



Jersey

DENTISTRY (JERSEY) LAW 2015

Official Consolidated Version

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DENTISTRY (JERSEY) LAW 2015

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Jersey

DENTISTRY (JERSEY) LAW 2015

A **LAW** to make new provision for the registration of dentists and dental care professionals and for connected purposes

Commencement [[see endnotes](#)]

PART 1

DEFINITIONS

1 Interpretation

In this Law, unless the context otherwise requires –

“Commission” means the Health and Social Care Commission established by Article 35 of the [Regulation of Care \(Jersey\) Law 2014](#);

“Court” means the Inferior Number of the Royal Court;

“dental care professional” means a person registered in the UK dental care professionals register;

“Dentists Act” means the Dentists Act 1984 of the United Kingdom;

“registered” means registered as a dentist or a dental care professional under this Law;

“registered dental care professional” means a person registered as a dental care professional under this Law;

“registered dentist” means a person authorized to practise as a dentist who is registered as a dentist under this Law;

“registered person” means a registered dentist or a registered dental care professional;

“UK dental care professionals register” means the dental care professionals register established by section 36B of the Dentists Act;

“UK dentists register” means the register kept under section 14 of the Dentists Act.¹

2 The practice of dentistry

- (1) For the purposes of this Law the practice of dentistry includes the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists.
- (2) A 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 is treated as practising dentistry within the meaning of this Law.
- (3) For the purposes of this Law the practice of dentistry does not 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 of the United Kingdom.
- (4) Dental work to which paragraph (5) or (6) applies is not to be treated for the purposes of this Law 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 authorized by the General Dental Council to carry out such supervision.
- (5) This paragraph applies to dental work if it is undertaken –
 - (a) by a person recognized 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.
- (6) This paragraph applies to dental work if it is undertaken by a person as part of –
 - (a) a course of instruction or training that he or she is following in order to qualify for registration in the UK dental care professionals register under a particular title or titles; or
 - (b) an examination that he or she must pass in order to satisfy the requirements for registration in that register under a particular title or titles.
- (7) In this Article –

“dental authority” means a medical authority that grants degrees, licences or other diplomas in dentistry;

“medical authority” means any one of the bodies or combinations of bodies in the United Kingdom which are included in a list maintained by the General Medical Council of the bodies and combinations of bodies entitled to hold such examinations for the purpose of granting one or more primary United Kingdom medical qualifications.

PART 2

REGISTRATION OF DENTISTS

3 Registration of dentists

- (1) A person may be registered as a dentist under this Law only if and while the person is registered in the UK dentists register.
- (2) An application for registration as a dentist must be made to the Court and be accompanied by either –
 - (a) a copy of the last official edition of the UK dentists register published under section 22 of the Dentists Act and the certificate or certificates of qualification by virtue of which the applicant was registered in that register; or
 - (b) a certificate under the hand of the registrar of the UK dentists register to the effect that the applicant is registered in that register and specifying the applicant's title to registration.
- (3) The qualifications by virtue of which a person is registered as a dentist must be set out in the Act of the Court ordering the registration.

4 List of registered dentists to be kept

The Judicial Greffier must make and keep posted in the Lobby of the Royal Court House a list of registered dentists showing their names and addresses and the qualifications by virtue of which they were registered.

5 Procedure where the names of dentists are erased from or restored to the UK Dentists Register

- (1) The Court, on the motion of the Attorney General, must order that the registration of any registered dentist be cancelled if the name of that dentist has been erased from the UK dentists register by direction of the General Dental Council or the Professional Conduct Committee of the Council or by the registrar of the UK dentists register under the powers respectively conferred upon them by the Dentists Act or by Regulations made under that Act.
- (2) If the name of a dentist in respect of whom an order under paragraph (1) has been made is restored to the UK dentists register, the Court must, on the application of the person concerned, rescind the order.
- (3) The reference in paragraph (2) to an order made under paragraph (1) includes an equivalent order made under any earlier enactment that provided for the registration of dentists.

6 Power of Court to cancel registration

- (1) The Court may, on the motion of the Attorney General, order that the registration of any dentist be cancelled if that dentist –
 - (a) has been convicted of an offence in Jersey or an offence committed elsewhere which, if committed in Jersey, would constitute an offence; or

- (b) has been guilty of professional misconduct.
- (2) However, that the Court must not make an order under this paragraph unless the person concerned has been given an opportunity of showing cause why the order should not be made.
- (3) The Court may, where it thinks fit so to do, either of its own accord or on the motion of the Attorney General or on the application of the person concerned, rescind any order made under this Article.

