

UNEDITED

# *The Dental Profession Act*

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Chapter 281 of *The Revised Statutes of Saskatchewan, 19281*  
(effective February 1, 1953).

FOR HISTORICAL REFERENCE ONLY

**NOTE:**

This consolidation is not official R.S.S. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law R.S.S. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 281

### An Act respecting the Dental Profession of Saskatchewan

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Dental Profession Act*.

R.S.S. 1953, c.281, s.1.

#### COLLEGE OF DENTAL SURGEONS

##### Incorporation

2(1) The College of Dental Surgeons of Saskatchewan is continued as a body corporate with power to acquire, hold and dispose of real and personal property for its corporate purposes.

(2) The college shall consist of its present members and those who may hereafter become members in accordance with the provisions of this Act.

R.S.S. 1940, c.216, s.2; R.S.S. 1953, c.281, s.2.

#### MEMBERSHIP

##### Qualifications

3 The following persons shall be entitled, upon payment of the proper fees, to be registered as members of the college and to receive licences (form A) to practise dentistry and dental surgery:

(a) a graduate of a school or college of dentistry recognized and approved by the University of Saskatchewan and who satisfies the university of his qualifications and passes the final examination prescribed for registration;

(b) so long as the college is represented on the Dental Council of Canada, a person who produces a certificate of qualification from that council or the Dominion Dental Council to practise dentistry and dental surgery, and with it, satisfactory evidence that such certificate has not been revoked, provided that if such certificate is at any time revoked then the holder thereof shall forthwith cease to be a member of the college and any licence issued to him under this Act shall be void.

R.S.S. 1940, c.216, s.3; 1945, c.82, s.2; 1951, c.71, s.2; R.S.S. 1953, c.281, s.3.

##### Evidence of character and age

4 No person shall be registered under this Act unless he satisfies the council that he is a person of good character and is of the full age of twenty-one years.

R.S.S. 1940, c.216, s.4; R.S.S. 1953, c.281, s.4.

## COUNCIL OF THE COLLEGE

**Composition**

**5** The business of the college shall continue to be transacted by a council of five members in good standing resident in the province at the time of their election who shall hold office for a period of two years from the date of their election or until their successors are elected.

R.S.S. 1940, c.216, s.5; R.S.S. 1953, c.281, s.5.

**Annual election**

**6** The annual election of members of the council shall be held at a time and place decided upon by the council, of which election one month's notice in writing shall be given to each member of the college whose name appears on the last annual register of members.

R.S.S. 1940, c.216, s.6; R.S.S. 1953, c.281, s.6.

**Voters and candidates**

**7(1)** The persons qualified to vote at the annual election of members of the council shall be members of the college who at the date of the election are residing in the province and whose names appear on the last annual register.

(2) Any two qualified voters may in writing nominate as a candidate for election to the council any member of the college in good standing resident in the province who consents in writing to such nomination.

(3) The nomination shall be delivered to the secretary not later than fifteen days before the day fixed for the annual election, and at least ten days before the day fixed for the annual election the secretary shall send to each member qualified to vote a ballot paper together with a list of all candidates.

R.S.S. 1940, c.216, s.7; R.S.S. 1953, c.281, s.7.

**Voting**

**8(1)** Every member desiring to vote at an election of members of the council shall write on the voting paper, which shall be in form prescribed by the council, the names of the candidates for whom he desires to vote, subscribe his signature thereto and return the voting paper to the secretary in a sealed envelope marked "voting paper".

(2) Only the voting papers received by the secretary up to the hour fixed for holding the election shall be counted.

R.S.S. 1940, c.216, s.8; R.S.S. 1953, c.281, s.8.

**Counting ballots**

**9(1)** The ballots so cast shall at the hour fixed for holding the election be opened and counted by three members of the college who are not candidates and who have been appointed by the council for the purpose, and the required number of members receiving the highest number of votes cast shall be declared elected.

(2) All members of the college shall be entitled to be present at the counting of the ballots.

R.S.S. 1940, c.216, s.9; R.S.S. 1953, c.281, s.9.

**Equality of votes**

**10** If two or more candidates at any election receive an equal number of votes, the president shall determine which of the said candidates shall be elected.

R.S.S. 1940, c.216, s.10; R.S.S. 1953, c.281, s.10.

