
STATUTORY INSTRUMENTS

1996 No. 2060 (S.168)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General Dental Services)
(Scotland) Amendment (No.2) Regulations 1996**

<i>Made</i>	- - - -	<i>5th August 1996</i>
<i>Laid before Parliament</i>		<i>9th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</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) (Scotland) Amendment (No.2) Regulations 1996 and shall come into force on 1st September 1996.

Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 1996

2.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1996(2) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 6 (applications for vocational training numbers) in paragraph (3)(a) for “(bb)” there shall be substituted “(2A)”.

(3) In each of regulations 25(1)(b) (recovery of overpayments) and 31(b) (overpayments) for “regulation 8” there shall be substituted “regulation 4(1)”(3).

(4) In Schedule 1 (terms of service for dentists)—

(a) in paragraph 4 (a continuing care arrangement), in sub-paragraph (3) after “sub-paragraph (2)(c)” there shall be inserted “(and also in paragraph 5(2)(c))”;

(1) 1978 c. 29; section 25(2) was amended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), Schedule 2, paragraph 11 and by the National Health Service and Community Care Act 1990 (c. 19), section 40(2) and Schedule 9, paragraph 19(6) and was extended by the 1988 Act, section 17; section 105(7), which 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, contains provisions relevant to the making of Regulations, section 108(1) contains a definition of “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1996/177, amended by S.I. 1996/841.

(3) Regulation 4(1) was substituted in S.I. 1992/434 by S.I. 1996/938.

- (b) in paragraph 5 (a capitation arrangement), for head (c) of sub-paragraph (2) there shall be substituted—
 - “(c) the care and treatment which is to be provided includes any of the items of treatment mentioned in paragraph 4(3).”;
- (c) in paragraph 8 (duration and extension of a continuing care arrangement), for sub-paragraph (1) there shall be substituted—
 - “(1) A continuing care arrangement shall lapse at the end of the 16th month beginning with the month in which—
 - (a) the patient was first accepted by the dentist under the continuing care arrangement; or
 - (b) it was extended, or was last extended, in accordance with sub-paragraph (3).”;
- (d) in paragraph 9 (duration and extension of a capitation arrangement)—
 - (i) for sub-paragraph (1), there shall be substituted—
 - “(1) A capitation arrangement shall lapse at the end of the 16th month beginning with the month in which—
 - (a) the patient was first accepted by the dentist under the capitation arrangement; or
 - (b) it was extended, or was last extended, in accordance with sub-paragraph (3).”;
 - (ii) in sub-paragraph (3), “, but the arrangement may not be extended more than once in the same calendar year” shall be omitted;
 - (e) in paragraph 31 (information about NHS charges)(4) after the word “Board” there shall be inserted “may”;
 - (f) in paragraph 31A (complaints)(5) in sub-paragraph (6)(e) for “practice” there shall be substituted “dentist”; and
 - (g) in paragraph 31C (returns)(6), in sub-paragraph (1) after “is” there shall be inserted “included”.

Transitional arrangements

3. A continuing care arrangement or a capitation arrangement entered into before 1st September 1996 but still current on that date shall continue to have effect as if regulation 2(4)(c) and (d) of these Regulations had not come into force, until such time as the arrangement lapses, is terminated or is extended.

St Andrew’s House,
Edinburgh
5th August 1996

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(4) Paragraph 31 was substituted by [S.I. 1996/841](#).
(5) Paragraph 31A was inserted by [S.I. 1996/841](#).
(6) Paragraph 31C was inserted by [S.I. 1996/841](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the principal Regulations”). They reduce from 2 years to 15 months the period of all continuing care arrangements starting or extended on or after 1st September 1996, and provide for the period of capitation arrangements, starting or extended on or after 1st September 1996, to be 15 months. They also make provision, equivalent to that relating to continuing care arrangements, that the dentist shall provide a new treatment plan if during the currency of a current capitation arrangement the care and treatment given to a patient includes a specified item of treatment. In addition some minor drafting amendments are made to the principal Regulations.