CHAPTER 226

DENTAL

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CHAPTER 226

DENTAL

An Act to make new provision for regulating the practice of dentistry and for the performance of dental services and for related matters. *16 of 1989*

[Assent 15th August, 1989]
[Commencement 1st October, 1990]

PART I
PRELIMINARY

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

2. For the purposes of this Act — Interpretation.

"Council" means the Bahamas Dental Council established by section 3;

"dental auxiliary" includes a dental nurse, a dental hygienist and a dental technician;

"dental hygienist" means a person whose name appears on the Dental Hygienists' Register and who performs dental services under the supervision of a dentist;

"dental nurse" means a person whose name appears on the Dental Nurses' Register and who is employed on a full-time basis in the public service to perform dental services on children who have not attained the age of fourteen years and on such other persons as may be prescribed;

"dental services" means any service which if performed by a dentist would constitute an aspect of dentistry;

"dental technician" means a person whose name appears on the Dental Technicians' Register;

"dentist" means a person whose name appears on the Dentists' Register;

"dentistry" means any professional service performed by a dentist and includes —

(a) the diagnosis or treatment of, and the prescribing, treating or operating for the prevention, alleviation or correction of any disease, pain, deficiency, deformity, defect, lesion, disorder or abnormal physical condition of, in or from any human tooth, jaw or associated structure or tissue or any injury thereto;

(b) the prescribing or advising the use of any prosthetic denture, bridge, appliance or device for the purposes specified in paragraph (a), or to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition to such tooth;

(c) the taking or giving of advice or assistance or the providing of facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any prosthetic denture, bridge, appliance or device;

(d) the supervision of dental auxiliaries, or any other persons prescribed under paragraph (d) of section 30, in the performance of their services;

"licence" means a licence to practise issued pursuant to section 21;

"register" means the appropriate register required to be kept by the Registrar under section 9 or section 12;

"Registrar" means the person provided by the Minister to perform the functions assigned to the Registrar under section 5.

PART II
THE BAHAMAS DENTAL COUNCIL

Establishment of The Bahamas Dental Council.

3. (1) For the purposes of this Act there is established a Council to be known as The Bahamas Dental Council.

(2) The Council shall by that name be a body corporate having perpetual succession and common seal, with power to acquire, hold and dispose of land and other property of whatever kind.

(3) The provisions of the Schedule shall have effect with respect to the constitution of the Council and otherwise in relation thereto. Schedule.

4. The Council shall advise the Minister where necessary on matters relating to — Council to advise the Minister.

(a) the practice of dentistry;

(b) dental services in general and the performance of those services by dental auxiliaries;

(c) the establishment of a suitable programme for training persons to perform the services of dental auxiliaries.

5. The Minister shall provide the Council with a Registrar (who shall perform the functions assigned to the Registrar by or under this Act) and with such other staff and accommodation, services and other facilities as appear to the Minister to be necessary or expedient for the performance of the functions of the Council. Minister to provide Registrar and staff for the Council.

6. The funds of the Council shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament and such other monies as may be lawfully paid to the Council. Funds of Council.

7. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister. Accounts and audit.

8. (1) The Council shall in each year prepare and submit to the Minister on or before the 31st day of March a report of its proceedings during the twelve months ending on the 31st day of December in the preceding year, including a statement of its accounts audited in accordance with section 7. Annual reports and estimates.

(2) The Council shall, on the 1st day of August in each year or such earlier date as may be required by the Minister, submit to the Minister for approval its estimates of revenue and expenditure in respect of the twelve-month period commencing on the 1st day of January next following.

PART III
DENTISTS

The Dentists' Register.

9. (1) The Registrar shall keep a register to be known as the Dentists' Register in which he shall cause to be entered the name of every person entitled under section 10 to be registered as a dentist, together with the following particulars in relation to each such person —

(a) his address;

(b) the date of his registration;

(c) a description and the date of the qualification in respect of which he is registered; and

(d) such other particulars as the Council may determine.

