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STATUTORY INSTRUMENTS

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**1996 No. 177**

**The National Health Service (General Dental Services) (Scotland) Regulations 1996**

**PART I**

**general**

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Regulations 1996 and shall come into force on 11th March 1996.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

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

“Appeal Body” means the body referred to in regulation 7;

“appeal committee” means a committee appointed by the Appeal Body in accordance with regulation 8(6);

“approved trainer” means a dentist on a dental list and who is approved by the Scottish Dental Vocational Training Committee as being a dentist who has the requisite skills and suitable practice facilities to enable him to act as a trainer;

“area” means in relation to a Health Board the area for which the Health Board is constituted;

“area dental committee”, “area medical committee” and “area pharmaceutical committee” mean the committees of those names which are recognised by the Health Board in relation to its area under section 9 of the Act(1);

“assistant” means any dentist employed either whole-time or part-time under a contract of service by another dentist for the purpose of providing general dental services on behalf of that dentist;

“associateship agreement” means an agreement between dentists practising as principals—

- (a) to which there are 2 parties, not being partners of each other; and
- (b) whereby one party is liable to provide, for financial consideration, the use of some or all premises and of some or all facilities for the provision of general dental services by the other party;

“the Board” means the Scottish Dental Practice Board;

“capitation arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 5 of Schedule 1;

“care and treatment” means—

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(1) Section 9 was amended by the 1990 Act, section 29.

- (a) all proper and necessary care which a dentist usually undertakes for a patient and which the patient is willing to undergo, including advice, planning of treatment, preventative care; and

- (b) treatment;

“chemist” means a registered pharmaceutical chemist who provides pharmaceutical services or a person lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968<sup>(2)</sup> who provides such services;

“Common Services Agency” means the Agency constituted under section 10 of the Act;

“continuing care arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 4 of Schedule 1;

“Council” means the Scottish Council for Postgraduate Medical and Dental Education established by the Scottish Council for Postgraduate Medical and Dental Education Order 1993<sup>(3)</sup>;

“dental officer” means any dental officer appointed by the Secretary of State for the purpose of advising the Secretary of State, the Board, Health Boards and practitioners on questions arising in connection with general dental services;

“dental surgery” means any part of the practice premises where care and treatment is provided;

“dentist” means a registered dental practitioner;

“deputy” means a dentist (including a partner) acting on behalf of another dentist, otherwise than in the capacity of an assistant, for the purpose of providing general dental services;

“doctor” means a registered medical practitioner;

“Drug Tariff” means the statement prepared by the Secretary of State under regulation 9 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995<sup>(4)</sup>;

“an emergency” means the circumstances set out in paragraph 6(2) of Schedule 1 in which a patient requires prompt care and treatment;

“emergency dental services” means treatment which is provided pursuant to arrangements made under regulation 17;

“estimate” means a form supplied by the Health Board, or a form to like effect, completed by the dentist and submitted to the Board in accordance with paragraph 26 of Schedule 1 for the purpose of obtaining prior approval under that paragraph;

“Health Board” means a board constituted under section 2 of the Act<sup>(5)</sup>;

“health centre” means premises provided by the Secretary of State in accordance with the provisions of section 36(1)(b) of the Act;

“listed drugs” means such drugs and medicines as are included in a list for the time being approved by the Secretary of State for the purposes of section 27(1)(c) of the Act;

“mobile surgery” means any vehicle in which care and treatment is provided;

“NHS charge” means the charge authorised under the National Health Service (Dental Charges) (Scotland) Regulations 1989<sup>(6)</sup>, to the patient within the meaning of those Regulations;

“occasional treatment” means such treatment as is mentioned in paragraph 17 of Schedule 1;

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(2) 1968 c. 67.

(3) S.I. 1993/577.

(4) S.I. 1995/414.

(5) Section 2 was amended by the Health and Social Services and Social Security Adjudications Act 1983, Schedule 7, paragraph 1 and by the 1990 Act, section 28, and Schedule 9, paragraph 19.

(6) S.I. 1989/363 amended by S.I. 1990/1772, 1991/569, 1992/458, 1993/523, 1994/636 and 1995/703.

“oral health” means such a standard of health of the teeth, their supporting structures and other tissues of the mouth, and of dental efficiency, as in the case of any patient is reasonable having regard to the need to safeguard his general health;

“patient” means a person for whom a dentist agrees to provide general dental services;

“patient record” means the form supplied by the Health Board for the purpose of maintaining a record of treatment or a form to like effect;

“practice premises” means, in relation to any dentist, any premises at which he provides general dental services, or any mobile surgery of his;

“prior approval treatment” means any item of treatment referred to in Part I of Schedule 4 or any care and treatment specified in paragraph 1 or 2 in Part II of that Schedule;

“private”, in the context of care and treatment, means otherwise than under general dental services or Part III of the Act; and “privately” shall be construed accordingly;

“salaried dentist” means a dentist employed by a Health Board who undertakes to provide general dental services at a health centre;

“Scale of Fees” means the scale of fees set out in Determination I of the Statement of Dental Remuneration;

“Scottish Dental Vocational Training Committee” means the sub-committee of that name of the Dental Committee of the Council;

“Statement of Dental Remuneration” means the Statement published from time to time by the Secretary of State pursuant to regulation 22;

“supply” in relation to an appliance includes replacement;

“suspended by direction of the Tribunal” means suspended as respects the provision of general dental services to patients by a direction of the Tribunal made pursuant to section 32A(2) or section 32B(1) of the Act<sup>(7)</sup> or to any provisions in force in England and Wales or Northern Ireland corresponding to those provisions;

“terms of service” means the terms of service contained, or referred to, in Schedule 1;

“trauma” means damage to teeth, gingival tissues, or alveoli caused by a force arising outside the mouth resulting in mobility, luxation, subluxation or fracture of the hard tissues or injury to the soft tissues;

“treatment” means all proper and necessary dental treatment which a dentist usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, preventative treatment, periodontal treatment, conservative treatment, surgical treatment, the supply and repair of dental appliances, orthodontic treatment and the taking of radiographs and the provision of anaesthesia and sedation in connection with such treatment and the supply of listed drugs and the issue of prescriptions in accordance with paragraphs 22 and 23 of Schedule 1;

“treatment on referral” means any care and treatment provided by a dentist under paragraph 13 of Schedule 1;

“the Tribunal” means the Tribunal constituted under section 29 of the Act;

“vocational training” means a period of one year’s full time employment (or an equivalent period of part-time employment) undertaken wholly after 30th September 1993 during which a dentist is employed under a contract of service by an approved trainer to provide a wide range of dental care and treatment and to attend such study days as that contract requires with the aim and objectives set out in Schedule 7;

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(7) Sections 32A and 32B were inserted by section 8 of the National Health Service (Amendment) Act 1995 (c. 31).

