

# STATES OF JERSEY



## DRAFT DENTISTRY (JERSEY) LAW 201-

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Lodged au Greffe on 10th August 2015  
by the Minister for Health and Social Services

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STATES GREFFE





Jersey

## **DRAFT DENTISTRY (JERSEY) LAW 201-**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Health and Social Services has made the following statement –

In the view of the Minister for Health and Social Services, the provisions of the Draft Dentistry (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Senator A.K.F. Green, M.B.E.**

*Minister for Health and Social Services*

Dated: 5th August 2015

## REPORT

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### Introduction

The purpose of the Draft Dentistry (Jersey) Law 201- (“the draft Law”) is to replace the existing Dentists (Registration) (Jersey) Law 1961 (“the 1961 Law”) aligning the regulation of professions allied to dentistry with equivalent legislation in the UK, while retaining for now the existing system for the registration of dentists; the provisions with respect to dentists remain unaltered in substance from those contained in the 1961 Law. It is considered pre-emptive at this stage to make any changes in this regard until the General Dental Council determines its framework for regulation and revalidation of dentists which, in turn, will determine what changes are needed in Jersey law.

The draft Law is necessary, however, because the Jersey law relating to professions allied to dentistry has not kept pace with equivalent UK legislation. This means that whilst certain dental care professionals can lawfully practise in the UK, they cannot undertake the same work in Jersey or undertake such work unsupervised by a dentist without committing a criminal offence. This affects the ability of dentists and the Health and Social Services Department (H&SSD) to recruit and keep qualified staff, and restricts the services and choices available to Jersey residents.

There are a number of particular pressing needs to make provision for dental care professionals to be able to work lawfully in Jersey. Following recent legal clarification that only registered dentists can undertake teeth-whitening procedures, dental hygienists who were carrying out this work have ceased doing so, even though they are appropriately trained and qualified and can lawfully undertake this work in the UK. This has resulted in at least one dental hygienist leaving the Island. To support the work of the dental service in H&SSD and reduce waiting times, the Department are keen to complete the training and employ an orthodontic therapist, but are unable to do so lawfully until the legislation is changed.

The lack of regulation in Jersey of ancillary dental professionals was raised by the UK General Dental Council (“GDC”) in a submission to the UK Law Commission’s review of professional regulation in 2013, in particular that “*Jersey law has not been amended to reflect recent amendments to the Dentists Act 1984, for example the introduction of new dental care professionals groups in 2006*”. In the subsequent report of the review, the Law Commission concludes: “*consultation has suggested that a number of difficulties arise because of gaps and inconsistencies between the regulatory framework that applies in the UK and that which applies to the Islands*”<sup>1</sup>. There is no policy reason for the discrepancy between the regulation of such professionals in the UK and Jersey, and consequently removing this anomaly is a priority.

The objectives for reform are to match the provisions in Jersey with those in the UK so that –

- the same classes of ancillary worker are provided for;
- they are permitted to do the same work as they do in the UK;
- they are subject to the same standards of regulation as they are in the UK; and
- the differential between the permitted practices for ancillaries employed by a States Body in comparison to the private sector is removed.

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<sup>1</sup> Regulation of Health Care Professionals, Regulation of Social Care Professionals in England, Law Commission, April 2014.

To achieve these objectives, the draft Law will essentially provide a secondary registration scheme for dental care practitioners working in Jersey, which will be dependent on registration with the GDC. This is because it would not be feasible or practicable for Jersey to create its own standard setting, primary regulatory body for a population the size of the Island, nor would it be desirable for Jersey to be seen as an easier option for dental care professionals unable to meet the standards required elsewhere in the British Isles.

The draft Law would enable a person who is a dental care professional registered in the UK to register in Jersey. This would allow for the following professionals to be registered to practise in Jersey –

- clinical dental technicians
- dental nurses
- dental technicians
- orthodontic therapists
- dental therapists
- dental hygienists.

### **Why do we need new legislation?**

Under the 1961 Law, it is an offence for a person who is not a registered dentist or registered medical practitioner to practice dentistry. The practice of dentistry is broadly defined and covers the work now usually carried out by a number of professions complimentary to dentistry registered by the GDC in accordance with UK Law.

The 1961 Law establishes the power to create classes of ‘ancillary dental workers’ by Regulations and the work (amounting to the practice of dentistry) that they may undertake; however, this power is limited and restricts the activities of prescribed ancillary workers: they cannot extract teeth other than deciduous teeth; they cannot fill teeth or extract deciduous teeth unless they are employed under an administration of the States of which a Minister has responsibility (“a States Body”); and they cannot fit, insert or fix dentures or artificial teeth.