(2) The register shall be open to inspection by any member of the public at all reasonable times.

(3) The Registrar shall make such alterations in the addresses, qualifications or other particulars of dentists as are necessary and shall remove from the register the name of any dentist who is deceased or no longer qualified to practice dentistry in The Bahamas.

(4) A person whose name is not entered in the register shall be deemed not to be a dentist for the purposes of this Act.

Registration of dentists.

10. (1) Subject to the provisions of this Act, any person who satisfies the Council that —

(a) he can read, write, speak and understand the English Language;

(b) that he is qualified to be registered; and

(c) that he is a fit and proper person to practice dentistry in The Bahamas,

is entitled upon compliance with the requirements of the Act and on payment of the prescribed fee, to be registered as a dentist.

(2) A person is qualified to be registered as a dentist under subsection (1) if he holds a diploma, degree, fellowship, membership, licence, certificate or other status or form of recognition granted by a University, College or Body empowered to confer authority to practice dentistry by the law of the country or territory where it is granted and which in the opinion of the Council is evidence of satisfactory dental training.

(3) An applicant for registration shall furnish to the Council —

(a) evidence of his qualifications;

(b) proof of his identity;

(c) such further or other information as the Council requires in respect of the matters specified in paragraphs (a), (b) and (c) of subsection (1).

Additional qualifications.

11. Where a dentist obtains a qualification approved by the Council which is higher than or additional to that in respect of which he is registered, he is entitled without the payment of any fee to have that higher or additional qualification entered by the Registrar in the register in substitution for or in addition to the qualification in respect of which he is registered.

PART IV
DENTAL AUXILIARIES

Registers of dental auxiliaries. Ch. 225.

12. The Registrar shall keep the following —

(a) notwithstanding the provisions of the Nurses and Midwives Act a register to be known as the Dental Nurses' Register;

(b) a register to be known as the Dental Hygienists' Register; and

(c) a register to be known as the Dental Technicians' Register.

Registration of dental auxiliaries.

13. (1) The Registrar shall cause to be entered in the appropriate register the name of every person entitled under section 14 to be registered as a dental nurse, dental hygienist or dental technician, as the case may be, together with the following particulars in respect of each such person —

(a) his address;

(b) the date of his registration;

(c) a description and date of the qualification in respect of which he is registered.

(2) The registers shall be open to inspection by any member of the public at all reasonable times.

(3) The Registrar shall make such alterations in the addresses and qualifications of persons registered under

this Part as are necessary and shall remove from the register the name of a person to whom this Part applies who is deceased or no longer qualified to perform the dental services in respect of which he is registered.

(4) A person whose name is not entered in a register kept by the Registrar under this Part shall be deemed not to be a dental auxiliary for the purposes of this Act.

Persons entitled to be registered as dental auxiliaries.

14. (1) A person who applies to the Council to be registered as a dental nurse, dental hygienist or dental technician and who satisfies the Council that —

(a) he can read, write, speak and understand the English Language;

(b) he is qualified to be so registered; and

(c) he is a fit and proper person to practice in The Bahamas as a dental nurse, dental hygienist or dental technician as the case may be,

is entitled upon compliance with the requirements of this Act and on payment of the prescribed fee to be registered as such under this Part.

(2) For the purposes of subsection (1), a person is qualified to be registered as a dental nurse, dental hygienist or dental technician, who has completed a course of training approved by the Council.

Power of Council to impose conditions of registration in respect of dental auxiliaries.

15. Where an applicant for registration as a dental nurse, dental hygienist or dental technician, fails to satisfy the requirements of this Part, the Council may require that person to furnish further evidence of qualification.

Services dental nurse may perform.

16. A dental nurse may, in addition to such dental services as may be prescribed, perform the following services —

(a) teaching and giving advice on oral hygiene and mouth care;

(b) inspection and examination of the mouth and charting of his findings;

(c) topical application of anti-cariogenic agents to teeth;

(d) scaling, cleaning and polishing teeth;

(e) exposure and processing of dental X-ray films;

(f) administration of infiltration anaesthetics excluding nerve block or conduction anaesthesia;

(g) fillings not involving exposure of dental pulp and preparation for such fillings;

(h) extraction of deciduous teeth including preparation and after care.

