

This Statutory Instrument has been made in consequence of a defect in S.I. 1993/2209 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

1993 No. 3172

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (General Dental
Services) Amendment (No. 2) Regulations 1993**

<i>Made</i>	- - - -	<i>15th December 1993</i>
<i>Laid before Parliament</i>		<i>16th December 1993</i> <i>22nd December</i>
<i>Coming into force</i>	- -	<i>1993</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 15(1)(b), 16, 35(1), 36(1) and (3) and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) Amendment (No.2) Regulations 1993 and shall come into force on 22nd December 1993.

(2) In these Regulations, “the principal Regulations” means the National Health Service (General Dental Services) Regulations 1992(2).

Amendment of regulation 5 of the principal Regulations

2.—(1) Regulation 5 of the principal Regulations (application for inclusion in the dental list) is amended as follows.

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- (1) 1977 c. 49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (“the 1984 Act”) (c.48), section 5(2) and by the 1990 Act, section 12(1).Section 16 was amended by the Health Services Act 1980 (c. 53), section 1 and Schedule 1, Part I, paragraph 36 and by the 1990 Act, section 3(3) and Schedule 10.Section 35(1) was substituted by S.I. 1985/39, article 7(9).Section 36(1) was so numbered by the 1984 Act, Schedule 3, paragraph 5(1) and amended by S.I.1981/432, article 3(3); by S.I.1985/39, article 7(10); by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 4; and by the 1990 Act, section 24. Section 36(3) was inserted by the 1990 Act, section 24. Section 126(4) was amended by the 1990 Act, section 65(2).
- (2) S.I.1992/661; the relevant amending instrument is S.I.1993/2209.

(2) In paragraph (2), for “paragraph (4)” there is substituted “paragraphs (3A) and (4)”.

(3) In paragraph (3), for “regulation 5A” there is substituted “these Regulations”.

(4) After paragraph (3) there is inserted—

“(3A) Where a dentist’s application for a vocational training number is refused, the FHSA shall immediately determine to refuse his application under paragraph (1) on that ground alone, but the function of so doing shall be exercised on behalf of the FHSA by the Dental Vocational Training Authority(3).”

(5) At the end of paragraph (4) there is inserted “and shall then apply as if the reference to the date of receipt of the application were a reference to the date of receipt of notice of his vocational training number”.

Amendment of regulation 5A of the principal Regulations

3.—(1) Regulation 5A of the principal Regulations (applications for vocational training numbers) is amended as follows.

(2) In the heading, at the end there is inserted “and notices of refusal to include in dental list”.

(3) For paragraph (8) there is substituted—

“(8) If the Dental Vocational Training Authority determines not to allocate a vocational training number to the applicant, and therefore also determines to refuse his application under regulation 5(1), it shall within the period of 10 days beginning with the date of the latter determination send him—

(a) notice of the two determinations and of the reasons for them; and

(b) a statement telling him about his right to appeal to the Appeal Body against the refusal to include his name in a dental list because he has been refused a vocational training number, and giving the address to which any notice of appeal must be sent.”

Amendment of heading to regulation 5B of the principal Regulations

4. In the heading to regulation 5B of the principal Regulations, the words after “Appeal body” are omitted.

Amendment of regulation 5C of the principal Regulations

5.—(1) Regulation 5C of the principal Regulations (procedure on appeal) is amended as follows.

(2) For paragraph (1) there is substituted—

“(1) A dentist whose application under regulation 5(1) has been refused because he has been refused a vocational training number may appeal against the refusal of his application under regulation 5(1) on the ground that he should have been allocated a vocational training number.

(1A) A successful appeal on this ground does not prevent the FHSA from subsequently refusing his application under regulation 5(1) on another ground.

(1B) Such a dentist shall appeal against the refusal by giving the Appeal Body, within the period of 28 days beginning with the date upon which he receives the notice provided for in regulation 5A(8) (or such extended period as the Appeal Body may allow pursuant to

(3) See [S.I.1993/2210](#) and [S.I.1993/2211](#), which establish and provide rules governing the membership and procedure of the Dental Vocational Training Authority.

paragraph (2)), a written notice of appeal setting out a statement of the facts and contentions on which he intends to rely.”

(3) In paragraph (14), at the end there is inserted “; and shall cancel its refusal on behalf of the FHSA of the dentist’s application under regulation 5(1)”.

Signed by authority of the Secretary of State for Health

15th December 1993

Brian Mawhinney
Minister of State,
Department of Health

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 make further amendments to the National Health Service (General Dental Services) Regulations 1992 (S.I.1992/661), to correct amendments already made by the National Health Service (General Dental Services) Amendment Regulations 1993 (S.I.1993/2209). Those Regulations introduced the requirement that a dentist must have completed a period of vocational training before being included in the dental list of a Family Health Services Authority. The completion of this period would be evidenced by allocating the dentist a vocational training number, and the Regulations provided for an appeal against a refusal to allocate a vocational training number. These Regulations correct the appeal right by providing instead for the appeal to be against the refusal to include the dentist on a dental list because he has been refused a vocational training number. The Regulations also make some minor drafting amendments.