
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 226

**The National Health Service (Discipline Committees)
(Scotland) Amendment Regulations 2010**

Amendment of the principal Regulations

- 2.—(1) The principal Regulations are amended in accordance with the following paragraphs.
- (2) In regulation 2(1) (interpretation)—
- (a) insert after the definition of “complaint”—
- ““dental body corporate” means a body corporate entitled by virtue of section 43 of the Dentists Act 1984⁽¹⁾ to carry on the business of dentistry;”;
- (b) insert after the definition of “doctor’s panel”—
- ““him or her” includes “it” when referring to a practitioner who is a dental body corporate;
- “his or her” includes “its” when referring to a practitioner who is a dental body corporate;”;
- (c) for the definition of “General Dental Services Regulations” substitute ““General Dental Services Regulations” means, in respect of the period to 1st July 2010, the National Health Service (General Dental Services) (Scotland) Regulations 1996⁽²⁾ and, in respect of the period from 2nd July 2010, the National Health Service (General Dental Services) (Scotland) Regulations 2010⁽³⁾;”;
- (d) in the definition of “practitioner”—
- (i) for “Schedules 1 and 2” substitute “Schedule 1”;
- (ii) after “dentist”, insert “a dental body corporate;”;
- (e) in the definition of “terms of service” after “dentists” insert “or dental bodies corporate”;
- (f) in the definition of “treatment” after “dentist” insert “or dental body corporate”.
- (3) In regulation 2(2)(a) after “Regulations” insert “in respect of the period to 1st July 2010 and paragraph 37 of Schedule 1 to the National Health Service (General Dental Services) (Scotland) Regulations 2010 in respect of the period from 2nd July 2010”.
- (4) In regulation 4(6)(a)(ii) (provisions relating to the start of disciplinary proceedings) after “dentist” insert “or a dental body corporate”.
- (5) In regulation 5(3)(b) (referral to discipline committee) after “dentist” insert “or a dental body corporate”.
- (6) In regulation 6(7)(c) (time limits)—
- (a) after “dentist” where it first occurs insert “or dental body corporate”;

(1) 1984 c.24; section 43 was substituted by S.I. 2005/2011, article 39.

(2) S.I. 1996/177 amended by S.I. 1996/841 and 2060, 1998/1663 and 2259, 1999/724 and 2005/2011 and by S.S.I. 1999/51, 2000/188, 352, 394, 2001/57, 368, 2002/99, 192, 268, 2003/131, 422, 2004/37, 292, 2005/95, 2006/137, 321, 2007/191, 4222009/96, 183 and 2010/33, and to be revoked by S.S.I. 2010/208 on 2nd July 2010.

(3) S.S.I. 2010/208.

(b) omit “by the dentist” in both places, where it appears.

(7) In regulation 10(7)(b) (procedure on appeal to Scottish Ministers) after “dentist” insert “or a dental body corporate”.

(8) In regulation 11 (recovery of amounts from practitioners following appeal) after “dentist” in each place where it appears insert “or dental body corporate”.

(9) In regulation 16 (attendance by member of Council on Tribunals) and the heading to that regulation for “Council on Tribunals” substitute “Administrative Justice and Tribunals Council”.

(10) In Schedule 1, (constitution of discipline committees) paragraph 2(4)(b) after “dentist” insert “or dental body corporate”.

(11) In Schedule 2 (procedure for investigation by discipline committees)—

(a) omit paragraph 2(1)(a) (disciplinary matters in relation to non listed deputy or assistant to a dentist);

(b) in paragraph 2(1) omit “deputy, assistant or”;

(c) in paragraph 5 (attendance at hearing)—

(i) in sub-paragraph (2)(a) after “practitioner” insert “or, where the practitioner is a dental body corporate, a person who exercises some control over that dental body corporate”;

(ii) after sub-paragraph (5) insert—

“(6) For the purposes of paragraph 5(2)(a) a person who exercises some control over a body corporate is, in the case of a—

(a) company, a director,

(b) limited liability partnership, a member,

(c) partnership, a partner.”;

(d) in paragraph 9 (interpretation)—

(i) for sub-paragraph (a) substitute—

““lay member” has the same meaning given to it in paragraph 8 of Schedule 1”;

(ii) in sub-paragraph (b)(ii) after “dentist” where it second occurs, insert “or a dental body corporate”.

(12) In Schedule 4 (advisory committees)—

(a) after paragraph 2 insert—

“**2A.** A failure to ensure a proper degree of skill and attention in the treatment of a patient is specified for the purposes of regulation 11(2) in relation to a dental body corporate.”;

(b) in paragraph 5 after “dentists” insert “or dental bodies corporate”.