

DENTISTS BILL.

EXPLANATORY MEMORANDUM.

It is proposed by this Bill to repeal the Dentists Act, 1908, and its amendments, and to re-enact their provisions with substantial alterations and additions. Under the present law the registration of dentists is effected by the Registrar-General on application by persons producing evidence of the necessary qualifications. It is now intended to bring the machinery provisions for the registration of dentists into line with the provisions governing the registration of medical practitioners, nurses, masseurs, opticians, and members of other professions. For this purpose it is proposed to establish a Dental Council, which will be the registering authority, and which will, in addition, exercise certain disciplinary powers over practising dentists.

[AS REPORTED FROM THE PUBLIC HEALTH COMMITTEE.]
House of Representatives, 28th October, 1936.

Hon. Mr. Fraser.

DENTISTS.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Interpretation.</p> <p style="text-align: center;"><i>Dental Council.</i></p> <p>3. Dental Council established.</p> <p>4. Payment of allowances and travelling-expenses of members of Council.</p> <p>5. Chairman of Council.</p> <p>6. Conduct of meetings.</p> <p>7. First meeting of Council. Subsequent meetings.</p> <p>8. Procedure of Council.</p> <p style="text-align: center;"><i>Registration of Dentists.</i></p> <p>9. Qualifications for registration. Powers of Senate as to courses of study, examinations, and certificates.</p> <p>10. Application for registration.</p> <p>11. Applications to be considered by Council.</p> <p>12. Director-General to observe directions of Council.</p> <p>13. Appeal to Supreme Court from refusal to register.</p> <p>14. Register of Dentists.</p> <p>15. Certificate of registration.</p> <p>16. Penalty for fraudulently obtaining registration.</p> <p>17. Registrars to notify Director-General of death of dentist.</p> <p>18. Dentists to notify changes of address; register to be amended accordingly.</p> <p>19. Name to be removed from register if dentist cannot be found, &c.</p> <p>20. Additional diplomas, &c., may be entered in register.</p> <p>21. Correction of register.</p> | <p>22. Supreme Court may order removal of name from register if dentist guilty of indictable offence or grave misconduct.</p> <p>23. Removal from register of name of person whose name has been removed from medical register.</p> <p>24. Removal of name from register after removal from British or foreign register.</p> <p style="text-align: center;"><i>Practice of Dentistry.</i></p> <p>25. Provisional practising certificate.</p> <p>26. Prohibition of practice of dentistry by unregistered persons.</p> <p>27. Unregistered person not to practise in name or on behalf of dentist.</p> <p>28. Special provisions as to companies carrying on the business of dentistry on commencement of this Act.</p> <p>29. Legal representative of deceased dentist may carry on business for limited period.</p> <p>30. Offences by unregistered persons.</p> <p>31. Disciplinary powers of Council.</p> <p style="text-align: center;"><i>Annual Practising Certificates.</i></p> <p>32. Dentists to have annual practising certificates.</p> <p style="text-align: center;"><i>General.</i></p> <p>33. Offences punishable summarily.</p> <p>34. Certificate by Director-General to be evidence of registration.</p> <p>35. Fees.</p> <p>36. Regulations.</p> <p>37. Regulations to be laid before Parliament.</p> <p>38. Repeals and savings.</p> |
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A BILL INTITULED

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| Title. | AN ACT to make Better Provision for the Registration and Control of Dentists. | |
| | BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :— | 5 |
| Short Title and commencement. | 1. This Act may be cited as the Dentists Act, 1936, and shall come into force on the first day of June, nineteen hundred and <i>thirty-seven</i> . | |
| Interpretation. | 2. (1) In this Act, if not inconsistent with the context,— | 10 |
| | “ Council ” means the Dental Council of New Zealand established by this Act : | |
| | “ Dentist ” means a person registered as a dentist under this Act : | 15 |
| | “ Director-General ” means the Director-General of Health, and includes his deputy : | |
| | “ Medical practitioner ” means a person for the time being registered as a medical practitioner under the Medical Practitioners Act, 1914 : | 20 |
| | “ Minister ” means the Minister of Health : | |
| | “ Practice of dentistry ” includes— | |
| | (a) The performance of any operation and the treatment of any diseases, deficiencies, or lesions on or of the human teeth or jaws and the correction of malpositions thereof, and the performance of radiographic work in connection with the human teeth or jaws ; | 25 |
| | (b) The giving of any anæsthetic in connection with any operation on the human teeth or jaws ; | 30 |
| | (c) The mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances ; | |
| | (d) The performance of any operation on, or the giving of any treatment, advice, or attendance to, any person, as preparatory to or for the purpose of or for or in connection with the fitting, insertion, fixing, constructing, repairing, or renewing of artificial dentures or restorative dental appliances ; and | 35 40 |

