



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

General dental services

25 Arrangements for provision of general dental services.

- (1) It shall be the duty of every Health Board, in accordance with regulations, to make as respects their area arrangements with dental practitioners under which any person for whom a dental practitioner undertakes in accordance with the arrangements to provide dental treatment and appliances shall receive such treatment and appliances; and the services provided in accordance with those arrangements are in this Act referred to as “general dental services”.
- (2) Regulations may make provision as to the arrangements to be made under subsection (1), and shall include provision—
 - (a) for the preparation and publication of lists of dental practitioners who undertake to provide general dental services;
 - [^{F1}(b) for conferring a right, subject to—
 - (i) [^{F2}subsections (2A) and (2B)]
 - (ii) the provisions of this Part relating to the disqualification of persons providing services; and
 - (iii) section 8 (persons over retiring age) of the Health and Medicines Act 1988 and regulations made under that section,on any dental practitioner who wishes to be included in any such list to be so included;]

^{F3}(c)

Status: Point in time view as at 27/09/2005.

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- (d) for the removal from the list of dental practitioners undertaking to provide general dental services for persons in any area of the name of a dental practitioner in whose case it has been determined in such manner as may be prescribed that he has never provided, or has ceased to provide, general dental services for persons in that area.
- [^{F4}(2A) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the list kept by a Health Board unless he satisfies the Board that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provisions of general dental services in the Board's area.]
- [^{F5}(2B) Regulations may make the exercise of the right conferred by virtue of paragraph (b) of subsection (2) subject to any provision made by or under the regulations, and, in such cases as may be prescribed, may confer a right of appeal to a prescribed body in respect of a refusal to include a dental practitioner on such a list as is referred to in paragraph (a) of that subsection.]
- (3) The remuneration to be paid under arrangements made under this section to a dental practitioner who provides general dental services elsewhere than at a health centre shall not, ^{F6}, consist wholly or mainly of a fixed salary [^{F7}unless either—
- (a) the remuneration is paid in pursuance of arrangements made under section 33, or
 - (b) the services are provided in prescribed circumstances and the practitioner consents,
- and it shall be the Secretary of State's duty, before he prescribes any circumstances for the purposes of paragraph (b), to consult such organisations as appear to him to be representative of the dental profession.]
- [^{F8}[^{F9}(4) Subsection (4B) applies where the registration of a dental practitioner in the dentists register is suspended—
- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
 - (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner's fitness to practise is impaired.
- (4A) For the purposes of subsection (4), a “relevant determination” that a practitioner's fitness to practise is impaired is a determination which is based solely on—
- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
 - (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
 - (c) both those grounds.
- (4B) Where this subsection applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.]
- (5) Regulations may provide for the making of payments in consequence of suspension to a dental practitioner whose registration [^{F10}is suspended as described in subsection (4)].]

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Subordinate Legislation Made

- P1** S. 25: for previous exercises for this power see Index to Government Orders.
- P2** S. 25(1)(2): s. 25(1)(2) (with ss. 105(7) and 108(1)) power exercised by S.I. 1991/1349
- P3** S. 25(1)(2)(2B): s. 25(1)(2)(2B) (with ss. 70(1A), 71(1), 71A, 75, 105(7), 108(1) and Sch. 11 paras. 2(6) and 3(3)(5)) power exercised by S.I. 1991/569
- S. 25(2): s. 19 (with ss. 25(2), 26(2), 27(2), 105(7) and 108(1)) power exercised by S.I. 1991/1188

Textual Amendments

- F1** S. 25(2)(b) substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 19(6)**
- F2** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 40(2)
- F3** S. 25(2)(c) repealed (1.10.1998) by 1997 c. 46, s. 41(10)(12), Sch. 2 Pt. I para. 43, **Sch. 3 Pt. I**; 1998/1998, art. 2(2)(b), Sch. 2
- F4** S. 25(2A) inserted by S.I. 1981/432, **art. 4(3)(b)**
- F5** S. 25(2B) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 40(3)
- F6** Words repealed by Health Services Act 1980 (c. 53), **Sch. 7**
- F7** Words inserted by Health Services Act 1980 (c. 53), **Sch. 6 para. 4**
- F8** S. 25(4)(5) added by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 16(a)
- F9** S. 25(4)(4A)(4B) substituted for s. 25(4) (coming into force in accordance with art. 1 of the amending S.I.) by The Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), art. 49, **Sch. 6 para. 2(2)(a)** (with transitional provisions in Sch. 7 and S.I. 2006/1671)
- F10** Words in s. 25(5) substituted (coming into force in accordance with art. 1 of the amending S.I.) by The Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), art. 49, **Sch. 6 para. 2(2)(b)** (with transitional provisions in Sch. 7 and S.I. 2006/1671)

Modifications etc. (not altering text)

- C1** S. 25 restricted (28.11.1997) by 1997 c. 46, s. 1(5)(b); S.I. 1997/2620, **art. 2(2)**
- C2** S. 25(2) extended by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 17(1)
- C3** S. 25(2)(b) modified (4.3.2004) by The National Health Service (Tribunal) (Scotland) Regulations 2004 (S.S.I. 2004/38), **reg. 26(2)(b)** (with regs. 32-34)

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