“vocational training certificate” means a certificate confirming that a dentist has completed vocational training issued—

- (a) in Scotland by the Director of postgraduate dental education, the chairman of the Scottish Dental Vocational Training Committee or a regional general dental practice vocational training adviser;
- (b) in England, Wales or Northern Ireland by a postgraduate dental dean or a Director of postgraduate dental education; or
- (c) by the Director of the Royal Naval Dental Service, the Director of the Royal Army Dental Corp or the Director of the Dental Branch of the Royal Air Force;

“vocational training number” means the number allocated to a dentist—

- (a) in Scotland under regulation 6,
- (b) in England and Wales under regulation 5A of the National Health Service (General Dental Services) Regulations 1992<sup>(8)</sup>, and
- (c) in Northern Ireland under the General Dental Services (Amendment) Regulations (Northern Ireland) 1993<sup>(9)</sup>;

“voluntary vocational training certificate” means a vocational training certificate or a letter confirming that a dentist has completed vocational training on or before 30th September 1994 and signed in Scotland by the Chairman of the Scottish Dental Vocational Training Committee or an officer of a regional committee for postgraduate dental education, in England and Wales by a postgraduate dental dean or Director of postgraduate dental education, and in Northern Ireland by the Adviser in vocational training.

(2) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations;
- (b) any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation;
- (c) any reference to a numbered Schedule is a reference to the Schedule to these Regulations bearing that number.

## PART II

### general arrangements for provision of general dental services

#### Terms of service

**3.—**(1) The arrangement which a Health Board is required by section 25 of the Act to make with dentists for the provision of general dental services shall incorporate—

- (a) in the case of a dentist undertaking to provide general dental services (other than emergency dental services) otherwise than as a salaried dentist, the terms of service contained in Parts I, II, III, IV and V of Schedule 1;
- (b) in the case of a dentist undertaking to provide general dental services (other than emergency dental services) as a salaried dentist, the terms of service contained in Parts I, II, III, IV and VI of Schedule 1; and

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<sup>(8)</sup> S.I. 1992/661, relevant amending instruments are S.I. 1993/2209 and 3172.

<sup>(9)</sup> S.R. (N.I.) 1993 No.401.

- (c) in the case of the provision of emergency dental services by a dentist undertaking to provide emergency dental services, the terms of service contained in Parts I and III, paragraphs 19, 20, 21, 22, 23 and 25 of Part IV and paragraphs 39, 40, 41 and 42 of Part VI of Schedule 1.

(2) A Health Board may, after consultation with an area dental committee and with the approval of the Secretary of State, make special arrangements with a dentist whereby the dentist undertakes to provide general dental services throughout a district specified in the arrangements, at suitable centres in the district or at the homes of persons requiring such services.

### Dental list

4.—(1) The Health Board shall prepare a list, to be called the dental list, of dentists who, pursuant to the provisions of regulation 5, have undertaken to provide general dental services in its area and who are not disentitled by virtue of the provisions of—

- (a) sections 25(2A), 30(1), 31(b) 32A(3), 32B(1) or 32D(2) of the Act<sup>(10)</sup>;
- (b) section 8(2) of the Health and Medicines Act 1988<sup>(11)</sup>; or
- (c) regulation 10 (restrictions on the right to be included in a dental list).

(2) The dental list shall, in addition to the name of the dentist—

- (a) contain—
  - (i) the addresses of all the practice premises and, where he provides general dental services at a mobile surgery only, the address at which correspondence in connection with such provision may be sent to him;
  - (ii) particulars of the days and hours when he is or will be usually in attendance at the practice premises for the provision of general dental services and, in the case of any mobile surgery, particulars of the places regularly visited by him and the times of those visits;
  - (iii) the name of any other dentist in association with whom he provides general dental services at the practice premises;
  - (iv) the date of his registration as a dental practitioner in the register kept under section 14 of the Dentists Act 1984<sup>(12)</sup>, particulars of the dental qualification held by the dentist which entitled him to be so registered, including the date on which the qualification was awarded and particulars of any other dental qualification held by him which is registerable pursuant to section 19(1)(c) of the Dentists Act 1984; and
- (b) indicate—
  - (i) whether the dentist provides only orthodontic treatment; and
  - (ii) whether there is access to the dental surgery without the use of stairs.

(3) The dental list may, provided that the dentist consents to their inclusion, also give particulars of any languages, other than English, spoken by the dentist.

(4) The dental list may, if the Health Board thinks fit, be so arranged as to show the part of its area in which each dentist has undertaken to provide general dental services.

(5) A dentist whose name is included in the dental list of a Health Board shall notify the Health Board within 14 days of any occurrence requiring alteration to the information recorded in relation to him.

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<sup>(10)</sup> Section 25(2A) was inserted by [S.I. 1981/432](#), article 4(3); section 30(1) was amended by the National Health Service (Amendment) Act 1995 ([c. 31](#)), section 10; sections 32A, 32B and 32D were inserted by section 8 of the National Health Service (Amendment) Act 1995.

<sup>(11)</sup> 1988 [c. 49](#).

<sup>(12)</sup> 1984 [c. 24](#).

- (6) The Health Board shall—
- (a) send to the Board and the area dental committee a copy of its dental list; and
  - (b) notify the Board and the area dental committee of any alteration to its dental list within 7 days of the date on which the alteration is made.
- (7) Subject to paragraph (9) the Health Board shall—
- (a) send, if requested to do so, a copy of the dental list to—
    - (i) the Secretary of State;
    - (ii) the area medical committee;
    - (iii) the area pharmaceutical committee;
    - (iv) the Common Services Agency;
    - (v) an NHS Trust the functions of which consist of or include the management of a hospital which is situated in the Health Board area; and
    - (vi) any pharmacist providing pharmaceutical services in the Health Board area; and
  - (b) in that event, notify them, at intervals of not less than 3 months, of any alterations made to the dental list.
- (8) The Health Board shall, if necessary, prepare an updated dental list each year and send a copy—
- (a) to the Board and the area dental committee; and
  - (b) subject to paragraph (9), to any person mentioned in paragraph (7)(a) who under that paragraph requested a copy of the dental list.
- (9) Where the Health Board considers that only parts of, or only some of the alterations to, the dental list are likely to concern any person mentioned in paragraph (8)(b) it may instead of sending him a copy of the list or notifying him of all the alterations send that person a copy only of those parts, or as the case may be, notify him only of those alterations.