See Reprint
of Statutes,
Vol. V, p. 669

(e) The performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists,—

5 and the expression “to practise”, in relation to dentistry, has a corresponding meaning:

“Public hospital” means a hospital controlled by a Hospital Board established under the Hospitals and Charitable Institutions Act, 1926:

10 “Senate” means the Senate of the University of New Zealand.

See Reprint of Statutes, Vol. III, p. 725

(2) For the purposes of this Act, and notwithstanding anything to the contrary in the Health Act, 1920, the Director of the Division of Dental Hygiene in the Department of Health shall be the deputy of the Director-General.

Ibid., Vol. VI, p. 1061

Dental Council.

3. (1) There is hereby established a Council, to be called the Dental Council of New Zealand.

Dental Council established.

20 (2) The Council shall consist of—

(a) The Director-General:

(b) Two dentists appointed on the recommendation of the Minister:

25 (c) One dentist, being a member of the Faculty of Dentistry in the University of Otago, appointed on the recommendation of the Minister:

(d) One dentist appointed upon election in the prescribed manner by postal vote of those dentists whose registered addresses are in the North Island:

30 (e) One dentist appointed upon election in the prescribed manner by postal vote of those dentists whose registered addresses are in the South Island:

35 (f) One medical practitioner, being a member of the Faculty of Medicine in the University of Otago, appointed on the recommendation of the Minister:

40 (g) One medical practitioner, nominated in that behalf by the New Zealand Branch of the British Medical Association and appointed on the recommendation of the Minister.

(3) The members of the Council, other than the Director-General, shall be appointed by the Governor-General for a term of three years, save that any such member may be reappointed or may be at any time removed from office by the Governor-General for disability, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Director-General, and shall vacate his office on ceasing to be registered under this Act or the Medical Practitioners Act, 1914, as the case may be. The members of the Council who are first appointed after the date of the commencement of this Act shall be appointed for a term of three years from that date, notwithstanding that any of those members may not actually be appointed until after that date.

See Reprint
of Statutes,
Vol. V, p. 669

(4) The powers of the Council shall not be affected by any vacancy in the membership thereof.

(5) If any member of the Council dies, retires, or otherwise vacates his office, the vacancy so created shall, within two months after the occurrence thereof, be filled in the manner in which the appointment to the vacant office was originally made:

Provided that, in the event of a vacancy in the office of any member who is elected under paragraph (d) or paragraph (e) of subsection *two* hereof, the vacancy may be filled by appointment made on the recommendation of the Minister, without election.

(6) Every person appointed under the *last preceding* subsection shall hold office for the residue of the term for which his predecessor was appointed, and no longer.

4. The members of the Council, other than officers in the service of the Government, shall be paid all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Council and may also be paid such further allowances (if any) as may be lawfully appointed in than behalf.

Payment of
allowances and
travelling-
expenses of
members of
Council.

5. (1) The Director-General shall be the Chairman of the Council for the three years ending on the thirty-first day of May, nineteen hundred and *forty*. The Council at its first meeting to be held after the expiration of the said period of three years shall appoint one of its members to be the Chairman of the Council for the ensuing year.

Chairman of
Council.

(2) At the expiration of the said period of one year and thereafter from year to year the Council shall appoint a Chairman for the then ensuing year, and the Chairman in office at the date of any such appointment may be
5 reappointed.

(3) If the Chairman ceases to be a member of the Council before the expiration of the period for which he was appointed, the Council shall appoint some other member in his stead to be the Chairman for the residue
10 of the said period.

(4) The Chairman shall preside at all meetings of the Council at which he is present. If at any meeting of the Council the Chairman is not present, or if there is no Chairman, the Council shall appoint some member present
15 to act as the Chairman in respect of that meeting, and the person so appointed shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting.

