

Fourth Session First Parliament Republic of Trinidad
and Tobago



Act No. 16 of 1980

[L.S.]

AN ACT to provide for the regulation of the practice of dentistry by the establishment and operation of a Dental Council and an Advisory Committee on Dental Auxiliaries for the registration of dentists and the enrolment of dental auxiliaries and for matters connected therewith.

[Assented to 10th April, 1980]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

1. This Act may be cited as the Dental Profession Act, Short title 1980.

Interpretation

2. In this Act—

“Council” means the Council elected by the Dental Board under this Act;

“dental auxiliary” means a person enrolled as a dental assistant, dental hygienist, dental nurse or dental technician;

“dentist” means a person registered or deemed to be registered under this Act to engage in the practice of dentistry;

“diploma” means any diploma, degree, fellowship, membership, licence or certificate granted by any university, college or other institution conferring authority to practise dentistry in the country or place where granted and recognised by the Council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry;

“Minister” means the member of the Cabinet to whom responsibility for health is assigned;

“practice of dentistry” includes—

(a) the performance of any operation, and the treatment of any diseases, deficiencies, or lesions, on or of human teeth or jaws and and the performance of radiographic work with human teeth or jaws;

(b) the giving of any anaesthetic in connection with any operation on human teeth or jaws or supporting structures;

(c) 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 removing of artificial dentures or restorative dental appliances; or

(d) the performance of any operation, the prescribing of any drug, the giving of any treatment, advice or attendance as is usually performed, prescribed or given by dentists;

“temporary enrolment” means enrolment under section 20(b) and in accordance with section 21;

“temporary registration” means registration under section 15(a) and in accordance with section 16;

“Training School for Dental Nurses” means the Training School for Dental Nurses established and operated by Government.

3. There is established a body corporate called the Dental Board of Trinidad and Tobago (hereinafter referred to as “the Board”).

Establishment
of Board

4. (1) Dentists and dental auxiliaries are eligible to be members of the Board.

Persons eligible
to be Board
members

(2) For the purpose of electing the first Council under this Act, persons registered as dentists under the Medical Board Ordinance, 1960 are deemed to be the members of the Board.

Ord. 35 of 1960

5. (1) A person is entitled to be registered to practise dentistry on making application therefor where he—

Persons entitled
to be registered

(a) is the holder of a diploma; and

(b) shows to the satisfaction of the Council that he is of good character; and

(c) pays such fees as may be prescribed.

(2) Persons who immediately prior to the commencement of this Act were registered under Part II of the Medical Board Ordinance, 1960 are entitled to be registered to practise dentistry.

Ord. 35 of 1960

6. An applicant for registration may be temporarily registered to practise dentistry under section 15(a) and in accordance with section 16 where he shows to the satisfaction of the Council that he is of good character and pays such fees as may be prescribed.

Applicant may
be temporarily
registered

Persons entitled
to be enrolled

7. A person is entitled to be enrolled to practise as a dental auxiliary on making application therefor where he—

- (a) is the holder of a qualification which in the opinion of the Council assures the possession by the applicant of the requisite knowledge and skill; and
- (b) shows to the satisfaction of the Council that he is of good character; and
- (c) pays such fees as may be prescribed.

Applicant may
be temporarily
enrolled

8. An applicant for enrolment to practise as a dental auxiliary may be temporarily enrolled under section 20(b) and in accordance with section 21 where he shows to the satisfaction of the Council that he is of good character and pays such fees as may be prescribed.

Composition of
the Council

9. (1) The Board shall be managed by a Council elected by and from among members who are dentists.

(2) The Council shall consist of—

- (a) a chairman who shall be President of the Board;
- (b) a vice-chairman who shall be Vice-President of the Board;
- (c) a secretary who shall be Secretary of the Board;
- (d) a treasurer who shall be Treasurer of the Board;
- (e) three other members one of whom shall be the dentist holding the most senior dental post in the Ministry of Health.

Election of
Council

10. (1) Members of the Dental Registration Committee established under the Medical Board Ordinance, 1960 and holding office at the commencement of this Act shall continue to hold office and shall register dentists and enroll dental auxiliaries until the election of the first Council under this Act.

(2) Within one year of the coming into operation of this Act the Chairman of the Dental Registration Committee referred to in subsection (1) shall convene in accordance with this Act a general meeting of registered members of the Board for the purpose of electing a Council,

(3) Candidates for election as President or Vice-President shall have at least five years standing as practising dentists.

