrying on the business of dentistry in continuance of that business or practice during the 3 years beginning with the bankruptcy.¹⁵

5 Directors of bodies corporate

- (1) A body corporate commits an offence if it carries on the business of dentistry at a time when a majority of its directors are not persons who are either registered dentists or registered dental care professionals.
- (2) Where a person is the subject of a decision erasing his name from, or suspending him from, a register kept by any of the regulatory bodies listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (an Act of Parliament), that person commits an offence if he is a director of a body corporate carrying on the business of dentistry at any time when such erasure or suspension remains in effect.
- (3) Any body corporate committing an offence under subsection (1), or any person committing an offence under subsection (2), shall be liable on summary conviction to a fine not exceeding £5,000.¹⁶

Use of titles and descriptions

6 Prohibition on use of practitioners' titles by laymen

- (1) A person shall not take or use the title of dentist, dental surgeon or dental practitioner, either alone or in combination with any other word, unless he is a registered dentist entered in the list of such practitioners.¹⁷
- (2) No person shall take or use any title or description implying that he is a registered dentist unless he is a registered dentist.
- (2A) A person who is not a registered dental care professional shall not take or use any title specified in regulations under section 36A(2) of the U.K. Act, either alone or in combination with any other word.¹⁸
- (2B) No person shall take or use any title or description implying that he is a registered dental care professional unless he is a registered dental care professional¹⁹
- (3) Any person who acts in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

7 Use of titles, etc, by dentists

[P1984/24/26; 1983/10/14]

- (1) A registered dentist shall by virtue of being registered be entitled to take and use the description of dentist, dental surgeon or dental practitioner.
- (2) A registered dentist shall not take or use, or affix to or use in connection with his premises, any title or description 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 particulars entered in the register in respect of him.

- (3) The use, under conditions prescribed by regulations under section 26(3) (distinctive titles) of the U.K. Act, of a title so prescribed shall not constitute a contravention of subsection (2).
- (4) Where such regulations provide for a list to be kept of the names of registered dentists who are qualified to use a prescribed title and for such a dentist to be entitled to have his name entered in the list, nothing in subsection (3) permits that title to be used by such a dentist unless his name has been entered in the list.
- (5) Any person who contravenes subsection (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

7A Use of titles etc. by dental care professionals

- (1) A registered dental care professional shall not take or use, or affix to or use in connection with his premises —
 - (a) any description 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 particulars entered in the dental care professionals register in respect of him; or
 - (b) any title specified in regulations under section 36A(2) of the U.K. Act except the title or titles under which he is registered in the dental care professionals register.
- (2) Any person who contravenes subsection (1) shall be liable on summary conviction to a fine not exceeding £1,000.²⁰

7B Professions complementary to dentistry

For the purposes of this Act, a profession complementary to dentistry is a profession —

- (a) the majority of whose members work in connection with the provision of dental care —
 - (i) with persons receiving such care, or
 - (ii) with persons registered in the dentists register or the dental care professionals register established by section 36B of the U.K. Act; and
- (b) in respect of which the regulatory body is not a body (other than the General Dental Council) regulated by the Council for the Regulation of Health Care Professionals under section 25 of the National Health Service Reform and Health Care Professions Act 2002 (an Act of Parliament).²¹

8 [Repealed]²²*Evidence***9 The register**

[P1984/24/14(6) and 22; 1983/10/1/4]

- (1) Subject to subsection (2), a copy of the register printed, published and sold by the General Dental Council under section 22(1) of the U.K. Act shall be admissible in evidence.
- (2) Such a copy shall not be admissible as evidence of honours and distinctions accorded to a person in the register and included in the register by virtue of regulations under section 19 of that Act.
- (3) A certificate purporting to be a certificate under the hand of the registrar stating —
 - (a) that any person is or is not, or was or was not at any date, duly registered in the register, or
 - (b) that any particulars are or are not, or were or were not at any date, contained in the register with respect to any person,shall be *prima facie* evidence in all courts of law of the facts stated in the certificate.

