

## SCHEDULE 2

### PART IA

#### INFORMATION, DECLARATIONS, CERTIFICATE, APPLICATIONS, UNDERTAKINGS AND CONSENTS, TO BE INCLUDED IN AN APPLICATION FOR INCLUSION IN SUB-PART A OF THE FIRST PART OF THE DENTAL LIST

1. An application shall contain the following information:—
  - (a)
    - (i) in the case of a dentist, the applicant's full name, sex, date of birth, private address, telephone number and e-mail address and National Insurance number, if the applicant has one;
    - (ii) in the case of a body corporate, the body corporate's name, registered office and registered number, telephone number, e-mail address and a list of the full names, dates of birth, private addresses and (if they have one) the national insurance numbers, of all the directors and the secretary;
  - (b) in the case of a dentist the date of first registration and any subsequent registration as a dental practitioner in the register of dentists and registration number, dental qualifications registerable under the Dentists Act 1984(1) and when obtained;
  - (c) whether the applicant is a registered dental practitioner or a body corporate;
  - (d) the applicant's vocational training number if the applicant has one;
  - (e) address of proposed practice premises and, in the case of any mobile surgery, the address to which correspondence may be sent;
  - (f) whether there is access to the proposed dental surgery without use of stairs;
  - (g) whether the proposed dental surgery has wheelchair access;
  - (h) proposed days and hours of attendance and whether patients will be seen by appointment only and, in the case of any mobile surgery, particulars of places to be regularly visited and the times of those visits;
  - (i) whether the applicant is intending to practise—
    - (i) as a single-handed practitioner;
    - (ii) as a partner, and if so the name and address of each intended partner and whether or not such partner's name is included in the first part of the Health Board's dental list;
    - (iii) as an associate, and if so the name and address of each intended associate and whether or not the associate's name is included in the first part of the Health Board's dental list;
    - (iv) as a body corporate;
    - (v) as an employee of, or under any other contractual or legal arrangement or relationship with, a body corporate and if so, full details of the name, telephone number, and e-mail address, of the body corporate and its registered office and registered number, and the names of all the directors and secretary or members as the case may be;
  - (j) the names of any assistants the applicant or any person referred to in paragraphs (i)(ii), (iii) or (iv) of sub-paragraph (i) intends to employ or already employs at the proposed practice premises;

---

(1) 1984 c.24.

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

- (k) (except where the applicant is a body corporate) chronological details of the applicant's professional experience (including the starting and finishing dates of each appointment together with an explanation of any gaps between appointments) with any additional supporting particulars, and an explanation of why the applicant was dismissed from any post;
- (l) whether the general dental services to be provided are restricted to orthodontic treatment;
- (m) details of any list or equivalent list from which the applicant has ever been disqualified, conditionally disqualified, removed, suspended, contingently removed or suspended or to which admission was refused or conditionally granted together with reasons for such disqualification, conditional disqualification, removal, suspension, refusal, or conditional admission;
- (n) (except where the applicant is a body corporate) name and addresses of two referees who are willing to provide clinical references relating to two recent posts as a dentist each of which lasted at least 3 months without a significant break and which may include a current post, or, where this is not possible a full explanation, and name and address of an alternative referee or referees;
- (o) (except where the applicant is a body corporate) if the applicant is a national of an EEA state, evidence that the applicant has a knowledge of English which, in the interests of the applicant and of patients who may receive general dental services from the applicant, is necessary for providing general dental services;
- (p) if the applicant is the director of a corporate body, the name and registered office of that body;
- (q) (except where the applicant is a body corporate) whether any limitations have been imposed by any government organisation which restrict the applicant's ability to work in any specified capacity in Scotland and, if so, the details of these;
- (r) whether the applicant is indemnified against claims relating to the practise of dentistry in relation to dentistry performed by that dentist, and by any assistant, deputy and dental care professional whose work the dentist intends to direct or, in the case of a body corporate, any dentistry performed by an employee of, or a person under any other contractual or legal arrangement or relationship with, that body corporate and if the applicant is so indemnified, documentary evidence to that effect;
- (s) if the applicant is, or has been where the outcome was adverse, the subject of any investigation by the Agency or any other body in relation to fraud;
- (t) whether the applicant has—
  - (i) had sequestration of the applicant's estate awarded, or been adjudged bankrupt;
  - (ii) been made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986<sup>(2)</sup>;
  - (iii) made a composition or arrangement with, or granted a trust deed for, the applicant's creditors;
- (u) where the applicant is a body corporate, whether—
  - (i) an administrator, administrative receiver or receiver has been appointed in respect of it;
  - (ii) an administration order has been made in respect of it under Schedule B1 to the Insolvency Act 1986; or
  - (iii) it has been wound up under Part IV of the Insolvency Act 1986; or

---

(2) 1986 c.45 Schedule 4A was subject to transitional provisions specified in S.I. 2003/2093, Article 7.