#### **Application for inclusion in the dental list**

5.—(1) Subject to paragraphs (2) and (3), a dentist who wishes to have his name included in the dental list shall make an application to the Health Board in writing which—

- (a) shall include the information and undertaking specified in Part I of Schedule 2; and
- (b) may include the information specified in Part II of that Schedule,

and the Health Board shall determine the application within 14 days of the date of its receipt, or where it considers the proposed practice premises should be inspected, within 14 days of the date of inspection.

(2) A dentist who wishes to have his name included in the dental list but who does not have a vocational training number shall apply to the Council for a vocational training number, and his application for a vocational training number shall be dealt with in accordance with regulation 6 before the Health Board determines his application under paragraph (1).

(3) The period of 14 days specified in paragraph (1) shall not apply to an application under that paragraph by a dentist who does not have a vocational training number until such a number has been allocated to him.

#### **Applications for vocational training numbers**

6.—(1) An application for a vocational training number shall be made in writing to the Council and—

- (a) shall state that the dentist has also made an application under regulation 5, and—
    - (i) specify the Health Board to which that application has been made, and
    - (ii) state the date on which it was made, and
  - (b) shall either—
    - (i) state that the dentist has completed vocational training and be accompanied by his vocational training certificate; or
    - (ii) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to vocational training and be accompanied by written details of that experience or training; or
    - (iii) state that the dentist is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (3) and be accompanied by written details in support of that statement.
- (2) For the purpose of paragraph (1)(b)(ii) experience or training shall not be prevented from being equivalent to vocational training merely because the structure of the experience does not comply exactly with the definition of vocational training.
- (3) The grounds upon which a dentist is exempt from the requirement to have completed vocational training are—
- (a) he is registered as a dentist by virtue of section 15(1)(b) or (bb) of the Dentists Act 1984<sup>(13)</sup> (registration of nationals of member States who hold appropriate European diplomas) or is in any other way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement; or
  - (b) his name has been included in a dental list in the United Kingdom within the period of five years ending on the date of his application to be included in the dental list; or
  - (c) he holds a voluntary vocational training certificate which states that it is in respect of vocational training completed on or after—
    - (i) 1st January 1988 in the case of a certificate issued in England and Wales,
    - (ii) 1st July 1988 in the case of a certificate issued in Scotland, or
    - (iii) 1st August 1989 in the case of a certificate issued in Northern Ireland; or
  - (d) he has practised in primary dental care for a period of at least four years in the aggregate in either the community dental service or the armed forces of the Crown and part of that aggregate period has fallen within four years of the date of his application under regulation 5; or
  - (e) in the case of any application made before 1st October 1998, he was, on 1st October 1993, employed as a Senior House Officer or Registrar in a hospital in the United Kingdom or enrolled on a course intended to lead to a Master's degree in dentistry or Membership Diploma in dentistry of any of the Royal Colleges of Surgeons in the United Kingdom.
- (4) In paragraph (3)—
- (a) in sub-paragraph (d), “primary dental care” means care and treatment delivered by the dentist at the first point of contact with the patient, and the “community dental service” means the dental service in Scotland provided under sections 1 and 39(2) of the Act<sup>(14)</sup>, in England and Wales provided under section 3(1)(c) and section 5(1)(a) or (1A) of the National Health Service Act 1977<sup>(15)</sup> and in Northern Ireland provided under Articles

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<sup>(13)</sup> 1984 c. 24.

<sup>(14)</sup> Section 39(2) was substituted by the Health and Medicines Act 1988, section 10.

<sup>(15)</sup> 1977 c. 49; section 5(1)(a) was amended by, and section 5(1A) was added by, the Health and Medicines Act 1988, section 10.

5(1)(c), 9(1)(a) and (1A) of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(16)</sup>; and

(b) in sub-paragraph (e) “Membership Diploma” means any postgraduate dental qualification which is registrable with the General Dental Council.

(5) An application for a vocational training number shall be granted by the Council if the applicant—

- (a) has had a vocational training certificate issued to him;
- (b) has acquired experience or completed training which ought to be regarded as equivalent to vocational training; or
- (c) is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (3).

(6) If the Council determines to grant an application for a vocational training number it shall—

- (a) allocate to the applicant a vocational training number;
- (b) notify him of that number within 14 days of the determination; and
- (c) enter that number against the name of the applicant in a register kept for that purpose.

(7) If the Council does not allocate a vocational training number to the applicant, it shall within 10 days of that decision, send him a notice to that effect together with a statement setting out the reasons why it has not done so and telling him about his right to appeal to the Appeal Body, the time limit for appeals specified in regulation 8(1) and giving the address to which an appeal, if made, must be sent.

### **Appeal body for appeals against refusal of vocational training number**

7.—(1) The body to which appeals may be made in respect of a refusal to grant a vocational training number shall be a body of seven persons appointed by the Secretary of State.

(2) Of the seven persons referred to in paragraph (1)—

- (a) one person shall be appointed as chairman of the body who—
  - (i) is an advocate or solicitor in Scotland of at least 10 years standing, or
  - (ii) has a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990<sup>(17)</sup>), or
  - (iii) is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least 10 years standing;
- (b) three shall be dentists nominated by a body appearing to the Secretary of State to be representative of the dental profession; and
- (c) three shall be dentists nominated by the Secretary of State.

(3) The Secretary of State shall appoint a person to act as secretary to the Appeal Body.

### **Procedure on appeal**

8.—(1) A dentist whose application for a vocational training number has been refused by the Council may appeal against the refusal by giving to the Appeal Body, within 28 days after he has received notice of the refusal pursuant to regulation 6(7) (or such extended period as the Appeal Body may allow pursuant to paragraph (2)), a written notice of appeal setting out a statement of the facts and contentions on which he intends to rely.

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<sup>(16)</sup> S.I. 1972/1265.

<sup>(17)</sup> 1990 c. 41.

(2) The Appeal Body may agree to an extension or further extension of the period of 28 days for lodging an appeal (either before or after that period has expired).