**Spoiled ballots**

**11(1)** If a member votes for a greater number of members of the council than the number required to be elected, his ballot shall be deemed to be spoiled and shall not be counted.

**(2)** Spoiled ballots shall be placed in a separate envelope and delivered to the secretary who, on the expiration of one month from the date of election, shall destroy them.

R.S.S. 1940, c.216, s.11; R.S.S. 1953, c.281, s.11.

**Disposition of ballot papers**

**12** The members of the college counting the ballots shall, after the ballots have been counted and the result declared, place all the ballots in an envelope, securely seal the same and deliver it to the secretary who shall retain it for one month and shall, at the expiration of that time, if no proceedings are taken in the meantime to set aside the election, destroy the ballots.

R.S.S. 1940, c.216, s.12; R.S.S. 1953, c.281, s.12.

**Objections to ballots**

**13** Any member of the college present at an election may object to any ballot cast on the ground that the person casting the same is not qualified to vote, and all such objections shall be determined by the members of the council who may make such inquiries and take such evidence as may be necessary to satisfy themselves as to the right of the member casting the ballot to vote, and, if they decide that the person casting the ballot was not entitled to vote, the ballot shall be forthwith destroyed.

R.S.S. 1940, c.216, s.13; R.S.S. 1953, c.281, s.13.

**Resignations**

**14** A member of the council may at any time during his term of office resign his membership in the council by notice in writing directed to the secretary.

R.S.S. 1940, c.216, s.14; R.S.S. 1953, c.281, s.14.

**Vacancies**

**15** If a vacancy occurs in the council in consequence of the resignation or death of a member or his permanent removal from the province, the remaining members shall, at the first meeting of council after the vacancy has occurred, elect a member of the college to fill the vacancy for the remainder of the term of the person who resigned, died or removed.

R.S.S. 1940, c.216, s.15; R.S.S. 1953, c.281, s.15.

**Notice of result of election**

**16** The secretary of the council shall publish in the first issue of *The Saskatchewan Gazette* after the annual election of members of the council, or after any meeting at which a member has been elected to fill a vacancy, a notice giving the names of the person or persons elected.

R.S.S. 1940, c.216, s.16; R.S.S. 1953, c.281, s.16.

**Contested election**

**17(1)** Any member of the college desiring to contest the validity of an election of members of the council may, within ten days from the date of publication of the notice referred to in section 16, petition a judge of the Court of Queen's Bench praying that the election may be set aside.

(2) The judge shall thereupon appoint a time and place for hearing and determining the matter complained of and shall, upon hearing the parties and the evidence adduced, decide the matters in question, and his decision shall be final.

(3) The judge shall in dealing with the petition have all the powers which may be exercised by him when sitting in court.

R.S.S. 1940, c.216, s.17; R.S.S. 1953, c.281, s.17.

**Election of officers**

**18(1)** The officers of the college shall be a president and vice-president who shall be members of the council and a secretary treasurer who shall be a member of the college and may, but need not, be a member of the council.

(2) The president and vice-president shall be elected by the members of the council from their number at the first meeting thereof held after the annual election and they shall hold office for one year or until their successors are elected.

(3) The secretary treasurer shall be appointed by the council and shall hold office during the pleasure of the council.

R.S.S. 1940, c.216, s.18; R.S.S. 1953, c.281, s.18.

**Meetings**

**19(1)** The council shall hold at least two meetings in each year at such times and places in the province as the members of the council may determine.

(2) The council shall not transact business at any meeting at which less than a majority of the members of the council are present.

R.S.S. 1940, c.216, s.19; R.S.S. 1953, c.281, s.19.

**Power to make bylaws**

**20** The council may make bylaws, rules and regulations necessary for carrying out the provisions of this Act and for the guidance, government, discipline and regulation of the college and its members and of special students and of assistants employed under the authority of subsection (2) of section 35, including rules of professional ethics.

R.S.S. 1940, c.216, s.20; R.S.S. 1953, c.281, s.20.

**Power to appoint representative to Dominion Council**

**21** The council may appoint or withdraw any representative to the Dental Council of Canada, but in case of the withdrawal of representation from the Dental Council of Canada, such withdrawal shall be forthwith communicated by the council of the college to the Provincial Secretary and shall not become operative until the next following meeting of the Dental Council of Canada, or until the lapse of one year, whichever shall first happen.

R.S.S. 1940, c.216, s.21; 1951, c.71, s.3; R.S.S. 1953, c.281, s.21.