Services dental hygienist may perform.

17. A dental hygienist may, in addition to such dental services as may be prescribed, perform the following services —

(a) scaling, cleaning and polishing teeth;

(b) teaching and giving advice on oral hygiene and mouth care;

(c) removing from teeth accumulated matter, deposits, accretions, or stains, except mottled enamel stains;

(d) topical applications of drugs to the surface tissues of the mouth and to the exposed surface of the teeth;

(e) exposing and developing radiographs;

(f) taking and recording vital signs;

(g) removing sutures under the general supervision of a dentist;

(h) inserting or removing temporary medicinal fillings (excluding fillings of alloy, gold, plastics, porcelain, composites or any restorative material) with hand instruments and under the general supervision of a dentist;

(i) inserting or removing socket dressings under the general supervision of a dentist;

(j) placing or removing periodontal packs under the general supervision of a dentist;

(k) making dental plaque and oral mucus smears;

(l) polishing of amalgam restoration and placing of sealants;

(m) making impressions for study models; and

(n) such other services and procedures as may be prescribed by the Council.

Services dental technicians may perform.

18. (1) A dental technician may, under the prescription of a dentist —

(a) perform such dental services as may be prescribed; and

(b) manufacture or fabricate any maxillofacial or oral appliances or prostheses.

(2) A dental technician may not perform any service directly on a patient.

PART V
REGISTRATION

Form of application for registration.

19. (1) An application for registration under sections 10, 14 and 20 shall be made in the form approved by the Council.

(2) Any such application by a person who is not either —

(a) a public officer, or

(b) a citizen of The Bahamas,

shall not be granted without the concurrence of the Minister responsible for Immigration.

Temporary provisional and special registration.

20. (1) Notwithstanding sections 10 and 14 the Registrar may —

(a) temporarily register for a period not exceeding six months on payment of the prescribed fee, the name of a person who —

(i) applies to the Council for temporary registration;

(ii) satisfies the Council that he is temporarily in The Bahamas and would otherwise qualify for registration under section 10 or 14 as the case may be by virtue of his qualifications to practise dentistry or perform dental services in his own country or territory:

(b) provisionally register the name of any person who satisfies the Council that he is employed as an intern in a hospital in The Bahamas, for the period of the internship; or

(c) specially register for a period not exceeding three years, the name of any person who satisfies the Council —

(i) that he is qualified to practice dentistry or perform dental services in any country or territory and that he is doing special work in

the field of public health or research and is sponsored in such work by the University of the West Indies, the World Health Organisation, the Pan American Health Organisation or such other organisation or body as the Minister approves after consultation with the Council; or

(ii) that he is employed on a full-time basis in the public service to practice dentistry or to perform dental services.

(2) Any person registered under paragraph (b) or (c) of subsection (1) shall not be liable to pay any fee during the period for which he is so registered.

Licence.

21. (1) Every person registered under section 10 or 14 who desires to practise dentistry or perform dental services as the case may be in any year, shall, prior to the 1st day of January in that year apply to the Registrar for a licence, and the Registrar shall on payment of the prescribed fee, issue to him a licence, and every person holding such a licence shall display his licence in a prominent position in his place of practice.

(2) If a person registered under this Act applies on or after the 1st day of January in any year to the Registrar for a licence to practice, the Registrar shall on payment of the fee prescribed under subsection (1) for such licence, issue to him a licence.

(3) Every licence issued under this section is valid for the year in which it is issued and expires on the 31st day of December in the year in which it was issued.

(4) Every such licence shall be renewed annually upon the application of the holder thereof and the payment of the prescribed fee.

(5) The annual renewal licence fee is payable not later than the 31st day of January in each year.

(6) A person required to pay the annual licence fee under this section who fails to pay that fee within the time specified in (5) shall, in respect of his licence for that year, pay in addition to that fee, a sum equal thereto.

