
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments, principally to the National Health Service (General Dental Services) (Scotland) Regulations 2010 (“the General Dental Services Regulations”), to make provision for a new capitation arrangement and remove references to occasional treatment.

Regulations 2 to 4 make consequential amendments to the National Health Service (Choice of Dental Practitioner) (Scotland) Regulations 1998 (“the 1998 Regulations”), the National Health Service (Dental Charges) (Scotland) Regulations 2003 and the National Health Service (Discipline Committees) (Scotland) Regulations 2006. The 1998 Regulations are also amended to update provision about making applications on behalf of persons wishing to receive dental services.

Regulations 5 to 15 amend the General Dental Services Regulations. Regulation 12(4) makes provision for the new capitation paragraph which replaces paragraph 5 of schedule 1 of the General Dental Services Regulations. The new capitation paragraph makes provision for an application to be made in writing and sets out the things that a contractor must do in accepting a patient under a capitation arrangement. These Regulations amend other provisions in the General Dental Services Regulations to remove references to continuing care arrangements (which will no longer be provided) and to amend references to “securing and maintaining” oral health as the new capitation paragraph now provides for “managing” oral health.

Regulation 6(a) amends the definition of “assistant” in regulation 2 of the General Dental Services Regulations to reflect that dentists undertaking vocational training may be supervised by a contractor.

Regulation 12(6)(b) and (14) amend provisions in schedule 1 of the General Dental Services Regulations to do with repair or replacement of restorations and treatment on referral to substitute “onlay” for “pinlay” in the list of restorations which are to be repaired or replaced.

Regulation 12(17) amends paragraph 17 of schedule 1 of the General Dental Services Regulations to remove the restriction on providing treatment under general dental services and treatment privately on the same tooth, and to remove the restriction on private provision of general anaesthesia for care and treatment to be provided under general dental services.

Regulation 12(18) removes Part III (occasional treatment) of schedule 1 of the General Dental Services Regulations. As a consequence, these Regulations amend other provisions in the General Dental Services Regulations to remove references to occasional treatment.

Regulation 13 removes schedule 3 of the General Dental Services Regulations and regulation 15 moves the majority of the information that is required to be provided to patients into schedule 5.

Regulations 16 and 17 make transitional and savings provision respectively. Regulation 16 transfers over existing capitation and continuing care arrangements which become capitation arrangements under the new paragraph 5 of schedule 1 of the General Dental Services Regulations. Regulation 17 saves the duty to repair or replace a restoration carried out in the year prior to these Regulations coming into force.

A Business and Regulatory Impact Assessment and Equality Impact Assessment have been prepared and placed in the Scottish Parliament Information Centre and are available online at [legislation.gov.uk](https://www.legislation.gov.uk).