## EXAMINATIONS

**University examines candidates**

**22** The University of Saskatchewan shall have power candidates to examine candidates applying for a licence under the provisions of section 3 and, after consultation with the council, to make all regulations necessary for the conduct of such examination and to appoint such times and places therefor as they deem fit.

R.S.S. 1940, c.216, s.22; R.S.S. 1953, c.281, s.22.

**Candidate notifies registrar**

**23** Every person who desires to take any examination shall notify the registrar of the university and shall pay to him the fee required for such examination.

R.S.S. 1940, c.216, s.23; R.S.S. 1953, c.281, s.23.

**Board of examiners**

**24** The university may, after consultation with the council, appoint a board of examiners to examine all candidates, which board shall be governed by the regulations of the university in that behalf adopted after consultation with the council, and shall report the result of each examination to the registrar of the university and to the council.

R.S.S. 1940, c.216, s.24; R.S.S. 1953, c.281, s.24.

## FEES AND SALARIES

**Fees**

**25(1)** The council may fix and determine the annual registration fee to be paid by the members of the college.

(2) There shall be payable by persons applying for a licence the following fees and no others:

- (a) to the registrar of the University of Saskatchewan for each professional examination a fee fixed by the university;
- (b) to the council for registration \$100.

R.S.S. 1940, c.216, s.25; 1951, c.71, s.4; R.S.S. 1953, c.281, s.25.

**Salaries**

**26** The council may fix the salary or remuneration to be paid or allowed to the officers of the college and to the members of the council for attendance at the meetings thereof.

R.S.S. 1940, c.216, s.26; R.S.S. 1953, c.281, s.26.

## REGISTRATION AND LICENCE

**Register**

**27(1)** The council shall cause to be kept by the secretary a register (form B) in which he shall enter the names of the present members of the college and of all persons who, having complied with the provisions of this Act and of the rules, regulations and bylaws made thereunder, are entitled to receive a licence, and only those persons whose names are inscribed in the register shall receive the annual licence as hereinafter provided.

(2) The register shall be open to inspection at all times.

R.S.S. 1940, c.216, s.27; R.S.S. 1953, c.281, s.27.

**Appeal to council**

**28** Every person who applies to have his name entered in the register may appeal to the council of the college from any decision of the secretary, and the council shall hear the appeal and determine the matters in question.

R.S.S. 1940, c.216, s.28; R.S.S. 1953, c.281, s.28.

**Annual registration fee**

**29(1)** Every member of the college in active in the province shall on or before the fifteenth day of January in every year pay to the secretary treasurer the annual registration fee and every person who subsequent to the fifteenth day of January receives a licence to practise shall before entering upon active practice pay such registration fee.

(2) If default is made for thirty days in payment of the registration fee, the secretary may strike the name of the defaulting member from the register of the members of the college, and any name so struck off shall be restored only on payment of all arrears and an additional \$10.

R.S.S. 1940, c.216, s.29; R.S.S. 1953, c.281, s.29.

**Annual licence**

**30** Upon receipt of the annual registration fee, the secretary shall forthwith issue to the person from whom such fee is received a licence to practise the profession of dentistry and dental surgery (form C) for the year in respect of which the fee is paid, sealed with the corporate seal of the college and signed by the president and secretary, and such licence shall be *prima facie* evidence in all courts of the province and in all proceedings of whatever description that the person named therein is duly licensed to practise dentistry.

R.S.S. 1940, c.216, s.30; R.S.S. 1953, c.281, s.30.

**Annual register**

**31** The secretary of the college shall immediately after the fifteenth day of January in each year, prepare an annual register (form D), which shall contain the names and addresses of all members of the college who have paid the annual registration fee, and he shall cause the register to be printed and a copy thereof to be sent to each member of the college.

R.S.S. 1940, c.216, s.31; R.S.S. 1953, c.281, s.31.

**Appeal to council**

**32** A person whose name is omitted from the annual register by the secretary may appeal from the decision of the secretary to the council, and the council may hear such evidence as may be adduced and give such decision as the nature of the case may require.

R.S.S. 1940, c.216, s.32; R.S.S. 1953, c.281, s.32.

**Removal of name from register**

**33** If it is proved to the satisfaction of the council that the name of any person has been improperly inserted in the annual register the name may be erased therefrom by the council.

