

2019 No. 346

NATIONAL HEALTH SERVICE

**The Scottish Dental Practice Board Amendment Regulations
2019**

<i>Made</i>	- - - -	<i>28th October 2019</i>
<i>Laid before the Scottish Parliament</i>		<i>30th October 2019</i>
<i>Coming into force</i>	- -	<i>9th December 2019</i>

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by sections 4(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Scottish Dental Practice Board Amendment Regulations 2019 and come into force on 9 December 2019.

Amendment of the Scottish Dental Practice Board Regulations 1997

2.—(1) The Scottish Dental Practice Board Regulations 1997(b) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “Common Services Agency”, and
- (b) in the definition of “member” for “chairman” substitute “chairing member”.

(3) For regulation 4 (constitution of the Board) substitute—

“Constitution of the Board

4. The Board must consist of—

- (a) a chairing member who is the Chief Dental Officer or Deputy Chief Dental Officer, and
- (b) such other members, a majority of whom must be dentists, that the Scottish Ministers consider necessary.”.

(4) For regulation 5 (appointment of members) substitute—

(a) 1978 c.29. Section 4(1) was amended by the Health and Medicines Act 1988 (c.49) (“the 1988 Act”), section 25(2) and schedule 3. Section 105(7) was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 5(1) and schedule 7; the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 29(1) and schedule 9, paragraph 24 and the Health Act 1999 (c.8), schedule 4, paragraph 60. Section 108(1) contains a definition of “prescribed” and “regulations” relevant to 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.S.I. 1997/174. Relevant amending instruments are S.S.I. 1999/52 and S.S.I. 2010/228.

“Appointment of members

5. All members must be appointed by the Scottish Ministers.”.

(5) For regulation 6 (deputy chairman) substitute—

“Deputy chairing member

6.—(1) If for any period the chairing member is unable to act, the Scottish Ministers may appoint a deputy chairing member to act in their place for that period.

(2) The deputy chairing member must be either the Chief Dental Officer or the Deputy Chief Dental Officer, whomever of which is not currently appointed as the chairing member.

(3) A deputy chairing member appointed in accordance with this regulation is deemed to be a member of the Board for so long as they hold office and any reference to the chairing member in regulations 11, 12 and 13 includes a reference to that deputy chairing member.”.

(6) In regulation 8 (termination of tenure of office)—

- (a) in paragraph (2)(b)(i) for “Common Services Agency” substitute “Agency”, and
- (b) in paragraph (3)(b) for “dental member” substitute “member who is a dentist”.

(7) In regulation 10 (functions)—

- (a) in paragraph (1), for “Common Services Agency” substitute “Agency”, and
- (b) in paragraph (3) for “The Board shall” substitute “The Board must”.

(8) In regulation 11 (chairman)—

- (a) for “chairman” in every place it occurs, including the cross-heading, substitute “chairing member”,
- (b) for “shall” in both places it occurs substitute “must”, and
- (c) in paragraph (2) for “dental member” substitute “member who is a dentist”.

(9) In regulation 12 (meetings and proceedings)—

- (a) in paragraph (3)(b)(i) for “he shall as soon as practicable disclose his interest to the chairman” substitute “they must as soon as practicable disclose their interest to the chairing member”,
- (b) in paragraph(3)(b)(ii) for “he shall” substitute “they must”, and
- (c) in paragraph (6)—
 - (i) for “dental member shall” substitute “a member who is a dentist must”, and
 - (ii) for “his interest” in each place it occurs substitute “their interest”.

(10) In regulation 13 (voting)—

- (a) for “Every question at a meeting of the Board shall” substitute “Where at a meeting of the Board, a matter or question requires a decision, that matter or question must”, and
- (b) for “the question” substitute “that matter or question,” and for “chairman” substitute “chairing member”.

(11) Omit regulation 15 (reports).

(12) In regulation 16 (transitional provisions)—

- (a) for “these Regulations” substitute “the Scottish Dental Practice Board Amendment Regulations 2019”, and

(b) for “he shall” substitute “they will” and for “he was” substitute “they were”.

St Andrew’s House,
Edinburgh
28th October 2019

JOE FITZPATRICK
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Scottish Dental Practice Board Regulations 1997 to make new provision in relation to the membership of the Scottish Dental Practice Board.

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