1993 No. 401

HEALTH AND PERSONAL SOCIAL SERVICES

General Dental Services (Amendment) Regulations (Northern Ireland) 1993

Made . . . . . 28th September 1993

Coming into operation . . 1st October 1993

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 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) 1993 and shall come into operation on 1st October 1993.

(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) the following definitions shall be inserted in the appropriate places in the alphabetical order—

"appeal body" means a body prescribed in regulation 5D;

"approved trainer" means a dentist on a dental 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 him to act as a trainer;

"the Council" means the Northern Ireland Council for Postgraduate Medical and Dental Education;

"vocational training" means a period of one year's full-time employment (or an equivalent period of part-time employment) during which a

(**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 of, Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1)

(**b**) S.R. 1993 No. 326

dentist 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 requires with the aim and objectives set out in Schedule 10;

"vocational training certificate" means a certificate, confirming that a dentist has completed vocational training, signed in Northern Ireland, England or Wales by a postgraduate dental dean or Director of postgraduate dental education or by a Director of the Royal Dental Naval Service or the Director of the Royal Army Dental Corps or the Director of the Dental Branch of the Royal Air Force, and in Scotland by the Chairman of the Scottish Dental Vocational Training Committee or by a Regional General Dental Practice Vocational Training Adviser;

"vocational training number" means the number allocated to a dentist by the Council in accordance with regulation 5A, or by a Family Health Services Authority in England and Wales, or by a Health Board in Scotland;

"voluntary vocational training certificate" means a vocational training certificate or a letter confirming that a dentist had completed vocational training on or before the 30th September 1994 and signed in Northern Ireland by the Adviser in Vocational Training, or in either case, in England and Wales, by a postgraduate dental dean or Director of postgraduate education, or in Scotland by the Chairman of the Scottish Dental Vocational Training Committee or an officer of a Regional Committee for Postgraduate Dental Education.

Amendment of regulation 5 of the principal regulations

3. Regulation 5 of the principal regulations (application for inclusion in the dental list) shall be amended as follows—

(1) In paragraph (1)—

(*a*) at the beginning there shall be inserted "Subject to paragraph (3),"; and

(*b*) in sub-paragraph (*a*)(i), after "5" there shall be inserted ", 5A".

(2) In paragraph (2), at the beginning, there shall be inserted "Subject to paragraph (4),".

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

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

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

(*b*) in addition to his application under paragraph (1) as so modified he shall also apply to the Council for a vocational training number;

and his application for a vocational training number shall be dealt with in accordance with regulation 5A before the Board determines his application under paragraph (1).

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

Applications for vocational training numbers.

4. After regulation 5 there shall be inserted the following new regulations—

''*Applications for vocational training numbers*

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

(*a*) state that the dentist has also made an application under regulation 5(1); and

(i) specify the Board to which that application has been made; and

(ii) state the date on which it was made; and

(*b*) state that the dentist has completed vocational training and be accompanied by his vocational training certificate; or

(*c*) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to vocational 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 vocational 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 vocational training merely because the structure of the experience or training does not comply exactly with the definition of vocational training.

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

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

(*c*) he holds 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*) he has practised in primary dental care for a period of at least four years in the aggregate in either the community dental service or the armed forces of the Crown and part of that aggregate period must have fallen within four years of the date of his application under paragraph 5(1); or

(*e*) in the case of any application made before 1st October 1998, he was 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(**a**) and administered by Health and Social Services Boards and Health and Social Services Trusts, and in England and Wales, under sections 3(1)(*c*), 5(1)(*a*) and (1A) of the National Health Service Act 1977(**b**) and administered by District Health Authorities or National Health Service Trusts, and in Scotland under section 1 and 39(2) of the National Health Service (Scotland) Act 1978(**c**) and administered by Health Boards or National Health Service Trusts, 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 vocational training number shall be granted if the applicant—

(*a*) has had a vocational training certificate issued to him; or

(*b*) has acquired experience or completed training which ought to be regarded as equivalent to vocational training; or

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

(7) The Council shall determine whether an applicant for a vocational training number comes within one of sub-paragraphs (*b*) to (*d*) of paragraph (1) and, if the Council determines that he does, it shall allocate to him a vocational training number, notify him of that number, and enter

---

(**a**) 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

(**b**) 1977 c. 49

(**c**) 1978 c. 29

the number against the name of the applicant in a register which it shall keep for that purpose.

(8) If the Council does not allocate a vocational training number to the applicant, it shall send him a notice to that effect together with a statement setting out the reasons why it has not done so and telling him about his 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) The Council 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*) it 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 the Council, the Council 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 the Council.

(2) The designated officer shall either—

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

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

(3) Any application under regulation 5A(1)(*c*), and any application referred in accordance with paragraph (2)(*b*), shall be considered and determined by a panel, formed for the purpose, by the Council.

(4) An application under paragraph (3) shall be determined—

(*a*) where no additional information or documents are requested pursuant to regulation 5B within the period of 12 weeks beginning with the date on which the application is received, or

(*b*) where such additional information or documents are requested—

(i) within the period of 12 weeks beginning with the date on which such information or documents are received, or

(ii) where the applicant has failed to provide the additional information or documents requested, within the period of 12 weeks beginning with the date on which the period provided for in regulation 5B(1)(*b*) expired.