R.S.S. 1940, c.216, s.33; R.S.S. 1953, c.281, s.33.

**Appeal to judge**

**34(1)** A person who has applied for registration or for an annual certificate and whose application has been refused, or whose name has been erased by the council from the annual register under section 33, may within six months from the date of the refusal or erasure appeal to a judge of the Court of Queen's Bench for such relief as the nature of the case may require.

(2) The judge shall appoint a time and place for hearing the appeal and cause due notice thereof to be given to all parties interested, and at the time and place appointed he may hear the evidence adduced and make such order as the nature of the case requires including an order as to payment of costs.

R.S.S. 1940, c.216, s.34; R.S.S. 1953, c.281, s.34.

**PRACTITIONERS****Persons entitled to practise**

**35(1)** All persons who have received a licence to practise under this Act and who have paid the annual registration fee, and no other persons save as hereinafter provided, shall be entitled to practise the profession of dentistry and dental surgery in the province.

(2) Any of the following persons may practise dentistry and dental surgery as assistant to a duly licensed practitioner who has paid the annual registration fee, namely:

(a) a graduate of a school or college of dentistry recognized and approved by the University of Saskatchewan;

(b) any person having a certificate of qualification to practise dentistry from the Dominion Dental Council or the Dental Council of Canada.

(3) Any person employing an assistant shall, within fifteen days after the commencement of the employment, notify the secretary of the council thereof and of the name and qualification of the assistant, and shall pay to the secretary with the notification a fee of \$10.

(4) Every person employed as an assistant shall pass the final examination prescribed by the University of Saskatchewan which shall be held first after the commencement of his employment, and in case of failure to pass the final examination, shall not again act as an assistant to a practising dentist until he has passed the examination; provided that the University of Saskatchewan may, where deemed advisable, allow such assistant, notwithstanding his failure to pass the examination, to continue his employment as such assistant until he has had the opportunity of passing such supplemental examination as the university may prescribe, and provided further that such assistant shall not be employed in any capacity other than under the personal supervision of a duly licensed practitioner.

(5) Students taking a course of instruction in a school of dentistry may be employed under the personal supervision of a member of the college as special students for the purpose of the practical work required by the course of study of the school in which they are in attendance, and the member so employing such special student shall, within fifteen days after the commencement of the employment, notify the secretary of the council thereof and of the name of the student and school or college and standing of such special student, and with the notification shall pay the secretary a fee of \$5.

(6) The council may, at its discretion, grant a permit to practise dentistry, for a period not exceeding one year, to persons described in clause (a) of subsection (2) and, where deemed advisable, such permit may be renewed.

(7) Subject to the approval of the Minister of Public Health the council may make regulations:

(a) providing for the establishment, development, regulation and control of an ancillary body to be known as dental hygienists;

(b) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a member of the college, of the services of cleaning and polishing teeth and the giving of instructions and demonstrations in oral hygiene and mouth care;

(c) prescribing other specific dental duties of a minor nature that may be similarly delegated for performance by dental hygienists;

(d) regulating the conditions and prescribing the qualifications for admission to such body;

(e) prescribing the admission and annual fees payable by members of such body; and

(f) generally for the defining, regulating and controlling of the practice of dental hygiene.

R.S.S. 1940, c.216, s.35; 1945, c.82, s.3; 1948, c.77, s.2; 1951, c.71, s.5; R.S.S. 1953, c.281, s.35.

**No right of action by unlicensed person**

**36** No person shall recover in any court any fee or remuneration in respect of professional services rendered or materials provided in the practice of the profession of dentistry or dental surgery unless, at the time the services are rendered or material provided, he holds a licence from the college to practise:

Provided that a duly licensed practitioner, who has paid the annual registration fee, may sue for recovery of fees or remuneration charged by him in respect of services rendered by an assistant qualified as mentioned in section 35.

R.S.S. 1940, c.216, s.36; R.S.S. 1953, c.281, s.36.

#### **Recovery of charges**

**37** Every person licensed under this Act shall be entitled to demand, sue for and recover in any court having jurisdiction, with costs, the reasonable charges for professional aid, advice and visits and the costs of any medicine, material or surgical appliances supplied while such person was so licensed.

R.S.S. 1940, c.216, s.37; R.S.S. 1953, c.281, s.37.