(7) A person who fails to comply with subsection (5) and whose licence expires on the 31st day of December of the immediately preceding year shall not be considered to be unlicensed for the purposes of subsection (1) of section 32 during the period commencing with that date and ending on the 31st day of January of the succeeding year.

(8) Where a licence has been lost, destroyed or mutilated it may be replaced by the Council by the issue of a copy thereof upon the application of the holder of the licence and on the payment of the fee.

(9) It shall be the duty of the licensee to inform the Registrar of any changes of address.

Publications of lists of dentists and dental auxiliaries.

22. (1) The Registrar shall cause to be published in the *Gazette* —

(a) in the month of February in each year an alphabetical list of persons who at 31st January in that year obtained a licence;

(b) as soon as practicable after he obtains a licence, the name of any person obtaining such licence after 31st January in any year.

(2) A copy of the *Gazette* containing the list referred to in paragraph (a) of subsection (1) or the name of any person published pursuant to paragraph (b) of that subsection is *prima facie* evidence of the facts stated therein.

PART VI
DISCIPLINARY PROCEEDINGS

Enquiry by Council.

23. (1) If any person registered under this Act is found, upon enquiry by the Council —

(a) to be suffering from any illness rendering him unfit to practice dentistry or perform satisfactorily the dental services in respect of which he is registered;

(b) to be guilty of dishonesty, negligence or incompetence in the performance of his functions as a dentist or a dental auxiliary, or of serious professional misconduct; or

(c) to have procured his registration under this Act as a result of any misleading, false or fraudulent representation,

the Council may, if it thinks fit, either suspend his registration for a period not exceeding one year or direct the Registrar to remove his name from the register as the case may require.

(2) For the purposes of paragraph (b) of subsection (1), "serious professional misconduct" includes any act or thing done by a person registered under this Act that is contrary to the generally recognised duty and responsibility of such a person to his patient or the failure to do any act or thing with respect to a patient in accordance with such duty and responsibility, and without limiting the generality of the foregoing includes —

(a) improper conduct or association with a patient;

(b) any form of advertising, canvassing or promotion either directly or indirectly for the purpose of obtaining patients or promoting his own professional advantage;

(c) wilful or deliberate betrayal of a professional confidence;

(d) abandonment of a patient in danger without sufficient cause and without allowing the patient sufficient opportunity to retain the services of another dentist or dental auxiliary;

(e) knowingly giving a certificate with respect to any matter relating to dentistry or dental services which the dentist or dental auxiliary knows or ought to know is untrue, misleading or otherwise improper,

(f) the division with any person who is not a partner or assistant of any fees or profits resulting from the taking of advice or from other dental services without the patient's knowledge or consent;

(g) the abuse of intoxicating liquor or drugs;

(h) the impersonation of another dentist or dental auxiliary;

(i) association with unqualified or unregistered persons whereby such persons are enabled to practise dentistry or perform dental services;

(j) the holding out directly or indirectly by a dentist or dental auxiliary to the public that he is specially qualified in any particular branch of dentistry or dental services unless he has taken a

special course in that branch and such special qualification has been registered in accordance with the provisions of this Act;

(k) any wilful or negligent misrepresentation as to the curative efficacy possessed by a drug or any other substance, whether inherently or by administration or application thereof;

(l) knowingly practising dentistry, performing dental services or treating a patient other than in a case of emergency while suffering from a mental or physical condition or while under the influence of alcohol or drugs to such an extent as to constitute a danger to the public or a patient;

(m) the doing of or failure to do any act or thing in connection with his professional practice, which is in the opinion of the Council unprofessional or discreditable; and

(n) conviction of an indictable offence.

(3) For the purposes of paragraph (c) of subsection (2) any disclosure of confidential information by a person registered under this Act pertaining to any patient shall not be deemed to be wilful or deliberate where such disclosure is required by any law for the treatment of that patient or for the protection of others against serious injury.

Suspension from practice pending disciplinary proceedings.