Regulations made under the 1961 Law only provide for the establishment of 2 classes of ‘ancillary dental worker’ – dental hygienists and dental auxiliaries. All dental hygienists must work under the direction of a registered dentist, and after the treatment required has been indicated by a registered dentist. Further, any hygienists not working for a States Body must be working under the direct personal supervision of a registered dentist, who must be present on the premises when any dental work is carried out.<sup>2</sup> Dental auxiliaries can only work for States Bodies, and again must be under the direction of a registered dentist and undertake work prescribed by a registered dentist.<sup>3</sup>

In the UK, the Dentists Act 1984 (“the 1984 Act”) set out provisions relating to the definition of the meaning of ‘practice of dentistry’, registration requirements, provisions regarding the professions complementary to dentistry, restrictions on the practice of dentistry, as well as educational requirements.

Until 2005, the 1984 Act had broadly equivalent provisions for ancillary dental care professionals to the Jersey Law, including employment restrictions and the difference in treatment between those employed by the public sector and the private sector.

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<sup>2</sup> Regulation 4(2) and (3), 1974 Regulations

<sup>3</sup> Regulation 7(2), 1974 Regulations

Furthermore, the only ancillary dental care professionals regulated by the GDC until this time were dental therapists and dental hygienists.

In 2005, these provisions were repealed, partly because it was considered that the restrictions placed upon the nature of work that could be undertaken were mechanistic, unnecessary for the benefit of the patient, hindered the ability for care to be designed around the patient, and prevented professionals' skills development.<sup>4</sup> In their place, a new section was inserted and now governs the regulation of ancillary professions. This established a separate Dental Care Professionals Register, and has enabled other professions complementary to dentistry to be brought into the regulatory framework in recognition of the independent skills sets that the different classes have developed.<sup>5</sup>

The GDC have issued guidance in relation to these complementary professions including a code of conduct, qualification and education requirements and a *Scope of Practice*<sup>6</sup>, which sets out the skills and abilities associated with each group, where particular activities must be supervised, and 'reserved duties' that can only be practised by certain groups.

To bring Jersey into line with the UK and achieve the objectives of reform, one option would be to amend the existing 1961 Law; however, the changes necessary to update the legislation would be substantial and consequently difficult to justify for a Law that is over 50 years old and only 13 Articles long. Therefore, it has been decided that the objectives would be more readily achieved by repealing the 1961 Law, and replacing it with a new Dentistry Law that retains the provisions that currently exist for dentists and adds new provisions to deal with ancillary dental care professionals.

It should be noted that this is but a first step in updating the regulation of dentistry, but is an essential and urgent interim measure recognising that further updating will be required once the GDC have clearly established how dentists will be revalidated. It is for this reason the provisions related to the registration of dentists under the 1961 Law have been retained, albeit contained in the new draft Law.

### **What does the Law do?**

The Law provides a regulatory framework for the registration of dentists and ancillary dental care professionals, that in turn relies on the practitioner being registered in the UK under the 1984 Act, which sets registration requirements, provisions regarding the professions complementary to dentistry, restrictions on the practice of dentistry, as well as educational requirements, provisions relating to professional conduct and fitness to practice and training requirements.

#### *Definitions*

The draft Law contains a number of key definitions of terms used in the legislation, including the differentiation between registered dentists and registered dental care professionals. It also clarifies what constitutes the practise of dentistry for the purposes of the Law and makes reference to relevant UK legislation.

#### *Registration of dentists*

The draft Law sets out the requirements for the registration and cancellation of registration of dentists based on the provisions in the 1961 Law. Essentially, there are no material differences to the registration of dentists between the existing and proposed Law; however, the opportunity was taken to update some of the language and terminology and to ensure the draft Law is ECHR compliant. To this end, the

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<sup>4</sup> Department of Health, *Strengthening the General Medical Council, a paper for consultation*, July 2004 , pp. 11–12

<sup>5</sup> *Ibid*

<sup>6</sup> GDC, *Scope of Practice*, April 2009, available at: [www.gdc-uk.org](http://www.gdc-uk.org)

provision under the 1961 Law giving the Court power to require ‘aliens’ to provide an authenticated certificate of good character is removed. This is now deemed to be unnecessary, on the basis that any dentist registering in Jersey must be registered with the GDC, which in turn requires dentists to be of good character.

#### *Registering of dental care professionals*

Part 3 of the draft Law relates solely to dental care professionals. This requires the Minister for Health and Social Services to maintain and publish a register of all dental care professionals, other than dentists, including details of the class to which the individual belongs and other relevant information.

How a dental care professional applies for registration and the process for refusing registration are set out, together with the procedure for applying conditions to the registration. To protect the Public, the provisions relating to conditions ensures that any condition of practice applied by the GDC on a dental care professional’s UK registration is automatically applied to his or her Jersey registration. The Minister also has powers to apply additional conditions to a dental care professional’s registration. This may, for example, be to require the registrant to work under supervision pending further investigation by the GDC of a fitness to practise issue.

It is proposed that the registration will be renewed annually, which is in line with the existing regime for ancillary dental workers and other registered health care professionals.

#### *Fees*

The draft Law enables the Minister to set a fee for the registration and renewal of registration for dental care professionals, and the proposed level of fee will be comparable with the current system for the registration of dental hygienists.

