
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 (“the principal Regulations”), which regulate the terms on which dentists provide general dental services under the National Health Service Act 1977 (“the 1977 Act”), in order to implement certain provisions of the Health and Social Care Act 2001 (“the 2001 Act”).

Regulation 2 inserts additional definitions into regulation 2 of the principal Regulations.

Regulation 3 amends regulation 4 (dental list) to exclude dentists subject to a national disqualification from being included in a dental list.

Regulation 4 amends regulation 5 (application for inclusion in the dental list) of the principal Regulations, principally to take account of provisions in the new regulation 5ZB (deferment of decision) and 5ZD (conditional inclusion) inserted by regulation 5.

Regulation 5—

inserts a new regulation 5ZA into the principal Regulations, which sets out the grounds on which a Health Authority may or must refuse to include a dentist in the dental list and the criteria to which they must have regard;

inserts a new regulation 5ZB into the principal Regulations, which sets out the circumstances in which a Health Authority may defer consideration of a decision to include a dentist in a dental list and the procedure to be followed;

inserts a new regulation 5ZC into the principal Regulations, allowing for an appeal to the FHSAA against a decision of a Health Authority to refuse to include a dentist’s name in a list;

inserts a new regulation 5ZD into the principal Regulations, to provide for a Health Authority to impose conditions when it includes a dentist in a dental list, to enable a Health Authority to review such conditions and to remove dentists for breach of a condition; there is an appeal to the FHSAA against a decision of a Health Authority relating to conditional inclusions.

Regulation 6 makes minor amendments to regulation 8 (removal from dental list).

Regulation 7 inserts new regulations 8A to 8H, which give effect to powers in sections 49F to 49R of the 1977 Act, inserted by section 25 of the 2001 Act;

regulation 8A extends the definition of a “health scheme” in section 49(8) of the 1977 Act;

regulation 8B sets out the criteria the Health Authority must take into account when exercising their discretionary powers of removal under section 49F of the 1977 Act;

regulation 8C sets out the grounds for mandatory removal by the Health Authority of a dentist from the dental list;

regulation 8D provides for a Health Authority to notify specified persons of specified information relating to decisions to remove or suspend a dentist from the dental list;

regulation 8E provides the procedure to be followed by Health Authorities on removal of a dentist from the dental list;

regulation 8F provides the procedure to be followed by Health Authorities on suspension of a dentist from the dental list;

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

regulation 8G provides the procedure to be followed by Health Authorities where the Health Authority decide to review a decision to conditionally include, conditionally remove or suspend a dentist from the dental list;

regulation 8H amends the statutory period for review set out in section 49N of the 1977 Act in specified circumstances.

Regulation 8 amends regulation 10 (withdrawal from dental list) of the principal Regulations to prevent a dentist withdrawing from the dental list, without the consent of the Secretary of State, when the Health Authority are investigating to see whether there are grounds for removal or suspension from the dental list, or whether a dentist has failed to comply with a condition imposed on his inclusion so as to justify his removal.

Regulation 9 amends regulation 13 (transfer of continuing care and capitation arrangements) and regulation 10 amends regulation 24 (entitlement to payments) of the principal Regulations to take account of the abolition of the NHS Tribunal and the suspension provisions of sections 49I and 49J of the 1977 Act inserted by section 25 of the 2001 Act.

Regulation 11 amends Part VA of the principal Regulations, to provide payments to dentists suspended by Health Authorities under powers in section 49I of the 1977 Act inserted by section 25 of the 2001 Act, section 49E of the 1977 Act being repealed by the 2001 Act, Schedule 5, paragraph 5. Regulation 11 also inserts a new regulation 28C into the principal Regulations providing for a Health Authority to make payments to a dentist whose appeal against a decision by the FHSAA to remove him from the dental list is successful.

Regulation 12 amends Schedule 1 to the principal Regulations (terms of service for dentists), to take account of the abolition of the NHS Tribunal, to impose new requirements on a dentist to supply information and make a declaration to the Health Authority in relation to criminal convictions and investigations into professional conduct. Provision is also made in the inserted paragraph 31H to consent to the disclosure of information, and to keep the Health Authority informed of relevant changes.

Regulation 13 amends Schedule 2, Part I (information and undertaking to be included in an application for inclusion in the dental list) to the principal Regulations broadly corresponding to the provisions inserted by regulation 12, and requiring additional information to be provided about professional experience, and the names and addresses of two referees. The undertaking given under paragraph 8 is extended to require the dentist to undertake to inform the Health Authority of any changes to the information provided with the application, and to continue to supply information to the Health Authority once included. New paragraph 17 requires the dentist to consent to a request being made to a licensing, regulatory or other body in the United Kingdom or elsewhere, about any decision in relation to an application to be included in a list.

Regulation 14 makes savings provisions in relation to cases which by virtue of regulation 6(3) of the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001 continue before the NHS Tribunal after 2001.