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STATUTORY INSTRUMENTS

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**1993 No. 2209**

**The National Health Service (General Dental Services) Amendment Regulations 1993**

**Applications for vocational training numbers**

4. After regulation 5 there shall be inserted the following new regulations—

**“Applications for vocational training numbers**

**5A.—(1)** An application for a vocational training number shall be in writing and—

- (a) shall state that the dentist has also made an application under regulation 5(1), and
  - (i) specify the FHSA to which that application has been made, and
  - (ii) state the date on which it was made; and
- (b) shall either—
  - (i) state that the dentist has completed vocational training and be accompanied by his vocational training certificate, or
  - (ii) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to vocational training and be accompanied by written details of that experience or training, or
  - (iii) state that the dentist is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (3) below and be accompanied by written details in support of that statement.

(2) For the purposes of paragraph 1(b)(ii) experience or training shall not be prevented from being equivalent to vocational training merely because the structure of the experience or training does not comply exactly with the definition of vocational training.

(3) The grounds upon which a dentist is exempt from the requirement to have completed vocational training are that—

- (a) he is registered as a dentist by virtue of section 15(1)(b) of the Dentists Act 1984<sup>(1)</sup> (registration of nationals of member States who hold appropriate European diplomas) or is in any other way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement; or
- (b) his name has been included in a dental list in the United Kingdom within the period of five years ending on the date of his application to be included in the dental list; or
- (c) he holds a voluntary vocational training certificate which indicates that it is in respect of vocational training completed on or after—
  - (i) 1st January 1988 in the case of a certificate issued in England and Wales,
  - (ii) 1st July 1988 in the case of a certificate issued in Scotland, or

- (iii) 1st August 1989 in the case of a certificate issued in Northern Ireland; or
  - (d) he has practised in primary dental care for a period of at least four years in the aggregate in either the Community Dental Service or the armed forces of the Crown and part of that aggregate period has fallen within four years of the date of his application under regulation 5(1), or
  - (e) in the case of any application made before 1st October 1998, he was, on 1st October 1993, employed as a Senior House Officer or Registrar in a hospital in the United Kingdom or enrolled on a course intended to lead to a Master's degree in dentistry or Membership Diploma in dentistry of any of the Royal Colleges of Surgeons in the United Kingdom.
- (4) In paragraph (3)–
- (a) in sub-paragraph (d), “primary dental care” means care and treatment delivered by the dentist at the first point of contact with the patient, and the “Community Dental Service” means the dental service provided in England and Wales under sections 3(1)(c) and 5(1)(a) or (1A) of the 1977 Act<sup>(2)</sup> and in Scotland under sections 1 and 39(2) of the National Health Service (Scotland) Act 1978<sup>(3)</sup>, and in Northern Ireland under articles 5(1)(c), 9(1)(a) and 1A of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(4)</sup>; and
  - (b) in sub-paragraph (e) “Membership Diploma” means any postgraduate dental qualification which is registrable with the General Dental Council.
- (5) An application for a vocational training number shall be granted if the applicant–
- (a) has had a vocational training certificate issued to him;
  - (b) has acquired experience or completed training which ought to be regarded as equivalent to vocational training; or
  - (c) is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (3) above.
- (6) FHSAs shall have the functions of determining applications for vocational training numbers, of allocating such numbers, of issuing notices and dealing with other matters in connection with such applications but those functions shall be exercised on behalf of each FHSA by the Dental Vocational Training Authority<sup>(5)</sup> in accordance with the following provisions of these Regulations; and accordingly any such application shall be made to that Authority.
- (7) The Dental Vocational Training Authority shall determine in accordance with paragraph (5) and Schedule 5A whether or not an application for a vocational training number is to be granted; and if it determines to grant it, it shall–
- (a) allocate to the applicant a vocational training number;
  - (b) notify him of that number;
  - (c) enter that number against the name of the applicant in a register kept for that purpose.
- (8) If the Dental Vocational Training Authority does not allocate a vocational training number to the applicant, it shall, within 10 days of that decision, send him a notice to that effect together with a statement setting out the reasons for the refusal and telling him about

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<sup>(2)</sup> Section 5(1)(a) was amended by, and section 5(1A) was added by, the Health and Medicines Act 1988, section 10.