(3) In any case in which a dentist appeals to the Appeal Body in terms of paragraph (1), that dentist shall also send a copy of the written notice of appeal to the Council.

(4) The Council shall, within 21 days of the date of receipt of the copy of its notice of appeal referred to in paragraph (3), send to the Appeal Body a statement, signed and dated, saying whether or not the appeal is opposed.

(5) The Appeal Body may agree to an extension or further extension of the period of 21 days set out in paragraph (4) for lodging the statement by the Council (either before or after that period has expired).

(6) On receipt of a notice of appeal the Appeal Body shall appoint to determine the appeal an appeal committee consisting of the chairman and two other persons, of whom—

- (a) one shall be drawn from the dentists appointed under regulation 7(1) following their nomination under regulation 7(2)(b); and
- (b) the other shall be drawn from the dentists appointed under regulation 7(1) following their nomination under regulation 7(2)(c).

(7) If the appeal is opposed by the Council then the Council shall—

- (a) set out fully on what grounds the appeal is opposed;
- (b) specify any representations which the Council may desire to submit with regard to the information furnished by the appellant; and
- (c) send to the Appeal Body—
  - (i) a certified copy of the application made by the dentist under regulation 6(1);
  - (ii) a certified copy of the notice to the dentist and the statement of reasons specified in regulation 6(7);
  - (iii) certified copies of any further written correspondence between the applicant and the Council in relation to the application; and
  - (iv) any documentary evidence which the Council may desire to submit.

(8) In connection with an appeal, the appeal committee may require such further particulars from an appellant and such documents in support of his appeal, and may make such inquiries of such persons as it thinks fit.

(9) The appeal committee shall send to the appellant and to the Council (if the appeal is opposed) a copy of any comments made by such persons in reply to those inquiries and shall give the appellant and the Council (if the appeal is opposed) a period of 21 days beginning with the date on which the comments are sent to the respective parties in which to reply to such comments.

(10) The appeal committee shall give notice to the appellant that he may, within such period as is specified in the notice, require the appeal committee to give him an opportunity of appearing before and being heard by the appeal committee.

(11) The appeal committee shall appoint a date, time and place for the consideration of the appeal, and may, or shall if so required by the appellant, hold a hearing for that purpose.

(12) If a hearing is to be held, the appeal committee shall appoint a date, time and place for the hearing and, not less than 21 days before the date, shall send notice to the appellant and to the Council informing them of such date, time and place.

(13) At a hearing by the appeal committee, the appellant may appear and be heard in person or by counsel or a solicitor or by any other person on his behalf, and the Council may appear and be represented by counsel or a solicitor or by any duly authorised member or officer.

(14) The appellant may withdraw his appeal at any time.

(15) Where the appellant does not appear at a hearing and is not represented, the appeal committee may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat any request for a hearing as having been withdrawn.

(16) The proceedings of the appeal committee shall be in private.

(17) The appeal committee shall determine the appeal and shall, within 10 days of that determination, notify the appellant and the Council in writing of their decision and the reasons for it.

(18) Where the Council receives notice that a dentist's appeal has been allowed, it shall allocate a vocational training number to the dentist, notify him of that number within 10 days, and enter that number in its register of vocational training numbers.

(19) Subject to the foregoing paragraphs, the procedure of the Appeal Body and of the appeal committee shall be such as that body and committee respectively think fit.

### Local directory of dentists

**9.—**(1) A Health Board may prepare, and thereafter maintain, in addition to a dental list, another list known as the local directory of dentists which may contain, in respect of each dentist whose name is included in its dental list—

- (a) any information included in the dental list in respect of the dentist; and
- (b) any other information related to the provision of general dental services which the Health Board has agreed with the area dental committee to be appropriate.

(2) Where a Health Board has agreed with the area dental committee that certain information is appropriate for inclusion in the local directory of dentists, it may request in writing any dentist whose name is included in its dental list to furnish the Health Board with such information as it relates to him, and the dentist shall furnish that information to the Health Board within 28 days of the date of the Health Board's request.

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

**10.—**(1) A dentist shall not be entitled to have his name included in the dental list prepared by any Health Board where the circumstances specified in paragraph (2) apply.

(2) The circumstances referred to in paragraph (1) are—

- (a) if the dentist has previously withdrawn his name from the dental list prepared by any Health Board or any list prepared pursuant to section 36(1)(a) of the National Health Service Act 1977<sup>(18)</sup> in circumstances where the Secretary of State has certified for the purpose of regulation 10(4) of the National Health Service (Superannuation) (Scotland) Regulations 1980<sup>(19)</sup> or, as the case may be, regulation 8(7) of the National Health Service (Superannuation) Regulations 1980<sup>(20)</sup> that, in the interests of the efficiency of general dental services he should cease to provide such services;
- (b) if the Health Board is not satisfied following inspection that the proposed practice premises meet the requirements of paragraph 33 of Schedule 1, or
- (c) if the dentist does not have a vocational training number.

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<sup>(18)</sup> 1977 c. 49 section 36 was renumbered to become section 36(1) by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 5(1).

<sup>(19)</sup> S.I. 1980/117.

<sup>(20)</sup> S.I. 1980/362; to which there are amendments not relevant for the purpose of these Regulations.

### **Removal from dental list**

**11.**—(1) Subject to paragraph (2) where a Health Board has determined that a dentist whose name has been included in the dental list—

- (a) has died, or
- (b) has ceased to be a registered dental practitioner the Health Board shall remove the dentist's name from the dental list with effect from the date of its determination.

(2) Where a dentist has died and—

- (a) for so long as his practice is carried on by his personal representatives in accordance with the provisions of the Dentists Act 1984<sup>(21)</sup>, and
- (b) the personal representatives have appointed for that purpose a dentist whose name is included in the dental list of the Health Board,

the Health Board shall not remove the dentist's name from the dental list.

(3) Subject to paragraph (5), where a Health Board has determined in accordance with paragraph (4) that a dentist whose name has been included for the preceding 6 months in the dental list has not during the period provided general dental services, the Health Board shall remove the dentist's name from the dental list.

(4) Before making any determination under paragraph (3) the Health Board shall—

- (a) give the dentist 28 days' notice of their intention to do so;
- (b) afford the dentist an opportunity of making representations to the Health Board in writing or, if he so desires, in person; and
- (c) except where the dentist is a salaried dentist, consult the area dental committee.

