SCOTTISH STATUTORY INSTRUMENTS

2000 No. 352

NATIONAL HEALTH SERVICE

The National Health Service (General Dental Services) (Scotland) Amendment (No. 2) Regulations 2000

Made - - - -	*4th October 2000*
Laid before the Scottish Parliament - - - -	*6th October 2000*
Coming into force - -	*13th November 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by sections 2(5), 25(1) and (2), 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, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment (No. 2) Regulations 2000 and shall come into force on 13th November 2000.

(2) In these Regulations "the principal Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1996(**2**).

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2(1) of the principal Regulations (interpretation) is amended as follows.

(2) After the definition of "practice premises" there is inserted–

> ""practice record form" means a form supplied by the Health Board or primary care NHS trust and completed in accordance with paragraph 27 of Schedule 1 for the purpose of obtaining general dental services in circumstances where the dentist intends to use a computer to send an estimate to the Board;".

(**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 28A was substituted by the Health Act 1999 (c. 8), section 57(1); 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), 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. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I. 1996/177, relevant amending instruments are S.I. 1999/724 and S.S.I. 1999/51.

(3) In the definition of "vocational training" after the words "approved trainer" there is inserted "or, where the approved trainer is a salaried dentist(**3**), under a contract of service with a Health Board or primary care NHS trust".

Amendment of regulation 22 of the principal Regulations

3.—(1) Regulation 22(1) of the principal Regulations (statement of dental remuneration) is amended as follows.

(2) In the Table–

(a) in column 1, after the entry "VIII" there is inserted "IX"; and

(b) in column 2, after the entry "Reimbursement of non-domestic rates" there is inserted "Commitment payments".

Amendment of regulation 23 of the principal Regulations

4.—(1) Regulation 23 of the principal Regulations (approval of payments) is amended as follows.

(2) In paragraph (4)(b)(**4**) for "and VIII" there is substituted ", VIII and XI".

Amendment of Schedule 1 to the principal Regulations

5.—(1) Schedule 1 to the principal Regulations (terms of service for dentists) is amended as follows.

(2) In paragraph 25 (records)(**5**)–

(a) in sub paragraph (1)–

(i) before the word "record" in the first place where it occurs, there is inserted "complete, accurate and up to date"; and

(ii) after the words "for the purpose of securing and maintaining oral health)" there is inserted ", any practice record form";

(b) in sub-paragraph (2) after the word "records" there is inserted "forms,";

(c) for sub-paragraph (3) there is substituted–

"(3) The dentist shall, during the period in which he holds any records, forms, radiographs, photographs and study models referred to in sub paragraph (1)–

(i) produce them on request to the dental officer, or any authorised officer of the Agency(**6**), the Health Board or the primary care NHS trust; or

(ii) send them to the Board, the dental officer, or any authorised officer of the Agency, the Health Board or the primary care NHS trust within 14 days of being required to do so by one of those persons."; and

(d) in sub paragraph (4) after the word "records" there is inserted "(other than the practice record form) and the form recording recalled attendance in accordance with paragraph 27B".

(3) For paragraph 27 (completion of estimate)(**7**) there is substituted–

(**3**) The definition of "salaried dentist" in the principal Regulations was amended by S.I. 1999/724.
(**4**) Paragraph 4 was amended by S.I. 1999/724.
(**5**) Paragraph 25 was amended by S.S.I. 1999/51.
(**6**) A definition of "the Agency" was inserted by S.I. 1999/724.
(**7**) Paragraph 27 was amended by S.S.I. 1999/51.