SCOTTISH STATUTORY INSTRUMENTS

2000 No. 188

NATIONAL HEALTH SERVICE

The National Health Service (General Dental Services) (Scotland) Amendment Regulations 2000

Made - - - -	*14th June 2000*
Laid before the Scottish Parliament - - - -	*16th June 2000*
Coming into force - -	*7th July 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by sections 2(5), 25(1), (2), (2B) and (5), 32E, 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 Regulations 2000 and shall come into force on 7th July 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 of the principal Regulations (interpretation) is amended as follows.

(2) In the definition of "approved trainer" before the words "a dental list" there is inserted "Part A of".

Amendment of regulation 4 of the principal Regulations

3.—(1) Regulation 4 of the principal Regulations (dental list)(**3**) is 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 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. 1996/841, 2060, 1998/1663, 2224, 1999/724 and S.S.I. 1999/51.

(**3**) Regulation 4 was amended by S.I. 1998/1663, 1999/724 and S.S.I. 1999/51.

(2) For paragraph (1) there is substituted–

"(1) The Health Board or primary care NHS trust(**4**) shall prepare a list, to be called the dental list.";

(3) After paragraph (1) there is inserted the following new paragraphs–

"(1A) Part A of the dental list shall be a list of dentists who, pursuant to the provisions of regulation 5, have undertaken to provide general dental services in the appropriate part of the Health Board's area and who are not disentitled by virtue of the provisions of–

(a) section 25(2A), 30(1), 31(b), 32A(3), 32B(1) or 32D(2) of the Act(**5**);

(b) section 8(2) of the Health and Medicines Act 1988(**6**); or

(c) regulation 10 (restriction on the right to be included in a dental list).

(1B) Part B of the dental list shall be a list of dentists who, pursuant to the provisions of regulation 5 have undertaken to provide emergency dental services under regulation 17, in the appropriate part of the Health Board's area and who are not disentitled by virtue of–

(a) section 25(2A), 30(1), 31(b), 32A(3), 32B(1) or 32D(2) of the Act;

(b) section 8(2) of the Health and Medicines Act 1988; or

(c) paragraphs (1) and (2)(a) of regulation 10 (restrictions on the right to be included in a dental list).".

(4) In paragraph (2) for the words "The dental list" there is substituted "Part A of the dental list".

(5) After paragraph (2) there is inserted–

"(2A) Part B of the dental list shall, in addition to the name of the dentist–

(a) contain–

(i) the address of the Health Board or primary care NHS trust premises where the emergency dental services under regulation 17 will be undertaken;

(ii) the date of his registration as a dental practitioner in the register kept under section 14 of the Dentists Act 1984, particulars of the dental qualification held by the dentist which entitles him to be registered, including the dates on which the qualification was awarded and particulars of any dental qualification held by him which is registerable pursuant to section 19(1)(c) of the Dentists Act 1984(**7**); and

(b) indicate whether the dentist is indemnified against claims relating to the practice of dentistry in relation to dentistry performed by the dentist himself.".

Amendment of regulation 5 of the principal Regulations

4.—(1) Regulation 5 of the principal Regulations (application for inclusion in the dental list)(**8**) is amended as follows.

(2) For paragraph (1) there is substituted the following new paragraph–

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

(**4**) The definition of "primary care NHS trust" was inserted by S.S.I. 1999/51.
(**5**) Section 25(2A) was inserted by S.I. 1981/432, article 4(3); section 30(1) was amended by the National Health Service (Amendment) Act 1995 (c. 31) ("the 1995 Act") section 10; section 32A, 32B and 32D were inserted by section 8 of the 1995 Act.
(**6**) 1988 (c. 49).
(**7**) 1984 c. 24.
(**8**) Regulation 5 was amended by S.S.I. 1999/51.

(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 1A 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,

and the Health Board or primary care NHS trust shall determine the application within 14 days of the date of its receipt, or where in relation to an application which relates to Part A of the dental list, it considers that the proposed practice premises should be inspected, within 14 days of the date of inspection.".

(3) In paragraph (2) after the words "included in" there is inserted "Part A of".

(4) In paragraph (3) after the word "paragraph" in the second place where it occurs, there is inserted "for inclusion in Part A of the dental list".

Amendment of regulation 6 of the principal Regulations

5.—(1) Regulation 6 of the principal Regulations (applications for vocational training numbers)(**9**) is amended as follows.

(2) In paragraph (1)(a) after the words "under regulation 5" there is inserted "for inclusion in Part A of the dental list".

(3) In paragraph 6(3)(b) after the words "United Kingdom" there is inserted ", other than in Part B only of a dental list in Scotland,".

Amendment of regulation 10 of the principal Regulations

6.—(1) Regulation 10 of the principal Regulations (restrictions on the right to be included in a dental list)(**10**) is amended as follows.

(2) For paragraph (1) there is substituted–

"(1) A dentist shall not be entitled to have his name included in–

(a) Part A of the dental list prepared by any Health Board or primary care NHS trust where the circumstances specified in paragraph (2) apply;

(b) Part B of the dental list prepared by any Health Board or primary care NHS trust where the circumstances specified in paragraph (2)(a) apply.".

Amendment of regulation 11 of the principal Regulations

7.—(1) Regulation 11 of the principal Regulations (removal from dental list)(**11**) is amended as follows.