#### *Suspension and cancellation of registration*

The draft Law has provisions governing the grounds on which the Minister can suspend or cancel a registration, and the rights that a registrant has to have the decision reconsidered. The most common reason for cancellation of a person’s registration will most likely be as a result of removal of their UK registration by the GDC. The Minister also has powers to suspend an individual’s registration if his or her GDC registration is suspended.

#### *Offences and appeals*

The draft Law sets out various offences, including practising dentistry or making false representation of being a registered dentist or dental care professional without being registered.

#### *Implementation*

If the draft Law is approved, dental care professionals will have 6 months from the date it comes into force to register under the new provisions. The only exception to this is for dental nurses already working in Jersey, who may not have the qualifications required by the GDC for registration purposes. The draft Law therefore enables dental nurses currently employed in Jersey to continue to practise for a period of 5 years to allow them sufficient time to undertake the necessary training required for GDC registration.

## **Consultation**

A stakeholder consultation including dentists and dental hygienists was held prior to drafting the new Law. This offered interested parties an opportunity to comment on the proposed changes to the registration of dental workers legislation, and to identify any particular concerns with the proposals. There was a limited response to the proposed changes; however, generally this was supportive of changing the Jersey legislation. The few negative comments received were predominantly from dentists about the potential economic impact that the proposed changes might have on their work; however, the purpose of professional regulation is to ensure that those registered have the appropriate qualifications, skills and competence to practise, and not to restrict practice on economic grounds. A copy of the report of the outcome of the consultation is attached at **Appendix 2** to this report.

## **Financial and manpower implications**

Administration costs associated with the registration of additional dental care professionals will be met within the existing regulatory function and income from a registration fee equivalent to that already in place for dental hygienists. The costs are likely to be offset by a web-based electronic system for registration and renewal currently under development.

## **Human Rights**

The notes on the human rights aspects of the draft Law in **Appendix 1** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.



**Human Rights Note on the Draft Dentistry (Jersey) Law 201-**

This Note has been prepared in respect of the Draft Dentistry (Jersey) Law 201- by the Law Officers' Department. It summarises the principal human rights issues arising from the contents of the draft Law and explains why, in the Law Officers' opinion, the draft Law is compatible with the European Convention on Human Rights ("ECHR").

The only right of the ECHR that is engaged by the draft Law is Article 6, the relevant part of which provides that: "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...".

A civil right is established by the draft Law with respect to a right to engage in a profession, under Article 3 with respect to dentists, and Article 9 with respect to dental care professionals. The draft Law provides for this right to be cancelled or suspended in certain circumstances; however, any determination of the civil right is subject to an appeal under Article 20 to an independent and impartial Court. Therefore, the draft Law is considered to be compliant with the ECHR.

## APPENDIX 2 TO REPORT

### DENTISTS (REGISTRATION) (JERSEY) LAW 1961

#### Review of Law to include additional ancillary dental professionals

### CONSULTATION OUTCOME REPORT

#### 1. Introduction

- 1.1 The current Law relating to professions allied to dentistry has not kept pace with equivalent UK legislation. This means that whilst certain dental professions can lawfully practise in the UK, they cannot undertake the same work in Jersey or undertake such work unsupervised without committing a criminal offence and others cannot lawfully practise at all.
- 1.2 As a consequence, dental practices and H&SSD have reported difficulty in recruiting and retaining staff, and Jersey residents are restricted in their choice of dental professionals.
- 1.3 The lack of regulation in Jersey of particular dental professionals was raised by the General Dental Council (“GDC”) in a submission to the UK Law Commission’s review of professional regulation in 2013, in particular that *“Jersey law has not been amended to reflect recent amendments to the Dentists Act 1984, for example the introduction of new dental care professionals groups in 2006”*. In the subsequent report of the review, the Law Commission concludes *“consultation has suggested that a number of difficulties arise because of gaps and inconsistencies between the regulatory framework that applies in the UK and that which applies to the Islands”*<sup>7</sup>. There is no policy reason for this discrepancy between the regulation in the UK and Jersey.
- 1.4 To address the deficiencies, it’s proposed to reform the 1961 Law to enable regulation of the same classes of ancillary workers as the UK, and permit them to do the same work as they do in the UK, subject to the same standards of regulation, and remove the differential between practises that are permitted for professionals employed by a States body compared to those employed in the private sector.
- 1.5 It is not proposed at this point to make any changes to the registration and regulation of Dentists, who will continue to be registered through the Royal Court as before. However, it is recognised that this is likely to change once the UK government and the GDC have clearly established how in future Dentists will be revalidated, which will necessitate corresponding changes to the Jersey Law.

#### 2. Consultation Process

- 2.1 Consultation offered interested parties an opportunity to comment on the proposed changes to the registration of dental workers legislation and identify any particular concerns with the proposals.

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<sup>7</sup> Regulation of Health Care Professionals, Regulation of Social Care Professionals in England, Law Commission, April 2014.

