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 STATUTORY INSTRUMENTS
 

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1981 No. 900 (S. 90)

## NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General Dental Services)  
(Scotland) Amendment Regulations 1981**

<i>Made - - - -</i>	18th June 1981
<i>Laid before Parliament</i>	6th July 1981
<i>Coming into operation</i>	1st August 1981

In exercise of the powers conferred on me by sections 25 and 108(1) of the National Health Service (Scotland) Act 1978 (a) and of all other powers enabling me in that behalf, after consulting such organisations as appear to me to be representative of the dental profession in accordance with section 25(3) of the Act, I hereby make the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Health Service (General Dental Services)(Scotland) Amendment Regulations 1981 and shall come into operation on 1st August 1981.

(2) In these regulations:—

“the Act” means the National Health Service (Scotland) Act 1978;

“the principal regulations” means the National Health Service (General Dental Services)(Scotland) Regulations 1974(b).

*Amendment of principal regulations*

2. In paragraph (1) of Regulation 2 of the principal regulations (Interpretation) there shall be substituted for the definition of “salaried dentist” the following definition:—

“ ‘Salaried dentist’ means a dentist employed by a Health Board to provide general dental services at a health centre or in the circumstances prescribed in Regulation 29A, and who is remunerated in accordance with Determination VI of the Statement of Dental Remuneration.”

3. In paragraph (1) of Regulation 3 of the principal regulations (terms of service), for the words “in the case of a dentist undertaking” in subparagraphs (a) and (b), there shall be substituted the words “insofar as a dentist undertakes”.

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(a) 1978 c.29; section 25(3) was amended by paragraph 4 of Schedule 6 to the Health Services Act 1980 (c.53).

(b) SI 1974/505, amended by SI 1974/2048, 1979/705, and 1980/1220.

4. In paragraph (1) of Regulation 4 of the principal regulations (Dental list), there shall be added at the end of sub-paragraph (a) the words “and who are not disentitled by virtue of the provisions of section 25(2A) of the National Health Service (Scotland) Act 1978(a)”.

5. In paragraph (1) of Regulation 26 of the principal regulations (Statement of Dental Remuneration) after Determination V there shall be inserted the following—

“VI Rates and conditions of payment of remuneration for a salaried dentist”.

6. In paragraph (1) of Regulation 29 of the principal regulations (the recovery of overpayment to dentists), for the words “Where a Board”, there shall be substituted the words “Where the Board”.

7. After Regulation 29 of the principal regulations, there shall be inserted the following regulation:—

*“Emergency dental treatment*

29A. For the purposes of section 25(3)(b) of the National Health Service (Scotland) Act 1978, a Health Board may pay to a dentist (if he so consents) remuneration which consists wholly or mainly of a fixed salary where he provides general dental services consisting of emergency treatment at a hospital or other premises of a Health Board at weekends or on bank or public or local holidays.”

8. In Part III of Schedule 1 to the principal regulations (additional terms of service for salaried dentists), there shall be substituted for paragraph 24 the following paragraph:—

“24(1). A dentist shall attend at such premises on such days and at such hours as may be agreed between the Health Board and the dentist.

(2.) The dentist shall not, without the permission of the Health Board, be entitled to provide at such premises any treatment which is not part of general dental services.”

9. Paragraph 27 of Part III of Schedule 1 to the principal regulations is hereby revoked.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St Andrew's House,  
Edinburgh.  
18th June 1981.

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(a) Section 25(2A) of the National Health Service (Scotland) Act 1978 was inserted by Article 4(3) of SI 1981/432.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

1. These Regulations further amend the National Health Service (General Dental Services) (Scotland) Regulations 1974 ("the principal regulations").

Regulation 7 of these Regulations inserts a new Regulation 29A into the principal regulations which prescribes, for the purposes of section 25(3)(b) of the National Health Service (Scotland) Act 1978, the circumstances in which a dentist may be paid remuneration consisting wholly or mainly of a fixed salary, namely where he provides emergency treatment at a hospital or other premises of a Health Board at weekends or on bank or public or local holidays. As a consequence of this provision, the definition of "salaried dentist" in Regulation 2(1) of, and the provisions about attendance of a salaried dentist in paragraph 24 of Part III of Schedule 1 to, the principal regulations, are amended (Regulations 2 and 8).

Regulation 5 of these Regulations amends Regulation 26(1) of the principal regulations by inserting a new Determination VI in the Statement of Dental Remuneration, which requires the Secretary of State to make provision for the rates and conditions of remuneration of salaried dentists. As a consequence, the provisions about remuneration of a salaried dentist in paragraph 27 of Part III of Schedule 1 to the principal regulations, are revoked (Regulation 9).

Regulation 6 of these Regulations makes a minor drafting amendment to Regulation 29(1) of the principal regulations to clarify the reference to the Scottish Dental Estimates Board.

Regulation 4 of these Regulations amends Regulation 4(1)(a) of the principal regulations to ensure that the dental list does not contain the name of any dentist who is not entitled to have his name included in such a list by virtue of section 25(2A) of the National Health Service (Scotland) Act 1978, as amended by Regulation 4(3)(b) of the European Communities (Medical, Dental and Nursing Professions)(Linguistic Knowledge) Order 1981 (provisions with respect to the knowledge of English language required by dental practitioners qualified in EEC countries).

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