6. (1) At any meeting of the Council *four* members
20 shall form a quorum. Conduct of meetings.

(2) Every question before the Council shall be determined by a majority of the votes of the members present at the meeting of the Council.

(3) The Chairman of the Council shall have a
25 deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(4) In the absence from any meeting of the Council of the Director-General and also of his deputy, any officer of the Department of Health may be appointed by the
30 Director-General to act in his stead, and while so acting shall for the purposes of this Act have all the powers of the Director-General on the Council. The fact that any officer so acts as a member of the Council shall be sufficient evidence of his authority so to do.

7. (1) The Council shall hold its first meeting at such
35 time and place as the Minister appoints for that purpose, and the Director-General shall send notice of the time and place so appointed to every member of the Council. First meeting of Council.

(2) Subsequent meetings of the Council may be sum-
40 moned either by the Chairman or by the Director-General. Subsequent meetings.

(3) Notice of the time and place of every such meeting shall be sent to every member of the Council at least *seven* clear days before the time appointed for that

meeting, but failure to comply with the provisions of this subsection shall not invalidate anything done at any meeting of the Council.

Procedure of Council.

8. Save as expressly provided in this Act, or in regulations thereunder, the Council may regulate its procedure in such manner as it thinks fit. 5

Registration of Dentists.

Qualifications for registration.

Cf. 1908, No. 43, ss. 10-16
1921-22, No. 54, s. 4

See Reprint of Statutes, Vol. V, p. 651

9. (1) Every adult person shall be entitled to be registered under this Act who satisfies the Council—

(a) That he is the holder of a degree, diploma, or other qualification in dental surgery approved by the Council and conferred by a university or other institution in the United Kingdom; or 15

(b) That he is the holder of a degree in dental surgery of the University of New Zealand, or has gone through such course of study and professional practice and training, passed such examinations, and obtained from the Senate such certificate of proficiency in dental surgery or dentistry as the Senate prescribes; or 20

(c) That he is the holder of a degree, diploma, or other qualification in dental surgery approved by the Council and conferred by a university or other institution situated in some part of His Majesty's dominions outside the United Kingdom or New Zealand: 25

Provided that the Council may, if it thinks fit, require that the holder of any such degree, diploma, or qualification, before being entitled to registration, shall (either with or without a period of further training) pass to the satisfaction of the Council an examination in dental surgery or dentistry, to be prescribed and conducted by the Senate; or 35

(d) That he is the holder of a degree, diploma, or other qualification (hereinafter referred to as a foreign diploma) approved by the Council, and granted by any university or institution other than the University of New Zealand or a university or other institution situated in the United Kingdom or elsewhere in His Majesty's dominions: 40

5 Provided that the Council may refuse to approve any foreign diploma unless it appears to the Council that the graduates in dental surgery of the University of New Zealand are, by virtue of their graduation and without further examination, entitled to practise dentistry in the country in which is situated the university or other institution by which such diploma has been granted :

10 Provided further that the Council may, if it thinks fit, require that the holder of any foreign diploma, before being entitled to registration, shall (either with or without a period of further training) pass to the satisfaction of the Council an examination in dental surgery or dentistry, to be prescribed and conducted by the Senate.

(2) Notwithstanding anything in the *last preceding* subsection, but subject to the provisions of section 20 *thirteen* hereof as to appeals, no person shall be registered under this Act if, in the opinion of the Council, he is not a fit person to be so registered by reason of the fact that—

25 (a) He has been at any time convicted of any offence punishable by imprisonment with hard labour for a term of two years or upwards ; or

(b) He is otherwise not of good fame or character.

(3) The power to make statutes conferred on the Senate by section nine of the New Zealand University Amendment Act, 1926, is hereby extended to enable it to make statutes—

35 (a) Prescribing in respect of persons desiring to qualify for certificates of proficiency in dental surgery or dentistry their courses of study and training and the examination or examinations to be passed by them :

(b) Prescribing the forms of such certificates of proficiency :

(c) Fixing a scale of fees in respect of certificates of proficiency and the examinations therefor :

40 (d) Providing for the examination of persons to whom paragraph (c) or paragraph (d) of subsection *one* of this section relates :

(e) Providing for the registration of dental students.

