STATUTORY RULES OF NORTHERN IRELAND

2017 No. 10

HEALTH AND PERSONAL SOCIAL SERVICES

The General Dental Services (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*16th January 2017*
Coming into operation	*6th February 2017*

The Department of Health(**1**), in conjunction with the Department of Finance(**2**), makes the following Regulations in exercise of the powers conferred by Article 55, 61(1), (2) and (2AA), 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**3**).

In accordance with Article 61(4) of that Order, the Department has consulted with such organisations as appear to be representative of the dental profession.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 6th February 2017.

(2) In these Regulations "General Dental Services Regulations" means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(**4**)

Amendment of the General Dental Services Regulations

2.—(1) The General Dental Services Regulations are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation)—

(a) for the definition of "approved trainer" substitute—

> ""approved trainer" means a dentist on a dental list or pilot performers' list approved by a postgraduate dental dean or a Director of postgraduate dental education as being a dentist who has the requisite skills and suitable practice facilities to enable them to act as a trainer;";

(**1**) *See*2016 c.5 Section 1(5)
(**2**) *See*2016 c.5 Section 1(4)
(**3**) S.I. 1972/1265 (N.I. 14); relevant amending Instruments are Article 13 of S.I. 1978/1907 (N.I. 26), Articles 30, 34, 35 of, and Part 1 of Schedule 5 to, and Part 1of Schedule 6 to, S.I. 1991/ 194 (N.I. 1) and S.I. 1997/1177 (N.I. 7)
(**4**) S.R. 1993 No. 326; relevant amending Regulations are S.R.s 1993 No. 401, 1995 No. 488, 1996 No. 114, 1998 No. 245, 1999 No. 100, 2001 Nos.2, 89 and 309, 2002 No. 2, 2003 No. 325, 2005 No. 311, 2007 No. 292, 2014 Nos. 3, 267 and 319 and S.I. 2014/1887

(b) after the definition of "the Dental Charges Regulations" insert—

""dental foundation certificate" means a certificate confirming that a dentist has satisfactorily completed dental foundation training in Northern Ireland, England, Wales or Scotland;

"dental foundation training" means a relevant period of at least one year of full time employment (or part time equivalent) during which a dental practitioner is employed under a contract of service by an approved trainer to provide a wide range of dental care and treatment and to attend such study days as that contract provides, with the aims and objectives of enhancing clinical and administrative competence and promoting high standards through relevant postgraduate training and in particular to the aim and objectives set out in Schedule 11;

"dental foundation training number" means the number allocated to a dentist by NIMDTA in accordance with regulation 5A, or by a corresponding organisation in England, Wales or Scotland;";

(c) after the definition of "mobile surgery" insert—

""NIMDTA" means the Northern Ireland Medical and Dental Training Agency(**5**);";

(d) after the definition of "salaried dentist" insert—

""satisfactory completion of dental foundation training" and related expressions, shall be construed in accordance with regulation 5CA."; and

(e) for the definition of "vocational training number" substitute—

""vocational training number" means the number allocated to a dentist by the Council in Northern Ireland or corresponding organisation in England, Wales or Scotland;".

(3) In regulation 5 (application for inclusion in the dental list) for paragraphs (3) and (4)(**6**) substitute—

"(3) Where a dentist who wishes to have their name included in the dental list does not have a vocational training number or a dental foundation training number—

(a) paragraph (1) shall apply as if "5A" were omitted from sub-paragraph (a)(i) of that paragraph;

(b) in addition to their application under paragraph (1) as so modified they shall also apply to NIMDTA for a dental foundation training number; and

their application for a dental foundation training number shall be dealt with in accordance with regulation 5A before the Regional Board determines their application under paragraph (1).

(4) Paragraph (2) shall not apply to the application under paragraph (1) of a dentist who does not have a dental foundation training number until such a number has been allocated to them.".

(4) For regulations 5A (applications for vocational training numbers), 5B (additional information), 5C (time for the determination of an application), 5D (appeal body for appeals against the refusal of a vocational training number) and 5E (procedure on appeal)(**7**) substitute—

(**5**) The Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004 (S. R. 2004 No. 62)
(**6**) Paragraphs (3) and (4) were inserted by regulation 3(3) of S.R. 1993 No. 401
(**7**) Regulation 5A, 5B, 5C, 5D and 5E were inserted by regulation 4 of S.R. 1993 No. 401 and amended by regulation 4 of S.R. 1998 No. 245 and regulation 5(3) of S.R. 1999 No. 100

"**Applications for dental foundation training numbers**

5A.—(1) An application for a dental foundation training number shall be in writing and shall—

(a) state that the dentist has also made an application under regulation 5(1); and state the date on which it was made; and

(b) state that the dentist has completed vocational training or has satisfactorily completed dental foundation training and be accompanied by their vocational training certificate or dental foundation training certificate; or

(c) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to dental foundation training and be accompanied by written details of that experience or training; or

(d) state that the dentist is exempt from the requirement to have completed dental foundation training on one of the grounds set out in paragraph (4) and be accompanied by written details in support of that statement.