(5) In calculating the period of 6 months referred to in paragraph (3) there shall be disregarded any period during which—

- (a) the dentist was performing relevant service;
- (b) the dentist was on maternity leave;
- (c) the dentist was unable to provide general dental services because of sickness; or
- (d) the dentist was suspended by direction of the Tribunal.

(6) In this regulation—

- (a) “relevant service” means—
  - (i) whole-time service in the armed forces of the Crown in a national emergency as volunteer or otherwise; or
  - (ii) compulsory whole-time service in those forces, including service resulting from any reserve liability; or
  - (iii) any equivalent service by a person liable for compulsory whole-time service in those forces; and
- (b) “maternity leave” means the period of one year beginning with the date of confinement.

(7) Nothing in this regulation shall prejudice any right of a dentist to have his name included again in a dental list.

### **Removal from dental list on grounds of age**

**12.**—(1) A Health Board shall—

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(21) 1984 c. 24.

- (a) on 1st April 1996 remove from the dental list the name of any dentist included in that list who has, on or before that date, attained the age of 66; and
  - (b) on 1st April 1997 remove from the dental list the name of any dentist included in that list who has, on or before that date, attained the age of 65.
- (2) A Health Board shall, on 1st April in 1998 and in each successive year thereafter, remove from the dental list the name of any dentist included in the list who has attained the age of 65 during the period of 12 months ending on 1st April in that year.
- (3) A Health Board shall give to any dentist whose name is to be removed from the dental list in accordance with paragraph (1) or (2)—
- (a) notice in writing to that effect not less than 12 months nor more than 13 months before the date on which his name is to be removed; and
  - (b) a further such notice not less than 3 months nor more than 4 months before that date,
- but the failure to give notice to any dentist as required by sub-paragraph (a) or (b) shall not prevent the removal of that dentist's name from the dental list in accordance with paragraph (1) or (2).

#### **Withdrawal from dental list**

**13.**—(1) Subject to paragraph (2) a dentist shall be entitled at any time to give notice in writing to the Health Board that he desires to withdraw his name from the dental list and his name shall be removed therefrom at the expiration of 3 months from the date of such notice or of such shorter period as the Health Board may agree.

(2) Where, in relation to any dentist, representations are made to the Tribunal under section 29 of the Act (disqualification of persons providing services) that the continued inclusion of a dentist in the dental list would be prejudicial to the efficiency of the general dental services, the dentist shall not, except with the consent of the Secretary of State and subject to such conditions, if any, as the Secretary of State may impose, be removed from the dental list until the proceedings on such representations have been determined.

(3) Paragraph (2) shall not apply in the case of a dentist who has reached an age at which on the following 1st April his name shall be removed from the dental list in accordance with regulation 12.

#### **Information about assistants**

**14.** A Health Board shall send to the Board any information it receives under paragraph 35(5) of Schedule 1 (employment of assistants) within 7 days of the date of its receipt of the information.

#### **Information about associateship agreements**

**15.**—(1) Where an associateship agreement is made, written notice of the parties thereto and of the date on which the agreement was made shall be given to the Health Board within 7 days of the date on which the agreement was made.

(2) Written notice of any change in the parties to, or the termination of, any associateship agreement shall be given to the Health Board within 7 days of such change or termination.

(3) Any notice required by this regulation shall be given by the person or, if more than one, one of the persons, liable by virtue of the associateship agreement to provide the use of premises and facilities.

(4) A Health Board shall supply to the Board the information it receives under paragraphs (1) and (2) within 7 days of the date of its receipt of the information.

### **Transfer of continuing care and capitation arrangements**

16.—(1) Subject to paragraphs (2) and (3) where a dentist who is providing care and treatment for patients under continuing care arrangements or capitation arrangements ceases to have his name included in the dental list or is suspended by direction of the Tribunal, the Health Board may, after consultation with the area dental committee and with the agreement of the patients concerned, make arrangement with one or more dentists (whose names are included in the dental list) for the continuing care arrangements or capitation arrangements to be transferred to that or those dentists.

(2) Where a dentist has died and his name remains on the dental list in accordance with regulation 11(2), the Health Board shall, subject to the agreement of the patients concerned, make arrangements with the dentist appointed by the personal representatives of the deceased dentist for the care and treatment under any continuing care arrangements or capitation arrangements entered into by the deceased dentist to be provided by that dentist.

(3) Where a suspension by direction of the Tribunal ceases to have effect and the suspended dentist continues to be included in the dental list, the Health Board shall make arrangements for any continuing care arrangements or capitation arrangements transferred under paragraph (1) which are still in force (including any such arrangement which has been extended under paragraph 8 or 9 of Schedule 1) to be transferred back to the original dentist, subject to the agreement of the patients concerned.

### **Emergency dental services**

17.—(1) A Health Board may make arrangements with any dentist whose name is included in its dental list for the provision of treatment in urgent cases at a hospital or premises of the Health Board when dentists in its area, or part of its area, are not normally available to provide general dental services.

(2) For the purpose of section 25(3)(b) of the Act a Health Board may pay to a dentist remuneration which consists wholly or mainly of a fixed salary where he provides general dental services in accordance with paragraph (1) of this regulation.

(3) In this regulation an “urgent case” means any circumstances in which, in the opinion of the dentist, a patient needs immediate treatment for an acute condition.

### **Arrangements for emergency cover**

18. It shall be the responsibility of a Health Board to make any arrangements that may be necessary to enable a salaried dentist whose name is included in its dental list to comply with his obligation under paragraph 6 of Schedule 1.

### **Health Board patient information leaflets**

19. A Health Board shall compile and make available to any person who may reasonably require one, a document about the provision of general dental services by salaried dentists in its area (a “Health Board patient information leaflet”) which shall include the information specified in Schedule 6.

## PART III

### method of obtaining general dental services

#### Application for services

**20.**—(1) A person aged 18 or over may apply to any dentist whose name appears in any dental list for general dental services by way of—

- (a) care and treatment under a continuing care arrangement; or
- (b) treatment on referral; or
- (c) occasional treatment.

(2) Subject to paragraph (3), a person under the age of 18 may apply to any dentist whose name appears in any dental list for general dental services by way of—

- (a) care and treatment under a capitation arrangement; or
- (b) treatment on referral; or
- (c) occasional treatment.

(3) A dentist may not enter into a capitation arrangement with a person during the month before he attains the age of 18.