Powers of Senate as to courses of study, examinations, and certificates.

Cf. 1908, No. 43, s. 24

See Reprint of Statutes, Vol. II, p 1142
Ibid., Vol. V, p. 655

Application for
registration.

10. (1) Application for registration as a dentist under this Act shall be made in writing in the prescribed form addressed to the Director-General. Every such application shall be accompanied by the prescribed fee.

(2) On receipt by the Director-General of any such application he shall forthwith submit the same to the Council for its consideration. 5

Applications to
be considered by
Council.

11. (1) At its first meeting after any such application has been submitted to it, or as soon thereafter as practicable, the Council shall consider the application and shall give such directions in respect thereof as it thinks fit and as are hereinafter authorized. 10

(2) Before giving any such directions the Council may, if it thinks fit, examine on oath or otherwise any person applying to be registered under this Act, or any person objecting to that registration, or any other person, with respect to that application; and for the purposes of this section the Chairman of the Council may administer an oath to any person. 15

(3) The Council may also, if it thinks fit, require any person to verify by statutory declaration any statement made by him with respect to any application before the Council, or with respect to any objection to that application. 20

Director-General
to observe
directions of
Council.

12. (1) If the Council, after considering any such application as aforesaid, is of opinion that the applicant is entitled to be registered under this Act, it shall so direct, and the Director-General shall thereupon register that person, and shall notify him accordingly. 25

(2) If the Council, after considering any such application as aforesaid, is of opinion that the applicant is not entitled to be so registered, it shall direct accordingly, and the Director-General shall thereupon refuse to register that person, and shall notify the applicant accordingly. 30

Appeal to
Supreme Court
from refusal to
register.
Cf. 1908, No. 43,
s. 16,
see Reprint
of Statutes,
Vol. V, p. 652

13. If any applicant who has been refused registration as aforesaid is dissatisfied with the direction of the Council he may apply to the Supreme Court for an order to the Director-General that he be registered under this Act, and thereupon the Court may order that the person applying be so registered or may make such other order as it thinks fit, and in any such case the costs of the proceedings shall be in the discretion of the Court. 35 40

14. (1) Registration under this Act shall be effected by the entry in the Register of Dentists (which shall be kept in the prescribed form by the Director-General) of the name and address of the applicant, of the qualifications by virtue of which he is registered, and of such other particulars as may be prescribed.
- (2) The Register of Dentists shall be open to inspection by the public during ordinary office hours on payment of the prescribed fee.
15. 15. The Director-General shall, on application in that behalf made to him at any time by a dentist and on payment of the prescribed fee, issue to that dentist a certificate of registration in the prescribed form.
16. Every person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, commits an offence and is liable to *twelve* months' imprisonment or to a fine of *fifty* pounds.
17. Every Registrar of Births and Deaths in New Zealand, on receiving notice of the death of any dentist, shall forthwith transmit by post to the Director-General a certificate under his hand of that death, with the particulars of the time and place of death; and on the receipt of that certificate the Director-General shall remove the name of the deceased dentist from the register.
18. (1) Every dentist who at any time changes his address as appearing on the register shall, within three months thereafter, send to the Director-General a notice of his new address, and the Director-General shall thereupon correct the entry in the register relating to that dentist accordingly.
- (2) Every dentist who fails to comply with the provisions of the *last preceding* subsection is liable to a fine of *five* pounds.
19. (1) The Director-General may at any time, and shall, if the Council so directs, send to any dentist, by registered letter addressed to him at his address as appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register.

Register of Dentists.

Certificate of registration.

Penalty for fraudulently obtaining registration.
Cf. 1908, No. 43 s. 17.

Registrars to notify Director-General of death of dentist.

Dentists to notify changes of address; register to be amended accordingly.

Name to be removed from register if dentist cannot be found, &c.

(2) If no reply is received to that letter within six months from the posting thereof, or if the letter is not delivered and is returned to the Director-General, the Director-General shall, if the Council so directs, remove from the register the name of the dentist to whom the letter was so sent. 5

(3) Any person whose name has been removed from the register in pursuance of this section may apply to the Director-General to have his name restored to the register, and on payment of the prescribed fee, his name shall be restored to the register accordingly. 10

Additional diplomas, &c., may be entered in register.