(2) All applications under paragraph (1) shall be considered and determined without an oral hearing and without the attendance of the applicant.

(3) For the purposes of paragraph (1)(c) experience or training shall not be prevented from being equivalent to dental foundation training merely because the structure of the experience or training does not comply exactly with the definition of dental foundation training.

(4) The grounds upon which a dentist is exempt from the requirement to have satisfactorily completed dental foundation training are—

(a) they are registered as a dentist by virtue of section 15(1)(b) of the Dentists Act (registration of nationals of member States who hold appropriate European diplomas) or is in any other way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement; or

(b) their name has been included in a dental list in the United Kingdom within the period of five years ending on the date of their application to be included in the dental list; or

(c) they hold a voluntary vocational training certificate dated on or after—

(i) 1st August 1989 in the case of a certificate issued in Northern Ireland;

(ii) 1st January 1988 in the case of a certificate issued in England and Wales; or

(iii) 1st July 1988 in the case of a certificate issued in Scotland; or

(d) they have practised in primary dental care in either the community dental service or the armed forces of the Crown or have performed personal dental services in connection with a pilot scheme, for a period amounting in aggregate to not less than four years full-time employment (or part-time employment of equivalent duration), and have so practised for not less than four months in full-time employment (or part-time employment of equivalent duration) within the period of four years ending with the date of their application under regulation 5(1); or

(e) in the case of any application made before 1st October 1998, they were on 1st October 1993, employed as a Senior House Officer or Registrar in a hospital in the United Kingdom or enrolled on a course intended to lead to a Master's degree in dentistry or Membership Diploma in dentistry of any of the Royal Colleges of Surgeons in the United Kingdom.

(5) In paragraph (4)—

(a) in sub-paragraph (d), "primary dental care" means care and treatment delivered by the dentist at the first point of contact with the patient, and the "community dental service" means the dental service provided in Northern Ireland under Articles 5(1)

(c), 9(1)(a) and (1A) of the Order(**8**) and administered by the Regional Board and HSC trusts, and corresponding provision in England, Wales or Scotland; and

(b) in sub-paragraph (e), "Membership Diploma" means any postgraduate dental qualification which is registrable with the General Dental Council.

(6) An application for a dental foundation training number shall be granted if the applicant—

(a) has had a dental foundation or a vocational training certificate issued to them; or

(b) has acquired experience or completed training which ought to be regarded as equivalent to satisfactory completion of dental foundation training; or

(c) is exempt from the requirement to have satisfactorily completed dental foundation training or completed vocational training on one of the grounds set out in paragraph (4) above.

(7) NIMDTA shall determine whether an applicant for a dental foundation training number comes within one of sub-paragraphs (b) to (d) of paragraph (1) and, if NIMDTA determines that they do, it shall allocate to them a dental foundation training number, notify them of that number, and enter the number against the name of the applicant in a register which it shall keep for that purpose.

(8) If NIMDTA does not allocate a dental foundation training number to the applicant, it shall send them a notice to that effect together with a statement setting out the reasons why it has not done so and telling them about their right to appeal to the appeal body and giving particulars of the address to which an appeal, if made, must be sent.

Additional information

5B.—(1) NIMDTA may request of any applicant additional information and documents in respect of any application, and where any such request is made—

(a) it shall be in writing;

(b) shall specify a reasonable date by which the information or documents are to be provided; and

(c) the applicant shall provide the additional information and documents requested within such reasonable time.

(2) If the applicant fails to provide the additional information and documents requested within the time specified by NIMDTA, NIMDTA may proceed to determine the application on the basis of the information and documents which it has before it.

Time for the determination of an application

5C.—(1) Subject to paragraph 2(b) an application under 5A(1)(b) or (d) may be considered by and may be determined by an officer designated for the purpose by NIMDTA.

(2) The designated officer shall either—

(a) grant the application within fourteen days of receipt and allocate a dental foundation training number to the applicant; or

(b) if it sees fit, refer the application for consideration and determination in accordance with paragraph (3).

(**8**) Article 9(1)(a) was amended by Article 6(2) of S.I. 1988/2249 (N.I. 24) and Article 9(1A) was inserted by Article 6(3) of that order