
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 208

The National Health Service (General Dental Services) (Scotland) Regulations 2010

PART II

**GENERAL ARRANGEMENTS FOR
PROVISION OF GENERAL DENTAL SERVICES**

Suspension

11.—(1) If a Health Board is satisfied that it is necessary to do so for the protection of members of the public or is otherwise in the public interest, it may suspend a dentist or body corporate from its dental list in accordance with this regulation—

- (a) while it considers whether to remove that person from its dental list under regulation 12;
- (b) while it waits for a decision affecting that person of a court anywhere in the world, or of a licensing or regulatory body;
- (c) while it considers whether to refer that person to the Tribunal;
- (d) while it awaits a finding by the Tribunal or other equivalent body;
- (e) where it has decided to remove that person from its dental list but before that decision takes effect.

(2) In paragraph 1(b) “decision” means the final determination of the relevant proceedings, after any appeal or other review procedure has been exhausted.

(3) In a case falling within paragraph (1)(a) or (c), the Health Board must specify a period, not exceeding six months, as the period of suspension.

(4) In a case falling within paragraph (1)(b), the Health Board may specify that the dentist or body corporate (as the case may be) remains suspended after the decision referred to in that paragraph has been made for an additional period, not exceeding six months.

(5) In a case falling within paragraph (1)(d), the term of suspension may exceed six months.

(6) If the Health Board suspends a dentist or body corporate in a case falling within paragraph (1)(e) the suspension has effect from the date the Board informed that person of the suspension.

(7) The Health Board may extend the period of suspension under paragraph (3) or impose a further period of suspension under paragraph (4), so long as the aggregate period of suspension does not exceed 6 months.

(8) The effect of a suspension is that, while a dentist or body corporate is suspended under these Regulations, that person is to be treated as not being included in the dental list even though that person’s name appears in it.

(9) The Health Board may at any time revoke the suspension and notify the dentist or body corporate (as the case may be) of its decision.

(10) Where a Health Board is considering suspending a dentist or body corporate or varying the period of suspension under this regulation, it shall give the dentist or body corporate (as the case may be)—

- (a) notice of any allegation against that person;
- (b) notice of what action it is considering and on what grounds; and
- (c) the opportunity to put that person's case at an oral hearing before the Health Board, on a specified day, provided that at least 24 hours' notice of the hearing is given.

(11) If the dentist or body corporate (as the case may be) does not wish to have an oral hearing or does not attend the oral hearing, the Health Board may suspend that person with immediate effect.

(12) If an oral hearing does take place, the Health Board shall take into account any representations made at the hearing before it reaches its decision.

(13) The Health Board may suspend the dentist or body corporate (as the case may be) with immediate effect following the hearing.

(14) The Health Board shall notify the dentist or body corporate (as the case may be) of its decision and the reasons for it (including any facts relied upon) within 7 days of making that decision.

(15) During a period of suspension, payments shall be made to or in respect of the dentist or body corporate (as the case may be) in accordance with regulation 26.