SCOTTISH STATUTORY INSTRUMENTS

2002 No. 99

NATIONAL HEALTH SERVICE

The National Health Service (General Dental Services and Dental Charges) (Scotland) Amendment Regulations 2002

Made - - - -	*6th March 2002*
Laid before the Scottish Parliament - - - -	*8th March 2002*
Coming into force - -	*1st April 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 2(5), 25(2) and (2B), 70(1A), 71(1), 71A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Dental Services and Dental Charges) (Scotland) Amendment Regulations 2002 and shall come into force on 1st April 2002.

Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 1996

2.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1996(**2**) are amended as follows.

(**1**) 1978 c. 29; section 25(2) was amended by the Health and Medicines Act 1988 (c. 49) ("the 1988 Act"), Schedule 2, paragraph 11 and by the National Health Service and Community Care Act 1990 (c. 19), section 40(2) and Schedule 9, paragraph 19(6) and was extended by the 1988 Act, section 17; section 70(1A) and 71A were inserted by, and section 71(1) was amended by, section 11 of the 1988 Act; section 105(7) which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, and by the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 60; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. See section 66(1) of the 1999 Act in relation to any provision of that Act being taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) S.I.1996/177; the relevant amending instruments are S.I. 1996/2060, 1998/1663 and 1999/724, and S.S.I. 1999/51, 2000/188, 352 and 394 and 2001/368.

(2) In regulation 22(1) (statement of dental remuneration)(**3**) in the table at the end of column 1 and column 2 respectively there is inserted "XI" and "Clinical audit allowances" and "XII" and "Remote area allowances".

(3) In Schedule 1 (terms of service for dentists)–

(a) for paragraph 17 (occasional treatment)(**4**) there is substituted–

"**17.**—(1) Whether or not a patient has entered into a continuing care arrangement or capitation arrangement with another dentist, a dentist who is not acting on behalf of that dentist may provide any of the items listed in sub-paragraph (2) as occasional treatment.

(2) For the purposes of sub-paragraph (1) the listed items are–

(a) assessment of, and the giving of advice to, a patient,

(b) the issuing of a prescription except in connection with the items of treatment specified in paragraphs (e), (h) and (i) below,

(c) a radiographic examination and radiographic report except in connection with the items of treatment specified in paragraph (i) below,

(d) the dressing of deciduous or permanent teeth and other palliative treatment,

(e) the repair and refixing of inlays, crowns and bridges, including, where immediately necessary, the provision of temporary crowns,

(f) the extraction of deciduous or permanent teeth,

(g) the provision of post-operative care,

(h) the provision of sedation,

(i) the replacement, repair or alterations of dentures or other dental appliances,

(j) urgent treatment for acute conditions of the gingivae or oral mucosa, including treatment for pericoronitis or for ulcers and herpetic lesions, and any necessary oral hygiene instruction in connection with such treatment,

(k) any treatment immediately necessary as a result of trauma,

(l) domiciliary visits and recalled attendance,

(m) conservative treatment of permanent or retained deciduous teeth by way of filling or root fillings, and

(n) in respect of patients aged under 18, conservative treatment of no more than 2 deciduous teeth.

(3) Where the dentist, due to any cause beyond his control, is unable to complete a course of occasional treatment which he has commenced, he shall forthwith notify the Board in writing of the extent of the occasional treatment he has provided and the reason he is unable to complete the remainder of the treatment.

(4) Subject to sub-paragraphs (5) and (6), where a dentist has provided conservative treatment by way of any filling or root filling in accordance with sub paragraph (2)(m), he shall repair or replace the filling in question at no charge to the patient.

(5) A dentist shall not be under an obligation to repair or replace any filling under sub-paragraph (2)(m) where–

(a) within 12 months of the date on which the filling was provided–

(i) a dentist has provided private treatment, or

(**3**) Regulation 22 was amended by S.S.I. 2000/352, regulation 3 and S.S.I. 2001/368, regulation 2(6).
(**4**) Paragraph 17 was amended by S.I. 1998/1663, regulation 6(4) and S.S.I. 2001/368, regulation 2(7).