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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 131**

**NATIONAL HEALTH SERVICE**

**The National Health Service (General Dental Services) (Scotland) Amendment Regulations 2003**

<i>Made</i>	- - - -	<i>3rd March 2003</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>5th March 2003</i>
<i>Coming into force</i>	- -	<i>1st April 2003</i>

The Scottish Ministers, in exercise of the powers conferred by sections 2(5), 25(1) and (2), 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 and commencement**

1. These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment Regulations 2003 and shall come into force on 1st April 2003.

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

2.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1996(2) are amended as follows.

(2) In regulation 2(1) (interpretation) for the definition of “salaried dentist” there is substituted—

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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, by the National Health Service and Community Care Act 1990 (c. 19), section 40(2) and Schedule 9, paragraph 19(6) and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 43 and Schedule 3 and was extended by the 1988 Act, section 17. 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) (“the 1999 Act”), Schedule 4, paragraph 60. Section 108(1) contains a definition of “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. See section 66(1) of the 1999 Act in relation to any provision of that Act being taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
- (2) S.I. 1996/177. Regulation 2 was amended by S.I. 1999/724 and S.S.I. 1999/51, 2000/188, and 352 and 2001/368. Regulation 12 was amended by S.I. 1999/724 and S.S.I. 1999/51 and 2000/188. Regulation 22 was amended by S.S.I. 2000/352 and 2002/99 and 268. Regulation 23 was amended by S.I. 1999/724 and S.S.I. 1999/51 and 2000/352 and 394.

““salaried dentist” means a dentist employed by a Health Board or primary care NHS trust who undertakes to provide general dental services at a health centre, hospital or from any vehicle or moveable facility;”.

(3) In regulation 12 (removal from dental list on grounds of age)–

(a) for paragraph (2) substitute–

“A Health Board or primary care NHS trust shall, on 1st April in every year, remove from the dental list the name of any dentist included in that list who has attained the age of 70 in the period of 12 months ending on 31st March preceding that 1st April.”;

(b) in paragraph (3) for “paragraph (1) and (2)” in both places where the words appear substitute “paragraph (2)”.

(4) In regulation 22(1) (statement of dental remuneration) in the table at the end of column 1 and column 2 respectively, insert “XIV” and “Practice allowances”.

(5) In regulation 23(4)(b) (approval of payments) for “and IX” substitute “IX, Parts II and III of X, XI, XII, XIII and XIV”.

St Andrew’s House, Edinburgh  
3rd March 2003

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the 1996 Regulations”), which make arrangements under which dentists provide general dental services as part of the Scottish Health Service.

Regulation 2(2) amends regulation 2 of the 1996 Regulations to insert a revised definition of “salaried dentist”. This is required in order to recognise, in the regulations, that salaried dentists work from mobile facilities as well as from health centres and hospitals.

Regulation 2(3) amends regulation 12 of the 1996 Regulations which specifies the age (currently 65) upon which a Health Board or primary care NHS trust must remove a dentist from its dental list. The amendment increases the age specified to 70 years.

Regulation 2(4) amends the Table set out in regulation 22 of the 1996 Regulations to add a new matter, namely “practice allowances”, to the list of matters on which Scottish Ministers shall make provision in a determination published in the Statement of Dental Remuneration. This, together with the amendment to regulation 23 of the 1996 Regulations made by regulation 2(5), will enable allowances to be paid to dentists by the Common Services Agency for the Scottish Health Service, one to recognise the increasing practice requirements in relation to the provision of high quality premises and the other for those who offer conscious sedation treatments.

Regulation 2(5) amends regulation 23 of the 1996 Regulations which requires the Common Services Agency for the Scottish Health Service to make payments to dentists in accordance with determinations contained in the Statement of Dental Remuneration. It includes the new determination in respect of “practice allowances”. It also inserts a reference in regulation 23 to Determinations XI, XII and XIII which should have been included in it in earlier regulations.