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STATUTORY INSTRUMENTS

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**1992 No. 16 (S.1)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General Dental Services)  
(Miscellaneous Amendments) (Scotland) Regulations 1992**

<i>Made</i>	- - - -	<i>9th January 1992</i>
<i>Laid before Parliament</i>		<i>10th January 1992</i>
<i>Coming into force</i>		
<i>For the purposes of regulations 2(3) and 4</i>		<i>1st February 1992</i>
<i>For all other purposes</i>		<i>1st March 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 25(1), and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1992 and shall come into force—

- (a) for the purposes of regulations 2(3) and 4, on 1st February 1992; and
- (b) for all other purposes, on 1st March 1992.

**Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 1974**

2.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1974(2) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 12A (prior approval patterns of treatment) in paragraph (6) after the words “dated 28th August 1990” there are inserted the words “and amended on 9th January 1992”.

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- (1) 1978 c. 29; section 25(2) was extended by the Health and Medicines Act 1988 (c. 49), section 17; section 25(2)(b) was substituted by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(6) and was further amended by the 1990 Act, section 40(2); section 105(7) 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.
- (2) S.I. 1974/505; the relevant amending instrument is S.I. 1990/1772.

(3) In Part II of Schedule 1 (terms of service continuing care and capitation arrangements and treatment on referral)—

(a) for head (c) of paragraph 4(1) there is substituted the following head:—

“(c) where at any time during the currency of a continuing care arrangement—

- (i) the circumstances specified in sub-paragraph (1A) apply; or
- (ii) in the opinion of the dentist, the care and treatment included in the plan for treatment provided under head (b) or this head of this sub-paragraph needs to be varied,

provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (b) of this sub-paragraph.”;

(b) after paragraph 4(1) there are inserted the following sub-paragraphs:—

“(1A) The circumstances in which the obligation mentioned in sub-paragraph (1)(c) (i) applies are where—

- (a) the patient requests a new plan for treatment; or
- (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
- (c) the care and treatment which is to be provided includes any of the items of treatment mentioned in sub-paragraph (1B).

(1B) The items of treatment referred to in sub-paragraph (1A)(c) are—

- (a) non-surgical treatment of chronic periodontal diseases which is likely to involve three or more visits;
- (b) provision of three or more permanent fillings;
- (c) endodontic treatment;
- (d) provision of veneers, inlays, crowns and bridges;
- (e) all surgical treatment other than the extractions of teeth;
- (f) the extraction of—
  - (i) more than two teeth; or
  - (ii) any tooth which, in the opinion of the dentist, is likely to present special difficulty;
- (g) provision of general anaesthesia or sedation in connection with any item of treatment;
- (h) provision of prosthetic appliances; and
- (i) orthodontic care and treatment.”;

(c) for head (d) of paragraph 5(1) there is substituted the following head:—

“(d) where at any time during the currency of a capitation arrangement—

- (i) the circumstances specified in sub-paragraph (1A) apply; or
- (ii) in the opinion of the dentist, the care and treatment included in a plan for treatment provided under head (c) or this head of this sub-paragraph needs to be varied,

provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (c) of this sub-paragraph.”; and

(d) after paragraph 5(1) there is inserted the following sub-paragraph:—

“(1A) The circumstances in which the obligation mentioned in sub-paragraph (1)(d)

(i) applies are where—

- (a) the patient requests a new plan for treatment; or
- (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
- (c) the care and treatment which is to be provided includes any care and treatment for which the dentist is remunerated otherwise than in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration dated 28th August 1990 and amended on 9th January 1992.”.

(4) In paragraph 24 of Part IV of Schedule 1 (terms of service prior approval of treatment) in sub-paragraph (6) after the words “dated 28th August 1990” there are inserted the words “and amended on 9th January 1992”.

(5) In Part II of Schedule 1C (prior approval treatment) in paragraph 3(a) after the words “dated 28th August 1990” there are inserted the words “and amended on 9th January 1992”.

### **Amendment of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974**

3. In regulation 2(1) (interpretation) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(3) in the definition of “treatment” in head (iv) of sub-paragraph (b) after the words “dated 28th August 1990” there are inserted the words “and amended on 9th January 1992”.

### **Application of these Regulations**

4.—(1) The amendments made by regulation 2(3) of these Regulations shall apply only in relation to a course of care and treatment commenced on or after 1st February 1992.

(2) In paragraph (1) above the expression “care and treatment” shall have the same meaning as in the National Health Service (General Dental Services) (Scotland) Regulations 1974.

(3) Until 1st March 1992 the new sub-paragraph (1A)(c) inserted in paragraph 5 of Schedule 1 to the National Health Service (General Dental Services) (Scotland) Regulations 1974 by regulation 2(3)(d) of these Regulations shall have effect as if the words “and amended on 9th January 1992” were omitted.

St Andrew’s House,  
Edinburgh  
9th January 1992

*Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Dental Services) (Scotland) Regulations 1974, which regulate the terms on which general dental services are provided under the National Health Service (Scotland) Act 1978.

Regulations 2(3) amends paragraphs 4 and 5 of the dentist's terms of service by restricting the circumstances in which dentists are obliged to provide patients with treatment plans during the currency of a continuing care or capitation arrangement.

Regulations 2(2), (4) and (5) and 3 make changes consequential upon the removal of some endodontic treatment from the items of treatment for which a dentist is remunerated by a capitation payment. A consequential amendment of the definition of the word "treatment" in regulation 2(1) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974 is also made (regulation 3).

Copies of Determination I of the Statement of Dental Remuneration, which is referred to in these Regulations, may be obtained from the Scottish Office Home and Health Department, Room 155, St Andrew's House, Edinburgh EH1 3DE.