(2) In paragraph (1)–

(a) at the end of sub paragraph (a) the word "or" is omitted;

(b) after sub paragraph (b) there is inserted–

"(c) has been convicted in the United Kingdom of murder; or

(d) has been convicted in the United Kingdom of a criminal offence and sentenced to a term of imprisonment of at least six months".

(**9**) Regulation 6 was amended by S.I. 1996/2060, 1998/1663, 2224 and S.S.I. 1999/51.
(**10**) Regulation 10 was amended by S.S.I. 1999/51.
(**11**) Regulation 11 was amended by S.I. 1998/2224 and S.S.I. 1999/51.

(3) In paragraph (2)(b) before the words "the dental list" there is inserted "Part A of".

(4) In paragraph (4)(c) after the words "salaried dentist" there is inserted "or his name is included in Part B of the dental list only".

Amendment of regulation 12 of the principal Regulations

8.—(1) Regulation 12 of the principal Regulations (removal from dental list on grounds of age)(**12**) is as amended as follows.

(2) In paragraph (3) before the words "the dental list" there is inserted "Part A of".

(3) After paragraph (3) there is inserted–

> "(4) A Health Board or primary care NHS trust shall give to any dentist whose name is to be removed from Part B of the dental list in accordance with paragraph (2), notice in writing to that effect not less than 3 months nor more than 4 months before the date on which his name is to be removed.".

Amendment of regulation 16 of the principal Regulations

9.—(1) Regulation 16 of the principal Regulations (transfer of continuing care and capitation arrangements)(**13**) is amended as follows.

(2) In paragraph (1) before the words "the dental list" in both places where they occur there is inserted "Part A of".

(3) In paragraph (2) before the words "the dental list" there is inserted "Part A of".

(4) In paragraph (3) before the words "the dental list" there is inserted "Part A of".

Amendment of regulation 18 of the principal Regulations

10.—(1) Regulation 18 of the principal Regulations (arrangements for emergency cover)(**14**) is amended as follows.

(2) Before the words "its dental list" there is inserted "Part A of".

Amendment of regulation 26 of the principal Regulations

11.—(1) Regulation 26(a) of the principal Regulations (interpretation of Part V) is amended as follows.

(2) In the definition of "fees" after the word "salary" there is inserted "or remuneration for providing emergency dental services under regulation 17".

Amendment of regulation 27 of the principal Regulations

12.—(1) Regulation 27 of the principal Regulations (entitlement to payment)(**15**) is amended as follows.

(2) In paragraph (4)(b) before the words "the dental list" there is inserted "Part A of".

(**12**) Regulation 12 was amended by S.I. 1999/724 and S.S.I. 1999/51.
(**13**) Regulation 16 was amended by S.S.I. 1999/51.
(**14**) Regulation 18 was amended by S.I. 1999/724 and S.S.I. 1999/51.
(**15**) Regulation 27 was amended by S.S.I. 1999/51.

Amendment of regulation 28 of the principal Regulations

13.—(1) Regulation 28 of the principal Regulations (application for payment)(**16**) is amended as follows.

(2) In paragraph (1)–

(a) before the words "whose dental list" there is inserted "Part A of"; and

(b) before the words "the list of" there is inserted "Part A of".

Amendment of regulation 29 of the principal Regulations

14.—(1) Regulation 29 of the principal Regulations (amounts and times of payment)(**17**) is amended as follows.

(2) In paragraph (3) before the words "the dental list" there is inserted "Part A of".

Amendment of regulation 33 of the principal Regulations

15.—(1) Regulation 33 of the principal Regulations (prior approval – patterns of treatment)(**18**) is amended as follows.

(2) In paragraph (7)–

(a) before the words "any dental list" there is inserted "Part A of"; and

(b) before the words "a dental list" there is inserted "Part A of".

(3) In paragraph (8) before the words "any dental list" there is inserted "Part A of".

Amendment of regulation 34A of the principal Regulations

16.—(1) Regulation 34A of the principal Regulations (appeals from decisions of the Board)(**19**) is amended as follows.

(2) In paragraph (2) before the words "whose dental list" there is inserted "Part A of".

(3) In paragraph (3)–

(a) before the words "the dental list" there is inserted "Part A of"; and

(b) in sub-paragraph (c)(ii) before the words "whose dental list" there is inserted "Part A of".

Amendment of Schedule 1 to the principal Regulations

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

(2) In paragraph 13 (treatment on referral)–

(a) for sub-paragraph (1) there is substituted–

"(1) Subject to sub-paragraphs (1A) and (1B), a dentist may accept a patient who has been referred to him by another dentist who is providing dental services to that patient (whether or not pursuant to the Act) otherwise than under Part III of this Schedule for particular care and treatment.

(1A) Subject to sub-paragraph (1B) a dentist shall not accept a patient for orthodontic treatment or treatment under general anaesthesia unless that patient has

(**16**) Regulation 28 was amended by S.S.I. 1999/51.
(**17**) Regulation 29 was amended by S.I. 1999/724 and S.S.I. 1999/51.
(**18**) Regulation 33 was amended by S.I. 1996/841.
(**19**) Regulation 34A was inserted by S.I. 1996/841 and amended by S.S.I. 1999/51.