(4) A person under the age of 18 may apply to a dentist for general dental services by way of care and treatment under a continuing care arrangement at any time during the month before he attains the age of 18 provided that he is not immediately before that date receiving care and treatment under a capitation arrangement with that dentist.

(5) A person who is receiving care and treatment under a capitation arrangement with a dentist may at any time after he attains the age of 17 apply for general dental services by way of care and treatment under a continuing care arrangement with that dentist from the date that he attains the age of 18.

(6) Application under this regulation shall be made in person at the practice premises unless a person is unable to attend those premises owing to illness or any other reasonable cause.

#### Exercise of choice of dentists in certain cases

**21.**—(1) An application to a dentist for general dental services shall be made—

- (a) on behalf of any person under the age of 16, by either parent, or in the absence of both parents, the guardian or other person who has the care of the child;
- (b) on behalf of any other person who is incapable of making such an application by a relative or any person who has the care of such person;
- (c) on behalf of any person under the age of 18—
  - (i) in the care of a local authority under Part II of the Social Work (Scotland) Act 1968<sup>(22)</sup> or under the relevant provisions of the said Part II as applied by section 44(5) of the said Act<sup>(23)</sup>, by a person duly authorised by that authority;
  - (ii) in the care of a voluntary organisation by that organisation or a person duly authorised by them; and

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<sup>(22)</sup> 1968 c. 49; Part II of the Social Work (Scotland) Act 1968 was extended with modification by the Guardianship Act 1973 (c. 29) section 11(5).

<sup>(23)</sup> Section 44(5) was amended by the Children Act 1975 (c. 72), Schedule 3, paragraph 56 and by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), section 28.

(d) on behalf of any person detained in a prison, remand centre or young offenders institution by a person authorised by the Secretary of State.

(2) An application under paragraph (1) may not be made by the dentist to whom the application is made.

## PART IV

### remuneration of dentists

#### Statement of Dental Remuneration

**22.**—(1) The Secretary of State shall, after consultation with such organisations as appear to him to be representative of persons providing general dental services, make provision for each of the matters set out in Column 2 of the following Table in a determination and each determination shall bear the number in Column 1 of the said Table which corresponds with the subject matter of the determination:—

TABLE

<i>Column 1</i> <i>Determination</i>	<i>Column 2</i> <i>Subject Matter of Determination</i>
I	A Scale of Fees which shall prescribe the remuneration to be paid to a dentist, other than a salaried dentist, for care and treatment under a continuing care arrangement or a capitation arrangement, treatment on referral and occasional treatment and the conditions of payment of remuneration
II	Rates of remuneration for a salaried dentist and for the provision of emergency dental services
III	Seniority payments
IV	Vocational training allowances
V	Maternity payments
VI	Long term sickness payments
VII	Postgraduate education allowances
VIII	Reimbursement of non-domestic rates.

(2) The Secretary of State shall publish the determinations in a statement called the Statement of Dental Remuneration.

(3) The Secretary of State may from time to time after consultation with such organisation as aforesaid amend a determination or any part thereof and shall publish any such amendment in the Statement of Dental Remuneration.

#### Approval of payments

**23.**—(1) The Board shall, where it is satisfied that—

- (a) a patient has been accepted by a dentist, other than a salaried dentist, under a continuing care arrangement or a capitation arrangement or for treatment on referral, authorise the payments which, in accordance with the Scale of Fees, fall to be made by a Health Board to the dentist in respect of such an arrangement or referral; or
  - (b) a continuing care arrangement or a capitation arrangement has terminated or treatment on referral has terminated or has been completed, authorise the Health Board to cease such payments to the dentist.
- (2) The Board shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in respect of—
- (a) care and treatment under a continuing care arrangement or a capitation arrangement;
  - (b) treatment on referral; or
  - (c) occasional treatment;
- completed by the dentist, authorise in accordance with the Scale of Fees, the remuneration to be paid by the Health Board to the dentist in respect of such care and treatment, treatment on referral, or occasional treatment.
- (3) In any case falling within paragraphs 14 or 17(4) of Schedule 1 (inability of dentist to complete treatment), the Board shall authorise in accordance with the Scale of Fees, and without prejudice to the provisions of the National Health Service (Dental Charges) (Scotland) Regulations 1989<sup>(24)</sup>, the remuneration to be paid by the Health Board to a dentist, other than a salaried dentist, in respect of the care and treatment or occasional treatment provided by him.
- (4) A Health Board shall pay to a dentist, other than a salaried dentist, the remuneration—
- (a) authorised by the Board under paragraphs (1)(a), (2) and (3); and
  - (b) in accordance with Determinations III, IV, V, VI, VII and VIII of the Statement of Dental Remuneration.
- (5) A Health Board shall pay to a salaried dentist and to a dentist providing emergency dental services remuneration in accordance with Determination II of the Statement of Dental Remuneration.
- (6) The Board may at its discretion in cases of orthodontic care and treatment, authorise payments on account pending completion of that care and treatment.

## Drugs

**24.** The fees payable by a Health Board to a dentist in respect of listed drugs supplied by him under paragraph 22(1) of Schedule 1 to these regulations for use before a supply can otherwise be obtained under paragraph 23 of that Schedule shall be calculated in accordance with the provisions of the Drug Tariff.

## Recovery of overpayments

**25.—(1)** Where the Board or a Health Board considers that it has authorised payment or, as the case may be, made payment of a fee to a dentist owing to an error or in circumstances when it was not due, the Board or, as the case may be, the Health Board shall, except to the extent that the Secretary of State on the application of the Board or, as the case may be, the Health Board, directs otherwise, draw that overpayment to the attention of the dentist and—

- (a) where he admits the overpayment; or
- (b) where he does not admit the overpayment but, the matter having been referred under regulation 8 of the National Health Service (Service Committees and Tribunal) (Scotland)

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(24) S.I. 1989/363; amended by S.I. 1990/1772, 1991/569, 1992/458, 1993/523, 1994/636 and 1995/703.

Regulations 1992<sup>(25)</sup> for investigation, the Health Board, or the Secretary of State on appeal, decides that there has been an overpayment, the amount overpaid shall be recoverable either by deduction from the remuneration of the dentist or in some other manner.

