

2007 No. 191

NATIONAL HEALTH SERVICE

**The National Health Service (General Dental Services)
(Scotland) Amendment Regulations 2007**

Made - - - - *6th March 2007*

Laid before the Scottish Parliament *7th March 2007*

Coming into force - - *1st April 2007*

The Scottish Ministers, in exercise of the powers conferred by sections 25(2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment Regulations 2007 and shall come into force on 1st April 2007.

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

2.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1996(b) are amended as follows.

(2) In regulation 2 (interpretation)(c)—

(a) after the definition of “Council” insert—

““the dental care professionals register” is the register constituted under section 36B(1) of the Dentists Act 1984(d);

“dental nurse” means a person in the profession pursued by dental nurses who is registered in the dental care professionals register;” and

(b) after the definition of “dental surgery” insert—

““dental therapist” means a person in the profession pursued by dental therapists who is registered in the dental care professionals register;”.

(a) 1978 c.29. Section 25(2) was extended by the Health and Medicines Act 1988 (c.49), section 17 and amended by the National Health Service and Community Care Act 1990 (c.19), section 40(2) and Schedule 9, paragraph 19(6), by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 43 and Schedule 3 and by the Health Act 1999 (c.8), section 56(3); section 105(7), which contains provisions relevant to the making of these Regulations, 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. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1996/177.

(c) Regulation 2 was amended by S.I. 1998/1663 and 1999/724 and S.S.I. 1999/51, 2000/188 and 352, 2001/368, 2003/131, 2004/292 and 2006/137.

(d) 1984 c.24. Section 36B was inserted by S.I. 2005/2011.

- (3) Omit–
- (a) regulation 12 (removal from dental list on grounds of age)(a); and
 - (b) regulation 13(3) (withdrawal from dental list).
- (4) In paragraph 5 of Schedule 1 (a capitation arrangement)(b)–
- (a) in sub-paragraph (1)(a) after “patient” insert “or, where sub-paragraph (1A) applies, at the time of his first examination of the patient”;
 - (b) in sub-paragraph (1)(b) for “at the time of his first examination of the patient, provide the patient with the” substitute–
 - “except where sub-paragraph (1A) applies, following his first examination of the patient, provide to at least one of the patient’s parents, guardians or other person with care or control of the patient, or the patient where in the opinion of the dentist the patient is capable of understanding, appropriate education, advice, a care programme relating to the oral health needs of the patient,”; and
 - (c) after sub-paragraph (1) insert–
 - “(1A) A dental nurse or dental therapist can, on behalf of a dentist, accept a patient under the age of three years of age for care and treatment under a capitation arrangement and in so doing shall, at the time at which he or she so accepts the patient, provide to at least one of the patient’s parents, guardians or other person with care or control of the patient the appropriate education, advice, care programme, information and forms specified in sub-paragraph (1)(b).”.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
6th March 2007

(a) Regulation 12 was amended by S.I. 1999/724 and S.S.I. 1999/51, 2000/188 and 2003/131.
(b) Paragraph 5 of Schedule 1 was amended by S.I. 1996/2060 and S.S.I. 1999/51.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the Regulations”), which make provisions as to the arrangements under which dentists provide general dental services under the National Health Service in Scotland.

Regulation 2(2) amends regulation 2 of the Regulations by inserting definitions for “dental nurse” and “dental therapist”.

Regulation 2(3) omits regulation 12 and 13(3) of the Regulations so that dentists can no longer be removed from the dental list on grounds of age.

Regulation 2(4)(a) and (c) amends paragraph 5 of Schedule 1 to the Regulations (a capitation arrangement) so that dental nurses and dental therapists can on behalf of a dentist accept a patient under three years of age for care and treatment under a capitation arrangement and in so doing shall, at the time at which he or she so accepts the patient, provide to at least one of the patient’s parents or guardians the relevant information and forms and appropriate education, advice and care programme related to the oral health needs of the patient.

Regulation 2(4)(b) also amends paragraph 5 of Schedule 1 to the Regulations to provide that a dentist, except where a dental nurse or dental therapist accepts the patient, following his first examination of the patient, shall provide to at least one of the patient’s parents, guardians or other person with care or control of the patient, or the patient where in the opinion of the dentist the patient is capable of understanding, appropriate education, advice and a care programme relating to the oral health needs of the patient.

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