- 2.2 The consultation took place between 22 September 2014 and 4 November 2015. A copy of a report setting out the details of the proposed legislation changes was sent to all known private dentists, dental hygienists enrolled with H&SSD, the chair of the local Dental Hygiene and Therapy Association and dental surgeons working for H&SSD requesting any comments about the proposals to be returned by 4 November 2015.
- 2.3 Two briefing sessions were held, one on 2 October 2014 in the evening and the second on 7 October 2014 at lunch time. There were 10 attendees at the evening meeting and 3 at the lunchtime session. Comments from both meetings were recorded.
- 2.4 Three written comments were received.

### **3. Overview and Summary of Consultation Responses**

- 3.1 There was a limited response to the proposed changes; generally these were supportive of updating the Jersey legislation. Written comments included:
- “I welcome the proposed changes which will allow the population of Jersey to access the full range of Dental Professionals and their skills.”
  - “Having listened to the meeting I am of the view that we must seize the opportunity to update the Law which can be done within 6 – 12 months.”
  - “As a result of the Law being updated, this will enable patients to have direct access to hygienists without the previous requirement of seeing a dentist first.”
- 3.2 There were also some negative comments received from one respondent, predominantly on the basis of the potential economic impact that the proposed changes might have on dentists practising in the Island. Comments included:
- “There is considerable concern over the prospect of allowing ancillary workers to be allowed to practice in areas traditionally the bread and butter work of the dentist. With the economic downturn dentists are finding things difficult as it is.”
  - “Increased ancillary worker registrations to provide clinical duties will increase the financial pressure on Jersey dentists who are already finding times difficult. This change will promote larger practices at the expense of small ones. It has already been indicated that with the marked changes as those being suggested will result in some dentists looking for early retirement on the Island. This I believe would not be in the interest of patients or the profession in Jersey.”

#### *Comment*

*The purpose of professional regulation is to ensure that those registered have the appropriate qualifications, skills and competence to practise; its purpose is not to manage a market or to be used to protect the interests of one professional group. The proposed changes to the legislation will increase the range of dental professionals able to practise in Jersey and will offer greater choice to Islanders.*

*The proposed changes to the Law will ensure that those carrying out dental procedures meet recognised national standards of training and practice and that there are statutory mechanisms that will prevent those falling short of such standards continuing to practise.*

### 3.3 Definition of Dentistry

Concern was raised about the definition of dentistry under the current Law and it was suggested that it “should be reviewed and commented upon for its adequacy going forward.”

#### *Comment*

*The definition of dentistry in Jersey Law is the same as that used in equivalent UK legislation. As the Jersey Law is currently and will continue to be dependent on registration with the UK regulator, there is no merit in changing the definition.*

### 3.4 Dental Nurses and Training

As dental nurses will fall within the scope of the proposed changes with a requirement to be registered with the GDC, there were comments about accessing training and the proposed length of time of five years for dental nurses to obtain a qualification accepted by the GDC. One respondent stated:

- “You should be aware that there are an increasing number of extra duties that would fall into the definition of ‘the practice of dentistry’ that are included within the extended scope of practice of dental nurses in the UK ... Because of the number of nurses and turnover of staff there will be a need for Educational establishments on the Island to provide suitable and recognised (certified) courses on a rolling basis so that new trainee nurses can be enrolled. It would be completely impossible to send nurses off island on a weekly/monthly basis to acquire training. Practices would be unable to recruit local trainees and would need to import staff from the UK (at cost?) = immigration/license issues.”

The restrictions in the current Law for trainees to undertake dental procedures were also raised –

- “There is provision with GDC regs. that allows unqualified nurses to practise as long as they are enrolled on a recognised course. The Jersey Law must allow this also and this provision would also cover those who are already working but need to obtain qualifications to register.”
- “I think 5 years is far too long to obtain qualifications for existing nurses and creates a variance with the UK situation. Perhaps 2 years is appropriate but with some extension if they need to retake exams”.

#### *Comment*

*The issue of the provision of dental nurse training locally would not ordinarily be the role of any regulatory body. The provision of training is an area that is best addressed through the sustainable primary care project and local dentists have representation on the project board. The issues about training raised during the consultation were passed on to the Programme Lead for sustainable primary care.*

*The issue of including provisions for trainee staff within the Jersey Law is acknowledged and consequently has been included within the new draft legislation.*

*In terms of the period of time existing dental nurses have to obtain a qualification to enable registration with the GDC, we are proceeding with the proposed 5 years, during which period currently practising dental nurse will not be required to register. This will ensure that these practitioners have adequate time to find, apply for and complete a suitable course. Any new dental nurse, i.e. anyone who takes up post once the Law comes into force, will be required to register.*

A respondent wrote: “It would seem nurses have themselves not been involved in the consultation process – this would seem an omission in view of the implications to them.”