24. If in the opinion of the Council it is inexpedient or dangerous or against the public interest or not in the interest of the health of a patient that a person who is registered under this Act should continue to practise dentistry or perform dental services as the case may be, pending an enquiry under section 23, the Council may suspend the registration of that person.

Council to notify Registrar of decision to suspend registration or to remove name from register.

25. (1) Where the Council suspends the registration of a dentist or a dental auxiliary, or directs the removal of the name of any such person from the register, the Council shall immediately give written notice to the Registrar of that suspension or direction.

(2) Where the name of any person is removed from the register the Council may, in writing, require that person to return to the Registrar his licence and that person shall comply with that requirement.

(3) The Registrar shall, as soon as practicable after receiving a notice under this section, cause a notice thereof to be published in the *Gazette*.

Restoration to register.

26. (1) The Council may at any time, upon application being made by any person whose name has been removed from the register or whose registration has been suspended, determine, if it thinks fit, that such person's name shall be restored to the register or, as the case may be, that the suspension of his registration shall cease with effect from such date as the Council may appoint, and shall forthwith give notice of any such determination to the Registrar.

(2) On receipt of notice of a determination made by the Council under subsection (1) in relation to any person the Registrar shall forthwith cause the name of that person to be restored to the register or, as the case may be, cause a note of the cessation of the suspension to be entered therein, and in either such case shall cause notice of the determination of the Council to be published in the *Gazette*.

Failure to publish notice not to affect validity of suspension, etc.

27. Failure of the Registrar to publish a notice in accordance with section 25(3) shall not affect the validity of the suspension of registration, the removal of the licensee's name from the register or the restoration to the register of a person's name.

Registrar to notify person affected by decision of Council.

28. Where the Council —

(a) refuses to approve the registration of a person under this Act as a dentist, dental nurse, dental hygienist or dental technician; or

(b) suspends his registration or directs the removal of the name of any such person from the register,

the Registrar shall within seven days from the date of such refusal, suspension or direction give written notice thereof to the person whose registration has been refused or suspended or whose name has been removed from the register.

Appeals to Supreme Court.

29. (1) Subject to subsection (4), any person aggrieved —

(a) by the refusal of the Council to register him under this Act; or

(b) by any decision of the Council to suspend his registration or to cause his name to be removed from the register,

may within three months of the receipt of any such notice appeal in respect thereof to the Supreme Court and in relation to every such appeal section 54 of the Magistrates Act shall apply *mutatis mutandis* as if the matter in respect of which the appeal is brought were a judgment or order of the Magistrate's Court.

Ch. 54.

(2) No further appeal shall lie from the decision of the Supreme Court on an appeal under this section.

(3) The Council may, pending an appeal under subsection (1) of any person aggrieved by its decision to suspend his registration or cause his name to be removed from the register, on the application of that person suspend the operation of any such decision until the determination of the appeal.

(4) Notwithstanding subsection (1), no appeal shall be made under this section against a refusal of an application for registration where the registration is conditional upon the applicant's satisfying the Council that he is qualified to be registered under this Act.

PART VII
MISCELLANEOUS

Regulations.

30. The Minister may, after consultation with the Council, make regulations —

(a) for the determination of professional conduct and general fitness to practise dentistry or to perform dental services;

(b) prescribing the manner in which enquiries or disciplinary proceedings in relation to any charge under section 23 may be instituted before the Council and the procedure to be followed in the conduct of such proceedings and for matters incidental to such proceedings;

(c) prescribing the dental services that may be performed by a dental nurse, dental hygienist or dental technician in addition to those specified in this Act;

(d) prescribing the persons or categories of persons, other than dental auxiliaries, who may assist a dentist or dental auxiliary in his performance of dental services, and specifying the functions of the persons so prescribed and the nature of the services which may be performed by them;

(e) prescribing the fees payable for the registration and licensing of persons under this Act;

(f) prescribing anything authorised or required by this Act to be prescribed.

Recognition of places of training for dental auxiliaries.