Cf. 1908, No. 43, s. 9

20. Every dentist who obtains any approved dental diploma, other than that by virtue whereof he is registered, may apply to the Council to amend the register so far as it relates to the qualifications of that dentist; and on such application the Council, if satisfied that the applicant is entitled to the diploma in respect of which the application is made and that the diploma is one of a kind approved by the Council for the purposes of this section, shall direct the Director-General to amend the register accordingly, and the Director-General shall thereupon insert in the register particulars as to that diploma. 15 20

Correction of register.

Ibid., s. 18

21. (1) If any person has been registered under this Act by reason of any false or fraudulent representation or declaration, made either verbally or in writing, or if any person not entitled to be registered under this Act has been so registered, the Council shall cause the name of that person to be removed from the register, and the fact of that removal shall be notified by the Director-General in the *Gazette*. 25 30

(2) If any particulars appearing in the register in respect of the qualifications of any dentist are proved to the satisfaction of the Council to be or are to the knowledge of the Council false or erroneous in any respect, the Council shall direct the Director-General to erase those particulars from the register, or otherwise to amend the register, and the Director-General shall thereupon amend the register accordingly. 35

(3) The provisions of the *last preceding* subsection shall apply notwithstanding the fact that at the time when the entry in the register was made the dentist was actually possessed of the qualifications particulars whereof appear in the register, or that at that time the entry was otherwise correct. 40 45

(4) Any person whose name has been removed from the register in pursuance of subsection *one* hereof, or any person the particulars of whose qualifications have been altered in pursuance of subsection *two* hereof, may apply
 5 to the Supreme Court for an order to the Director-General for the restoration of his name to the register, or for the restoration to the register of any particulars as to his qualifications; and thereupon the Court may make such order in the matter as it thinks fit, and in any such
 10 case the costs of the proceedings shall be in the discretion of the Court.

22. (1) If any dentist is, in the opinion of the Council, guilty of any *grave* impropriety or infamous conduct in any professional respect, or if any dentist has been convicted
 15 (either before or after his registration) of an indictable offence punishable by imprisonment with hard labour for a term of two years or upwards, the Council may, with the leave in writing of the Attorney-General, apply to the Supreme Court for an order for the removal of the name
 20 of that person from the register, and the Court may make such order in the matter as it thinks fit :

Supreme Court may order removal of name from register if dentist guilty of indictable offence or grave misconduct.

Provided that the name of the dentist shall not be removed from the register under this section by reason of any offence committed before the date of his registra-
 25 tion if at that date the Council was aware of his conviction in respect of that offence.

(2) In any order under this section for the removal from the register of the name of a dentist the Court may fix a time after which the person whose name is so
 30 removed as aforesaid may apply for re-registration under this Act.

(3) After the expiration of such time any person whose name has been so removed may apply for re-registration, and all the provisions of this Act as to registration shall
 35 so far as applicable apply to re-registration under this section :

Provided that any qualification which was a sufficient qualification for registration when the applicant was originally registered shall be a sufficient qualification
 40 for re-registration in accordance with this section.

(4) If the Court does not fix any such time as aforesaid, the Council may refuse, for such time as it thinks fit, to consider any application for re-registration :

Provided that any person aggrieved by the refusal of the Council to consider such application may apply to the Court for an order directing the Council to consider that application, or directing the Director-General to enter in the register the name of that person, and thereupon the Court may make such order in the matter as it thinks fit. 5

Removal from register of name of person whose name has been removed from medical register.

23. (1) If the name of any medical practitioner who is also registered as a dentist under this Act is at any time after the commencement of this Act removed from the register of medical practitioners, the Council, with the consent of the Governor-General in Council, may remove his name from the Register of Dentists. 10

(2) Any person whose name is removed from the Register of Dentists under the authority of this section shall be entitled, on application, to be re-registered if his name is at any time thereafter restored to the register of medical practitioners. 15

Removal of name from register after removal from British or foreign register.

