
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 208

The National Health Service (General Dental Services) (Scotland) Regulations 2010

PART VII

MISCELLANEOUS

Revocations, savings and transitional provisions

33.—(1) Subject to paragraphs (2) and (3), the Regulations specified in Schedule 7 (“the revoked Regulations”) are hereby revoked.

(2) In respect of any general dental services provided under the revoked Regulations, payments shall be made as though the revoked Regulations and determinations made under them and in force at the relevant time continue to be in force as regards those services.

- (a) (3) (a) Sub-part A of the first part of a Health Board’s dental list on 2nd July 2010 shall be deemed to include the name of any dentist whose name was included in Part A of the dental list of that Health Board kept under regulation 4(1A) (dental list) of the 1996 Regulations⁽¹⁾ (“the previous dental list”) on 1st July 2010, together with all the information relating to that person which is contained in the previous dental list;
- (b) sub-part B of the first part of a Health Board’s dental list on 2nd July 2010 shall be deemed to include the name of any dentist whose name was included in Part B of the dental list of that Health Board kept under regulation 4(1B) (dental list) of the 1996 Regulations (“the previous dental list”) on 1st July 2010, together with all the information relating to that person which is contained in the previous dental list;
- (c) a dentist whose name is deemed to be included in a Health Board’s dental list by virtue of sub-paragraphs (a) or (b) shall be bound by the terms of service in these Regulations.

(4) Any action taken by or on behalf of a Health Board before 2nd July 2010 in relation to its previous dental list (or in relation to the persons or entries thereon), shall have effect on and after 2nd July 2010 as if such action had been taken by that Health Board in relation to the first part of the dental list maintained by that Health Board on 2nd July 2010 or in relation to the persons or entries thereon; however this paragraph shall not have the effect of extending any time limit or period which governed any such action under the 1996 Regulations when such action is deemed to have taken place on 2nd July 2010.

(5) Any action taken by or on behalf of any other person before 2nd July 2010 in relation to the previous dental list of a Health Board (or in relation to the persons or entries thereon) shall have effect on and after 2nd July 2010 as if such action had been taken in relation to the first part of the dental list maintained by that Health Board on 2nd July 2010 or in relation to the persons or entries thereon; however this paragraph shall not have the effect of extending any time limit or period which governed any such action under the 1996 Regulations when such action is deemed to have taken place on 2nd July 2010.

(1) [S.I. 1996/177](#).

(6) Any dentist whose name is deemed to be included in the dental list of a Health Board in terms of paragraph (3) shall no later than 1st October 2010—

- (a) submit to the Health Board in whose area the dentist derives most income from general dental services an enhanced criminal certificate in relation to that dentist dated not earlier than 28 days before the date of the submission to the Health Board;
- (b) for a dentist in sub-part A of the first part of a dental list provide the Health Board with the information, declarations, certificate, undertakings and consents specified in Part IA of Schedule 2 and the information contained therein insofar as this has not already been provided; and
- (c) for a dentist in sub-part B of the first part of a dental list provide the Health Board with the information, declarations, certificate undertakings and consents specified in Part IB of Schedule 2 and the information contained therein insofar as this has not already been provided.

(7) A Health Board which receives an enhanced criminal certificate under paragraph (6)(a) shall share the information contained in the certificate with any other Health Board in whose area the dentist provides general dental services.

(8) The Health Board may extend the period prescribed in sub-paragraph (6) for such time as it considers appropriate in the circumstances of the case if it thinks it is not reasonably practicable for that dentist to provide it with such certificate, declarations and consent within the prescribed period.

(9) Any dentist who wishes to be included in the second part of a Health Board's dental list shall be entitled to assist in the provision of general dental services in the Health Board's area without the name of that person being included in that list until 1st October 2010.

(10) The provisions of this regulation are without prejudice to the provisions of section 16 or 17 of the Interpretation Act 1978(2).