

2006 No. 321

NATIONAL HEALTH SERVICE

**The National Health Service (General Dental Services)
(Scotland) Amendment (No. 2) Regulations 2006**

<i>Made</i> - - - -	<i>7th June 2006</i>
<i>Laid before the Scottish Parliament</i>	<i>8th June 2006</i>
<i>Coming into force</i> - -	<i>1st July 2006</i>

The Scottish Ministers, in exercise of the powers conferred by sections 25(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) 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 (No. 2) Regulations 2006 and shall come into force on 1st July 2006.

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

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

(2) In regulation 31 (overpayments)(c), after “1992” insert “or regulation 4(1) of the National Health Service (Discipline Committees) (Scotland) Regulations 2006(d)”.

(3) In paragraph 2 of Schedule 1 (incorporation of provisions of Regulations)(e)—

- (a) for “Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992” substitute “the National Health Service (Discipline Committees) Regulations 2006 (d)”;
- (b) delete “and” at the end of sub-sub-paragraph (iii); and
- (c) insert at the end of sub-paragraph (c)—
“; and

(a) 1978 c.29. Section 25(2) was extended by the Health and Medicines Act 1988 (c.49), section 17 and amended by the National Health Service and Community Care Act 1990 (c.19), section 40(2) and Schedule 9, paragraph 19(6), by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 43 and Schedule 3 and by the Health Act 1999 (c.8), section 56(3); 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 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. 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).

(b) S.I. 1996/177. Relevant amending instruments are S.I. 1996/841, 1996/2060, 1998/1663 and 1999/724 and S.S.I. 1999/51, 2004/292 and 2005/95.

(c) Regulation 31 was amended by S.I. 1996/2060.

(d) S.S.I. 2006/330.

(e) Paragraph 2 of Schedule 1 was amended by S.I. 1996/841.

(d) the National Health Service (Tribunal) (Scotland) Regulations 2004 (a)".

St Andrew's House,
Edinburgh
7th June 2006

ANDREW P KERR
A member of the Scottish Executive

(a) S.S.I. 2004/38 as amended by S.S.I. 2004/122 and 271, 2005/335 and 2006/122.

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 provisions as to the arrangements under which dentists provide general dental services under the National Health Service in Scotland.

Regulation 2(2) amends regulation 31 of the 1996 Regulations (overpayments) to add a reference to the National Health Service (Discipline Committees) (Scotland) Regulations 2006, (“the Discipline Committees Regulations”).

Regulation 2(3) amends paragraph 2 of Schedule 1 to the 1996 Regulations (incorporation of provisions of Regulations) by–

- (a) substituting a reference to the Discipline Committee Regulations for the reference to the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992, which are to be revoked with effect from 1st July 2006; and
- (b) inserting a reference to the National Health Service (Tribunal) (Scotland) Regulations 2004.

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