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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 51**

**NATIONAL HEALTH SERVICE**

**The National Health Service (General Dental Services)  
(Scotland) Amendment (No.2) Regulations 1999**

*Made* - - - - 7th September 1999  
*Laid before the Scottish  
Parliament* - - - - 10th September 1999  
*Coming into force* - - 1st October 1999

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(5), 25(1), (2), (2B) and (5), 28A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment (No.2) Regulations 1999 and shall come into force on 1st October 1999.

(2) In these Regulations the “principal Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 1996(2).

**General amendment of the principal Regulations**

2. In the following regulations, after the words “Health Board” in each place where they occur there is inserted “or primary care NHS trust”–

regulation 3 (terms of service);

regulation 5 (application for inclusion in the dental list);

regulation 6 (applications for vocational training numbers);

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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 28A was substituted by the Health Act 1999 (c. 8), section 57(1); section 105(7) which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (2) S.I.1996/177, amended by S.I.1996/841 and 2060, 1998/1663 and 2224 and 1999/724.

regulation 10 (restrictions on the right to be included in a dental list);  
 regulation 11 (removal from dental list);  
 regulation 12 (removal from dental list on grounds of age);  
 regulation 13 (withdrawal from dental list);  
 regulation 14 (information about assistants);  
 regulation 15 (information about associateship agreements);  
 regulation 16 (transfer of continuing care and capitation arrangements);  
 regulation 24 (drugs);  
 regulation 25 (recovery of overpayments);  
 regulation 27 (entitlement to payment);  
 regulation 28 (application for payment);  
 regulation 29 (amounts and times of payment);  
 regulation 30 (changes of circumstances);  
 regulation 35 (publication of particulars);  
 regulation 36 (service of documents).

### **Amendment of regulation 2 of the principal Regulations**

- 3.** In regulation 2 (interpretation)–
- (a) in paragraph (1)–
- (i) in the definition of “estimate” after the words “Health Board” there is inserted “or primary care NHS trust”;
- (ii) in the definition of “patient record” after the words “Health Board” there is inserted “or primary care NHS trust”;
- (iii) after the definition of “practice premises” there is inserted–
- ““primary care NHS trust” means an NHS trust to which certain functions referred to in section 12AA of the Act are delegated by the Health Board;”(3);
- (iv) in the definition of “salaried dentist”(4) after the word “or” there is inserted “primary care”;
- (b) in paragraph (1A) for the words “a Board” there is substituted “a Health Board or primary care NHS trust”(5).

### **Amendment of regulation 4 of the principal Regulations**

- 4.** In regulation 4 of the principal Regulations (dental list)(6)–
- (a) in paragraph (1)–
- (i) after the words “Health Board” there is inserted “or primary care NHS trust”;
- (ii) for the words “its area” there is substituted “the appropriate part of the Health Board’s area”;
- (b) in paragraph (4)–

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(3) Section 12AA was inserted by the Health Act 1999 (c. 8), section 47.

(4) The definition of “salaried dentist” was amended by S.I.1999/724.

(5) Paragraph (1A) was inserted by S.I.1999/724.

(6) To which there are amendments not relevant to these Regulations.

- (i) after the words “Health Board” there is inserted “or primary care NHS trust”;
- (ii) for the words “its area” there is substituted “the Health Board’s area”;
- (c) in paragraphs (5), (6), (8) and (9) after the words “Health Board” in each place where they occur and in paragraph (7) in the first place where those words occur and in paragraph 7(vi) where those words occur there is inserted “or primary care NHS trust”.

#### **Amendment to regulation 9 of the principal Regulations**

- 5. In regulation 9 (local directory of dentists)–
  - (a) in paragraph (1) after the words “Health Board” in each place where they occur there is inserted “or primary care NHS trust”;
  - (b) in paragraph (2)–
    - (i) after the words “Health Board” in each place where they occur there is inserted “or primary care NHS trust”;
    - (ii) after the words “Health Board's” there is inserted or “primary care NHS trust's”.

#### **Amendment of regulation 17 of the principal Regulations**

- 6. In regulation 17 of the principal Regulations (emergency dental services)–
  - (a) in paragraph (1)–
    - (i) after the words “Health Board” in the first place where they occur there is inserted “or primary care NHS trust”;
    - (ii) after the words “Health Board” in the second place where they occur there is inserted “, primary care NHS trust or NHS trust”;
    - (iii) for the words “its area” in both places where they occur there is substituted “the Health Board’s area”;
  - (b) in paragraph (2) after the words “Health Board” there is inserted “or primary care NHS trust”.

#### **Amendment of regulation 18 of the principal Regulations**

- 7. In regulation 18 (arrangements for emergency cover) after the word “or” there is inserted “primary care”.

#### **Amendment of regulation 19 of the principal Regulations**

- 8. In regulation 19 (Health Board patient information leaflets)(7)–
  - (a) in the heading after the words “Health Board” there is inserted “or primary care NHS trust”;
  - (b) after the words “Health Board or” there is inserted “primary care”;
  - (c) for the words “its area” there is substituted “the appropriate part of the Health Board’s area”;
  - (d) after the words “Health Board” in the second place where they occur there is inserted “or primary care NHS trust”.

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(7) Regulation 19 was amended by [S.I.1999/724](#).

### **Amendment of regulation 23 of the principal Regulations**

9. In regulation 23 of the principal Regulations (approval of payments), in paragraph (5) after the words “Health Board” there is inserted “or primary care NHS trust”.