10 Regulations etc

[P198424/52(2) and (3); 1983/10/1/5]

- (1) *Prima facie* evidence of any document issued by the General Dental Council may be given in all legal proceedings by the production of a copy or extract purporting to be certified to be a true copy or extract by the registrar or some other officer of the Council authorised to give a certificate for the purposes of section 52(2) of the U.K. Act.
- (2) No proof shall be required of the hand-writing or official position or authority of any person certifying in pursuance of this section to the truth of any copy of, or extract from, any regulations or other document.
- (3) For the purposes specified below, the following regulations shall be treated as having effect in the Island as part of the law of the Island —
 - (a) for the purposes of sections 2 and 8, regulations under section 45 (dental auxiliaries) of the U.K. Act; and
 - (b) for the purposes of section 7, regulations under section 26(3) (distinctive titles) of that Act.

*Supplemental***11 Interpretation**

[P1984/24/53(1) and (3)]

(1) In this Act —

“**dental care professionals register**” means a register kept in pursuance of section 36B of the U.K. Act;²³

“**EEA Practitioner**” [Repealed]²⁴

“**profession complementary to dentistry**” has the meaning defined in section 7B;²⁵

“**the register**” means the dentists register kept in pursuance of section 14 of the U.K. Act;

“**registered dental care professional**” means a person for the time being registered in the dental care professionals register;²⁶

“**registered dentist**” means a person for the time being entered in the register;

“**the registrar**” means the person for the time being appointed under section 14(3) of the U.K. Act;

“**the U.K. Act**” means the Dentists Act 1984 (an Act of Parliament).

(2) References in this Act to national health services are references to —

- (a) hospital services and specialist services under Part 3 of the *National Health Service Act 2001*; or
- (b) services at health centres under section 15 of that Act; or
- (c) school medical services under section 16 of that Act; or
- (d) services for mothers and young children under section 17 of that Act;²⁷

12 Amendments and repeals

(1) The enactments specified in Schedule 1 are amended in accordance with that Schedule.

(2) [Repealed]²⁸

13 Short title

This Act may be cited as the Dental Act 1985.

SCHEDULE 1

AMENDMENTS OF ENACTMENTS

Section 12(1)

[Sch 1 amended by National Health Service Act 2001 Sch 5 and by Medicines Act 2003 Sch 4, and amends the following Acts —

Misuse of Drugs Act 1976 q.v.

Poisons Act 1979 q.v.]

SCHEDULE 2²⁹

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (1) amended by SD646/06.

² Subs (1A) inserted by SD646/06.

³ Subs (2) substituted by SD646/06.

⁴ Subs (2A) inserted by SD646/06.

⁵ Subs (2B) inserted by SD646/06.

⁶ Subs (1) amended by SD646/06 and by SD2019/0102 with effect from 31/12/2020 at 23:00. (Editorial note: The text as amended by SD2019/0102 has been editorially corrected to replace a comma with “or” as shown in square brackets.)

⁷ Para (c) amended by Health and Social Security Act 1986 Sch 2, by SD155/10 Sch 4 and by SD2014/08.

⁸ Subs (1) substituted by SD646/06.

⁹ Subs (1A) inserted by SD646/06.

¹⁰ Subs (1B) inserted by SD646/06.

¹¹ Subs (2) substituted by SD646/06.

¹² Subs (3) substituted by SD646/06.

¹³ Subs (4) amended by SD646/06, by Civil Partnership Act 2011 Sch 14 and by Interpretation Act 1976 s 16A.

¹⁴ Subs (5) amended by SD646/06, by Civil Partnership Act 2011 Sch 14 and by Interpretation Act 1976 s 16A.

¹⁵ Subs (6) amended by SD646/06.

¹⁶ S 5 substituted by SD646/06.

¹⁷ Subs (1) substituted by SD646/06 and amended by SD2019/0102 with effect from 31/12/2020 at 23:00.

¹⁸ Subs (2A) inserted by SD646/06.

¹⁹ Subs (2B) inserted by SD646/06.

²⁰ S 7A inserted by SD646/06.

²¹ S 7B inserted by SD646/06.

²² S 8 repealed by SD646/06.

²³ Definition of “dental care professionals register” inserted by SD646/06.

²⁴ Definition of “EEA Practitioner” inserted by SD646/06 and repealed by SD2019/0102 with effect from 31/12/2020 at 23:00.

²⁵ Definition of “profession complementary to dentistry” inserted by SD646/06.

²⁶ Definition of “registered dental care professional” inserted by SD646/06.

²⁷ Subs (2) substituted by National Health Service Act 2001 Sch 4.

²⁸ Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.

²⁹ Sch 2 repealed by Statute Law Revision Act 1992 Sch 2.