*Comment*

*It is acknowledged that dental nurses were not personally sent details of the consultation, however as they are not currently registered there is no list of dental nurses. That said all dental practices including those employing dental nurses were sent details of the consultation and the proposals.*

3.5 Clinical Dental Technicians

Issues about the impact of the proposed changes on existing dental technicians were raised by one respondent who stated:

- *“Dental Clinical Technicians being able to register and work within there (sic) own premises will put financial pressure on the existing dental technicians working from the island and especially the smaller dental practices. Should the financial pressures mean that lab fees rise and financial pressure comes from clinical dental technicians, it will result in the lab work going off island to places like China. In such case there will be no control on the quality of the lab work which will be to the detriment of patients and the profession. There is also the possibility that we may lose some of the expertise if a laboratory closes in Jersey. It also provides a situation with unfair competition where the dental technicians working in Jersey are unfairly discriminated against due to the financial pressure from off shore labs who do not need to comply with our regulations. Also patients attending CDT will invariably avoid dental practices for routine checkups which will mean some pathology will go untreated and this is not in the interest of any patient.”*

*Comment*

*It is currently unlawful for a dental technician to be working in the Island.*

*The inclusion of Clinical Dental Technician in the new Law will ensure that individuals engaged in this field of work have recognised qualifications and perform to an appropriate standard and work within their scope of competence, therefore patients are not likely to be disadvantaged by attending an appointment with a Clinical Dental Technician as opposed to a Dentist.*

*The proposals make no changes in where laboratory work is undertaken; it will be up to individual dental professionals who will be accountable for ensuring the quality of any lab work undertaken on behalf of their patients. There is nothing under the current Law preventing dentists or patients from using offshore labs at present.*

### 3.6 Dental Hygienists

Generally the response about updating the law with regard to extending the scope of practice for dental hygienists was positive; however there were concerns that the role cannot completely mirror that of dental hygienists in the UK unless there are provisions to enable a hygienist to prescribe. The following comments were made:

- “this will enable patients to have direct access to hygienists without the previous requirement of seeing a dentist first ... as a result of this and in order to work fully within our scope of practice, provisions need to be made to allow us to administer prescription only medicines. Hygienists in the UK are able to do this working with a Patient Group Directive. Private dental practices in the UK may set up PGDs for use by named dental hygienists and therapists if the practice is registered with the Care Quality Commission in England, the Scottish Commission for the Regulation of Social Care in Scotland, the Care Standards Inspectorate for Wales in Wales and the Regulation and Quality Improvement Authority in Northern Ireland”.

#### *Comment*

*At present in Jersey there is no equivalent of the Care Quality Commission, The Scottish Commission for the Regulation of Social Care in Scotland, the Care Standards Inspectorate for Wales or the Regulation and Quality Improvement Authority in Northern Ireland. These Regulatory Authorities ensure the standard and quality of health and dental services in the various jurisdictions.*

*The States in 2014 approved a new Regulation of Care Law for Jersey which will in due course provide such a regulatory framework for local dental services however the provisions for regulating Dental Practices will not be in force in time for the proposed changes to the registration of dental care professionals.*

*Until such time as the regulation of dental practices is in place, Jersey does not have a legislative framework to enable Dental Hygienist or Therapists to prescribe prescription only medication. This is no different to the situation in the UK when changes were first made to the UK Dental Law extending the scope of practice for allied dental professionals. The extended scope of practice and direct access to dental care professionals came into force in 2006 in the UK with the registration of dental practices with CQC not following 2011.*

### 3.7 Dental Therapists

One respondent was concerned about the effect registering dental therapists and stated:

- “Dental Therapists. As a large amount of the children’s dentistry is provided in the Hospital there may be limited ability to use Therapists in private practice. There is a danger of deskilling the dental profession as a result.”

### 3.8 Relationship with and reference to the UK General Dental Council

Several issues were raised about the relationships with the GDC that follow from the proposed changes to the Jersey Law. These included investigation of impaired fitness to practise and concerns about increasing the influence of the GDC. Specific comments included:

- “Will the proposed Act, also make clear that if Jersey Authorities suspect a dental registrant of impaired fitness to practise or other misdemeanour, whether they will have the power to act or investigate themselves or will they have a duty to refer the matter to the GDC.”
- “Currently the GDC is in legal dispute with the British Dental Association (Dentist’s trade union) following the GDC’s intention to increase dentist’s annual registration fees by 69% this year. I understand the problem goes deeper than just the fees. The administration, management and its activities have been shown wanting ... The increased registration fees can only be intended to increase GDC activity to take more action against dentists. In the light of this does the States want to increase the GDC’s sphere of influence.”
- “We must seize the opportunity to update the Law ... normalising Jersey with the GDC in the UK ... I completely understand and agree (the) view that Jersey can only be aligned with one regulatory body no matter how imperfect some may see that body as for clarity.”