- (v) whether the applicant is subject to a disqualification order under the Company Directors Disqualification Act 1986(3), the Companies (Northern Ireland) Order 1986(4) or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

2. An application shall contain the following declarations as to whether or not the applicant, and where the applicant is a body corporate any director of the applicant—

- (a) has been convicted of a criminal offence in the British Islands or has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
- (b) is currently the subject of any proceedings anywhere in the world which might lead to a conviction specified in sub-paragraph (a);
- (c) has in summary proceedings in respect of an offence, been the subject of an order discharging the applicant absolutely (without proceeding to conviction);
- (d) has accepted and agreed to pay a fixed penalty under section 302 of the Criminal Procedure (Scotland) Act 1995(5) or a penalty under section 115A of the Social Security Administration Act 1992(6);
- (e) has accepted a compensation offer under section 302A of the Criminal Procedure (Scotland) Act 1995(7);
- (f) has accepted a combined fixed penalty and compensation offer under section 302B of the Criminal Procedure (Scotland) Act 1995(8);
- (g) has accepted a work order under section 303ZA of the Criminal Procedure (Scotland) Act 1995(9);
- (h) has accepted a police caution in the British Islands;
- (i) has been bound over following a criminal conviction in the British Islands;
- (j) has been subject to any investigation into the applicant's or such director's professional conduct by any licensing, regulatory or other body anywhere in the world where the outcome was adverse;
- (k) is currently subject to any investigation into the applicant's or such director's professional conduct by any licensing, regulatory or other body anywhere in the world;
- (l) is the subject of any investigation, proceedings or referral by another Health Board or equivalent body or the Tribunal which might result in the applicant, or where the applicant is a body corporate, any director of the applicant being disqualified, conditionally disqualified, refused entry, granted entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
- (m) is, or has been, where the outcome was adverse, the subject of any investigation into the applicant's or such director's professional conduct in respect of any previous or current employment;

---

(3) 1986 c.46 as amended by the Friendly Societies Act 1992 (c.40), the Companies Act 1989 (c.40), the Youth Justice and Criminal Evidence Act 1999 (c.23), the Insolvency Act 2000 (c.39), the Enterprise Act 2002 (c.40) by Water Act 2003 (c.37), the Courts Act 2003 (c.39), the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27), the National Health Service (Consequential Provisions) Act 2006 (c.43), S.I. 1990/355, S.I. 1990/2569, S.I. 2001/766, S.I. 2001/1228, S.I. 2003/2093 and S.I. 2003/2096.

(4) S.I. 1986/1032 (N.I.6), as relevantly amended by S.I. 1989/2404 (N.I.18), S.I. 2002/3150 (N.I.4), as amended.

(5) 1995 c.46.

(6) 1992 c.5; section 115A was inserted by section 15 of the Social Security Administration (Fraud) Act 1997 (c.47) and was amended by section 14 of the Social Security Fraud Act 2001 (c.11).

(7) 1995 c.46; section 302A was inserted by the Criminal Proceedings etc (Reform) (Scotland) Act 2007 ("the 2007 Act"), section 50(2).

(8) 1995 c.46; section 302B was inserted by the 2007 Act, section 50(2).

(9) 1995 c.46; section 303ZA was inserted by the 2007 Act, section 51.