24. (1) If the Council is satisfied that any person registered in New Zealand, on the grounds mentioned in paragraph (a) of subsection *one* of section *nine* of this Act, has since been removed for misconduct from any register of dentists in the United Kingdom or elsewhere in His Majesty's dominions, or that any person registered in New Zealand on the grounds mentioned in paragraph (c) or paragraph (d) of subsection *one* of the said section *nine* has since been removed for misconduct from any register of dentists or dental practitioners, it may, with the consent in writing of the Attorney-General, by writing under the hand of the Chairman, direct the removal of his name from the register; and the name shall be removed accordingly. 20 25 30

(2) Notice of its intention to direct the removal of any name from the register pursuant to this section shall be given by the Council to the person affected, either personally or, if his whereabouts are unknown, by advertisement in such manner as the Council thinks sufficient, and his name shall not be removed from the register before the expiration of one month from the date of such notice. 35

(3) Any person whose name has been removed from the register by direction of the Council acting or purporting to act under the authority of this section may appeal to the Supreme Court, which may make such order in the matter as it thinks just, having regard to the merits of the case and to the public welfare. 40 45

Practice of Dentistry.

25. (1) The Director-General may at any time, and shall if the Council so directs, issue to any person who has applied for registration as a dentist under this Act a provisional practising certificate, which shall entitle that person to practise as a dentist pending the consideration of his application by the Council.

Provisional
practising
certificate.

(2) Every such certificate shall, unless it has been cancelled or has lapsed, remain in force for the period stated therein, not exceeding three months, but any such certificate may be from time to time renewed.

(3) The holder of any such certificate shall, whilst such certificate remains in force, be deemed for all purposes to be a dentist.

15 (4) The Director-General may cancel such certificate at any time on the direction of the Council.

26. (1) Except as otherwise expressly provided in this Act, no person, unless he is registered as a dentist under this Act or is the holder of a provisional practising certificate, shall carry on business as a dentist or shall practise or hold himself out, whether directly or by implication, as practising or as being entitled to practise dentistry.

Prohibition of
practice of
dentistry by
unregistered
persons.
1921-22, No. 54,
s. 2,
see Reprint
of Statutes,
Vol. V, p. 656

(2) Any person who acts in contravention of the provisions of this section is liable, in respect of each offence, to a fine of *one hundred* pounds.

(3) Nothing in this section shall operate to prevent—

(a) The performance of any dental operation or the doing of any other act that is within the meaning of the expression “the practice of dentistry”, by any medical practitioner in the ordinary course of his practice as such or in any case where the services of a dentist are not obtainable;

(b) The extraction of a tooth by any person where the case is urgent and no medical practitioner or dentist is available and the operation is performed without the application of any general or local anæsthetic;

(c) The performance in any public dental service of dental work by any person in accordance with conditions approved by the Minister;

(d) The carrying-on, in accordance with conditions approved by the Minister, of the practice of dentistry at any public hospital;

- (e) The carrying-on of the practice of dentistry at any dental school which is approved for the purposes of this section by the Senate ;
- (f) The performance, in relation to the practice of dentistry, of any radiographic work at any public hospital or at the request or under the direction of any medical practitioner or dentist ; or 5
- (g) The mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances by any person acting under the direction of a dentist. 10

Unregistered person not to practise in name or on behalf of dentist.
1921-22, No. 54,
s. 6

27. (1) Subject to the provisions of the *last preceding* section, no dentist shall permit any unregistered person to carry on the practice of dentistry in his name or on his behalf, whether on the premises where such dentist is practising or elsewhere. 15

(2) Every dentist who commits a breach of this section is liable to a fine of *one hundred* pounds.

Special provisions as to companies carrying on the business of dentistry on commencement of this Act.

28. (1) If any company satisfies the Council that it has been carrying on the business of dentistry in New Zealand for not less than *twelve* months immediately before the commencement of this Act, and that all its members are registered dentists, it may lawfully continue to carry on the business of dentistry in accordance with the provisions of this section, but not otherwise. 25

(2) The authority conferred by this section shall cease and determine—

- (a) If any person other than a registered dentist becomes a member of any such company ; or 30
- (b) If the membership of the company is increased *beyond its present number* at any time after the commencement of this Act.

(3) No company shall carry on the business of dentistry under the authority of this section at any time after the expiration of ten years from the date when the last of its members as at the commencement of this Act has ceased to be a member. 35

(4) Where any company is carrying on the business of dentistry pursuant to the authority of this section, the names and descriptions of all the members of that company shall at all times be legibly and conspicuously displayed in or on the premises in which such business is being carried on. 40

(5) If any company carries on the business of dentistry in contravention of the provisions of this section, the company and every director of the company and every person concerned in the management of the company shall be guilty of an offence, and shall be liable to a fine of *one hundred* pounds and to a further fine of *five* pounds for every day during which such offence continues after the conviction for any such offence of the company or of any director or other persons as aforesaid.