*Comment*

*Whilst the revised legislation does not make explicit that investigations of fitness to practise are referred to the GDC, this is implicit and consequently any concerns about a dental professional’s conduct or practise will be referred to the GDC for investigation.*

*The initial and continued registration of a dental care professional will be dependent on ongoing registration with the GDC. Any conditions applied to the UK registration by the GDC will automatically be applied to the practitioner’s Jersey registration.*

*There is no intention for Jersey to break from the GDC as the primary regulator for dental professionals. It would not be feasible or practicable to create an equivalent standard setting, primary regulatory body for a population the size of Jersey, nor would it be desirable for Jersey to be seen as an easy option for dental practitioners unable to meet the standards required elsewhere in the British Isles.*

3.9 Fees

One response commented about registration fees and questioned why there was the need for continued annual fees.

- “Currently as hygienists we pay a yearly fee to remain enrolled on the States of Jersey Roll of Hygienists. We would like some clarity as to whether this is something that we are going to have to continue to pay. As we understand it we will be registered with the GDC and will have some kind of secondary registration in Jersey. We are more than happy to continue proving our GDC registration on an annual basis and we also believe it is important for us to provide proof of professional indemnity. We would however would like to question the need for continued annual fees.”

*Comment*

*There is no intention to remove the requirement for payment of a registration fee. Under the existing ancillary dental workers Regulations, all dental hygienists are required to be registered with the GDC so in this respect the proposed updating of the legislation is no different to the current system. The Jersey registration, while essentially a secondary registration process, still requires resourcing and this will be partially met through charging a registration fee.*



## Explanatory Note

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This Law replaces the Dentists (Registration) (Jersey) Law 1961 with a new Law that combines the existing regime for the registration of dentists with new provisions governing the registration of dental care professionals.

*Part 1* contains the definitions. The general terms used in the Law are in *Article 1*, including the term “dental care professional” which means a person registered in the UK dental care professionals register. *Article 2* sets out the meaning of the practice of dentistry.

*Part 2* covers the registration of dentists in Jersey. *Article 3* is the main registration provision and *Article 4* provides for a list of registered dentists to be kept. *Article 5* sets out the procedure to be followed where the names of dentists are erased from or restored to the UK dentists register. *Article 6* contains the power for the Royal Court to cancel registration.

*Part 3* relates to the registration of dental care professionals in Jersey. *Article 7* requires the Minister for Health and Social Services to keep a register of dental care professionals. Being registered in the equivalent UK register is a prerequisite for being registered in this Jersey register. The Article also sets out the information to be entered on the register and requires the Minister to publish the names and qualifications and such other information about them that the Minister considers appropriate.

*Article 8* sets out the requirements for an application for registration or renewal of registration as a Jersey-registered dental care professional. *Article 9* requires the Minister to register the applicant who meets the requirements of registration and to refuse the applicant who does not. Before refusing an application the Minister must afford the applicant an opportunity to make the application compliant and if the application is refused the Minister must give the applicant notice and reasons for the decision and refund the application fee paid.

*Article 10* lists the general conditions of registration and *Article 11* enables the Minister to impose additional conditions on registration.

Under *Article 12* the Minister may require a registered dental care professional to verify or inform the Minister of any changes in the specified information held by the Minister. *Article 13* requires the Minister to issue a certificate of registration whenever a dental care professional is registered or has his or her registration renewed. Under *Article 14* every registration expires at the end of the calendar year in which it takes effect but may be renewed during the final 3 months of the year.

*Article 15* requires the register to be amended if it contains any erroneous details and requires the Minister to remove from the register anyone who has died, has failed to renew his or her registration in time, who has requested that his or her registration be cancelled, or whose registration has been cancelled. *Article 16* contains provision about cancellation on request of the registered person. Cancellation by the Minister is in *Article 17* and is compulsory if the person ceases to be registered on the UK register or his or her registration was obtained by fraudulent means. The Minister may also cancel registration on grounds of a person’s conviction, failure to comply with a condition of registration or having engaged in conduct which the Minister thinks makes him or her unfit to practise. There is also power for the Minister, after cancelling a registration, to direct that a person may not be registered for a period of up to 5 years. *Article 18* requires the Minister to suspend a person’s registration upon becoming aware that the person’s UK registration has been suspended and to end the

suspension when that UK suspension is at an end. *Article 19* provides that a person whose registration is cancelled under *Article 17* may apply to the Minister to amend a direction preventing registration given under that *Article*. *Article 20* provides for an appeal to the Royal Court against the various decisions of the Minister.

*Part 4* contains the offences. *Article 21* outlaws practising dentistry unless registered or practising dentistry otherwise than in accordance with the conditions of registration. The offence is punishable by a fine of up to £5,000 (level 4).

*Article 22* prohibits a person from representing himself or herself as a registered person (which covers both registered dentists and registered dental care professionals) unless registered and not suspended from registration. It also prohibits a person who is not a registered person from using a title or description indicating that he or she is a dentist, dental care professional or registered person and prohibits anyone from using a title or description suggesting a status or qualification connected with dentistry that the person does not possess. The offences attract a fine of up to £5,000 (level 4). *Article 23* contains offences in connection with obtaining registration punishable by an unlimited fine and/or imprisonment for up to one year. Under *Article 24* a failure to comply with a notification requirement is punishable by a fine of up to £500 (level 2). However a failure to comply with the requirement in *Article 10(3)* to inform the Minister of any referral to the General Dental Council, the outcome of the referral and being charged or convicted of an offence is punishable by a fine of up to £5,000 (level 4).