11. Members of the Council shall hold office for a term of three years. Term of office of Council

12. The functions of the Council shall be— Functions of Council

- (a) to determine and keep under review the professional qualifications and experience required of an applicant for registration or enrolment;
- (b) to register dentists and enroll dental auxiliaries;
- (c) to regulate the training of persons enrolled as dental auxiliaries;
- (d) to publish for general information a list of universities, colleges or other institutions the diplomas of which are recognised by the Council;
- (e) to appoint a Board of Examiners for the purpose of conducting examinations required by this Act to be conducted;
- (f) to define the dental work which any class of dental auxiliary may undertake and the conditions, if any, under which a dental auxiliary may undertake such work;
- (g) to ensure the maintenance of proper standards of professional conduct by dentists and dental auxiliaries;
- (h) to hold inquiries into allegations of improper or unprofessional conduct by dentists and dental auxiliaries and to discipline those found guilty.

13. (1) For the purpose of assisting it in the exercise of its functions the Council may appoint committees and in particular the Council shall appoint a Dental Enrolment Committee consisting of— Council may appoint committees

- (a) the Chairman of the Council who shall be the Chairman;

- (b) the Secretary of the Council who shall be the secretary;
- (c) the dentist holding the most senior dental post in the Ministry of Health; and
- (d) two dental auxiliaries.

(2) A person shall not be enrolled as a dental auxiliary unless he has been recommended for enrolment by the Dental Enrolment Committee.

Register
of Dentists

14. (1) The Council shall cause to be kept a Register of Dentists hereinafter referred to as "the Register".

(2) There shall be shown in the Register in respect of every person registered therein—

- (a) his name and address;
- (b) the description and dates of the diplomas of which he is the holder; and
- (c) the date of his registration.

(3) Subject to subsection (4) a person shall not practise as a dentist unless registered in accordance with this Act.

(4) Persons who immediately prior to the commencement of this Act were registered under Part II of the Medical Board Ordinance, 1960 shall be entitled to be registered under this Act without making application therefor, and until their names are entered on the Register shall be deemed to be registered.

(5) The Register shall be open at all reasonable times and subject to inspection by any person on payment of the prescribed fee.

Temporary
registration and
examination

15. The Council may in order to be satisfied that the qualification of an applicant for registration is sufficient to assure the possession by the applicant of the requisite knowledge and skill for the efficient practice of dentistry—

- (a) grant temporary registration and make recognition of the qualification conditional upon satisfactory performance during the period of temporary registration; or
- (b) make the recognition of the qualification conditional upon the passing of an

examination conducted by the Board of Examiners appointed by the Council under section 12.

16. (1) In granting temporary registration, the Council shall specify— Conditions of temporary registration

- (a) the period during which such registration shall remain in force;
- (b) the nature and character of the work which may be performed by the person to whom such registration has been granted; and

may impose such other terms and conditions as the Council may deem necessary.

(2) A person granted temporary registration shall have his name entered in a separate part of the Register and shall have entered against his name the terms and conditions in respect of which he was granted temporary registration.

(3) Where upon the expiration of the period of temporary registration, the Council is satisfied that the person granted temporary registration has fulfilled all the terms and conditions imposed under this section and is a fit and proper person to practise dentistry, the Council shall grant full registration.

17. (1) The Council shall cause to be kept separate Roll of Dental Auxiliary Rolls for each class of dental auxiliary.

(2) There shall be shown in a Roll in respect of every person enrolled therein—

- (a) his name and address;
- (b) the description and date of his qualification; and
- (c) the date of his enrolment.

(3) Subject to section 18 a person shall not practise as a dental auxiliary unless enrolled in accordance with this Act.

(4) The Rolls shall at all reasonable times be open and subject to inspection on payment of the prescribed fee.

Grace period for enrolment of persons performing as dental assistants, etc.

18. Notwithstanding sections 30 and 31 where at the commencement of this Act a person is engaged in the work of a dental assistant, dental hygienist or a dental technician he may continue to be so engaged for a period not exceeding three months from the opening of the Roll in which he is eligible to be enrolled.

Opening of the Rolls

19. The Roll for dental nurses shall be opened immediately upon the coming into operation of this Act and the other Rolls shall be opened on dates to be fixed by Order of the Minister on the advice of the Council, such dates being not earlier than three years from the coming into operation of this Act.

Temporary Enrolment and examination

20. The Council may in order to be satisfied that the qualification of an applicant for enrolment as a member of a class of dental auxiliary is sufficient to assure the possession by the applicant of the requisite knowledge and skill for the performance of the duties prescribed in relation to that class of dental auxiliary—

(a) make enrolment conditional on the passing of an examination conducted by the Board of Examiners; or

(b) grant temporary enrolment.

Conditions of temporary enrolment

21. (1) In granting temporary enrolment the Council shall determine—

(a) the time during which such enrolment shall remain in force;

(b) the nature and character of the work which may be performed by the person to whom temporary enrolment was granted; and

may impose such other terms and conditions as the Council may deem necessary.