#### **Reinstatement**

**38** A person licensed under this Act who has made default in payment of the annual registration fee in one or more years and whose name has by reason of such nonpayment been omitted from the annual register may have his name entered thereon upon payment to the secretary treasurer of the college of the annual registration fee for the then current year and for each year in which default has been made and an additional \$10, and upon such payment being made the secretary treasurer shall issue to such person an annual licence for the then current year.

R.S.S. 1940, c.216, s.38; R.S.S. 1953, c.281, s.38.

## DISCIPLINE

#### **Hearing and determination of complaints**

**39(1)** The council shall have jurisdiction to hear and determine any complaint made against a member of the college of having violated any of the provisions of this Act or of the bylaws, rules or regulations or rules of professional ethics of the council, or any complaint of malpractice or infamous, disgraceful or improper conduct.

(2) Upon receipt of the complaint the council shall fix a time and place for hearing the same, of which time and place the person accused and the complainant shall have due notice, and at the time and place so fixed the council shall meet and hear the evidence adduced, and if the charge is found to be proven the council may suspend such member from practice for such period as it sees fit or may cancel his licence and erase his name from the register.

(3) The member suspended or whose licence is cancelled may be reinstated, his licence renewed and all his rights and privileges thereunder restored in such manner and upon such terms and conditions as the council deems meet.

(4) The council shall also have authority to hear and determine any complaint made against a special student or assistant in respect of a breach of any of the provisions of this Act or of the bylaws, rules or regulations or rules of professional ethics of the council or any other complaint mentioned in subsection (1); and the procedure thereon, the powers of the council and the rights and liabilities of the parties shall be the same as are provided where a complaint is made against a member of the college, and the council shall in addition have power in the case of a student or assistant, to strike his name from the books of the college.

- (5) Notwithstanding anything contained herein, the council may appoint a discipline committee of its own members, not less than three in number, of whom three shall constitute a quorum, for the purpose of ascertaining the facts of any matter of complaint, and may alter the number, constitution and tenure of office of such committee.
- (6) The discipline committee shall meet from time to time for the dispatch of business and, subject to any rules made by the council, may regulate the convening, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business, and if there is a quorum, the committee may act notwithstanding any vacancy in their body, and in case of a vacancy, may appoint a member of the council to fill the vacancy until the next meeting of the council.
- (7) The discipline committee shall, on the request of the council, or may, either of its own motion or on the application of any person, inquire into and determine any matter of complaint against any member of the college where it is alleged, or the committee has reasonable grounds for believing that such member has been guilty of any of the matters mentioned in subsection (1).
- (8) At least one week before the holding of an inquiry by the discipline committee or the council under the provisions of this Act, a notice shall be served upon the person whose conduct is the subject of inquiry; and such notice shall embody, or be accompanied by, a copy of the charges made against him, or a statement of the subject matter of the inquiry, and shall also specify the time and place of the inquiry and shall be signed by the chairman of the discipline committee or by the secretary of the council.
- (9) Service of a notice or document required by this Act, or by any rule, regulation or bylaw made hereunder may be effected by registered letter addressed to the last known place of abode or business of the person to be served and posted at least fifteen days before the date of the inquiry by the discipline committee or the council, and proof that such letter was so addressed and posted shall be proof of service.
- (10) The testimony of witnesses shall be taken under oath, which the chairman or acting chairman of the discipline committee or of the council is hereby authorized to administer, and there shall be full right to cross-examine and re-examine all witnesses called and to adduce evidence in defence and reply.
- (11) If the person whose conduct is the subject of inquiry, though duly notified does not attend, the discipline committee may proceed in his absence, and he shall not be entitled to notice of future meetings or proceedings of the committee.
- (12) The discipline committee shall report in writing to the council the evidence adduced and the committee's findings and such recommendations as it may deem advisable, and the council may act upon the report of the committee and may make such order thereon as the council may deem just.
- (13) Where the council directs that the licence of a member of the college be cancelled or that he be suspended, it may direct that the costs of and incidental to the inquiry be paid by such member and after the taxation of the costs by a taxing officer at Regina on the Queen's Bench scale, execution may issue out of the Court of Queen's Bench for the recovery thereof as upon a judgment in an action in that court.

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(14) No action lies against the council or the discipline committee, or any member thereof, for any proceedings taken in good faith, or orders made or enforced under the disciplinary provisions of this Act.

