

No. 26245

**IRELAND
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Exchange of letters constituting an agreement relating to
the Agreement of 1927 as to the registration and control
of dentists. Dublin, 13 November 1987**

Authentic text: English.

Registered by Ireland on 11 October 1988.

**IRLANDE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Échange de lettres constituant un accord concernant l'Ac-
cord de 1927 relatif à l'inscription et au contrôle des
dentistes. Dublin, 13 novembre 1987**

Texte authentique : anglais.

Enregistré par l'Irlande le 11 octobre 1988.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN IRELAND AND THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND RELATING
TO THE AGREEMENT OF 1927 BETWEEN GREAT BRITAIN,
THE IRISH FREE STATE AND NORTHERN IRELAND AS TO
THE REGISTRATION AND CONTROL OF DENTISTS²

I

BRITISH EMBASSY
DUBLIN

13 November 1987

Your Excellency,

I have the honour to refer to the Agreement between Great Britain, the Irish Free State and Northern Ireland as to the Registration and Control of Dentists, signed in 1927.²

I have the honour to propose that the said Agreement shall be terminated with effect from 1 January 1988. Notwithstanding termination of the Agreement, citizens of States not belonging to the European Communities who are registered or entitled to be registered as dentists at the date of termination shall maintain their existing rights in either country under the said Agreement; and secondly all persons who acquire qualifications in dentistry registrable under Section 27(2)(b) of the Irish Dentists Act 1985 or Section 15(1)(a) of the United Kingdom Dentists Act 1984 within a period of six years from such date shall be in the same position as to entitlement to registration in either country as they would have been had the Agreement not been terminated, provided that their applications for registration are received within a prescribed time.

If this proposal is acceptable to your Government, I have the honour to propose that this letter and your reply to it in this sense shall constitute an agreement between our two Governments which shall enter into force on today's date.

Please accept, Sir, the assurances of my highest consideration.

[Signed]

N. M. FENN

Mr. Brian Lenihan, T.D.
Tánaiste and Minister for Foreign Affairs
Ministry for Foreign Affairs
Dublin

¹ Came into force on 13 November 1987, in accordance with the provisions of the said letters.

² The text of the Agreement is published hereafter for information.

II

OIFIG AN AIRE GNÓTHAÍ EACHTRACHA
OFFICE OF THE MINISTER FOR FOREIGN AFFAIRS
BAILE ÁTHA CLIATH 2
DUBLIN

13 November 1987

Dear Ambassador

I have the honour to refer to your note of today's date which reads as follows:

[See letter I]

I have the honour to inform you that the Government of Ireland are in agreement with the above proposals. The above-mentioned note and this reply will be considered as constituting agreement between our two Governments which will enter into force on today's date.

Please accept, Sir, the assurances of my high consideration.

[Signed]

BRIAN LENIHAN, T.D.
Tánaiste and Minister for Foreign Affairs

His Excellency Mr. Nicholas Maxted Fenn, C.M.G.
British Embassy
Dublin

AGREEMENT BETWEEN GREAT BRITAIN, THE IRISH FREE STATE
AND NORTHERN IRELAND AS TO THE REGISTRATION AND
CONTROL OF DENTISTS

1. In this Agreement,

The expression “the Dentists Acts” means the Dentists Acts, 1878 and 1921, and any Acts amending the same.

The expression “the Dental Board” means the Dental Board established under the Dentists Acts.

The expression “the Medical Acts” means the Medical Act, 1858, and the Medical Act, 1886, and any Acts amending the same.

The expression “the General Medical Council” means the General Council established under the Medical Acts.

The expression “medical authorities” means the bodies and universities who choose members of the General Medical Council.

The expression “the Dentists Register” means the register established under the Dentists Acts.

The expression “the Irish Free State Dental Board” means any Board which may hereafter be established by Act of the Oireachtas of the Irish Free State for the purpose of registering and controlling dentists in the Irish Free State.

The expression “the Irish Free State Dentists Register” means any register of dentists which the Irish Free State Dental Board may by any such Act of the Oireachtas be required to keep.

The expression “the Irish Free State Medical Council” means any council which may hereafter be established by Act of the Oireachtas of the Irish Free State for the purpose of registering and controlling medical practitioners in the Irish Free State.

The word “formerly” shall be construed as referring to times previous to the establishment of the Irish Free State.

2. (1) The appointment of a member of the Dental Board as constituted after the expiration of the term of office of the first members of that Board required to be made by the Lord Lieutenant of Ireland shall henceforth be made by the Governor of Northern Ireland.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, the appointment of the appointed members and the election of the elected members of the Dental Board as so constituted as aforesaid shall be made and had in like manner in all respects as the same were formerly required to be made and had respectively.

