STATUTORY RULES OF NORTHERN IRELAND

2001 No. 89

HEALTH AND PERSONAL SOCIAL SERVICES

General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2001

Made - - - -	*5th March 2001*
Coming into operation—	
Regulations 1 and 7	*1st April 2001*
Remainder	*30th April 2001*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 61(1), (2) and (2AA), 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the dental profession as required by Article 61(4) of the Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2001.

(2) This regulation and regulation 7 of these Regulations shall come into operation on 1st April 2001 and all other regulations shall come into operation on 30th April 2001.

(3) In these Regulations "the principal Regulations" means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(**3**).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation) insert the following definitions in the appropriate places in alphabetical order—

""dental list" shall be construed in accordance with regulation 4(1);

(**1**) *See*S.I.1999/283 (N.I. 1) Article 3(6)
(**2**) 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 and Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1); and S.I. 1997/1177(N.I. 7)
(**3**) S.R. 1993 No. 326 as amended by S.R. 1993 No. 401, S.R. 1995 No. 488, S.R. 1996 Nos. 114 and 382, S.R. 1998 Nos. 245 and 404, and S.R. 1999 No. 100 and S.R. 2001 No. 2

"general anaesthesia list" shall be construed in accordance with regulation 5F;".

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (dental list)—

(a) delete "and" at the end of paragraph 2(*b*)(ii); and

(b) at the end of paragraph 2(*b*)(iii)(**4**) add—

"; and

(iv) whether the dentist's name is on the general anaesthesia list.".

Amendment of regulation 5 of the principal Regulations

4. In regulation 5 of the principal Regulations (application for inclusion in the dental list) after paragraph (2) insert—

"(2A) Where the Board determines in accordance with paragraph (2) that a dentist's name should not be included in the dental list because the Board is dissatisfied with the proposed practice premises following its inspection of them, the dentist may, within 28 days following the day he received notice of such determination, appeal in writing to the Department against it.

(2B) Where a dentist appeals in accordance with paragraph (2A), the Department shall make arrangements with the dentist to carry out an inspection of the proposed practice premises within 28 days following receipt of the dentist's notice of appeal, or such longer period as may be mutually agreed.

(2C) The inspection shall be carried out in the company of the dentist and a representative of the Board.

(2D) The Department shall, following the inspection, determine whether the proposed practice premises are proper and sufficient for the provision of general dental services.

(2E) Where the Department determines, in accordance with paragraphs (2B) to (2D), that the proposed practice premises are proper and sufficient for the provision of general dental services, it shall notify the Board forthwith and the Board shall, on receiving such notification, include the dentist's name in the dental list forthwith and inform the dentist accordingly.".

General anaesthesia list

5. After regulation 5E of the principal Regulations(**5**) insert—

"**General anaesthesia list**

5F.—(1) The Board shall draw up and maintain a list (in these Regulations referred to as the "general anaesthesia list") of the names of those dentists who provide any treatment to patients under general anaesthesia and a dentist's name may only be included in a Board's general anaesthesia list if his name is included in that Board's dental list.

(2) The general anaesthesia list shall, in addition to containing the name of a dentist, contain the addresses of all of the practice premises at which he provides treatment to patients under general anaesthesia.

(**4**) Regulation 4(2)(*b*)(iii) was inserted in the principal Regulations by S.R. 1998 No. 245, regulation 2
(**5**) Regulation 5E was inserted in the principal Regulations by S.R. 1993 No. 401, regulation 4

(3) A dentist whose name is included in a Board's general anaesthesia list may only provide treatment under general anaesthesia at premises which are specified against his name in the list.

(4) Any dentist whose name is, on 30th April 2001, on a Board's dental list shall have his name included in that Board's general anaesthesia list if he notifies the Board in writing within 14 days of that date of his wish for his name to be included in that list.

(5) Where paragraph (4) does not apply a dentist may apply to a Board for the inclusion of his name in its general anaesthesia list by writing to the Board specifying the premises at which he intends to perform treatments on patients under general anaesthesia.

(6) Where a dentist makes an application in accordance with paragraph (5) the Board shall inspect the dentist's proposed practice premises and, unless the dentist otherwise agrees, the Board shall determine that application within 14 days of such inspection.

(7) Where the Board determines in accordance with paragraph (6) that a dentist's name should be included in its general anaesthesia list, it shall, as soon as is reasonably practicable, add the dentist's name to its list and inform the dentist accordingly.

(8) Where the Board determines in accordance with paragraph (6) that a dentist's name should not be included in its general anaesthesia list because the Board is dissatisfied with the proposed practice premises following its inspection of them, the dentist may, within 28 days following the day he received notice of such determination, appeal in writing to the Department against it.

(9) Where a dentist appeals in accordance with paragraph (8), the Department shall make arrangements with the dentist to carry out an inspection of the proposed practice premises within 28 days following receipt of a dentist's notice of appeal, or such longer period as may be mutually agreed.

(10) The inspection shall be carried out in the company of the dentist and a representative of the Board.

(11) The Department shall, following the inspection, determine whether the proposed practice premises are proper and sufficient for the provision of treatment under general anaesthesia.

(12) Where the Department determines, in accordance with paragraphs (9) to (11), that the proposed practice premises are proper and sufficient for the provision of treatment under general anaesthesia, it shall notify the Board forthwith and the Board shall, on receiving such notification, add the dentist's name to its general anaesthesia list forthwith and inform the dentist accordingly.

(13) A dentist may apply for his name to be removed from the general anaesthesia list by notifying the Board of his wish in writing.

(14) A dentist's name shall be removed from the general anaesthesia list forthwith if his name is removed for any reason from the Board's dental list.

Removal from, or amendment of, general anaesthesia list

5G.—(1) Where, following an inspection under paragraph 33A(6) of Schedule 2, the Board determines that the practice premises are no longer proper and sufficient for the provision of treatment under general anaesthesia, it shall inform the dentist accordingly and the dentist may, within 28 days following the day he received notice of such determination, appeal in writing to the Department against it.

(2) In a case falling within paragraph (1), the Board shall ascertain whether the dentist has appealed and, where he has not done so, shall, subject to paragraph (8), remove his name from the general anaesthesia list forthwith.