(15) The council or the discipline committee, with the concurrence of the council, may make rules for regulating the making, hearing and determination of matters of complaint under the disciplinary provisions of this Act.

R.S.S. 1940, c.216, s.39; R.S.S. 1953, c.281, s.39.

**Witnesses**

**40** The person against whom a complaint is made or the person preferring the same or the council may obtain from the registrar of the Court of Queen's Bench a *subpoena ad testificandum* or a *subpoena duces tecum* requiring the attendance of any witness or witnesses before the council or the discipline committee at the hearing of the complaint.

R.S.S. 1940, c.216, s.40; R.S.S. 1953, c.281, s.40.

**Appeal to judge against suspension or cancellation of licence**

**41** A person suspended from practice or whose licence has been cancelled and whose name has been erased from the register may within six months after the date of the order of the council, appeal to a judge of the Court of Queen's Bench for such relief as the nature of the case may require, and the judge to whom the appeal has been taken shall, after due notice to all parties concerned, hear the appeal and may make such order as to the restoration of the name of the appellant or confirming the erasure or for further inquiries into the facts of the case by the council and as to costs as shall be just:

Provided that the appeal shall take the form of a trial *de novo*.

R.S.S. 1940, c.216, s.41; R.S.S. 1953, c.281, s.41.

**Costs of Frivolous complaints**

**42** The council may order to be paid out of the funds complaints at its disposal such costs as to it seems just to any person against whom any complaint has been made which when formally determined is found to be frivolous and vexatious.

R.S.S. 1940, c.216, s.42; R.S.S. 1953, c.281, s.42.

## PUBLIC PROTECTION

**Right to practise a personal one**

**43(1)** The right by this Act conferred upon a member of the college holding an annual unexpired certificate to practise the profession of dentistry or dental surgery in the province is a personal right, and every such member so practising shall at his office or place of practice, by a proper sign conspicuously placed, set forth his name.

(2) Nothing contained herein shall prevent a partnership between two or more duly registered and licensed members of the college:

Provided that the name of each member of the partnership shall at all times be conspicuously displayed in the manner aforesaid.

(3) Nothing herein shall prevent a duly licensed and registered member of the college entering the employ of any other duly registered and licensed member actually engaged in practising the profession of dentistry and dental surgery in the province.

R.S.S. 1940, c.216, s.43; R.S.S. 1953, c.281, s.43.

**No unqualified person in charge**

**44** No member of the college shall place his dental office or place where dental work is done in charge of a person, who is not a member of the college, to perform dental operations during the absence of the member.

R.S.S. 1940, c.216, s.44; R.S.S. 1953, c.281, s.44.

**No trade name or agency**

**45(1)** No member of the college shall, in the practice of the profession of dentistry or dental surgery, use any trade name or designation, or corporate name, or any distinguishing name which does not include the name of such member for premises in which he carries on the practice of his profession, but every such member shall for all purposes in connection with his profession use his own name.

(2) No member of the college shall wilfully or knowingly act as the professional agent of any person who is not a member of the college in good standing, or suffer his name to be used in any such agency on account of or for the profit of an unqualified person or do any other act to enable or assist such person to practise in any respect as a dentist, knowing him not to be duly qualified.

R.S.S. 1940, c.216, s.45; R.S.S. 1953, c.281, s.45.

**Certain advertisements prohibited**

**46(1)** No person shall advertise or hold himself out prohibited to the public as a specialist or as being specially qualified in any particular branch of dentistry or dental surgery, unless he has taken a special course in such branch of dentistry or dental surgery in, and has received a certificate of passing the necessary examinations in such branch from, a school or college of dentistry recognized by the University of Saskatchewan for such purpose, and a certificate from the registrar of such university shall be evidence of the qualification of such dentist as such specialist.

(2) Any breach of this section shall be deemed to be unbecoming and improper conduct.

R.S.S. 1940, c.216, s.46; R.S.S. 1953, c.281, s.46.

**Unqualified person practising**

**47** A person not holding a licence to practise dentistry practising or dental surgery in Saskatchewan or who has not paid the annual fees payable by him in any year as hereinbefore provided, and who:

- (a) practises the profession of dentistry or dental surgery either publicly or privately for hire, gain or hope of reward; or
- (b) wilfully pretends and holds himself out to be duly qualified to practise dentistry; or
- (c) assumes any title, addition or description implying or calculated to lead the public to infer that he is duly qualified;

is guilty of an offence and liable on summary conviction to a fine of not less than \$50 nor more than \$200 for a first offence and to a fine of not less than \$100 nor more than \$400 for each subsequent offence.