(3) Nothing in this Agreement shall affect the tenure of office of any member of the Dental Board who holds office at the date on which this Agreement takes effect.

3. Subject to the provisions of this Agreement and notwithstanding anything contained in the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922, or the Constitution of the Irish Free State (*Saorstáí Eireann*) Act, 1922, passed by the Provisional Parliament of Ireland, or the Adaptation of Enactments Act, 1922, passed by the Oireachtas of the Irish

Free State, or any Order made under any of those Acts the constitution of the Dental Board under the Dentists Act and the powers of holding examinations for the purpose of testing the fitness of persons to practise dentistry or dental surgery, and of granting certificates of such fitness for the purpose of registration in the Dentists Register formerly vested in the Dental Board or the medical authorities in Ireland shall be deemed not to have been affected by the establishment of the Irish Free State, and for the purpose of the preparation and keeping of the Dentists Register the Dental Board and the General Medical Council and their respective officers shall have and may exercise in relation to persons, medical authorities and matters in the Irish Free State all such powers, jurisdictions and authorities under the Dentists Acts as the said Board and the said Council had and might exercise under the Dentists Acts for that purpose in relation to persons, medical authorities, and matters respectively in Ireland.

4. Any person who is or shall be registered in the Dentists Register shall be entitled on payment of such fees as may from time to time be prescribed in that behalf by or in pursuance of any Act of the Oireachtas of the Irish Free State, to be registered in the Irish Free State Dentists Register: Provided that

(a) The fees payable by such persons in respect of such registration shall at no time exceed the fees payable in respect of registration in the Irish Free State Dentists Register by any other person who may be or become entitled to be registered therein; and

(b) No person whose name has been erased from the Irish Free State Dentists Register on account of his having been convicted of a felony, misdemeanour, crime or offence or having been found guilty of infamous or disgraceful conduct in a professional respect shall be entitled to be subsequently registered in the said Register solely by reason of his being registered in the Dentists Register; and

(c) A person not previously registered in the Irish Free State Dentists Register shall not be entitled to be registered therein if his name has been erased from the Dentists Register on account of his having been convicted of a felony, misdemeanour, crime or offence or having been found guilty of infamous or disgraceful conduct in a professional respect.

5. In the event of any examinations of a new university at any time hereafter created in the Irish Free State becoming qualifying examinations in medicine, surgery and midwifery for the purposes of the Medical Acts that university shall have the same powers of holding examinations for the purposes of testing the fitness of persons to practise dentistry or dental surgery, and of granting certificates of such fitness for the purpose of registration in the Dentists Register as if it were a medical authority for the purposes of section 18 of the Dentists Act, 1878.

6. (1) With a view to preventing the holding of simultaneous inquiries,

(a) The Dental Board shall report to the Irish Free State Dental Board every case in which they propose, in connection with the exercise of their disciplinary powers, to hold an inquiry into the conduct in Great Britain or in Northern Ireland of any person registered in the Irish Free State Dentists Register, and the Irish Free State Dental Board shall report to the Dental Board every case in which they propose, in connection with the exercise of their disciplinary powers, to hold an inquiry into the conduct in the Irish Free State of any person registered in the Dentists Register;

(b) The Dental Board, upon receipt by them of any such report as aforesaid from the Irish Free State Dental Board, shall have regard to the desirability of postponing inquiry by them into the matter to which such report relates until the inquiry to which such report relates by the Irish Free State Dental Board is completed;

(c) The Irish Free State Dental Board, upon receipt by them of any such report as aforesaid from the Dental Board, shall have regard to the desirability of postponing inquiry by them into the matter to which such report relates until the inquiry to which such report relates by the Dental Board is completed.

(2) The Dental Board shall report to the Irish Free State Dental Board every case in which disciplinary action resulting in erasure from the Dentists Register is taken by them against a person registered in the Irish Free State Dentists Register, and the Irish Free State Dental Board shall report to the Dental Board every case in which disciplinary action resulting in erasure from the Irish Free State Dentists Register is taken by them against a person registered in the Dentists Register.

7. His Majesty's Governments in Great Britain and the Irish Free State respectively shall as soon as possible introduce into their respective Parliaments such legislation as may be necessary to give statutory effect to this Agreement, and this Agreement shall not take effect until such legislation in both such Parliaments shall have been passed into law.

Signed on behalf of Great Britain:

BALFOUR

Signed on behalf of the Irish Free State:

P. MCGILLIGAN

Signed on behalf of Northern Ireland:

R. DAWSON BATES