31. The Council may, with the approval of the Minister recognise any place, institution or school as a place of training or affiliated place of training for dental auxiliaries.

Offences.

32. (1) Any person registered under this Act who practises dentistry or performs dental services without first obtaining a licence is guilty of an offence and liable on summary conviction —

(a) to a fine not exceeding five hundred dollars; and

(b) to a further fine not exceeding one hundred dollars for every day or part thereof during which the offence continues after conviction thereof; and

(c) to have his registration suspended by the Council for a period not exceeding three months.

(2) Any person who, for the purpose of procuring or attempting to procure the registration under this Act of himself or of any other person as a dentist makes or produces or causes to be made or produced any fraudulent representation or declaration either verbally, in writing or otherwise is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years or both.

(3) Any person not being a dentist who —

(a) assumes or uses any name, title or description implying that he is entitled to be recognised as a person authorised or qualified to practise as a dentist;

(b) advertises or holds himself out as a person authorised or qualified to practise as a dentist; or

(c) practises as a dentist,

is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or both.

(4) Any dental auxiliary who performs dental services other than those in respect of which he is registered under this Act, or performs dental services otherwise than in accordance with this Act is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding six months or both.

(5) Any person who, for the purpose of procuring or attempting to procure the registration under this Act of himself or of any other person as a dental auxiliary makes or produces or causes to be made or produced any fraudulent representation or declaration either verbally, in writing or otherwise is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding six months or both.

(6) Any person, not being a dental auxiliary, who —

(a) assumes or uses any name, title or description implying that he is entitled to be recognised as a person authorised or qualified to perform dental services as a dental auxiliary;

(b) advertises or holds himself out as a person authorised or qualified to perform dental services as a dental auxiliary; or

(c) performs dental services as a dental auxiliary,

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or both.

(7) The provisions of subsection (1) shall not apply to the practice of dentistry or the performance of dental services by any person temporarily or specially registered under section 20 who under the authority thereof performs or provides any service which he is authorised or entitled to perform.

Possession or control of dental appliances, equipment or supplies.

33. (1) Subject to subsection (3), a person who, for the purpose of practising dentistry or performing dental services, has in his possession or control dental health

appliances, equipment or supplies is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding six months or both.

(2) For the purposes of subsection (1), possession or control of dental health appliances, equipment or supplies by a person is *prima facie* evidence that the possession or control is for the purpose of practising dentistry or performing dental services by that person in contravention of this section.

(3) Subsection (1) does not apply to the possession or control of dental health appliances, equipment or supplies by —

(a) a person registered under this Act;

(b) a person dealing in dental appliances, equipment or supplies; or

(c) a person permitted by the Council to have such possession or control.

(4) A magistrate who is satisfied upon information on oath that there are reasonable grounds for believing that there are in any building or premises dental health appliances, equipment, supplies or any other devices which will afford evidence as to the commission of an offence under this section, may issue a warrant under his hand authorising any police officer named in the warrant to enter and search the building or premises and to seize such dental health appliances, equipment, supplies or devices.

(5) The provisions of section 70 of the Criminal Procedure Code Act shall apply to a search warrant issued under subsection (4) as they apply to a search warrant issued under that section. Ch. 91.

Practice of dentistry by registered medical practitioners, etc.

34. This Act shall not apply to the practice of dentistry or the performance of dental services by —

(a) a registered medical practitioner;

(b) any person acting under the personal supervision of a dentist or dental nurse who assists either of them in carrying out dental procedures and without payment of a fee;

(c) students of dentistry or medicine performing dental services (without payment of a fee) approved by their respective faculties as part of their course of instructions in dentistry or

medicine or part of any examination in relation thereto;

(d) any person in the course of his training as a dental auxiliary; and

(e) any person during the domestic administration of family remedies and treatment.

Privileges of persons registered under this Act.

35. No person shall be entitled to recover in any court of law any charge for professional services rendered or materials or appliances provided by him in the practice of dentistry or the performance of dental services unless he proves that at the time in question —

(a) he was registered under this Act and had a valid licence issued to him by the Council authorising him to do the act or thing for which the charge was made; or

(b) he was temporarily registered under section 20.