(2) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

## PART V

### payments in consequence of suspension

#### Interpretation of Part V

26. In this Part of these Regulations—

- (a) “claimant” means a person claiming to be entitled to, or receiving, a payment;
  - “erasure” means the erasure of a person’s name from the register;
  - “fees” does not include remuneration by way of salary;
  - “Health Committee” means the committee of that name being a Committee of the General Dental Council and constituted in accordance with section 2(4) of the Dentists Act 1984<sup>(26)</sup>;
  - “immediate suspension” means suspension by virtue of an order under section 30(3) of the Dentists Act 1984 except such a suspension terminated by the court under section 30(6) of that Act;
  - “interim suspension order” means an order under section 32 of the Dentists Act 1984;
  - “payment” means a payment under this Part of these Regulations;
  - “register” means the dentists register referred to in section 14(1) of the Dentists Act 1984, and
  - “registration” means registration in that register;
  - “suspension date” means the date on which suspension of a person’s registration takes effect;
- (b) a reference to a direction or order of the Health Committee is a reference to a direction or order of that Committee under the Dentists Act 1984.

#### Entitlement to payment

27.—(1) Payment shall be made as provided for by this Part of these Regulations to a dentist whose registration is suspended by an interim suspension order or by a direction or an order of the Health Committee.

(2) Subject to paragraph (3) no payment shall be made to a person—

- (a) whose registration has been suspended by a direction or order of the Health Committee once he has received payments in respect of 12 months’ such suspension, whether in respect of the same or a previous period of such suspension, and whether or not those 12 months formed a continuous period;

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<sup>(25)</sup> S.I. 1992/434, amended by S.I. 1994/3038.

<sup>(26)</sup> 1984 c. 24.

- (b) in respect of any part of a period of suspension where, in the 2 years immediately preceding the suspension date he received no fees for the provision of general dental services.
- (3) In calculating whether a person has received payment in respect of 12 months' suspension under paragraph (2)(a), no account shall be taken of any payment made in consequence of the suspension of his registration by a direction or order of the Health Committee more than five years previously.
- (4) No payment shall be made to a person for any part of a period of suspension—
  - (a) earlier than 8 weeks before the date on which an application for payment is received by the Health Board, unless that Board is satisfied that the lateness of the application is due to illness or other reasonable cause;
  - (b) during which his name is not included in the dental list of any Health Board;
  - (c) during which he is absent from the United Kingdom;
  - (d) for which he is entitled to any benefit under a contract of insurance against the risk of the suspension of his registration or of the circumstances which led to it, or for which the Health Board is satisfied he could have been so entitled but for his failure to enter into such a contract or to pay any premium due under such a contract;
  - (e) during which he is serving a term of imprisonment;
  - (f) during which he is remanded in custody in connection with a criminal offence for which he is (then or later) convicted;
  - (g) during which he is in breach of any condition of bail in connection with a criminal offence for which he is (then or later) convicted; or
  - (h) during which he is suspended by direction of the Tribunal.

### **Application for payment**

**28.**—(1) An application for payment shall be made to the Health Board in whose dental list the claimant's name was included immediately before the suspension date; and where his name was then included in the list of more than one Health Board, the application shall be made to the Health Board by whom the larger or largest total amount of fees was payable to him in the 2 years immediately preceding that date.

- (2) An application for payment shall—
  - (a) be made in writing;
  - (b) be made by the claimant or, where he is incapable of applying, on his behalf; and
  - (c) contain or be supported by such information as the Health Board may reasonably require for the purpose of establishing the claimant's entitlement to payment.

### **Amounts and times of payment**

**29.**—(1) A Health Board to whom an application for payment is made in accordance with regulation 28, shall, if satisfied, having made such enquiries as it considers relevant, that the claimant is eligible for payment by virtue of regulation 28, determine that he shall in respect of any period for which he is so entitled receive payment which, subject to paragraphs (2) to (6), shall be calculated as follows:—

- (a) where his registration is suspended by a direction or order of the Health Committee—
  - (i) £2,984 per month for each of the first 6 months for which he is entitled to payment, whether in respect of one or more periods of such suspension and whether or not those 6 months are consecutive, and

- (ii) £1,492 per month thereafter;
- (b) where his registration is suspended by an interim suspension order—
  - (i) where the period of interim suspension ends with an order for erasure or immediate suspension, £1,492 per month for the period of interim suspension, and
  - (ii) in any other case, £2,984 per month.
- (2) Where in the period of 2 years immediately preceding the suspension date the total amount of fees received by the claimant for the provision of general dental services was less than £142,242, payment made to him shall (subject to any further reduction under paragraph (3)) be in the same proportion to the amount otherwise payable in accordance with paragraph (1) as that total amount of fees is to £142,242.
- (3) Where the claimant's name was included in the dental list of the Health Board to which the application is made for a period of less than 2 years immediately preceding the suspension date, payment made to him shall be in the same proportion to the amount otherwise payable in accordance with paragraph (1) or paragraph (2) as the number of complete months in that lesser period is to 24.
- (4) Where the claimant's registration has been suspended by an interim suspension order or by a direction or order of the Health Committee within a period of 2 years after the expiry of a previous period of such suspension, the references in paragraphs (2) and (3) above to the suspension date shall be taken as references to the suspension date applicable to that previous period.
- (5) Where the Health Board has to make a determination as to payment at a time when it does not know whether or not the period of a person's interim suspension will end with an order for erasure or immediate suspension, or whether or not he will be convicted of a criminal offence, it shall make that determination as though his period of suspension did so end or he was convicted of the offence; but it shall review that determination and make appropriate adjustment as to past payment, if subsequently that period does not so end or he is not convicted of the offence.
- (6) Any payment shall, so far as is reasonably practicable, be made by the Health Board at the end of each month in arrears, and an appropriate proportion of the monthly amount shall be paid where the claimant is entitled to a payment for part only of a month.

### **Changes of circumstances**

**30.**—(1) A claimant shall notify the Health Board in writing immediately of any changes in his circumstances which he might reasonably consider might affect his entitlement to, or the amount of, any payment made or to be made to him in terms of this Part, and in particular of erasure, immediate suspension or termination of suspension of his registration.

(2) Where the Health Board considers, whether or not following a notification under paragraph (1), that there has been a change of circumstances affecting a claimant's entitlement to payment, it shall make such adjustment to payment as it considers to be appropriate.

### **Overpayments**

**31.** Where the Health Board considers that a payment has been made to a claimant in error or in circumstances where he was not entitled to it, it shall, except to the extent that the Secretary of State on the Health Board's application directs otherwise, draw the fact of overpayment to the attention of the claimant and—

- (a) where he agrees that the overpayment has occurred; or
- (b) where he does not so agree but, the matter having been referred under regulation 8 of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992 for investigation, the Health Board, or the Secretary of State on appeal, decides that there has been an overpayment,

the overpayment shall be recoverable either by deduction from the fees to which the claimant is otherwise entitled or in some other manner.