(6) For the purpose of this section the term "company" means a company formed and registered under the Companies Act, 1933, or any former Companies Act, and includes any corporation other than a company so formed and registered.

29. On the death of any dentist actually carrying on the business of dentistry at the time of his death, it shall be lawful for his legal representative (with a view to the disposal of the goodwill) to continue such business under the management of a dentist for not more than *twelve* months from the date of death; or if it is shown to the satisfaction of the Council that it is *or may be* impracticable satisfactorily to dispose of such business within such period, then for such further period or periods, not exceeding two years, as may be allowed by the Council.

30. (1) Every person commits an offence who, not being registered under this Act, uses or causes or permits to be used in connection with his business any written words, titles, or initials, or any abbreviation of any words, titles, or initials, which are intended to cause or may reasonably cause any person to believe that he is registered under this Act or that he is qualified to practise dentistry.

(2) Every person who commits an offence against this section is liable to a fine of *twenty* pounds for each such offence, and to a further fine of *five* pounds for every day during which the offence is continued after conviction.

31. (1) If the Council has reason to believe that any dentist has been guilty of *grave* impropriety or infamous conduct in a professional respect, it may cause to be served on him a notice specifying the grounds of its belief with sufficient particularity to enable the dentist to answer the same, and requiring him to appear before the Council, at a time and place to be specified, to show cause why

Legal representative of deceased dentist may carry on business for limited period.

Offences by unregistered persons.
Cf. 1908, No. 43, s. 21, see Reprint of Statutes, Vol. V, p. 654

Disciplinary powers of Council.

he should not be suspended from the practice of his profession or be otherwise dealt with in accordance with this section.

(2) If any dentist on whom a notice has been served under this section fails to appear before the Council in accordance with the terms of that notice, or, having appeared, fails to satisfy the Council either that he has not been guilty of the alleged impropriety or infamous conduct or that his conduct has not been of such a nature as to render the exercise of the powers of the Council under this section expedient in the interests of the public, the Council may, by writing under the hand of the Chairman, impose a penalty upon the dentist not exceeding *fifty* pounds, or, with the consent in writing of the Attorney-General, suspend the dentist from practice for a period not exceeding *twelve* months. In giving or withholding consent under this subsection the Attorney-General shall consider only the gravity and nature of the alleged impropriety or conduct, apart from the question whether the dentist has in fact been guilty of such impropriety or conduct.

(3) Every monetary penalty imposed by the Council under this section shall be recoverable as a debt due to His Majesty, and shall be paid into the Public Account to the credit of the Consolidated Fund.

(4) While any order of suspension from practice under this section remains in force the dentist shall be deemed not to be a dentist, but forthwith on the expiry of such order his rights and privileges as a dentist shall be revived as from the date of such expiry.

(5) There shall be a right of appeal to the Supreme Court from an order of suspension or the imposition of a penalty under this section, and on any such appeal the Court may make such order as it thinks proper, having regard to the merits of the case and to the public welfare.

(6) An order of suspension shall not take effect in any case until the expiration of twenty-one days after the notification by the Council to the dentist of the making of such order. If within the said period of twenty-one days the dentist gives due notice of appeal to the Supreme Court, such order shall not take effect unless and until it is confirmed by the Supreme Court or the appeal is for any reason dismissed by that Court:

Provided that, unless the Supreme Court otherwise orders, the period of suspension named in the order shall commence on the day when the order commences to have effect.

- 5 (7) The powers conferred on the Council by this section are in addition to its powers under sections *twenty-two* and *twenty-four* hereof, and it shall not be obligatory on the Council to take any steps under this section before proceeding to exercise any of the powers
10 conferred by the said sections.

Annual Practising Certificates.

