SCOTTISH STATUTORY INSTRUMENTS

1999 No. 51

NATIONAL HEALTH SERVICE

The National Health Service (General Dental Services) (Scotland) Amendment (No.2) Regulations 1999

Made - - - -	*7th September 1999*
Laid before the Scottish Parliament - - - -	*10th September 1999*
Coming into force - -	*1st October 1999*

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(5), 25(1), (2), (2B) and (5), 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 1999 and shall come into force on 1st October 1999.

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

General amendment of the principal Regulations

2. In the following regulations, after the words "Health Board" in each place where they occur there is inserted "or primary care NHS trust"–

regulation 3 (terms of service);

regulation 5 (application for inclusion in the dental list);

regulation 6 (applications for vocational training numbers);

(**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, amended by S.I.1996/841 and 2060, 1998/1663 and 2224 and 1999/724.

regulation 10 (restrictions on the right to be included in a dental list);

regulation 11 (removal from dental list);

regulation 12 (removal from dental list on grounds of age);

regulation 13 (withdrawal from dental list);

regulation 14 (information about assistants);

regulation 15 (information about associateship agreements);

regulation 16 (transfer of continuing care and capitation arrangements);

regulation 24 (drugs);

regulation 25 (recovery of overpayments);

regulation 27 (entitlement to payment);

regulation 28 (application for payment);

regulation 29 (amounts and times of payment);

regulation 30 (changes of circumstances);

regulation 35 (publication of particulars);

regulation 36 (service of documents).

Amendment of regulation 2 of the principal Regulations

3. In regulation 2 (interpretation)–

(a) in paragraph (1)–

(i) in the definition of "estimate" after the words "Health Board" there is inserted "or primary care NHS trust";

(ii) in the definition of "patient record" after the words "Health Board" there is inserted "or primary care NHS trust";

(iii) after the definition of "practice premises" there is inserted–

""primary care NHS trust" means an NHS trust to which certain functions referred to in section 12AA of the Act are delegated by the Health Board;"(**3**);

(iv) in the definition of "salaried dentist"(**4**) after the word "or" there is inserted "primary care";

(b) in paragraph (1A) for the words "a Board" there is substituted "a Health Board or primary care NHS trust"(**5**).

Amendment of regulation 4 of the principal Regulations

4. In regulation 4 of the principal Regulations (dental list)(**6**)–

(a) in paragraph (1)–

(i) after the words "Health Board" there is inserted "or primary care NHS trust";

(ii) for the words "its area" there is substituted "the appropriate part of the Health Board's area";

(b) in paragraph (4)–

(**3**) Section 12AA was inserted by the Health Act 1999 (c. 8), section 47.
(**4**) The definition of "salaried dentist" was amended by S.I.1999/724.
(**5**) Paragraph (1A) was inserted by S.I.1999/724.
(**6**) To which there are amendments not relevant to these Regulations.

(i) after the words "Health Board" there is inserted "or primary care NHS trust";

(ii) for the words "its area" there is substituted "the Health Board's area";

(c) in paragraphs (5), (6), (8) and (9) after the words "Health Board" in each place where they occur and in paragraph (7) in the first place where those words occur and in paragraph 7(vi) where those words occur there is inserted "or primary care NHS trust".

Amendment to regulation 9 of the principal Regulations

5. In regulation 9 (local directory of dentists)–

(a) in paragraph (1) after the words "Health Board" in each place where they occur there is inserted "or primary care NHS trust";

(b) in paragraph (2)–

(i) after the words "Health Board" in each place where they occur there is inserted "or primary care NHS trust";

(ii) after the words "Health Board's" there is inserted or "primary care NHS trust's".

Amendment of regulation 17 of the principal Regulations

6. In regulation 17 of the principal Regulations (emergency dental services)–

(a) in paragraph (1)–

(i) after the words "Health Board" in the first place where they occur there is inserted "or primary care NHS trust";

(ii) after the words "Health Board" in the second place where they occur there is inserted ", primary care NHS trust or NHS trust";

(iii) for the words "its area" in both places where they occur there is substituted "the Health Board's area";

(b) in paragraph (2) after the words "Health Board" there is inserted "or primary care NHS trust".

Amendment of regulation 18 of the principal Regulations

7. In regulation 18 (arrangements for emergency cover) after the word "or" there is inserted "primary care".

Amendment of regulation 19 of the principal Regulations

8. In regulation 19 (Health Board patient information leaflets)(**7**)–

(a) in the heading after the words "Health Board" there is inserted "or primary care NHS trust";

(b) after the words "Health Board or" there is inserted "primary care";

(c) for the words "its area" there is substituted "the appropriate part of the Health Board's area";

(d) after the words "Health Board" in the second place where they occur there is inserted "or primary care NHS trust".

(**7**) Regulation 19 was amended by S.I.1999/724.