## PART VI

### payments in consequence of suspension by the tribunal

#### Payments to dentists suspended by direction of the Tribunal

**32.—**(1) The Health Board shall make payments to any dentist who is suspended by direction of the Tribunal in accordance with the Secretary of State's determination for the time being in force in relation to such payments.

(2) The Secretary of State shall make the determination in accordance with paragraphs (3) and (4) after consultation with the organisations referred to in regulation 22(1) and shall be published with the Statement referred to in regulation 22(2).

(3) Subject to paragraph (4), the Secretary of State's determination shall be such as to secure that, as far as reasonably practicable, and after making adjustments for any reduction in expenses, the suspended dentist receives payments at a rate corresponding to his remuneration by virtue of regulation 22 during the 12 months ending with the direction for suspension by the Tribunal.

(4) The Secretary of State's determination may include provision that payments in accordance with the determination are not to exceed a specified amount in any specified period.

(5) In a case to which section 32B(3) of the Act applies, the determination shall be reduced to take account of any payments which the suspended dentist receives from providing general dental services other than as a principal.

(6) Regulation 22(3) shall apply to determinations under this regulation as it applies to determinations under that regulation.

(7) Regulation 31 shall apply to payments made under this Part as it applies to payments made under Part V.

## PART VII

### prior approval (patterns of treatment) and surveys

#### Prior approval— patterns of treatment

**33.—**(1) Where it appears to the Board that a dentist's pattern of treatment in respect of all or any particular description of treatment, provided as part of general dental services in the area of any Health Board, differs so substantially from the local or national pattern of treatment of other dentists as to warrant, in the opinion of the Board, further investigation, the Board may write to the dentist—

- (a) giving details of his pattern of treatment in respect of all or any particular description of treatment and stating the extent to which it differs from the local or national pattern of treatment of other dentists;
- (b) inviting him to submit to the Board in writing the reasons why his pattern of treatment differs to the extent identified by the Board under sub-paragraph (a) of this paragraph, from that local or national pattern; and
- (c) giving notice to him that if—
  - (i) he fails to reply within 28 days; or

- (ii) his reply discloses no reasonable grounds, in the opinion of the Board, for his pattern of treatment to differ, to the extent identified by the Board under sub-paragraph (a) of this paragraph, from that local or national pattern of treatment,

the Board may give a direction as mentioned in paragraph (2).

(2) Where the dentist fails—

(a) to reply within 28 days; or

(b) to disclose the reasonable grounds as mentioned in paragraph (1)(c)(ii),

the Board may direct the dentist that he may not, for a period of not less than 3 months nor more than 9 months specified in the direction, carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Board, but nothing in any such direction shall prevent the dentist, without such approval, from giving treatment following trauma or in an emergency, any private treatment or, in the course of any single consultation, treatment of a patient consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres.

(3) Where the Board gives a direction under paragraph (2), the direction shall inform the dentist of his right of appeal under regulation 20 of the National Health Service (Service Committees and Tribunal)(Scotland) Regulations 1992 and shall have no effect until the expiry of the period allowed by that regulation for the bringing of an appeal and, if such an appeal is brought, until the determination of the appeal.

(4) The Board shall not give a direction to a dentist under paragraph (2) in consequence of having written to him under paragraph (1) more than 12 months previously.

(5) Where the Board gives a direction to a dentist under paragraph (2), the Board shall not give a further direction under that paragraph in relation to that dentist in respect of any treatment specified in the earlier direction for a period of 9 months beginning with the expiry of the period specified in the earlier direction or, where the dentist appeals that earlier direction and the appeal is allowed, the date on which the appeal is allowed.

(6) Paragraphs (1) and (2) shall not apply to any treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which he receives no remuneration other than a capitation payment.

(7) Where, on the date on which the Board gives a direction under paragraph (2), the name of the dentist in respect of whom the direction is given is not included in any dental list the period specified in the direction shall not begin until the next day on which his name is again included in a dental list.

(8) For the purpose of computing the date on which the period specified in any direction given under paragraph (2) comes to an end no account shall be taken of any day on which the dentist's name is not included in any dental list.

(9) In this regulation—

(a) “pattern of treatment” means—

(i) the number of instances in which an item or items of treatment are provided by or on behalf of a dentist; or

(ii) the ratio which the number of instances relating to one such item bears to the number of instances relating to another such item;

(b) “local”, in relation to pattern of treatment, means throughout the area of a Health Board; and

(c) “national”, in relation to pattern of treatment, means throughout Scotland.

## Surveys

34. The Board may conduct or commission surveys or other research relating to the provision of general dental services.

## PART VIII

### miscellaneous

#### Publication of particulars

35. Copies of the dental list, the local directory of dentists, these Regulations including the terms of service, the lists of listed drugs and the Statement of Dental Remuneration shall be available for inspection at the offices of the Health Board and such other places in its area as appear to the Health Board to be convenient for informing all persons interested and shall be kept revised and up to date.

#### Service of documents

36. Any notice or other document which is required or authorised by these Regulations (including the terms of service) to be given or sent—

- (a) to a dentist by a Health Board, the Council, the Appeal Body or an appeal committee may be given or sent by delivering it to him or by sending it by post to him at his usual or last known address;
- (b) to a dentist in connection with an appeal under regulation 8 who is represented by a solicitor for the purposes of that appeal, may be given or sent (as an alternative to a method mentioned in paragraph (a)) by delivering it to the solicitor at, or by sending it by post to the solicitor at, his usual or principal address;
- (c) to the Appeal Body or an appeal committee may be given or sent by delivering it to, or by sending it by post to, the secretary of the Appeal Body at the address mentioned in the notice given under regulation 6(7).

#### Signatures

37. Any signatures by a dentist required by these Regulations (including the terms of service) shall be handwritten in ink with his initials, or forenames, and surname in his own handwriting, and not by means of a stamp.

#### Revocations

38. The Regulations specified in column (1) of Schedule 8 are hereby revoked to the extent specified in column (3) of that Schedule.

St Andrew's House,  
Edinburgh  
28th January 1996

*James Douglas-Hamilton*  
Minister of State, Scottish Office