

**2010 No. 229**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Vocational Training for General Dental Practice) (Scotland) Amendment Regulations 2010**

<i>Made</i> - - - -	<i>9th June 2010</i>
<i>Laid before the Scottish Parliament</i>	<i>10th June 2010</i>
<i>Coming into force</i> - -	<i>2nd July 2010</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2(5), 25(2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Vocational Training for General Dental Practice) (Scotland) Amendment Regulations 2010 and come into force on 2nd July 2010.

**Amendment of the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004**

2.—(1) The National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004(b) are amended in accordance with the following paragraphs.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the 1996 Regulations” insert—

““the 2010 Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 2010(c);”;

(b) for the definition of “dental list” substitute—

““dental list” means, in respect of the period to 1st July 2010, the dental list prepared by a health board under the 1996 Regulations, and in respect of the period on or after 2nd July 2010 the dental list prepared by a health board under the 2010 Regulations;”;

(c) after the definition of “EEA State” insert—

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(a) 1978 c.29; section 2(5) was amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), Schedule 9, paragraph 19(1); section 25(2) is substituted by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 17, with effect from 20th May 2010 for the purposes of making regulations and with full effect from 2nd July 2010 in terms of S.S.I. 2010/185; section 105(7) 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 1999 Act, Schedule 4, paragraph 60; section 108(1) defines “prescribed” and “regulations”. 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.S.I. 2004/292 as amended by S.I. 2009/2054.

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

- ““orthodontic treatment” shall have the same meaning as it has in the 2010 Regulations;
- “orthodontist” shall have the same meaning as it has in the 2010 Regulations;”;
- (d) in the definition of “vocational training number” for “the” where it second occurs, substitute “that”; and
- (e) after the definition of “vocational training number” insert—
  - ““vocational training (orthodontic) number” means, except where the context otherwise requires in regulation 2(6A), that number allocated to a dentist under regulation 2;”.
- (3) After regulation 1(2) insert—
  - “(2A) All references to “vocational training number” in regulations 4 and 5 shall also be taken to be references to “vocational training (orthodontic) number”.”.
- (4) In regulation 2 (applications for vocational training numbers)—
  - (a) in the cross heading, after “numbers” insert “and vocational training (orthodontic) numbers”;
  - (b) in paragraph (1)(a) after “list” where it second occurs, insert “or has made an application under regulation 5 of the 2010 Regulations (application for inclusion in the dental list and notification of changes) for inclusion in sub-part A of the first part of the dental list;”;
  - (c) after paragraph (1) insert—
    - “(1A) An application for a vocational training (orthodontic) number should be made in writing to the Board and shall—
      - (a) state that the dentist has made an application under regulation 5 of the 1996 Regulations for inclusion in Part A of the dental list or, has made an application under regulation 5 of the 2010 Regulations for inclusion in sub-part A of the first part of the dental list;
      - (b) state that the dentist is an orthodontist (and provide evidence of such);
      - (c) specify the Health Board to which the application has been made;
      - (d) state the date on which it was made; and
      - (e) describe the experience or training that the dentist has acquired relative to the provision of orthodontic treatment, state that that experience or training has been completed within the last 5 years and, be accompanied by written details of that experience or training;”;
  - (d) in paragraph (3)(a) for “(2A)” substitute “(ba)”;
  - (e) after paragraph (4) insert—
    - “(4A) An application for a vocational training (orthodontic) number shall be granted by the Board if the applicant has, in the opinion of the Board, acquired sufficient experience or completed training to satisfy the competencies as set out in the Schedule as modified by paragraph (4B).
    - (4B) The Schedule is modified as follows:—
      - (a) paragraph 1 of the Schedule shall have effect as if “a general dental practitioner” were substituted with “an orthodontist”; and
      - (b) paragraph 2 of the Schedule shall have effect as if “dentistry” were substituted with “orthodontic treatment.”;
  - (f) in paragraphs (5) and (7) after “vocational training number”, where it each occurs, insert “or vocational training (orthodontic) number, as the case may be”;
  - (g) after paragraph (6) insert—
    - “(6A) Once a vocational training (orthodontic) number has been allocated it will cease to be valid if the dentist concerned does not for any continuous period of 5 years commencing on or after 2nd July 2010 provide general dental services which consists solely of orthodontic treatment under the 2010 Regulations.”; and
  - (h) after paragraph (7) insert—

“(7A) For the avoidance of doubt paragraph (3) does not apply to any application for a vocational training (orthodontic) number.”.

(5) After regulation 3(2) (satisfactory completion of vocational training) insert—

“(3) This regulation shall not apply to any assessment of an application for a vocational training (orthodontic) number.”.

(6) Immediately prior to regulation 8 (transitional and saving provision) insert—

**“Consequential amendments to the 2010 Regulations**

**7A.** The 2010 Regulations are amended as follows—

(a) in regulation 7(1)(j) (grounds for refusal of application) after ““vocational training number” insert—

“or where that dentist will only provide orthodontic treatment, a vocational training (orthodontic) number allocated to that dentist under regulation 2 of the National Health Service (Vocational Training in General Dental Practice) (Scotland) Regulations 2004”; and

(b) in paragraph 1(d) of Part 1A of Schedule 2, after “applicant has one” insert—

“or where the services are to be restricted to orthodontic treatment, the applicant’s vocational training (orthodontic) number, as referred to in regulation 7(1)(j).”.

*SHONA ROBISON*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
9th June 2010

## EXPLANATORY NOTE

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

These regulations make amendments (regulation 2(2)(a) and (b)) to the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004 (the “principal regulations”) in consequence of the consolidation and re-enactment of the National Health Service (General Dental Services) (Scotland) Regulations 1996 (S.I. 1996/177) by the National Health Service (General Dental Services) (Scotland) Regulations 2010 (the “2010 regulations”), (S.S.I. 2010/208).

They also make amendments to the principal regulations to allow NHS Education for Scotland (defined as “the Board” in those regulations) to issue a vocational training orthodontic number to a dentist wishing to specialise in orthodontic treatments on the dental list prepared by the health board under the 2010 regulations (regulation 2(2)(c) and (d), (3), (4) (except 2(4)(d) and (5)) and consequential amendments to the 2010 regulations to permit such dentists who wish to specialise to be entered into such lists (regulation 2(6)).

The regulations make an amendment (regulation 2(4)(d)) to regulation 2(3)(a) of the principal regulations updating a reference to the provisions of section 15 of the Dentists Act 1984 (c.24) in consequence of amendments to that section by regulation 112 of the European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101).

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