(2) A person granted temporary enrolment shall have his name entered in a separate part of the Roll and shall have entered against his name the terms and conditions in respect of which he was granted temporary enrolment.

(3) Where upon the expiration of the period of temporary enrolment the Council is satisfied that the person granted temporary enrolment has fulfilled all the terms and conditions imposed under this section and is a fit and proper person to be enrolled the Council shall grant full enrolment.

22. (1) The Council shall cause to be kept an Honour Roll and shall cause to be entered in the Honour Roll—

- (a) the name of a dentist who in the opinion of the Council has made a significant contribution in the field of dentistry; and
- (b) who because of infirmity of body or any other cause is unable to actively engage in the practice of dentistry.

(2) A dentist whose name is entered in the Honour Roll may perform such functions as the Council may specify.

23. The Secretary shall keep and maintain the Register and the Rolls in accordance with this Act and the regulations and shall make such changes as are necessary to keep them up to date.

24. (1) The Secretary shall not later than 31st March in each year cause to be published in the *Gazette*—

- (a) a list of the names of all persons who at that time are registered as dentists;
- (b) a list of the names of all persons who at that time are enrolled as dental auxiliaries; and
- (c) a list of the names of all persons who at that time are entered on the Honour Roll.

(2) The Secretary shall as soon as is practicable cause to be published in the *Gazette*—

- (a) the name of a person who has been suspended or whose name has been removed from the Register or a Roll; and
- (b) the name of a person restored to the Register or a Roll.

Certificate of
Secretary to be
prima facie
evidence

25. In every case where proof of registration or enrolment is required, the production of a certificate under the hand of the Secretary showing that the person named therein is duly registered or enrolled shall be sufficient evidence in all Courts of the registration or enrolment of that person and the Register or Roll shall not be required to be produced and any such certificate shall be accepted without proof that the person signing is the Secretary.

Registration of
higher or
additional
qualification

26. A dentist or dental auxiliary who obtains a qualification higher than or additional to the qualification which he held at the time of his registration or enrolment and which is approved by the Council shall on payment of such fee as may be prescribed, be entitled to have such higher or additional qualification shown in the Register or Roll in substitution for or in addition to, as the case may be, the qualification previously shown.

Treasurer to
keep accounts

27. The Treasurer shall manage the funds of the Board and shall make and render accounts of all monies in accordance with the regulations.

Removal from
Register or Roll

28. The Council shall cause to be removed from the Register or the Roll the name of any person—

- (a) whose registration or enrolment has been obtained upon a false or fraudulent representation; or
- (b) whose higher diploma or higher qualification shown in the Register or Roll was obtained by a false or fraudulent representation.

Professional
discipline

29. (1) A dentist or dental auxiliary who is convicted in Trinidad and Tobago of an indictable offence or is convicted elsewhere of an offence which had it been committed in Trinidad and Tobago would be punishable on indictment or who is guilty of unprofessional conduct, shall be liable to be dealt with as provided in subsection (2).

(2) The Council may, and upon the application of any person shall, cause inquiry to be made into any allegation that a person referred to in subsection (1) was convicted or was guilty of unprofessional conduct and on proof thereof may—

- (a) censure or reprimand that person;

- (b) suspend that person; or
- (c) cause the name of that person to be removed from the Register or Roll as the case may be.

(3) Any dentist or dental auxiliary who is the subject of inquiry under subsection (2) shall be informed in writing of the allegation against him.

(4) A dentist or dental auxiliary who fails to respond to an inquiry made of him by the Council within thirty days of despatch of the inquiry is liable to be suspended.

30. A person who, not being a dentist or dental auxiliary who—

- (a) takes or uses any name, title or description implying or calculated to suggest that he is a dentist or dental auxiliary; or
- (b) advertises or holds himself out as a person authorised or qualified to practise dentistry or to perform the functions prescribed in relation to any class of dental auxiliary,

is guilty of an offence and liable on summary conviction to a fine of two thousand dollars.

31. (1) A person not being a dentist or dental auxiliary who practises dentistry whether for reward or not is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or to both such fine and imprisonment.

(2) The provisions of this section shall not apply to—

- (a) a person who is registered or enrolled under any other enactment and who under the authority of that enactment performs or provides any service which he is authorised to perform thereunder which service falls within the definition of the practice of dentistry; or
- (b) a student performing as such as part of his training; or
- (c) a person giving necessary aid gratuitously in cases of urgent need; or

(d) the domestic administration of family remedies.

Holding out
as dental
auxiliary of
different class

32. A dental auxiliary who uses any title or description reasonably calculated to suggest that he possesses any status or qualification connected with dentistry other than a status or qualification which he in fact possesses and which is indicated in the particulars entered in the Roll in respect of him is guilty of an offence and liable on summary conviction to a fine of two thousand dollars.