SCHEDULE (Section 3(3))

Constitution of the Council.

1. (1) The Council shall consist of seven members of whom —

(a) one shall be the Chief Medical Officer *ex officio*;

(b) one shall be the dentist responsible for dentistry within the Government Service;

(c) one shall be a dentist appointed by the Minister acting in his discretion;

(d) one shall be a dentist appointed by the Minister acting in accordance with the advice of the Association;

(e) two shall be dentists appointed by the Minister acting with the concurrence of the Association; and

(f) one shall be a dental auxiliary appointed by the Minister acting in accordance with the advice of the Association.

A dentist shall not be appointed under head (b) or (d) of subparagraph (1) of this paragraph unless he has had at least three years actual, continuous experience of the practice of dentistry within The Bahamas.

(3) In the exercise of his powers of appointment under this paragraph the Minister shall ensure that after the initial constitution of the Council, the members of the Council shall not consist entirely of persons appointed to membership of the Council at that time.

(4) In this paragraph and in paragraph 5 of this Schedule the expression "Association" means the Dental Association designated in writing by the Minister for the purposes of those paragraphs.

Tenure of office.

2. (1) A member of the Council other than the Chief Medical Officer shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years, and shall be eligible for reappointment.

(2) Notwithstanding subparagraph (1) of this paragraph no member other than the Chief Medical officer or the dentist responsible for dentistry within the Government Service appointed under paragraph 1(1)(b) of this Schedule shall hold office for more than six consecutive years.

Chairman.

3. The Minister shall appoint one of the members of the Council to be the chairman thereof.

Resignation.

4. (1) Any appointed member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Council.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

Dismissal.

5. The Minister may at any time revoke the appointment of any member of the Council:

Provided that, before revoking the appointment of any member who was appointed under head (c) or (d) of subparagraph (1) of paragraph 1 of this Schedule, the Minister shall consult the Association about the revocation.

Vacancies and acting appointments.

6. (1) If any vacancy occurs in the membership of the Council, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed so however that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

(2) If the Minister is satisfied that the chairman or any other member of the Council is unable to act, the Minister shall appoint any person to act in place of that member:

Provided that a person appointed under this subparagraph to act in place of a member who was appointed under head (c) or (d) of subparagraph (1) of paragraph 1 of this Schedule shall himself have been appointed under the said head (c) or (d) as the case may be.

Gazetting of appointments.

7. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Seal, etc.

8. (1) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the chairman or any other member of the Council.

(2) The seal of the Council shall be authenticated by the signatures of the chairman and any other member authorised to act in that behalf and the Registrar, and shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by the Council, and all decisions of the Council may be signified under the hands of the chairman or any other member authorised to act in that behalf, and the Registrar.

(4) The Council may sue and be sued in its corporate name and may for all purposes be described by such name.

Procedures and meetings.

9. (1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present and, in the case of the chairman's absence from any meeting, the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) A quorum of the Council shall be four.

(5) The decisions of the Council shall be by a majority of votes, and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Council shall be kept.

(7) Subject to the provisions of this Schedule the Council may regulate its own proceedings.

Validity of decisions.

10. No decision or act of the Council or act done under the authority of the Council shall be invalid by reason of the fact that —

(a) the full number of members for which provision is made in paragraph 1 of this Schedule was not appointed or there was a vacancy or vacancies amongst such members; or

(b) a disqualified person acted as a member of the Council at the time the decision was taken or the act was done or authorized,

if the decision was taken or the act was done or authorized by a majority vote of the persons who at the time were entitled to act as members.

Committees.

11. (1) The Council may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Council may determine.

(2) The constitution of each committee shall be determined by the Council.

Protection of members.

12. (1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

(2) Where any member of the Council is exempted from liability by reason only of the provisions of this paragraph the Council shall be liable to the extent that it would be if the member was a servant or agent of the Council.