1995 No. 488

HEALTH AND PERSONAL SOCIAL SERVICES

General Dental Services (Amendment) Regulations (Northern Ireland) 1995

Made . . . . . *21st December 1995*

Coming into operation . . *21st December 1995*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 61(1), (2) and (2AA), 106 and 107(6) of, and paragraph 8E of Part I of Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) 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 said Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 21st December 1995.

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (interpretation), in paragraph (1), after the definition of "supply" there shall be inserted—

" "suspended by direction of the Tribunal" means suspended as respects the provision of general dental services to patients by a direction of the Tribunal made pursuant to paragraph 8A(2) or 8B(1) of Part I of Schedule 11 to the Order(**c**) or to any provisions in force in England and Wales or Scotland corresponding to those provisions;".

Amendment of regulation 5 of the principal regulations

3. In regulation 5 of the principal regulations (application for inclusion in the dental list), in paragraph (1)(*a*)(i), for "5A and 11"(**d**) there shall be substituted "5A, 11 and 14".

(**a**) S.I. 1972/1265 (N.I. 14) as amended by Article 13 of S.I. 1978/1907 (N.I. 26); Articles 30, 34 and 35 and Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1); paragraph 8E of Part I of Schedule 11 was inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

(**b**) S.R. 1993 No. 326 as amended by S.R. 1993 No. 401

(**c**) Paragraph 8A or 8B of Part I of Schedule 11 were inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

(**d**) The reference to "5A" was inserted by S.R. 1993 No. 401, regulation 3(1)(*b*)

Amendment of regulation 8 of the principal regulations

4. In regulation 8 of the principal regulations (removal from dental list), in paragraph (5)—

(*a*) at the end of sub-paragraph (*b*), "or" shall be omitted; and

(*b*) at the end of sub-paragraph (*c*) there shall be inserted—

"; or

(*d*) the dentist was suspended by direction of the Tribunal".

Amendment of regulation 13 of the principal regulations

5.—(1) Regulation 13 of the principal regulations (transfer of continuing care and capitation arrangements) shall be amended as follows:

(2) In paragraph (1)—

(*a*) for "paragraph (2)" there shall be substituted "paragraphs (2) and (3)"; and

(*b*) after "ceases to have his name included in the dental list" there shall be inserted "or is suspended by direction of the Tribunal".

(3) After paragraph (2) there shall be inserted—

"(3) Where a suspension by direction of the Tribunal ceases to have effect and the suspended dentist continues to be included in the dental list, the Board shall make arrangements for any continuing care arrangements or capitation arrangements transferred under paragraph (1) which are still in force (including any such arrangement which has been extended under paragraph 8 or 9 of Schedule 2) to be transferred back to the original dentist, subject to the agreement of the patients concerned".

Amendment of regulation 25 to the principal regulations

6. In regulation 25 of the principal regulations (entitlement to payments), in paragraph (4)—

(*a*) at the end of sub-paragraph (*f*), "or" shall be omitted; and

(*b*) at the end of sub-paragraph (*g*) there shall be inserted—

"; or

(*h*) during which he is suspended by direction of the Tribunal".

Payments to dentists suspended by direction of the Tribunal

7. After regulation 29, there shall be inserted the following new Part—

"PART VA

PAYMENTS IN CONSEQUENCE OF SUSPENSION BY THE TRIBUNAL

Payments to dentists suspended by direction of the Tribunal

29A.—(1) The Agency shall make payments to any dentist who is suspended by direction of the Tribunal in accordance with the Department's determination for the time being in force in relation to such payments.