### **Amendment of regulation 31 of the principal Regulations**

10. In regulation 31 (overpayments)–

- (a) after the words “Health Board's” there is inserted “or primary care NHS trust's”;
- (b) in paragraph (b) after the words “Health Board” there is inserted “or primary care NHS trust”.

### **Amendment of regulation 34A of the principal Regulations**

11. In regulation 34A of the principal Regulations (appeals from decisions of the Board)(8)–

- (a) in paragraphs (2), (3)(c)(ii), (5), (6), (8), (9), (10), (11), (12), (15) and (16) after the words “Health Board” in each place where they occur there is inserted “or primary care NHS trust”;
- (b) in paragraph (3)–
  - (i) after the words “Health Board” in the first place where they occur there is inserted “or primary care NHS trust”;
  - (ii) in sub-paragraphs (a), (b) and (c)(i) for the words “to the Health Board in whose area” there is substituted “to the appropriate Health Board or primary care NHS trust where”;
- (c) in paragraph (7) after the words “Health Board” in the first, second, third and fourth places where they occur there is inserted “or primary care NHS trust”.

### **Amendment of regulation 35 of the principal Regulations**

12. In regulation 35 of the principal Regulations (publication of particulars) for the words “its area” there is substituted “the Health Board’s area”.

### **Amendment of Schedule 1 to the principal Regulations**

13. In Schedule 1 to the principal Regulations (terms of service)–

- (a) in the following paragraphs, after the words “Health Board” in each place where they occur there is inserted “or primary care NHS trust”–
  - paragraph 2 (incorporation of provisions of Regulations);
  - paragraph 4 (a continuing care arrangement);
  - paragraph 5 (a capitation arrangement);
  - paragraph 8 (duration and extension of a continuing care arrangement);
  - paragraph 9 (duration and extension of a capitation arrangement);
  - paragraph 11 (termination of a continuing care arrangement or a capitation arrangement);
  - paragraph 11A (violent patients)(9);
  - paragraph 13 (treatment on referral);

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(8) Regulation 34A was inserted by [S.I.1996/841](#).

(9) Paragraph 11A was inserted by [S.I.1998/1663](#).

- paragraph 15 (care and treatment summaries);
  - paragraph 25 (records);
  - paragraph 27 (completion of estimate);
  - paragraph 31 (information about NHS charges)(**10**);
  - paragraphs 31A and 31B (complaints)(**11**);
  - paragraph 31C (returns)(**12**);
  - paragraph 31D (professional indemnity)(**13**);
  - paragraph 32 (patient information leaflets);
  - paragraph 33 (premises etc);
- (b) in paragraph 35 (deputies and assistants)–
- (i) in sub-paragraph (3) for the words “Health Board for that area” there is substituted “appropriate Health Board or primary care NHS trust”;
  - (ii) in sub-paragraphs (4), (5), (8), (9), (10) and (11) after the words “Health Board” in each place where they occur there is inserted “or primary care NHS trust”;
- (c) in the following paragraphs, after the word “or” in each place where it occurs there is inserted “primary care”–
- paragraph 39 (attendance);
  - paragraph 40 (general anaesthesia);
  - paragraph 41 (records);
  - paragraph 42 (drugs);
  - paragraph 43 (provision of Health Board information leaflets);
  - paragraph 44 (termination of services);
- (d) in paragraph 43 (provision of Health Board information leaflets) after the words “Health Board” in the first place where they occur and in the heading after those words there is inserted “or primary care NHS trust”.

#### **Amendment of Schedule 2 to the principal Regulations**

- 14.** In Schedule 2 to the principal Regulations (application for inclusion in the dental list)–
- (a) in paragraph 9 for the words “in the area of the Health Board” there is substituted “in the appropriate part of the Health Board’s area”;
  - (b) in paragraph 10(b) and (c) after the words “Health Board’s” there is inserted “or primary care NHS trust’s”.

#### **Amendment of Schedule 6 to the principal Regulations**

- 15.** In Schedule 6 to the principal Regulations (information to be included in Health Board patient information leaflets)–
- (a) in the heading after the words “Health Board” there is inserted “or primary care NHS trust”;

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(10) Paragraph 31 was substituted by [S.I.1996/841](#) and amended by [S.I.1996/2060](#).

(11) Paragraphs 31A was inserted by [S.I.1996/841](#) and amended by [S.I.1996/2060](#).

(12) Paragraph 31C was inserted by [S.I.1996/841](#) and amended by [S.I.1996/2060](#).

(13) Paragraph 31D was inserted by [S.I.1998/1663](#).

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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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- (b) in paragraph 2(a) for the words “its area” there is substituted “the appropriate part of the Health Board’s area”;
- (c) in paragraph 2(b) after “or” there is inserted “primary care”.

St Andrew’s House,  
Edinburgh  
7th September 1999

*SUSAN C DEACON*  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 ([S.I.1996/77](#)) (“the principal Regulations”), which provide for arrangements under which dentists provide general dental services as part of the National Health Service in Scotland.

These regulations amend the principal Regulations to include reference, where appropriate, to primary care NHS trusts to which responsibility for certain functions mentioned in Part II of the National Health Service (Scotland) Act 1978 ([c. 29](#)) are delegated by Health Boards.

The Regulations also correct regulation 2(1A) of the principal Regulations so as to refer to Health Board, rather than “Board” (regulation 3(b)).