
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 247

**The National Health Service (General Dental Services)
(Miscellaneous Amendment) (Scotland) Regulations 2023**

Amendment of schedule 1 of the General Dental Services Regulations

12.—(1) Schedule 1 (terms of service for dentists) is amended as follows.

(2) For paragraph 3 (general dental services) substitute—

“General dental services

3.—(1) In providing general dental services for any person under these Regulations a contractor shall provide for a person with whom a capitation arrangement has been entered into, care and treatment under that arrangement.

(2) A contractor may provide general dental services under these Regulations by way of treatment on referral for a person who is receiving dental services from another dentist (whether or not pursuant to the Act).”

(3) Omit paragraph 4 (a continuing care arrangement).

(4) For paragraph 5 (a capitation arrangement) substitute—

“A capitation arrangement

5.—(1) A person may apply in writing (including by an electronic communication) to enter into a capitation arrangement with a contractor.

(2) A contractor who accepts a person for care and treatment under a capitation arrangement agrees to provide that care and treatment in order to manage the patient’s oral health and must—

- (a) ensure that at the time at which the contractor accepts the patient or, where subparagraph (5) applies, at the time of a dentist’s first examination of the patient, a dentist examines the patient and charts the patient’s decayed, missing or filled teeth on the patient record,
- (b) provide education and advice to the patient (or arrange for the provision of education and advice by a person with suitable training and experience) in connection with the patient’s oral health, including information about any relevant care programmes,
- (c) ensure that care and treatment is provided and delivered—
 - (i) in a manner determined by the contractor in discussion with the patient, and
 - (ii) within a clinically appropriate timescale,
- (d) provide the patient with a treatment plan which sets out—
 - (i) any treatment required, an estimate of the NHS charge for that treatment and arrangements for how that treatment will be provided,
 - (ii) the approximate period following which a further examination is recommended by the dentist, and

- (iii) any treatment to be provided by way of private care and treatment as an alternative to the care and treatment proposed under general dental services, including particulars of the cost of that treatment,
 - (e) provide the patient with emergency cover in accordance with paragraph 6, and
 - (f) repair or replace in accordance with paragraph 7 any restoration which requires repair or replacement.
- (3) A contractor must provide a patient with a revised treatment plan where—
 - (a) in the opinion of the dentist, the care and treatment included in the treatment plan provided under sub-paragraph (2)(d) needs to be varied, or
 - (b) the patient requests a new treatment plan.
- (4) Where a contractor accepts the transfer of a capitation arrangement the contractor must—
 - (a) consider whether the patient should be provided with a new treatment plan,
 - (b) other than where the transfer is between contractors providing general dental services at the same practice premises, assume the obligation in sub-paragraph (2)(a), and
 - (c) assume the obligations in sub-paragraph (2)(b), (c), (e) and (f).
- (5) A dental nurse or dental therapist can, on behalf of a contractor, accept a patient under the age of three years of age for care and treatment under a capitation arrangement.
- (6) Where a person falls within any of the descriptions in sub-paragraph (7)—
 - (a) an application under sub-paragraph (1) is to be made on their behalf by a person mentioned in the relevant description in sub-paragraph (7) (“the representative”),
 - (b) any information (including education and advice) that is to be provided under this paragraph is to be provided to that representative, and
 - (c) any discussion under sub-paragraph (2)(c)(i) is to be undertaken with that representative.
- (7) The descriptions are—
 - (a) a person under the age of 16 years, in which case the representative may be either parent, or in the absence of both parents, the guardian or other adult person who has care of the child,
 - (b) a person who is an adult with incapacity, in which case the representative may be—
 - (i) the primary carer of that person, or
 - (ii) a person authorised under the Adults with Incapacity (Scotland) Act 2000⁽¹⁾ to act on the person’s behalf,
 - (c) a person under the age of 18 who is in the care of—
 - (i) a local authority under the Children (Scotland) Act 1995⁽²⁾, in which case the representative is a person duly authorised by that authority,
 - (ii) a voluntary organisation, in which case the representative is that organisation or a person authorised by it,
 - (d) a person in secure accommodation, in which case the representative is the provider of the secure accommodation or a person authorised by it,
 - (e) a person detained in a prison or young offenders institution, in which case the representative is a person authorised by the Scottish Ministers.”.
- (5) In paragraph 6 (emergency cover)—
 - (a) in sub-paragraph (1) omit “paragraph 18 and” and “a continuing care arrangement or”,

(1) 2000 asp 4.

(2) 1995 c. 36.