PART 3

REGISTRATION OF DENTAL CARE PROFESSIONALS

7 Register of registered dental care professionals

- (1) The Commission must keep a register of registered dental care professionals and the register must specify the profession complementary to dentistry (according to the classification of such professions contained in regulations made under section 36A(2) of the Dentists Act) of which the person is a member.²
- (2) A person may be registered in that register only if and while the person is registered on the UK dental care professionals register.
- (3) The following information must be entered in the register –
 - (a) the name of the person registered;
 - (b) particulars as to the qualification by virtue of which the person is registered;
 - (c) the person's postal address;
 - (d) the date of registration; and
 - (e) such other particulars as the Commission considers appropriate.³
- (4) If a registered dental care professional changes his or her address appearing in the register the person must, within one month thereafter, send to the Commission a notice of his or her new address.⁴
- (5) The Commission must publish the names and qualifications of registered dental professionals and such other information about them as the Commission considers appropriate.⁵

8 Application for registration or renewal of registration as a registered dental care professional

An application for registration or renewal of registration as a registered dental care professional must –

- (a) be in the form required from time to time by the Commission;
- (b) contain or be accompanied by such particulars as the Commission may require;
- (c) be verified in such manner and to such extent as the Commission may require; and
- (d) be accompanied by a registration fee determined by the Commission.⁶

9 Determination of application

- (1) The Commission must, after receiving an application from a person registered on the UK dental professionals register that –
 - (a) complies with Article 8; and
 - (b) in the case of an application for renewal of registration, also complies with Article 14(2),register the applicant as a registered dental care professional unless the application is made during a period specified in a direction under Article 17(3) that is in force in relation to the applicant.⁷
- (2) But if the requirements of paragraph (1) are not satisfied the Commission must refuse to register the applicant.⁸
- (3) Before refusing an application for registration under this Article the Commission must give the applicant an opportunity to meet the requirements mentioned in this Article.⁹
- (4) The Commission must, upon refusing an application for registration –
 - (a) serve notice on the applicant of its decision to refuse the application and the reasons for it; and
 - (b) refund the registration fee paid by the applicant.¹⁰

10 General conditions of registration

- (1) The requirements in this Article are conditions of registration applicable to every registered dental care professional.
- (2) A registered dental care professional must comply with any conditions imposed and undertakings given by him or her in connection with his or her registration under the Dentists Act.
- (3) A registered dental care professional must inform the Commission, in writing, within 7 days, of –
 - (a) any referral to the General Dental Council regarding his or her fitness to practise under section 36N of the Dentists Act;
 - (b) the outcome of proceedings following such a referral; or
 - (c) his or her being charged with or convicted of an offence in Jersey or an offence committed elsewhere which, if committed in Jersey, would constitute an offence.¹¹
- (4) A registered dental care professional must inform the Commission, in writing, within one month, of any change in the information he or she provided upon his or her application for registration.¹²
- (5) If, in compliance with paragraph (4), a registered dental care professional is required to inform the Commission of a change of name, he or she must, at the same time, submit to the Commission evidence of such change.¹³
- (6) A registered dental care professional must comply with any condition imposed under Article 11.

11 Additional conditions of registration

- (1) The Commission may impose additional conditions on registration under this Part where it considers it is necessary to do so –
 - (a) to protect members of the public;
 - (b) because it is otherwise in the public interest; or
 - (c) in the interests of the person registered.¹⁴
- (2) A condition may be imposed under paragraph (1) at the time of, or after, registration.
- (3) A condition imposed under paragraph (1) remains in force for the period specified in the registration of the person as the period for which the condition remains in force.
- (4) A period specified under paragraph (3) must not exceed 18 months.
- (5) The Commission may, on the expiry of the period specified under paragraph (3), make a further decision under paragraph (1) to impose the condition.¹⁵
- (6) Before the Commission makes a decision to impose a condition under paragraph (1), the Commission must give the person the opportunity to make representations.¹⁶
- (7) The Commission must serve notice on the registered dental care professional of any condition imposed on that person, the reasons for its imposition and the period for which it remains in force.¹⁷

12 Verification of information held by Commission¹⁸

- (1) The Commission may require a registered dental care professional to verify or, as the case requires, inform the Commission of any inaccuracies in, such information held by the Commission in respect of the registered dental care professional as the Commission may specify.¹⁹
- (2) The Commission may, for the purposes of paragraph (1), send a registered dental care professional a statement of all or any of the specified information.²⁰
- (3) The registered dental care professional must –
 - (a) in relation to the specified information contained in the statement, either confirm that it is correct, or provide details of specified information that is omitted from the statement or has changed;
 - (b) sign and date the statement; and
 - (c) return the statement to the Commission no later than the date required by the Commission.²¹

13 Certificate of registration

- (1) Where the Commission registers or renews the registration of any registered dental care professional, it must issue a certificate of registration to that person.²²
- (2) The Commission may issue a further certificate of registration to a registered dental care professional if the Commission is satisfied that the certificate of registration formerly issued to the person has been lost, stolen or damaged.²³
- (3) If the holder of a certificate ceases for any reason to be registered the certificate is treated as cancelled.

