
STATUTORY INSTRUMENTS

1990 No. 1772

**The National Health Service (General Dental Services)
(Miscellaneous Amendments) (Scotland) Regulations 1990**

Transitional provisions

19.—(1) Where—

- (a) a dentist has begun treatment of a patient before 1st October 1990 with a view to securing dental fitness in accordance with paragraph 2(1)(b) of Schedule 1 to the principal Regulations as in force before that date; and
- (b) that treatment is not completed by 1st October 1990,

the principal Regulations shall continue to have effect as respects completion of that treatment as if these Regulations had not been made, unless and until that dentist accepts the patient for care and treatment under a continuing care arrangement or a capitation arrangement under the principal Regulations as amended by these Regulations.

(2) A dentist shall not accept for care and treatment under a continuing care arrangement or a capitation arrangement a patient who is receiving treatment pursuant to paragraph (1), other than orthodontic treatment, and remains willing to undergo that treatment (whether or not pursuant to that paragraph).

(3) A patient who, before 1st October 1990, is receiving care and treatment from a dentist under a capitation arrangement under Part IV of Schedule 1 to the principal Regulations as in force before that date shall be treated as having applied to, and been accepted on that date by, that dentist for care and treatment under a capitation arrangement under the principal Regulations as amended by these Regulations; and in relation to such a patient paragraph 5 of Schedule 1 to the principal Regulations shall have effect as if the references in paragraph 5(1)(a) to the time at which the dentist accepts the patient were to the time of his consultation with the patient after 1st October 1990 and in paragraph 5(1)(b) and (c) to the time of the dentist's first examination of the patient were to the time of the first such examination taking place on or after 1st October 1990.

(4) The amendments made by these Regulations to the National Health Service (Dental Charges) (Scotland) Regulations 1989(1) shall apply in relation to general dental services only where the contract or arrangement leading to the provision of the services is made on or after 1st October 1990.

(5) Where on or after 1st October 1990 a matter falls to be investigated, referred or determined (whether by a service committee, a Health Board, the Secretary of State or otherwise) under Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(2) following a complaint which relates to treatment, as part of general dental services, begun before 1st October 1990, those Regulations shall apply to the investigation, referral or determination of that matter as if these Regulations had not been made.

(1) S.I. 1989/363

(2) S.I. 1974/504, amended by S.I. 1974/1031 and 1988/878