*Part 5* contains final provisions. *Article 25* enables the Law to be amended by Regulations made by the States to ensure future consistency with the UK statutory regime. *Article 26* treats dentists registered under the Dentists (Registration) (Jersey) Law 1961 as registered under the new Law and ancillary dental workers authorized to undertake dental work in accordance with Regulations made under the 1961 Law to be treated as still so authorized until registered under the new Law or for a period of 6 months from when the Law comes into force, whichever is the earlier. Persons working as dental nurses when the Law comes into force can continue to do so without being registered for up to 5 years from that date. *Article 27* makes changes to other legislation consequential on the enactment of the new Law and *Article 28* repeals the Dentists (Registration) (Jersey) Law 1961. *Article 29* provides for how the Law is to be cited and for it to come into force on such day or days as the States may by Act appoint.



Jersey

## DRAFT DENTISTRY (JERSEY) LAW 201-

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Jersey

## DRAFT DENTISTRY (JERSEY) LAW 201-

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

*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

### PART 1

#### DEFINITIONS

##### 1 Interpretation

In this Law, unless the context otherwise requires –

“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;

“Minister” means the Minister for Health and Social Services;

“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.

## 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 Minister 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) 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 Minister considers appropriate.
- (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 Minister a notice of his or her new address.
- (5) The Minister must publish the names and qualifications of registered dental professionals and such other information about them as the Minister considers appropriate.



**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 Minister;
- (b) contain or be accompanied by such particulars as the Minister may require;
- (c) be verified in such manner and to such extent as the Minister may require; and
- (d) be accompanied by a registration fee determined by the Minister.

**9 Determination of application**

- (1) The Minister 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.

- (2) But if the requirements of paragraph (1) are not satisfied the Minister must refuse to register the applicant.
- (3) Before refusing an application for registration under this Article the Minister must give the applicant an opportunity to meet the requirements mentioned in this Article.
- (4) The Minister must, upon refusing an application for registration –
  - (a) serve notice on the applicant of his or her decision to refuse the application and the reasons for it; and
  - (b) refund the registration fee paid by the applicant.

**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 Minister, 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.
- (4) A registered dental care professional must inform the Minister, in writing, within one month, of any change in the information he or she provided upon his or her application for registration.
- (5) If, in compliance with paragraph (4), a registered dental care professional is required to inform the Minister of a change of name, he or she must, at the same time, submit to the Minister evidence of such change.
- (6) A registered dental care professional must comply with any condition imposed under Article 11.

## **11 Additional conditions of registration**

- (1) The Minister may impose additional conditions on registration under this Part where he or she 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.
- (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 Minister may, on the expiry of the period specified under paragraph (3), make a further decision under paragraph (1) to impose the condition.
- (6) Before the Minister makes a decision to impose a condition under paragraph (1), the Minister must give the person the opportunity to make representations.
- (7) The Minister 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.

## **12 Verification of information held by Minister**

- (1) The Minister may require a registered dental care professional to verify or, as the case requires, inform the Minister of any inaccuracies in, such information held by the Minister in respect of the registered dental care professional as the Minister may specify.
- (2) The Minister may, for the purposes of paragraph (1), send a registered dental care professional a statement of all or any of the specified information.
- (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 Minister no later than the date required by the Minister.

### **13 Certificate of registration**

- (1) Where the Minister registers or renews the registration of any registered dental care professional, he or she must issue a certificate of registration to that person.
- (2) The Minister may issue a further certificate of registration to a registered dental care professional if the Minister is satisfied that the certificate of registration formerly issued to the person has been lost, stolen or damaged.
- (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 Minister to be, or are to the knowledge of the Minister, erroneous in any respect, the Minister must amend the register.
- (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 Minister 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.

**16 Request for cancellation of registration**

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

**17 Cancellation of registration otherwise than on request**

- (1) The Minister 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.
- (2) The Minister 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 Minister, 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 Minister to have engaged in conduct of a kind that, in the opinion of the Minister, makes the person unfit to be a registered dental care professional.
- (3) The Minister may, if he or she 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 Minister in the direction.
- (4) The Minister must, before cancelling a person's registration under paragraph (1) or (2), give the person an opportunity to make representations.
- (5) The Minister must serve on a person whose registration is cancelled under this Article notice of –
  - (a) the Minister's decision to cancel the person's registration;
  - (b) the Minister's 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).
- (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 Minister 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 Minister under Article 20(3)(b), until the Minister has dealt with the referred matter.
- (8) Paragraph (7) does not apply if –
  - (a) in the opinion of the Minister, 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 Minister under Article 20(3)(b), until the Minister has dealt with the referred matter; and
  - (b) the notice of cancellation under paragraph (5) specifies that sub-paragraph (a) of this paragraph applies in relation to the cancellation.