14 Duration and time for renewal of registration

- (1) Every registration under Article 9 expires on 31st December next following its date of entry in the register.
- (2) However, the registration may be renewed if an application is made under Article 8 during the last 3 months of the year for which the person is registered.

15 Amendment of register

- (1) If any particulars appearing in the register of registered dental care professionals in respect of the name, qualifications or address of a person are proved to the satisfaction of the Commission to be, or are to the knowledge of the Commission, erroneous in any respect, the Commission must amend the register.²⁴
- (2) Paragraph (1) applies even though at the time when the entry in the register was made the person actually had the qualifications appearing in the register, or at that time the entry was otherwise correct.
- (3) The Commission must remove from the register the name of a person –
 - (a) who has died;
 - (b) whose registration has expired;
 - (c) who has requested the cancellation of his or her registration under Article 16; or
 - (d) whose registration has been cancelled under Article 17.²⁵

16 Request for cancellation of registration

- (1) A registered dental care professional may, at any time, request the Commission to cancel his or her registration.²⁶
- (2) A request under paragraph (1) must be made in writing.
- (3) The Commission must, upon receiving a request under paragraph (1), cancel the person's registration.²⁷

17 Cancellation of registration otherwise than on request

- (1) The Commission must cancel a registered dental care professional's registration if –
 - (a) the person ceases to be registered on the UK dental care professionals register; or
 - (b) the person's registration was obtained by fraudulent means.²⁸
- (2) The Commission may cancel a registered dental care professional's registration if the person –
 - (a) is convicted (whether or not in Jersey) of an offence of a kind that, in the opinion of the Commission, makes the person unfit to be a registered dental care professional;
 - (b) has failed to comply with a condition imposed under Article 10 or 11 on his or her registration; or

- (c) is found by the Commission to have engaged in conduct of a kind that, in the opinion of the Commission, makes the person unfit to be a registered dental care professional.²⁹
- (3) The Commission may, if it has cancelled a person's registration under paragraph (1)(b) or (2), direct that the person must not be registered under Article 9(1) within a period, not exceeding 5 years, specified by the Commission in the direction.³⁰
- (4) The Commission must, before cancelling a person's registration under paragraph (1) or (2), give the person an opportunity to make representations.³¹
- (5) The Commission must serve on a person whose registration is cancelled under this Article notice of –
 - (a) its decision to cancel the person's registration;
 - (b) its reasons for the decision; and
 - (c) the period, if any, during which, in accordance with a direction under paragraph (3), the person must not be registered under Article 9(1).³²
- (6) The cancellation of a person's registration under this Article takes effect on the service on the person under paragraph (5) of the notice of the cancellation.
- (7) If an appeal is lodged under Article 20 against the cancellation of a person's registration, the Commission must restore the person's registration –
 - (a) until the determination of the appeal under Article 20(3)(a) or (c); or
 - (b) where the appeal is determined by referring the matter back to the Commission under Article 20(3)(b), until the Commission has dealt with the referred matter.³³
- (8) Paragraph (7) does not apply if –
 - (a) in the opinion of the Commission, the grounds on which the registration was cancelled are so serious that the cancellation should continue in effect –
 - (i) until the appeal in relation to it is determined under Article 20(3)(a) or (c), or
 - (ii) where the appeal is determined by referring the matter back to the Commission under Article 20(3)(b), until the Commission has dealt with the referred matter; and
 - (b) the notice of cancellation under paragraph (5) specifies that subparagraph (a) of this paragraph applies in relation to the cancellation.³⁴

18 Suspension

- (1) The Commission must –
 - (a) suspend a registered dental care professional's registration upon becoming aware that his or her registration in the UK dental care professionals register has been suspended; and
 - (b) end a person's suspension upon becoming aware that that registration is no longer suspended.³⁵
- (2) The Commission must serve on a person whose registration is suspended notice of –
 - (a) its decision to suspend the person's registration;
 - (b) its reasons for the decision; and

- (c) the period for which the suspension has effect.³⁶
- (3) A period of suspension commences on the service on the person, under paragraph (2), of the notice of suspension.