- (b) in sub-paragraph (1A)(3), for “continuing care” substitute “capitation”,
 - (c) in sub-paragraph (3) omit “the continuing care arrangement or”.
- (6) In paragraph 7 (repair or replacement of restorations)—
- (a) for sub-paragraph (1) substitute—
 - “(1) Subject to sub-paragraph (3) the contractor shall, as part of a capitation arrangement, repair or replace at no charge to the patient any restoration specified in sub-paragraph (2) which the contractor or another contractor or dentist acting on the contractor’s behalf or from whom the capitation arrangement was transferred had provided by way of personal dental services in connection with a pilot scheme or has provided under general dental services under that capitation arrangement.”,
 - (b) in sub-paragraph (2) for “pinlay” substitute “onlay” and for “secure” substitute “manage”,
 - (c) in sub-paragraph (3)(a)(ii), omit “occasional”,
 - (d) in sub-paragraph (3)(b) for “4(1)(b) or (c) or 5(1)(c) or (d)” substitute “5(2)(d) or (3)”,
 - (e) in sub-paragraph (3)(b)(ii) for “secure” substitute “manage”,
 - (f) in sub-paragraph (4) for “continuing care” substitute “capitation”.
- (7) Omit paragraph 8 (duration of a continuing care arrangement),
- (8) In paragraph 9(b) (duration of a capitation arrangement)—
- (a) in head (ii) for “and care arrangement is to provided” substitute “arrangement is to be provided”,
 - (b) omit head (iii).
- (9) In paragraph 10 (termination of a continuing care arrangement or a capitation arrangement)(4)—
- (a) in sub-paragraph (A1), omit “a continuing care arrangement or”,
 - (b) in sub-paragraph (1), omit “a continuing care arrangement before it terminates in accordance with paragraph 8, or”,
 - (c) in sub-paragraph (1A) for “continuing care” substitute “capitation”,
 - (d) in sub-paragraph (2) for “secure and maintain” substitute “manage”,
 - (e) in sub-paragraph (2A) for “(1)” substitute “(1A)”,
 - (f) in sub-paragraph (4), omit “a continuing care arrangement or”,
 - (g) in sub-paragraph (7)(b) omit “a continuing care arrangement or”,
 - (h) the paragraph’s heading becomes “Termination of a capitation arrangement”.
- (10) In paragraph 11 (violent patients)—
- (a) in sub-paragraph (A1) for “continuing care” substitute “capitation”,
 - (b) in sub-paragraphs (1) and (4), omit “a continuing care arrangement or”.
- (11) In paragraph 11A (violent behaviour against domiciliary care dentists)(5), for “continuing care” substitute “capitation” in the following places—
- (a) sub-paragraph (7),
 - (b) sub-paragraph (8),
 - (c) sub-paragraph (9),

(3) Sub-paragraph (1A) was inserted by [S.S.I. 2019/174](#).

(4) Paragraph 10 was amended by [S.S.I. 2016/53](#) and [S.S.I. 2019/174](#).

(5) Paragraph 11A was inserted by [S.S.I. 2019/174](#).

- (d) sub-paragraph (10) (both places),
- (e) sub-paragraph (11)(a).
- (12) In paragraph 12 (referral to another contractor or to a hospital or other service)—
 - (a) in sub-paragraph (1) omit “a continuing care arrangement or”,
 - (b) in sub-paragraph (2)(a)(ii) for “secure and maintain” substitute “manage”.
- (13) In paragraph 13(2)(za) (referral to dental students)(6), for “continuing care” substitute “capitation”.
- (14) In paragraph 14 (treatment on referral)—
 - (a) in sub-paragraphs (1) and (2) omit “otherwise than under Part III of this Schedule”,
 - (b) in sub-paragraph (5) for “pinlay” substitute “onlay”,
 - (c) in sub-paragraph (6)(a)(ii) omit “occasional”.
- (15) In paragraph 15 (inability of contractor to complete care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral)—
 - (a) omit “a continuing care arrangement or”,
 - (b) the paragraph’s heading becomes “Inability of contractor to complete care and treatment under a capitation arrangement or treatment on referral”.
- (16) In paragraph 16 (care and treatment summaries) omit “a continuing care arrangement or”.
- (17) In paragraph 17 (mixing of general dental services and private care and treatment)—
 - (a) in sub-paragraph (1)(a) and (2)(a)(i)—
 - (i) omit “a continuing care arrangement or”,
 - (ii) for “secure and maintain” substitute “manage”,
 - (b) omit sub-paragraphs (3)(a) and (c).
- (18) Omit part III (occasional treatment).
- (19) In paragraph 22 (standards of care)—
 - (a) In sub-paragraphs (1)(b) and (2)(b) omit “19,”,
 - (b) in sub-paragraphs (1)(d) and (2)(d) omit “occasional treatment and”,
 - (c) in sub-paragraphs (1)(d) and (e) and (2)(d) and (e) for “secure and maintain” substitute “manage”.
- (20) In paragraph 27 (records)—
 - (a) in sub-paragraph (1)—
 - (i) omit “a continuing care arrangement or” in both places it occurs,
 - (ii) omit “(c) occasional treatment”,
 - (iii) for “securing and maintaining” substitute “managing”,
 - (iv) omit “or occasional treatment”,
 - (b) in sub-paragraph (2)—
 - (i) omit “a continuing care arrangement or”,
 - (ii) omit “or occasional treatment”.
- (21) In paragraph 28 (prior approval of care and treatment) omit sub-paragraph (6).
- (22) In paragraph 30(2) (completion of claim forms) for “18” substitute “26”.

(6) Sub-paragraph (2)(za) was inserted by [S.S.I. 2019/174](#).

(23) In paragraph 32 (completion of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral)—

- (a) in sub-paragraph (1) omit “a continuing care arrangement or”,
- (b) the paragraph’s heading becomes “Completion of care and treatment under a capitation arrangement or treatment on referral”.

(24) In paragraph 50 (attendance at the care home)(7)—

- (a) in sub-paragraph (3) for “informs” to the end of the sub-paragraph substitute “applies to enter into a capitation arrangement, the domiciliary care dentist must, within 6 weeks beginning with the day on which the application was made, examine and accept the patient in accordance with paragraph 5 of this schedule.”,
- (b) in sub-paragraphs (4) and (5) for “continuing care” substitute “capitation”.

(25) In paragraph 51(1) (in-hours emergencies), for “continuing care” substitute “capitation”.

(26) In paragraph 54(2)(a) (voluntary removal of designation as a domiciliary care dentist), for “continuing care” substitute “capitation”.

(7) Paragraphs 50 to 55 were inserted by [S.S.I. 2019/174](#).