
STATUTORY INSTRUMENTS

1991 No. 569 (S.54)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Dental Services)
(Miscellaneous Amendments) (Scotland) Regulations 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>12th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 25(1), (2) and (2B), 70(1A), 71(1), 71A, 75, 105(7) and 108(1) of, and paragraphs 2(6) and 3(3) and (5) of Schedule I I to, the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, a reference to “the principal Regulations” is to the National Health Service (General Dental Services) (Scotland) Regulations 1974(2).

Amendment of regulation 4 of the principal Regulations

2. In regulation 4(1) of the principal Regulations (dental list), at the end of paragraph (1)(b) the full stop is deleted and there is inserted the following:—

“; or

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- (1) [1978 c. 29](#); section 25(2) was extended by the Health and Medicines Act [1988 \(c. 49\)](#) (“the 1988 Act”), section 17; section 25(2) (b) was substituted by the National Health Service and Community Care Act [1990 \(c. 19\)](#) (“the 1990 Act”), Schedule 9, paragraph 19(6) and was further amended by the 1990 Act, section 40(2); section 25(2B) was inserted by the 1990 Act, section 40(3); section 70(1A) was inserted by the 1988 Act, section 11(4); section 71(1) was amended by the 1988 Act, section 11(5) and Schedule 3; section 71A was inserted by the 1988 Act, section 11(6); section 75 was amended by the Health and Social Security Act [1984 \(c. 48\)](#) (“the 1984 Act”), Schedule 8; section 105(7) was amended by the Health Services Act [1980 \(c. 53\)](#) (“the 1980 Act”), 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; paragraph 2(6) of Schedule 11 was amended by the 1984 Act, Schedule 8, Part 1; paragraph 3(5) of Schedule 11 was amended by the 1980 Act, Schedule 5, paragraph 7(3).
- (2) [S.I. 1974/505](#); the relevant amending instrument is [S.I. 1990/1772](#).

(c) regulation 4A.”.

Insertion of regulation 4A into the principal Regulations

3. After regulation 4 of the principal Regulations (dental list) there is inserted the following regulation:—

“Restrictions on the right to be included in a dental list

4A. A dentist shall not be entitled to have his name included in the dental list prepared by any Health Board if he has previously withdrawn his name from that or any other dental list or any list prepared pursuant to section 36(1)(a) of the National Health Service Act 1977(3) in the circumstances where the Secretary of State has certified for the purposes of regulation 10(4) of the National Health Service (Superannuation) (Scotland) Regulations 1980(4) or, as the case may be, regulation 8(7) of the National Health Service (Superannuation) Regulations 1980(5) that, in the interests of the efficiency of general dental services, he should cease to provide such services.”.

Amendment of regulation 26 of the principal Regulations

4. In regulation 26(1) of the principal Regulations (statement of dental remuneration) after determination VII (postgraduate education allowances) there is added the following determination:—

“VIII Reimbursement of non-domestic rates.”.

Amendment of regulation 27 of the principal Regulations

5. In regulation 27 of the principal Regulations (approval of payments), for the words “and VII” in paragraph (1C) there are substituted the words “, VII and VIII”.

Amendment of Schedule 1 to the principal Regulations

6. In paragraph 37(10) of Schedule 1 to the principal Regulations (deputies and assistants), the words “or section 8(2) of the Health and Medicines Act 1988(6)” are omitted.

Amendment of the National Health Service (Dental Charges) (Scotland) Regulations 1989

7.—(1) The National Health Service (Dental Charges) (Scotland) Regulations 1989(7) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 4 (calculation of charges)—

(a) in paragraph (4) after the words “Health Board”—

(i) in the first place where they occur there are inserted the words “or NHS trust”; and

(ii) in the second place where they occur there are inserted the words “,NHS trust”; and

(b) in paragraph (5) for “£150” in each place where it occurs there is substituted “£200”.

(3) In regulation 5 (conditions for exemption under the Act)—

(3) 1977 c. 49; section 36 was re-numbered so as to become section 36(1) by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 5(1).

(4) S.I. 1980/1177, to which there are amendments not relevant to these Regulations.

(5) S.I. 1980/362; the relevant amending instrument is S.I. 1981/1205.

(6) 1988 c. 49.

(7) S.I. 1989/363, amended by S.I. 1990/1772.

- (a) in paragraph (1)(b) after the words “Secretary of State” there are inserted the words “or an NHS trust”; and
 - (b) in paragraph (4) after the words “Secretary of State” there are inserted the words “, the NHS trust”.
- (4) In regulation 6(1) (making and recovery of charges) for the words “or Health Board” there are substituted the words “, Health Board or NHS trust”.
- (5) In regulation 8(1) (charges for more expensive supplies and repairs) —
- (a) after the words “Secretary of State” there are inserted the words “or NHS trust”; and
 - (b) for the words “he may” there are substituted the words “he or, as the case may be, the trust may”.

St Andrew’s House,
Edinburgh
8th March 1991

Michael B. Forsyth
Minister of State, Scottish Office

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- (a) the National Health Service (General Dental Services) (Scotland) Regulations 1974 (“the 1974 Regulations”), which provide for the arrangements under which dentists provide general dental services as part of the National Health Service in Scotland; and
- (b) the National Health Service (Dental Charges) (Scotland) Regulations 1989 (“the 1989 Regulations”), which provide for the making and recovery of charges for dental appliances, supplied or repaired under the National Health Service in Scotland, and for other dental treatment provided as part of NHS general dental services.

A new regulation 4A is inserted into the 1974 Regulations to remove the right of a dentist to be included in a dental list where the Secretary of State has certified for the purpose of NHS Superannuation Regulations that in the interests of the efficiency of general dental services the dentist should cease to provide such services (regulation 3). Regulation 4 adds a reference in regulation 26 of the 1974 Regulations to a new Determination VIII (governing the reimbursement of dentists' non-domestic rates) in the Statement of Dental Remuneration published under that regulation.

The 1989 Regulations are amended by these Regulations, principally in consequence of the coming into force of powers enabling provision of NHS services from 1st April 1991 by NHS trusts under the National Health Service (Scotland) Act 1978 (as amended by the National Health Service and Community Care Act 1990) (regulation 7(2)(a), (3), (4) and (5)). Regulation 7(2)(b) amends regulation 4(5) of the 1989 regulations to increase from £150 to £200 the maximum contribution which a patient may be required to make towards the cost of his treatment under general dental services.