SCOTTISH STATUTORY INSTRUMENTS

2001 No. 368

NATIONAL HEALTH SERVICE

The National Health Service (General Dental Services) (Scotland) Amendment (No. 2) Regulations 2001

Made - - - -	*4th October 2001*
Laid before the Scottish Parliament - - - -	*5th October 2001*
Coming into force - -	*7th November 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 2(5), 25(1), (2), and (2B), 28A, 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) (Scotland) Amendment (No. 2) Regulations 2001 and shall come into force on 7th November 2001.

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.

(2) In regulation 2(1) (interpretation)–

(**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 25(2B) was inserted by the Health Act 1999(c. 8)("the 1999 Act"), section 57; section 28A was inserted by the 1999 Act, section 57; 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 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, and 2000/188, 352 and 394.

(a) in the definition of "assistant" at the end there is inserted ", or, any person undertaking vocational training(**3**) under the supervision of a salaried dentist(**4**) and who is employed under a contract of service with a Health Board or primary care NHS trust";

(b) after the definition of "health centre" there is inserted the following definition:–

""in writing" does not include transmission by electronic means;"; and

(c) in the definition of "treatment" the words "anaesthesia and" are omitted.

(3) For paragraph (1) of regulation 5 (application for inclusion in the dental list)(**5**) there is substituted–

"(1) Subject to paragraphs (2) and (3), a dentist who wishes to have his name included in the dental list shall make an application in writing to the Health Board or primary care NHS trust which application –

(a) shall, if the application relates to Part A of the dental list, include the information and undertakings specified in Part I of Schedule 2;

(b) shall, if the application only relates to Part B of the dental list, include the information and undertakings specified in Part IA of Schedule 2; and

(c) may, if the application relates to Part A or Part B of the dental list, include the information specified in Part II of Schedule 2.

(1A) The Health Board or primary care NHS trust shall determine the application within 14 days of its receipt or, where, in relation to an application for inclusion in Part A of the dental list the Health Board or primary care NHS trust inspects the proposed practice premises pursuant to regulation 5A, within 14 days of the date of the inspection.".

(4) In paragraphs (2) and (3) of regulation 5 for "paragraph (1)" there is substituted "paragraph (1A)".

(5) After regulation 5 there is inserted–

"**Inspections of practice premises**

5A.—(1) Subject to paragraph (2), a Health Board or primary care NHS trust may, if it considers that the proposed practice premises of a dentist applying for inclusion in Part A of the dental list should be inspected, inspect such premises.

(2) Where a Health Board or primary care NHS trust has not inspected proposed practice premises of a dentist applying for inclusion in Part A of the dental list, either in response to the application of the dentist, or, in response to the application of any other dentist for inclusion in Part A of the dental list, the Health Board or primary care NHS trust shall inspect the proposed practice premises before determining an application under regulation 5(1).

(3) Any inspection made pursuant to paragraphs (2) or (3) shall be made not later than 14 days after receipt of an application for inclusion in Part A of the dental list.

(4) A Health Board or primary care NHS trust shall inspect at intervals not exceeding three years the practice premises of every dentist whose name is included in Part A of the dental list prepared by the Health Board or primary care NHS trust.".

(6) In regulation 22(1) (statement of dental remuneration)(**6**) in the table–

(a) in column 2 for "Postgraduate education allowances" there is substituted "Continuing professional development allowance";

(**3**) The definition of "vocational training" was amended by S.S.I. 2000/352, regulation 2(3).
(**4**) The definition of "salaried dentist" was amended by S.I. 1999/724, regulation 2(a), and by S.S.I. 1999/51, regulation 3(a)(iv).
(**5**) Regulation 5(1) was amended by substitution by S.S.I. 2000/188, regulation 4(2).
(**6**) Regulation 22(1) was amended by S.S.I. 2000/352, regulation 3, and by S.S.I. 2000/394, regulation 2.