19 Application for amendment of direction

- (1) A person whose registration is cancelled under Article 17 may apply to the Commission to amend a direction given under Article 17(3) in relation to the person.³⁷
- (2) The Commission may, after receiving an application under paragraph (1) from a person, amend a direction given under Article 17(3) in relation to the person.³⁸
- (3) The Commission must serve on a person notice of its decision in relation to an application by the person under paragraph (1) and its reasons for the decision.³⁹

20 Appeals

- (1) A person may appeal to the Court against a decision of the Commission to –
 - (a) refuse under Article 9 to register the person;
 - (b) impose under Article 11 a condition on the registration of the person;
 - (c) cancel under Article 17 the person's registration;
 - (d) give a direction under Article 17(3) in relation to the person;
 - (e) suspend the person's registration under Article 18; or
 - (f) refuse, under Article 19, to amend a direction given in respect of the person or to amend the direction in terms other than those sought by the person.⁴⁰
- (2) An appeal under this Article against a decision may be made by a person only within 28 days after notice of the decision is served on the person, unless the Court determines that the period should be extended.
- (3) The Court may determine an appeal under this Article by –
 - (a) confirming the decision to which the appeal relates;
 - (b) quashing the decision to which the appeal relates and referring the matter back to the Commission for its decision in accordance with the law; or
 - (c) making any decision that the Commission could have made under Article 9, 11, 17, 18 or 19, as the case may be.⁴¹
- (4) The Court may make the additional orders it thinks appropriate, including ancillary orders and orders as to costs.

PART 4

OFFENCES

21 Restriction on practice of dentistry

- (1) A person must not practise dentistry –
 - (a) unless he or she is registered and his or her registration is not suspended; or

- (b) otherwise than in accordance with the conditions imposed on his or her registration.
- (2) A person who contravenes paragraph (1) is guilty of an offence and liable to a fine of level 3 on the standard scale.⁴²

22 False representations

- (1) A person must not represent himself or herself as being a registered person unless he or she is registered and his or her registration is not suspended.
- (2) A person who is not a registered person must not take or use any title or description –
 - (a) indicating that he or she is a dentist or dental care professional, either alone or in combination with any other word; or
 - (b) otherwise implying that he or she is a registered person.
- (3) A person must not take or use any title or description suggesting that he or she possesses any status or qualification connected with dentistry other than a status or qualification that he or she possesses.
- (4) A person who contravenes this Article is liable to a fine of level 3 on the standard scale.⁴³

23 Offences in connection with obtaining registration

A person who –

- (a) with intent to deceive, forges, or uses, or lends to or allows to be used by any other person, a certificate or other document that is required, under Article 3 or Article 8, to accompany an application for registration, or makes or has in his or her possession a document so closely resembling any such certificate or document as to be calculated to deceive;
- (b) obtains or attempts to obtain registration under this Law by assuming the name or qualifications of another person; or
- (c) for the purpose of obtaining registration under this Law knowingly makes any statement or furnishes any information or makes use of any document which is false in a material particular,

is liable in respect of each offence to a fine and to imprisonment for a term of one year.

24 Failure to comply with notification requirements

- (1) A person who fails to comply with Article 10(3) is guilty of an offence and liable to a fine of level 3 on the standard scale.⁴⁴
- (2) A person who fails to comply with Articles 7(4), 10(4) or (5) or 12(3) is guilty of an offence and liable to a fine of level 2 on the standard scale.

PART 5

CLOSING PROVISIONS

25 Amendment of Law

The States may by Regulations amend –

- (a) a definition in Article 1 or Article 2; or
- (b) a cross-reference in this Law to any legislation of the United Kingdom (or any part of it),

so as to maintain consistency with the current legislation in the United Kingdom (or any part of it).

26 Savings and transitional provisions

- (1) A registered dentist under the Dentists (Registration) (Jersey) Law 1961 is, on the commencement of this Law, to be treated as registered under this Law.
- (2) Any ancillary dental worker authorized to undertake dental work in accordance with Regulations made under the Dentists (Registration) (Jersey) Law 1961 is, on the commencement of this Law, to be treated as still so authorized as if that Law were still in force until –
 - (a) he or she is registered under this Law; or
 - (b) for 6 months,whichever is the earlier.
- (3) A person who has been working in Jersey as a dental nurse on the commencement of this Law may continue to so work for up to 5 years from the date of such commencement without the need to be registered and during those 5 years does not commit an offence under Article 21(1).

