
STATUTORY INSTRUMENTS

1996 No. 177

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

PART II

general arrangements for provision of general dental services

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⁽¹⁾, 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.