

## **General Dental Council Practice Committee – information about appealing**

### **Your right to appeal against a GDC decision**

*(To see information about the Professional Standards Authority's (PSA's) right to appeal against a decision, see overleaf.)*

#### **You have a right of appeal following a determination:**

- to erase your name from the Register;
- to suspend your registration or to impose conditions on your registration;
- not to restore your name to the Register following erasure; *and*
- to impose an immediate order for suspension or conditions.

#### **Substantive orders of erasure, suspension, conditions, or refusal to restore**

In cases where the Practice Committee (that mean either a Professional Conduct or Professional Performance Committee or a Health Committee) has determined that your name should be erased from the Register or that your registration should be suspended or made subject to practising conditions, the date on which the substantive sanction takes effect is regulated by the provisions of Sections 29 and 29A for dentists and 36S and 36T for dental care professionals, of the Dentists Act 1984 (as amended).

It is open to you to appeal against the determination to the relevant court at any time **before the end of a period of 28 days** beginning with the date on which notification of the decision was served upon you.

#### **Immediate orders of suspension or conditions**

If a Practice Committee has made an order for immediate suspension or immediate conditional registration, you can also apply to the court for the termination of such an order under Section 30(7) for dentists and Section 36U(7) for dental care professionals of the Dentists Act 1984 (as amended).

See below and overleaf for the relevant Court and its contact details.

#### **Where an appeal is made**

If your registered address is in England or Wales, any appeal is made to the High Court of Justice. If your registered address is in Scotland or Northern Ireland, any appeal is made to the Court of Session or the High Court of Justice in Northern Ireland respectively. (Contact details overleaf).

The procedure to be followed in making an appeal, including provision as to costs, is set out in the relevant Court rules. In the absence of any appeal you should note that when the period of appeal ends (i.e. upon the expiry of the 28 days) the GDC will take action to impose the substantive sanction if we are not aware of any appeal. You will be required to send us copies of all the documents you send to the court.

**The General Dental Council will be accepting service of court documentation by email at the following address [ILASenquiries@gdc-uk.org](mailto:ILASenquiries@gdc-uk.org)**

Please note that for England and Wales the correct procedure in bringing an appeal under the Dentists Act 1984 is by way of statutory appeal under Civil Procedure Rule (CPR) 52 and not by way of Judicial Review under CPR 54.

### **You should always seek independent legal advice**

The GDC or The Dental Professionals Hearings Service **cannot** offer any advice on appealing. If you require further advice in relation to such matters, you should consult your legal adviser or defence organisation.

Please inform the **GDC's In House Advisory Legal Department** if it is your intention to lodge an appeal against the Committee's decision, including the Court Reference number if applicable.

If you wish to receive the transcripts of your substantive hearing in connection with any appeal you are considering, please email [transcripts@dentalhearings.org](mailto:transcripts@dentalhearings.org). Please give us as much notice as possible as it may take a number of days for transcripts to be written up.

### **Professional Standards Authority's (PSA's) right to appeal against a GDC decision**

PSA is the organisation that oversees the UK's healthcare regulatory bodies.

If PSA considers that a GDC Practice Committee decision is not sufficient (whether as to a finding or a penalty, or both) for the protection of the public, they may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate<sup>1</sup>.

PSA is required to refer a case within 40 days from the last day on which a practitioner can appeal against the decision or, where it is not possible for the practitioner to appeal against the decision, within 56 days from the date on which notification of the decision was served on the person to whom the decision relates. PSA will notify you promptly of a decision to refer. A letter will be sent to your registered address (unless PSA has been notified by the regulator of a change of address).

Further information about PSA is available by telephone on 0207 389 8030 or on their website at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk)

If you wish to receive the transcripts of your substantive hearing in connection with any PSA appeal, please email [transcripts@dentalhearings.org](mailto:transcripts@dentalhearings.org). Please give us as much notice as possible as it may take a number of days for transcripts to be written up.

### **Contact addresses**

**If your registered address in England or Wales**, your appeal should be lodged with the High Court. For more information see <http://www.justice.gov.uk/courts/rcj-rollsbuilding/administrative-court>

Administrative Court Office, The Royal Courts of Justice, Strand, London, England WC2A 2LL  
Royal Courts of Justice Switchboard: 020 7947 6000 Issue and General Enquiries: 020 7947 6655

### **If your registered address is in Scotland**

Information on the Court of Session can be found at: <http://www.scotcourts.gov.uk/session/index.asp>

Court of Session, Parliament House, Parliament Square, Edinburgh EH1 1RQ  
Telephone: 0131 225 2595 Email: [supreme.courts@scotcourts.gov.uk](mailto:supreme.courts@scotcourts.gov.uk)

### **If your registered address is in Northern Ireland**

Information on Royal Court of Justice in Northern Ireland can be found at <http://www.courtsni.gov.uk>

Address and contact information can be found in the Contact Us section on their website: <http://www.courtsni.gov.uk/en-GB/ContactDetails/Pages/default.aspx>

<sup>1</sup> Section 29 National Health Service Reform and Health Care Professions Act 2002