<sup>(3)</sup> 1978 c. 29.

<sup>(4)</sup> S.I. 1972/1265 (N.I. 14).

<sup>(5)</sup> See S.I. 1993/2210.

his right to appeal to the Appeal Body and giving the address to which notice of appeal, if an appeal is made, must be sent.

### **Appeal body for appeals against refusal of vocational training number**

**5B.**—(1) The body prescribed for the purposes of section 36(3) of the National Health Service Act 1977<sup>(6)</sup> to which appeals may be made in respect of a refusal to include a dental practitioner on a dental list because he has been refused a vocational training number shall be a body of eleven persons appointed by the Secretary of State.

(2) Of the eleven persons—

(a) one person shall be appointed as chairman of the body who—

(i) has a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)<sup>(7)</sup>, or

(ii) is an advocate or solicitor in Scotland of at least 10 years standing, or

(iii) is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least 10 years standing;

(b) five shall be dentists nominated by a body appearing to the Secretary of State to be representative of the dental profession; and

(c) five shall be dentists nominated by the Secretary of State.

(3) The Secretary of State shall appoint a person to act as secretary to the Appeal Body.

### **Procedure on appeal**

**5C.**—(1) A dentist whose application for a vocational training number has been refused may appeal against the refusal by giving to the Appeal Body, within 28 days after he has received notice of the refusal pursuant to regulation 5A(8) (or such extended period as the Appeal Body may allow pursuant to paragraph (2)), a written notice of appeal setting out a statement of the facts and contentions on which he intends to rely.

(2) The Appeal Body may agree to an extension or further extension of the period of 28 days for giving notice of an appeal (either before or after that period has expired).

(3) On receipt of a notice of appeal the Appeal Body shall appoint to determine the appeal an appeal committee consisting of the chairman and two other persons, of whom—

(a) one shall be drawn from the dentists appointed under regulation 5B(1) following their nomination under regulation 5B(2)(b); and

(b) the other shall be drawn from the dentists appointed under regulation 5B(1) following their nomination under regulation 5B(2)(c).

(4) In connection with an appeal, the appeal committee may require such further particulars from an appellant and such documents in support of his appeal, and may make such inquiries of such persons, as it thinks fit.

(5) The appeal committee shall send to the appellant a copy of any comments made by such persons in reply to those inquiries and shall give the appellant a period of 21 days beginning with the date on which the comments are sent to him in which to reply to such comments.

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<sup>(6)</sup> 1977 c. 49. Amendments to section 36(3) are noted at footnote (a) to the Preamble to these Regulations.

<sup>(7)</sup> 1990 c. 41.

(6) The appeal committee shall give notice to the appellant that he may, within such period as is specified in the notice, require the appeal committee to give him an opportunity of appearing before and being heard by the appeal committee.

(7) The appeal committee shall appoint a date, time and place for the consideration of the appeal, and may, or shall if so required by the appellant, hold a hearing for that purpose.

(8) If a hearing is to be held, the appeal committee shall appoint a date, time and place for the hearing and, not less than 21 days before that date, shall send notice to the appellant and to the Dental Vocational Training Authority informing them of the date, time and place.

(9) At a hearing by the appeal committee, the appellant may appear and be heard in person or by counsel or solicitor or by any other person on his behalf, and the Dental Vocational Training Authority may appear and be represented by counsel or solicitor or by any duly authorised member or officer.

(10) The appellant may withdraw his appeal at any time.

(11) Where the appellant does not appear at a hearing and is not represented, the appeal committee may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat any request for a hearing as having been withdrawn.

(12) The proceedings of the appeal committee shall be in private.

(13) The appeal committee shall determine the appeal and shall, within 10 days of that determination, notify the appellant and the Dental Vocational Training Authority in writing of their decision and the reasons for it.

(14) Where the Dental Vocational Training Authority receives notice that a dentist's appeal has been allowed, it shall allocate a vocational training number to the dentist, notify him of that number within 10 days, and enter that number in its register of vocational training numbers.

(15) Subject to the foregoing paragraphs, the procedure of the Appeal Body and of the appeal committee shall be such as that body and committee respectively think fit."