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STATUTORY INSTRUMENTS

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**1998 No. 1663 (S. 91)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General Dental Services) (Scotland) Amendment Regulations 1998**

<i>Made</i>	- - - -	<i>3rd July 1998</i>
<i>Laid before Parliament</i>		<i>10th July 1998</i>
<i>Coming into force</i>	- -	<i>1st August 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 25(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment Regulations 1998 and shall come into force on 1st August 1998.

**Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 1996**

2. The National Health Service (General Dental Services) (Scotland) Regulations 1996(2) shall be amended in accordance with the following provisions of these Regulations.

**Amendment of regulation 2**

3. In regulation 2 (interpretation), in paragraph (1);

(a) for the definition of “dental officer” there shall be substituted—

““dental officer” means a dentist in the service of the Board;”.

(b) in the appropriate alphabetical positions there shall be inserted—

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(1) 1978 c. 29; section 25(2) was amended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), Schedule 2, paragraph 11 and by the National Health Service and Community Care Act 1990 (c. 19), section 40(2) and Schedule 9, paragraph 19(6) and was extended by the 1988 Act, section 17; section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1996/177, amended by S.I. 1996/841 and 2060.

““the 1997 Act” means the National Health Service (Primary Care) Act 1997(3);  
“personal dental services” has the meaning given in section 1(8) of the 1997 Act;  
“pilot scheme” has the meaning given in section 1(1) of the 1997 Act;”.

#### **Amendment of regulation 4**

4. In regulation 4 (dental list), in paragraph (2)(b)–
- (a) at the end of head (i), “and” shall be omitted; and
  - (b) at the end of head (ii), there shall be inserted–  
“; and  
(iii) whether the dentist is indemnified against claims relating to the practice of dentistry in relation to dentistry performed by the dentist himself, and by any assistant, deputy and dental auxiliary whose work he directs.”.

#### **Amendment of regulation 6**

5. In regulation 6 (applications for vocational training numbers) in paragraph (3), for sub-paragraph (d) there shall be substituted–
- “(d) he has practised in primary dental care in either the Community Dental Services or the armed forces of the Crown for a period amounting in aggregate to not less than four years full-time employment (or part-time employment of equivalent duration), and has 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 his application under regulation 6(1).”.

#### **Amendment of Schedule 1**

- 6.—(1) Schedule 1 (terms of service for dentists) shall be amended as follows.
- (2) In paragraph 11 (termination of a continuing care arrangement or a capitation arrangement)–
- (a) in sub-paragraph (1), for “sub-paragraph (4)” there shall be substituted “sub-paragraphs (4) and (7) and paragraph 11A”;
  - (b) in sub-paragraph (4), at the beginning there shall be inserted “Subject to sub-paragraph (7) and paragraph 11A,”;
  - (c) after sub-paragraph (6) there shall be inserted–  
“(7) Where–  
(a) under section 5 of the 1997 Act the Secretary of State has approved a proposal for a pilot scheme under which personal dental services are to be provided, or such a proposal has been subsequently varied with the agreement of the Secretary of State or, as the case may be, in a manner authorised by directions given by the Secretary of State under section 6 of the Act; and  
(b) under the proposal (or the varied proposal) a dentist named in it as a performer of personal dental services would treat a patient under the pilot scheme and not under a continuing care arrangement or a capitation arrangement,  
the dentist shall give to him such notice of the termination of the arrangement as is required under the pilot scheme.”.
- (3) After paragraph 11 there shall be inserted–

### **“Violent patients**

#### **11A.—(1) Where—**

- (a) a person, with whom a dentist has a continuing care arrangement or a capitation arrangement, has committed an act of violence against the dentist or an employee of the dentist or has behaved in such a way that such dentist or employee has feared for his safety, and
- (b) the dentist has reported the incident to the police,

the dentist may notify the Health Board that he wishes the arrangement to be terminated immediately.

(2) Notification under sub-paragraph (1) may be given by any means including telephone or fax, but if not given in writing shall subsequently be confirmed in writing before the end of the period of seven days beginning with the date of the notification under sub-paragraph (1) (and, for this purpose, a faxed confirmation is not a written one).

(3) The time at which the dentist notifies the Health Board shall be the time at which he makes the telephone call or sends or delivers the notification to the Health Board.

(4) Where pursuant to this paragraph a dentist has notified the Health Board that he wishes a continuing care arrangement or a capitation arrangement to be terminated immediately, the Health Board shall take all reasonable steps to inform the person concerned.”.

(4) In paragraph 17 (occasional treatment) sub-paragraph (2)(a) shall be omitted.

(5) After paragraph 31C there shall be inserted—

### **“Professional indemnity**

**31D.** A dentist shall, if asked in writing to do so by a Health Board on whose dental list his name is included—

- (a) state whether he is indemnified against claims relating to the practice of dentistry in relation to dentistry performed by himself, and by any assistant, deputy and dental auxiliary whose work he directs; and
- (b) if he is so indemnified, provide documentary evidence to that effect.”.

### **Amendment of Schedule 2**

**7.** In Part I of Schedule 2 (application for inclusion in the dental list), after paragraph 15 there shall be inserted—

“**16.** Whether he is indemnified against claims relating to the practice of dentistry in relation to dentistry performed by himself, and by any assistant, deputy and dental auxiliary whose work the dentist intends to direct, and if he is so indemnified documentary evidence to that effect.

**17.** Details of any limitations imposed by the Home Office which restrict his ability to work in any specific capacity in Scotland.”.

### **Amendment of Schedule 4**

**8.** In Part II of Schedule 4 (prior approval of care and treatment), in each of paragraphs 1 and 2, for “£200” there shall be substituted “£230”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
3rd July 1998

*Sam Galbraith*  
Minister for Health, Scottish Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the 1996 Regulations”) which regulate the terms on which general dental services are provided under the National Health Service (Scotland) Act 1978.

Regulation 3 introduces definitions of words which refer to provisions in the National Health Service (Primary Care) Act 1997 (“the 1997 Act”) and substitutes an amended definition of the term “dental officer”.

Regulations 4 and 7 require additional information to be provided by dentists who are applying to be included on a dental list of a Health Board. Such dentists must now advise the Health Board if they have insurance indemnity cover and if they are subject to any Home Office restrictions on employment.

Regulation 5 makes clear that a dentist, practising dentistry in either the Community Dental Service or the armed forces, needs to have practised primary dental care for four months (or its part time equivalent) in the four years preceding his application for a vocational training certificate if he is to benefit from the relevant exemption from vocational training.

Regulation 6 amends Schedule 1 to the 1996 Regulations, which contains dentists' terms of service. It includes a provision that dentists may terminate, with immediate effect, a capitation arrangement or a continuing care arrangement with a patient who has been violent to, or who has threatened with violence, the dentist or one of his employees. Where a dentist wishes to terminate a continuing care arrangement or a capitation arrangement because he intends to perform personal dental services under the 1997 Act, instead of being required to give patients three months notice of the termination he is required to give whatever notice is specified in the agreement under which he is to perform personal dental services. Regulation 6 also places a requirement on dentists to respond to a request for information about their professional indemnity insurance from a Health Board on whose list they are included.

Regulation 8 amends Schedule 4 to the 1996 Regulations to increase from £200 to £230 the amount specified as the maximum cost or likely cost of care and treatment which a dentist may undertake without seeking the prior approval of the Scottish Dental Practice Board.

These Regulations impose no costs on business.