R.S.S. 1940, c.216, s.47; R.S.S. 1953, c.281, s.47.

**Practice of dental hygiene**

**48** No work, service, advice or assistance that is part of the practice of dental hygiene and that is undertaken, performed or given by a duly qualified dental hygienist in the office or clinic of a member of the college and under his supervision and control shall be deemed to be a contravention of section 47.

1948, c.77, s.3; R.S.S. 1953, c.281, s.48.

**Disposal of fines**

**49** The convicting justice shall forthwith after payment of any fine imposed transmit the amount to the secretary treasurer of the college and such fine shall form part of the funds of the college.

R.S.S. 1940, c.216, s.48; R.S.S. 1953, c.281, s.49.

**Limitation of prosecutions**

**50** A prosecution of any member of the college under and by virtue of the provisions of this Act shall be commenced within six months after the date of the commission of the alleged offence.

R.S.S. 1940, c.216, s.49; R.S.S. 1953, c.281, s.50.

**Onus of proof**

**51** In a prosecution under this Act for any of the offences set out in section 47, the onus of proof that the person against whom the charge is laid is duly entitled to practise dentistry and dental surgery and is duly registered under this Act shall be upon the person against whom the charge is laid.

R.S.S. 1940, c.216, s.50; R.S.S. 1953, c.281, s.51.

**Rights of physicians and surgeons**

**52** Nothing contained in this Act shall interfere with the privileges conferred upon physicians and surgeons by the various Acts relating to the practice of medicine and surgery in the province; but if a physician and surgeon desires to practise dentistry as a profession and to avow himself publicly as a practitioner of such profession he shall first obtain a licence from the council by paying the necessary fees and passing an examination in operative and mechanical dentistry only.

R.S.S. 1940, c.216, s.51; R.S.S. 1953, c.281, s.52.

**FUNDS OF COLLEGE**

**Moneys paid to treasurer**

**53** All fees and other moneys payable under the provisions of this Act shall be paid to the secretary treasurer of the college and shall be applied by direction of the council for the purposes of the college.

R.S.S. 1940, c.216, s.52; R.S.S. 1953, c.281, s.53.

## SUPPLEMENTAL

**Bylaws, rules and regulations to be filed with Provincial Secretary**

**54(1)** The college shall file in the Department of the Provincial Secretary two copies, certified by the secretary to be true copies, of:

- (a) all bylaws, rules and regulations hereafter made under this Act;
- (b) all amendments made to such bylaws, rules and regulations;
- (c) all amendments hereafter made to bylaws, rules and regulations and to amendments thereto made before the twenty-fifth day of March, 1948;

within thirty days after the same are made.

(2) Where the college adopts a code of ethics governing its members, and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purposes of this section and sections 55, 56, 57 and 58 be deemed to be a bylaw made under this Act.

(3) Where a bylaw, rule or regulation is hereafter amended, two copies thereof shall be filed with the amendment.

1948, c.77, s.4; R.S.S. 1953, c.281, s.54.

**Effective date of bylaws, etc.**

**55** All bylaws, rules, regulations and amendments thereto hereafter made shall take effect upon the making thereof or on a date stated therein for the purpose.

R.S.S. 1948, c.77, s.4; R.S.S. 1953, c.281, s.55.

**Effect of failure to file bylaw, etc.**

**56** Failure to file any bylaw, rule, regulation or amendment as required by section 54 shall render the bylaw, rule, regulation or amendment ineffective as from the expiration of the time allowed for filing the same and it shall be deemed to have been revoked.

R.S.S. 1948, c.77, s.4; R.S.S. 1953, c.281, s.56.

**Review by Legislative Assembly**

**57(1)** One copy of all bylaws, rules and regulations and amendments thereto filed in the Department of the Provincial Secretary as required by section 54 shall be laid before the Legislative Assembly forthwith if the Assembly is then in session or, if the Assembly is not then in session, within fifteen days from the commencement of its next session.

(2) Where any bylaw, rule or regulation or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, such bylaw, rule, regulation or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

1948, c.77, s.4; R.S.S. 1953, c.281, s.57.

