



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART II

#### PROVISION OF SERVICES

##### *General dental services*

#### **25 Arrangements for provision of general dental services.**

- (1) It shall be the duty of every Health Board, in accordance with regulations, to make as respects their area arrangements with dental practitioners [<sup>F1</sup>or bodies corporate entitled, by virtue of section 43 of the Dentists Act 1984 (c. 24), to carry on the business of dentistry] under which any person for whom a dental practitioner [<sup>F2</sup>or body corporate] undertakes in accordance with the arrangements to provide dental treatment and appliances shall receive such treatment and appliances; and the services provided in accordance with those arrangements are in this Act referred to as “general dental services”.
- [<sup>F3</sup>(2) Regulations may make provision as to the arrangements to be made under subsection (1), and shall include provision as to the preparation, maintenance and publication by every Health Board of a list—
- (a) the first part of which shall be of dental practitioners who, and bodies corporate referred to in that subsection which, undertake to provide general dental services under arrangements with the Board;
  - (b) the second part of which shall be of persons who do not undertake to provide such services under such arrangements but who are approved by the Board to assist in the provision of such services provided under such arrangements.
- (2A) In making provision as to the preparation, maintenance and publication of a list referred to in subsection (2), the regulations may include in particular provision as to—
- (a) the division of either part (or both parts) of a list into further sub-parts;

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- (b) eligibility for inclusion in a list;
- (c) applications for inclusion (including provision for the procedure for applications to be made and dealt with and the documents to be supplied on application);
- (d) the grounds on which an application for inclusion must be granted or refused;
- (e) requirements with which a person included in a list must comply (including requirements as to standards of performance and patient care and as to declarations, consents or undertakings);
- (f) suspension or removal from a list (including the grounds for and consequences of suspension or removal);
- (g) circumstances in which a person included in a list may not withdraw from it;
- (h) payments to be made by a Health Board in respect of a person suspended from a list (including provision for the amount of, or the method of calculating, the payment to be determined by the Scottish Ministers);
- (i) criteria to be applied in making decisions under the regulations;
- (j) disclosure of information about applicants for inclusion, refusals of applications, or suspensions, removals or references to the Tribunal, including in particular the disclosure of information about any such matter by a Health Board to the Scottish Ministers and by the Scottish Ministers to a Health Board.

(2B) Regulations may provide that—

- (a) a dental practitioner who, and a body corporate referred to in subsection (1) which, undertakes to provide general dental services under arrangements with a Health Board may not provide such services unless his name or, as the case may be, the body corporate's name is included in the first part of the Board's list referred to in subsection (2)(a);
- (b) a person who does not undertake to provide general dental services under arrangements with a Health Board may not assist in the provision of such services provided under arrangements with the Board unless his name is included in the second part of the Board's list referred to in subsection (2)(b).]

(3) The remuneration to be paid under arrangements made under this section to a dental practitioner who provides general dental services elsewhere than at a health centre shall not, <sup>F4</sup>, consist wholly or mainly of a fixed salary <sup>F5</sup>unless either—

- (a) the remuneration is paid in pursuance of arrangements made under section 33, or
- (b) the services are provided in prescribed circumstances and the practitioner consents,

and it shall be the Secretary of State's duty, before he prescribes any circumstances for the purposes of paragraph (b), to consult such organisations as appear to him to be representative of the dental profession.]

<sup>F6</sup><sup>F7</sup>(4) Subsection (4B) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner's fitness to practise is impaired.

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- (4A) For the purposes of subsection (4), a “relevant determination” that a practitioner's fitness to practise is impaired is a determination which is based solely on—
- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
  - (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
  - (c) both those grounds.
- (4B) Where this subsection applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.]
- (5) Regulations may provide for the making of payments in consequence of suspension to a dental practitioner whose registration [<sup>F8</sup>is suspended as described in subsection (4)].]

#### Subordinate Legislation Made

- P1** S. 25: for previous exercises fo this power see Index to Government Orders.
- P2** S. 25(1)(2): s. 25(1)(2) (with ss. 105(7) and 108(1)) power exercised by [S.I. 1991/1349](#)
- P3** S. 25(1)(2)(2B): s. 25(1)(2)(2B) (with ss. 70(1A), 71(1), 71A, 75, 105(7), 108(1) and Sch. 11 paras. 2(6) and 3(3)(5)) power exercised by [S.I. 1991/569](#)  
S. 25(2): s. 19 (with ss. 25(2), 26(2), 27(2), 105(7) and 108(1)) power exercised by [S.I. 1991/1188](#)

#### Textual Amendments

- F1** Words in s. 25(1) inserted (20.5.2010 for certain purposes otherwise 2.7.2010) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), [ss. 15\(a\)](#) 43(3); [S.S.I. 2010/185](#), [art. 3\(a\)\(b\)](#), Schs. 1, 2
- F2** Words in s. 25(1) inserted (20.5.2010 for certain purposes otherwise 2.7.2010) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), [ss. 15\(b\)](#) 43(3); [S.S.I. 2010/185](#), [art. 3\(a\)\(b\)](#), Schs. 1, 2
- F3** S. 25(2)-(2B) substituted (20.5.2010 for certain purposes otherwise 2.7.2010) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), [ss. 17](#), 43(3); [S.S.I. 2010/185](#), [art. 3\(a\)\(b\)](#), Schs. 1, 2
- F4** Words repealed by [Health Services Act 1980 \(c. 53\)](#), [Sch. 7](#)
- F5** Words inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 4](#)
- F6** S. 25(4)(5) added by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), [SIF 113:3](#), [s. 16\(a\)](#)
- F7** S. 25(4)(4A)(4B) substituted for s. 25(4) (coming into force in accordance with art. 1 of the amending S.I.) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), art. 49, [Sch. 6 para. 2\(2\)\(a\)](#) (with transitional provisions in Sch. 7 and [S.I. 2006/1671](#))
- F8** Words in s. 25(5) substituted (coming into force in accordance with art. 1 of the amending S.I.) by [The Dentists Act 1984 \(Amendment\) Order 2005 \(S.I. 2005/2011\)](#), art. 49, [Sch. 6 para. 2\(2\)\(b\)](#) (with transitional provisions in Sch. 7 and [S.I. 2006/1671](#))

#### Modifications etc. (not altering text)

- C1** S. 25 restricted (28.11.1997) by [1997 c. 46, s. 1\(5\)\(b\)](#); [S.I. 1997/2620](#), [art. 2\(2\)](#)

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