## **18 Suspension**

- (1) The Minister 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.
- (2) The Minister must serve on a person whose registration is suspended notice of –
  - (a) the Minister's decision to suspend the person's registration;
  - (b) the Minister's reasons for the decision; and
  - (c) the period for which the suspension has effect.
- (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 Minister to amend a direction given under Article 17(3) in relation to the person.
- (2) The Minister may, after receiving an application under paragraph (1) from a person, amend a direction given under Article 17(3) in relation to the person.
- (3) The Minister must serve on a person notice of the Minister's decision in relation to an application by the person under paragraph (1) and the Minister's reasons for the decision.

**20 Appeals**

- (1) A person may appeal to the Court against a decision of the Minister 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.
- (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 Minister for the Minister's decision in accordance with the law; or
  - (c) making any decision that the Minister could have made under Article 9, 11, 17, 18 or 19, as the case may be.
- (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 4 on the standard scale.

**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 4 on the standard scale.

### **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 4 on the standard scale.
- (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<sup>1</sup> 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).

**27 Enactments amended**

- (1) In Article 10(1) of the Veterinary Surgeons (Jersey) Law 1999<sup>2</sup> for subparagraphs (a) and (b) there shall be substituted the words “a dentist or a doctor”.
- (2) In Rule 17/3(1)(c) of the Royal Court Rules 2004<sup>3</sup> for the words “a dentist under the Dentists (Registration) (Jersey) Law 1961<sup>4</sup>” there shall be substituted “a registered person under the Dentistry (Jersey) Law 201-<sup>5</sup>”.
- (3) The following definitions of “dentist” shall be deleted –
  - (a) in Article 1(1) of the Misuse of Drugs (Jersey) Law 1978<sup>6</sup>;
  - (b) in Article 1(1) of the Medicines (Jersey) Law 1995<sup>7</sup>;
  - (c) in Article 1 of the Piercing and Tattooing (Jersey) Law 2002<sup>8</sup>.
- (4) For Regulation 5(2)(b) of the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002<sup>9</sup> there shall be substituted the following subparagraph –
 

“(b) registered person within the meaning of Article 1 of the Dentistry (Jersey) Law 201-<sup>10</sup>”.
- (5) In the following places for the words “Dentists (Registration) (Jersey) Law 1961<sup>11</sup>” there shall be substituted the words “Dentistry (Jersey) Law 201-<sup>12</sup>” –
  - (a) in the definition “dentist” in Part 1 of Schedule 1 to the Interpretation (Jersey) Law 1954<sup>13</sup>;
  - (b) in Schedule 9 paragraph 14(3) of the Terrorism (Jersey) Law 2002<sup>14</sup>;
  - (c) in Article 18(1)(d) of the Health Care (Registration) (Jersey) Law 1995<sup>15</sup>.
- (6) In Article 1(1) of the Nursing and Residential Homes (Jersey) Law 1994<sup>16</sup> the definition “registered dentist” shall be deleted.



- (7) In the Police Procedures and Criminal Evidence (Jersey) Law 2003<sup>17</sup> –
  - (a) in Article 1(1) the definition “registered dentist” shall be deleted;
  - (b) In Article 56(11) the word “registered” shall be deleted.
- (8) In the Health Insurance (Jersey) Law 1967<sup>18</sup> –
  - (a) in Article 1(1), for the definition “dentist” there shall be substituted the following definition –
    - “dentist” means a registered person within the meaning of Article 1 of the Dentistry (Jersey) Law 201<sup>-19</sup>;
  - (b) in Article 15(15) and Article 27B(2), for the words “Dentists (Registration) (Jersey) Law 1961<sup>20</sup>” there shall be substituted the words “Dentistry (Jersey) Law 201<sup>-21</sup>”.

## **28 Repeal**

The Dentists (Registration) (Jersey) Law 1961<sup>22</sup> is repealed.

## **29 Citation and commencement**

This Law may be cited as the Dentistry (Jersey) Law 201- and shall come into force on such day or days as the States may by Act appoint.

- 
- 1 *chapter 20.100*
  - 2 *chapter 02.900*
  - 3 *chapter 07.770.72*
  - 4 *chapter 20.100*
  - 5 *P.89/2015*
  - 6 *chapter 08.680*
  - 7 *chapter 20.625*
  - 8 *chapter 20.900*
  - 9 *chapter 08.840.50*
  - 10 *P.89/2015*
  - 11 *chapter 20.100*
  - 12 *P.89/2015*
  - 13 *chapter 15.360*
  - 14 *chapter 17.860*
  - 15 *chapter 20.300*
  - 16 *chapter 20.725*
  - 17 *chapter 23.750*
  - 18 *chapter 20.100*
  - 19 *P.89/2015*
  - 20 *chapter 20.100*
  - 21 *P.89/2015*
  - 22 *L.19/1961 (chapter 20.100)*