32. (1) In this section "year" means the period of twelve months beginning on the first day of June and ending on the thirty-first day of May next following. Dentists to have annual practising certificates.
- 15 (2) Notwithstanding anything to the contrary in the foregoing provisions of this Act, no person shall after the commencement of this Act be entitled to practise dentistry unless he is the holder of an annual practising certificate issued in accordance with this section.
- 20 (3) Every person who practises dentistry in breach of the *last preceding* subsection commits an offence, and is liable to a fine of *five* pounds for every day during which the offence continues.
- (4) Subject to the payment of the prescribed fee, the
25 Director-General, on application in that behalf by any registered dentist, shall issue to him an annual practising certificate, and any such certificate shall be in force during the year in respect of which it is issued :
- 30 Provided that if at any time during the currency of any such certificate the holder thereof ceases to be registered as a dentist such certificate shall be deemed to be cancelled.
- (5) Every person entitled to receive an annual practising certificate under this section shall be deemed to
35 have obtained such certificate when he has duly applied to the Director-General for the same and has paid the prescribed fee.
- (6) Nothing in this section shall apply with respect to—
- 40 (a) Any dentist in so far as he is engaged in the practice of dentistry as an officer of the Public Service ; or

(b) Any person holding a provisional certificate for the time being in force under section *twenty-five* of this Act.

General.

Offences punishable summarily.

33. All proceedings in respect of offences against this Act shall be taken in a summary way, and shall be heard before a Stipendiary Magistrate alone. 5

Certificate by Director-General to be evidence of registration.

34. A certificate under the hand of the Director-General to the effect that any person was or was not registered as a dentist or was or was not the holder of a provisional practising certificate under this Act at any time or during any period specified in such certificate, or as to any entry in the Register of Dentists or as to any act or proceeding of the Council, shall, until the contrary is proved, be sufficient evidence of the matters therein specified. 10

Fees.

35. (1) The Director-General shall take and receive the fees prescribed by regulations under this Act with respect to the matters specified in such regulations.

(2) Until the prescribed fee has been paid the Director-General may decline to do any act, or to permit any act to be done, or to receive any document in respect of which that fee is payable. 20

(3) All such fees and all other moneys received under this Act shall be paid into the Public Account to the credit of the Consolidated Fund, and all expenses incurred in respect of the administration of this Act shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose. 25

Regulations.

36. The Governor-General may from time to time, by Order in Council, make regulations under this Act— 30

(a) Prescribing the form of and the method of keeping the Register of Dentists :

(b) Prescribing the forms of applications, certificates, licenses, and other documents required under this Act : 35

(c) Prescribing the fees payable in respect of registration under this Act and in respect of the restoration of names after their removal from

- the register and in respect of any other alteration of or addition to the register; and also prescribing fees for the issue of certificates of registration, provisional practising certificates, and other certificates, and for copies of certificates or licenses, and for inspections of the register :
- 5
- (d) Providing for the issue to dentists of annual practising certificates, and prescribing the fee, not exceeding *one* pound, payable in respect thereof :
- 10
- (e) Regulating the procedure of the Council :
- (f) Prescribing the manner of holding elections of persons to be appointed as members of the Council upon election :
- 15
- (g) Regulating advertising in relation to the practice of dentistry :
- (h) Prescribing the amount of the fines, not exceeding *fifty* pounds in any case, that may be imposed for offences against any regulations made under the authority of this section :
- 20
- (i) Generally providing for such other matters as in the opinion of the Governor-General are necessary or expedient for the effective administration of this Act.
- 25

37. All regulations made under the authority of this Act shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.

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38. (1) The Dentists Act, 1908, the Dentists Amendment Act, 1910, and the Dentists Amendment Act, 1921-22, are hereby repealed.

(2) All registers, registrations, records, certificates, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act and accordingly shall, where necessary, be deemed to have so originated.

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Regulations to be laid before Parliament.

Repeals and savings.
See Reprint of Statutes, Vol. V, pp. 649-658

(3) All regulations made by the Senate pursuant to paragraphs (a) to (d) of subsection one of section twenty-four of the Dentists Act, 1908, shall hereafter continue in force as and be deemed to be statutes made by the Senate pursuant to section *nine* of this Act.

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(4) The Registrar-General of Births, Deaths, and Marriages having, in relation to the Dentists Act, 1908, any applications, certificates, diplomas, registers, or other documents whatsoever shall, on the request in writing of the Director-General, deliver the same to the Director-General.

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