

2010 No. 33

NATIONAL HEALTH SERVICE

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

Made - - - - *8th February 2010*

Laid before the Scottish Parliament *9th February 2010*

Coming into force - - *1st April 2010*

The Scottish Ministers make the following Regulations 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 all other powers enabling them to do so.

Citation and commencement

1. These regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment Regulations 2010 and come into force on 1st April 2010.

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 16(3) (transfer of continuing care and capitation arrangements)(c) omit “(including any such arrangement which has been extended under paragraph 8 or 9 of Schedule 1)”.

(3) In Schedule 1—

(a) at paragraph 6(3) (emergency cover) omit “lapses or”;

(b) at paragraph 7(4) (repair or replacement of restorations)(d) omit “lapses or”;

(c) for paragraph 8 (duration and extension of a continuing care arrangement)(e) substitute—

(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 these 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.

(c) As relevantly amended by S.S.I. 1999/51 and 2000/188.

(d) As relevantly amended by S.I. 1998/2224.

(e) As relevantly amended by S.I. 1996/2060 and by S.S.I. 1999/51, 2006/137 and 2009/96.

“Duration of a continuing care arrangement

8. A continuing care arrangement—

- (a) may be terminated by the dentist or the Health Board in accordance with paragraph 11;
- (b) shall terminate where—
 - (i) the patient enters into a continuing care arrangement with another dentist;
 - (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might have otherwise been provided under the continuing care arrangement is to be provided privately; or
 - (iii) the dentist is suspended by direction of the Tribunal and the Health Board does not within the period of one month beginning with the date of the Tribunal’s direction arrange for it to be transferred to another dentist under regulation 16.”;

(d) for paragraph 9 (duration and extension of a capitation arrangement)(a) substitute—

“Duration of a capitation arrangement

9. A capitation arrangement—

- (a) may be terminated by the dentist or the Health Board in accordance with paragraph 11;
- (b) shall terminate where—
 - (i) the patient enters into a capitation arrangement with another dentist;
 - (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might otherwise have been provided under the capitation arrangement is to be provided privately;
 - (iii) the patient attains the age of 18; or
 - (iv) the dentist is suspended by direction of the Tribunal and the Health Board does not within the period of one month beginning with the date of the Tribunal’s direction arrange for it to be transferred to another dentist under regulation 16.”; and

(e) omit paragraph 10 (lapse of a continuing care or capitation arrangement).

SHONA ROBISON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
8th February 2010

(a) As relevantly amended by S.I. 1996/2060 and by S.S.I. 1999/51, 2006/137 and 2009/96.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the principal Regulations”), which make provisions as to the arrangements under which dentists provide general dental services under the National Health Service in Scotland. These Regulations provide for the removal of the provisions allowing a continuing care arrangement or a capitation arrangement to lapse.

Regulation 2(2) removes the cross reference to the provisions that provide for a lapse of a continuing care arrangement or capitation arrangement from regulation 16(3) of the principal Regulations.

Regulation 2(3) makes amendments to Schedule 1 to the principal Regulations—

- removing references in paragraphs 6 and 7 of that Schedule to continuing care arrangements and capitation arrangements lapsing, and substituting the provisions in paragraphs 8 and 9 for new provisions that do not provide for such arrangements lapsing; and
- revoking paragraph 10 which places duties on a dentist with regard to the lapsing of continuing care arrangements and capitation arrangements.

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