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29 Citation and commencement

This Law may be cited as the Dentistry (Jersey) Law 2015 and shall come into force on such day or days as the States may by Act appoint.

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement | ◦Projet No (where applicable) |
|---|----------------------------------|---|----------------------------------|
| Dentistry (Jersey) Law 2015 | L.17/2015 | 24 February 2016 (R&O.22/2016) | P.89/2015 |
| Criminal Justice (Miscellaneous Provisions) (Jersey) Regulations 2016 | R&O.97/2016 | 20 September 2016 | P.74/2016 |
| Regulation of Care (Transfer of Functions) (Jersey) Regulations 2018 | R&O.120/2018 | 1 January 2019 | P.128/2018 |

◦Projets available at statesassembly.gov.je/

Table of Endnote References

| | |
|-----------------------------|--|
| ¹ Article 1 | <i>amended by R&O.120/2018</i> |
| ² Article 7(1) | <i>amended by R&O.120/2018</i> |
| ³ Article 7(3) | <i>amended by R&O.120/2018</i> |
| ⁴ Article 7(4) | <i>amended by R&O.120/2018</i> |
| ⁵ Article 7(5) | <i>amended by R&O.120/2018</i> |
| ⁶ Article 8 | <i>amended by R&O.120/2018</i> |
| ⁷ Article 9(1) | <i>amended by R&O.120/2018</i> |
| ⁸ Article 9(2) | <i>amended by R&O.120/2018</i> |
| ⁹ Article 9(3) | <i>amended by R&O.120/2018</i> |
| ¹⁰ Article 9(4) | <i>amended by R&O.120/2018</i> |
| ¹¹ Article 10(3) | <i>amended by R&O.120/2018</i> |
| ¹² Article 10(4) | <i>amended by R&O.120/2018</i> |
| ¹³ Article 10(5) | <i>amended by R&O.120/2018</i> |
| ¹⁴ Article 11(1) | <i>amended by R&O.120/2018</i> |
| ¹⁵ Article 11(5) | <i>amended by R&O.120/2018</i> |
| ¹⁶ Article 11(6) | <i>amended by R&O.120/2018</i> |
| ¹⁷ Article 11(7) | <i>amended by R&O.120/2018</i> |
| ¹⁸ Article 12 | <i>heading amended by R&O.120/2018</i> |
| ¹⁹ Article 12(1) | <i>amended by R&O.120/2018</i> |
| ²⁰ Article 12(2) | <i>amended by R&O.120/2018</i> |
| ²¹ Article 12(3) | <i>amended by R&O.120/2018</i> |
| ²² Article 13(1) | <i>amended by R&O.120/2018</i> |
| ²³ Article 13(2) | <i>amended by R&O.120/2018</i> |
| ²⁴ Article 15(1) | <i>amended by R&O.120/2018</i> |
| ²⁵ Article 15(3) | <i>amended by R&O.120/2018</i> |
| ²⁶ Article 16(1) | <i>amended by R&O.120/2018</i> |
| ²⁷ Article 16(3) | <i>amended by R&O.120/2018</i> |
| ²⁸ Article 17(1) | <i>amended by R&O.120/2018</i> |
| ²⁹ Article 17(2) | <i>amended by R&O.120/2018</i> |
| ³⁰ Article 17(3) | <i>amended by R&O.120/2018</i> |
| ³¹ Article 17(4) | <i>amended by R&O.120/2018</i> |

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- ³² *Article 17(5)* *amended by R&O.120/2018*
³³ *Article 17(7)* *amended by R&O.120/2018*
³⁴ *Article 17(8)* *amended by R&O.120/2018*
³⁵ *Article 18(1)* *amended by R&O.120/2018*
³⁶ *Article 18(2)* *amended by R&O.120/2018*
³⁷ *Article 19(1)* *amended by R&O.120/2018*
³⁸ *Article 19(2)* *amended by R&O.120/2018*
³⁹ *Article 19(3)* *amended by R&O.120/2018*
⁴⁰ *Article 20(1)* *amended by R&O.120/2018*
⁴¹ *Article 20(3)* *amended by R&O.120/2018*
⁴² *Article 21(2)* *amended by R&O.97/2016*
⁴³ *Article 22(4)* *amended by R&O.97/2016*
⁴⁴ *Article 24(1)* *amended by R&O.97/2016*
⁴⁵ *Article 27* *spent, omitted*
⁴⁶ *Article 28* *spent, omitted*