Performing as
dental auxiliary
of different class

33. A dental auxiliary who practises dentistry other than as prescribed in relation to the class of dental auxiliary in which he is enrolled or who performs a type of dental work which he is not authorised to perform is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

Person suspended
found practising

34. A dentist or dental auxiliary who is suspended and who practises dentistry during his suspension is guilty of an offence and liable on summary conviction to the removal of his name from the Register or Roll as the case may be.

Dental nurses
to treat children

35. (1) A dental nurse is qualified to treat children only and such treatment shall be carried out in facilities or services operated or conducted by Government or under the direct or indirect supervision of a dentist in private clinics.

(2) A dental nurse who contravenes the provisions of this section is guilty of an offence and liable on summary conviction to the removal of his name from the Roll.

(3) In this section "children" means persons under the age of twelve years.

False representa-
tions with a view
to obtaining
registration
or enrolment

36. A person who procures his registration or enrolment or the registration or enrolment of any other person under this Act, by wilfully making or causing to be made any false or fraudulent representation is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or to both such fine and imprisonment.

37. A person aggrieved by the refusal of the Council to register or enroll him, as the case may be, or by the removal of his name from the Register or Roll or by his suspension from practising dentistry may within three months after the date on which notice is given to him by the Council of such refusal, removal or suspension, appeal against the Council's decision to a Judge in Chambers and the Judge shall give such direction in the matter as he may think proper, including a direction as to costs.

38. The Board shall at all times have a fixed address for the service of documents on the Board and that address shall be registered with the Registrar General as soon as is practicable and any change of address shall be registered within twenty-eight days of the change.

39. No prosecution may be instituted for an offence under this Act except with the written consent of the Director of Public Prosecutions.

40. The Council may engage a barrister or solicitor to appear on its behalf in any legal proceedings and may apply any part of the funds of the Board towards the remuneration of such barrister or solicitor.

41. Fines paid under this Act shall be used for the purposes of the Board.

42. Any sum of money collected by the Board under this Act shall be applied towards the payment of expenses incurred in the proper administration of this Act and in all matters incidental thereto.

43. There shall be established an Advisory Committee on Dental Auxiliaries (hereinafter referred to as "the Advisory Committee") consisting of—

- (a) the dentist holding the most senior dental office in the Ministry of Health;
- (b) the Principal of the Training School for Dental Nurses;
- (c) a dentist who is a member of the Board and appointed by the Council;
- (d) two dental auxiliaries who are members of the Board elected by members who are also dental auxiliaries;

- (e) a dental auxiliary appointed by the Minister.

Functions of
the Advisory
Committee

44. The Advisory Committee shall—

- (a) advise the Minister on matters relating to the administration of this Act in relation to dental auxiliaries; and in particular on the classification of offices and grades of dental nurses required and the scope and content of the programme of training to be followed by student dental nurses;
- (b) advise the Council in defining dental operations to be performed by dental nurses within the scope of their competence and the nature of their duties;
- (c) advise the Council in defining the dental work which a dental assistant, dental hygienist or dental technician may undertake and the conditions, if any, under which he may undertake them.

Regulations

45. The Council may make regulations with the approval of the Minister for carrying out the purposes and provisions of this Act and in particular may by such regulations provide—

- (a) for the manner of applying for membership of the Board;
- (b) for the good government of the Board and for the proper conduct of its affairs;
- (c) for regulating the time, manner and place of meetings and proceedings of the Board and of the Council;
- (d) for the conduct of elections and all other matters arising out of or incidental to the elections;
- (e) for resignations and circumstances giving rise to vacancies on the Council;
- (f) for the conduct of examinations and the fees to be paid in respect of such examinations;
- (g) for the manner of applying for registration or enrolment, the procedure to be followed and the fees to be paid;

- (h) for the type of dental work which any class of dental auxiliary may undertake and the conditions, if any, under which he may undertake such work;
- (i) for the fees payable for inspection of the Register or Roll;
- (j) for the payment of any membership annual or special fees to be paid by dentists and dental auxiliaries;
- (k) for prescribing what constitutes unprofessional conduct;
- (l) for the manner in which disciplinary proceedings may be conducted;
- (m) for regulating the manner of applying and using the funds of the Board;
- (n) for the appointment and proceedings of committees;
- (o) for prescribing anything required or authorised by this Act to be prescribed.

Passed in the House of Representatives this 14th day of March, 1980.

J. E. CARTER
Clerk of the House

Passed in the Senate this 25th day of March, 1980.

R. L. GRIFFITH
Clerk of the Senate