**Record of revocation and notification to college**

**58(1)** Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw, rule or regulation or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Provincial Secretary and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Deputy Provincial Secretary shall file one of the copies with the bylaw, rule, regulation or amendment to which it relates and forthwith forward the other copy to the college and at the same time advise the college that the copy is forwarded pursuant to this subsection.

R.S.S. 1948, c.77, s.4; R.S.S. 1953, c.281, s.58.

**Lists of members, etc., to be filed with Provincial Secretary**

**59** The college shall, before the first day of February in each year, file in the Department of the Provincial Secretary a return, certified by the secretary of the college to be correct, showing:

- (a) the names and addresses and dates of admission to membership in the college of all persons who became members during the preceding year;
- (b) the names of all persons whose names were erased from the register or who were suspended or otherwise ceased to be members in good standing during that year;
- (c) the names of all persons whose names were restored to the register during that year;
- (d) any known changes in the addresses of members.

1948, c.77, s.4; R.S.S. 1953, c.281, s.59.

**Additions to and alterations in lists filed in department**

**60** Upon receipt of the return required by section 59 the Provincial Secretary shall cause the list of dental surgeons on file in his department to be amended by the addition or insertion of appropriate entries in accordance with the information contained in the return.

R.S.S. 1948, c.77, s.4; R.S.S. 1953, c.281, s.60.

**Report to Minister of Public Health where application for admission refused**

**61** Where an application for reinstatement or for admission to membership in the college is made in compliance with this Act and the bylaws, rules and regulations and is refused, the college shall within seven days thereafter forward by registered mail to the Minister of Public Health a report setting forth the circumstances and stating the reasons for the refusal.

R.S.S. 1948, c.77, s.4; R.S.S. 1953, c.281, s.61.

**Discipline**

**62(1)** Where the council orders that the name of a member be erased from the register or that a member be suspended from practising, the college shall within fourteen days after the date on which the order is made forward by registered mail to the Minister of Public Health a copy, certified by the secretary to be a true copy, of the complaint, the report of the discipline committee and the order of the council, and shall furnish the minister with such relative information as he may require.

(2) If the minister is of opinion that the order is unjust or contrary to the public interest, he may:

- (a) request the council to reconsider the case and its findings thereon;
- (b) if the council and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the council, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon; or
- (c) institute an appeal to a judge of the Court of Queen's Bench.

(3) Nothing contained in this section shall prejudice any right of appeal conferred by this Act.

R.S.S. 1948, c.77, s.4; R.S.S. 1953, c.281, s.62.

SCHEDULE

FORM A

(Section 3)

LICENCE TO PRACTISE DENTISTRY

The College of Dental Surgeons of Saskatchewan by virtue of authority vested in it by the Legislature of Saskatchewan awards this certificate to \_\_\_\_\_ who has complied with all the requirements of the law regarding the practice of dentistry and after due examination or by application to the council has been adjudged qualified to practise dentistry in all its branches in Saskatchewan.

In witness whereof we the undersigned members of the Council of the College have hereunto signed our names and attached the corporate seal of the college this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

.....  
*President.*

.....  
*Vice-President.*

.....  
*Secretary.*

DENTAL PROFESSION

c. 281

FORM B  
(Section 27)

REGISTER OF MEMBERS

Name	Residence	Qualification
A.B.		Certificate of licence, 15th March 1895.
C.D.		6 months' practice prior to November 22nd, 1889.
E.F.		Member of ( <i>stating name of college or school and where situated</i> ).

FORM C  
(Section 30)

CERTIFICATE OF ANNUAL REGISTRATION

We hereby certify that A.B., being the holder of a certificate of licence to practise the profession of dentistry from the \_\_\_\_\_ was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, duly registered as a member of The College of Dental Surgeons of Saskatchewan and is authorized to practise his profession up to the \_\_\_\_\_, subject to the provisions of *The Dental Profession Act*.

[Corporate Seal of the College] (Signed) C.D., \_\_\_\_\_ *President.*

E.F., \_\_\_\_\_ *Secretary.*

THE COLLEGE OF DENTAL SURGEONS  
OF SASKATCHEWAN.

FORM D  
(Section 31)

ANNUAL REGISTER OF MEMBERS OF THE COLLEGE OF DENTAL SURGEONS  
OF SASKATCHEWAN

Name	Address

FOR HISTORICAL REFERENCE ONLY

FOR HISTORICAL REFERENCE ONLY