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

- (n) is, or has in the preceding 6 months been, or was at the time of the events that gave rise to conviction, proceedings, investigation or referral, a director of a body corporate, or a member of a partnership (including a limited liability partnership) which—
    - (i) has been convicted of a criminal offence in the British Islands;
    - (ii) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
    - (iii) is currently the subject of any proceeding anywhere in the world which might lead to such a conviction;
    - (iv) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world; or
    - (v) is, to the applicant's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency or any other body in relation to fraud;
  - (o) has had sequestration of the applicant's or such director's estate awarded or been adjudged bankrupt;
  - (p) has been made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;
  - (q) has made a composition or arrangement with, or granted a trust deed for, the applicant's or such director's creditors;
  - (r) if a body corporate—
    - (i) has had an administrator, administrative receiver or receiver appointed in respect of it;
    - (ii) has had an administrative order made in respect of it under Schedule B1 to the Insolvency Act 1986; or
    - (iii) has been wound up under Part IV of the Insolvency Act 1986;
  - (s) is subject to a disqualification order under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
3. An applicant must include either—
- (a) an enhanced criminal record certificate in relation to the applicant or, where the applicant is a body corporate, in relation to each director of that body corporate, dated not earlier than 28 days before the date of the application; or
  - (b) an application for each such certificate duly completed and signed by the applicant, and, where the applicant is a body corporate, each director of that body corporate.
4. An application shall include the following undertakings:—
- (a) that the applicant will participate in appropriate and relevant NHS audit procedures;
  - (b) that the applicant will be bound by the terms of service applicable to the applicant;
  - (c) that the applicant will undertake to provide general dental services;
  - (d) that the applicant will notify the Board in writing within 7 days of its occurrence if the applicant, or where the applicant is a body corporate any director of the applicant—
    - (i) is charged in the British Islands with a criminal offence, the sentence for which could be a term of imprisonment or is charged elsewhere with an offence which, if committed in the British Islands would constitute such a criminal offence;

- (ii) is convicted of a criminal offence in the British Islands or is convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
- (iii) has, in summary proceedings, in respect of an offence, been the subject of an order discharging him or her absolutely (without proceeding to conviction);
- (iv) has accepted and agreed to pay either a fixed penalty under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
- (v) has accepted a compensation offer under section 302A of the Criminal Procedure (Scotland) Act 1995;
- (vi) has accepted a combined fixed penalty and compensation offer under section 302B of the Criminal Procedure (Scotland) Act 1995;
- (vii) has accepted a work order under section 303ZA of the Criminal Procedure (Scotland) Act 1995;
- (viii) has accepted a police caution in the British Islands;
- (ix) is bound over following a criminal conviction in the British Islands;
- (x) becomes the subject of any investigation into the applicant's or such director's professional conduct by any licensing, regulatory or other body anywhere in the world;
- (xi) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into the applicant's or such director's professional conduct, and there is a finding against the applicant or such director;
- (xii) becomes, to the applicant's knowledge, the subject of any investigation by the Agency or any other body in relation to fraud, or is informed of the outcome of any such investigation, where it is adverse;
- (xiii) becomes the subject of any investigation, proceedings or referral by another Health Board or equivalent body or the Tribunal, which might result in the applicant or such director being disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
- (xiv) is disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed or suspended from or refused admission or contingently removed from to any list or equivalent list;
- (xv) is, was in the preceding 6 months, or was at the time of the events that gave rise to the charge, conviction, investigation or referral, a director of a body corporate and that body corporate—
  - (aa) is charged in the British Islands with a criminal offence, or is charged elsewhere with an offence which, if committed in the British Islands would constitute a criminal offence;
  - (bb) is convicted of a criminal offence in the British Islands;
  - (cc) is convicted elsewhere of an offence which, if committed in the British Islands would constitute a criminal offence;
  - (dd) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world;

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

- (ee) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into its provision of professional services, and there is a finding against it; or
- (ff) becomes, to the applicant's knowledge, the subject of any investigation by the Agency or any other body in relation to fraud, or is informed of the outcome of any such investigation, if adverse,  
together with details of the occurrence, including approximate dates, and where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome;
- (xvi) has sequestration of the applicant's or such director's estate awarded or is adjudged bankrupt;
- (xvii) is made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;
- (xviii) makes a composition or arrangement with, or grants a trust deed for, the applicant's or such director's creditors;
- (xix) if a body corporate—
  - (aa) has an administrator, administrative receiver or receiver appointed in respect of it;
  - (bb) has an administration order made in respect of it under Schedule B1 to the Insolvency Act 1986; or
  - (cc) is wound up under Part IV of the Insolvency Act 1986;
- (xx) is made subject to a disqualification order under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- (e) that the applicant will only provide orthodontic treatment, (where the applicant has applied for inclusion in the list on that basis);
- (f) that the applicant and where the applicant is a body corporate, all directors of the body corporate, consents to a request being made by the Health Board to the Agency, any employer or former employer of the applicant or any such director, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into the applicant or a body corporate referred to in this paragraph or any such director and, for the purposes of this sub-paragraph, "employer" includes any partnership of which the applicant is or was a member;
- (g) that the applicant consents to disclosure of information in terms of regulation 14.