

SCHEDULE 1

Article 48

MINOR AND CONSEQUENTIAL AMENDMENTS

The Medicines (Pharmacy and General Sale – Exemption) Order 1980

1.—(1) The Medicines (Pharmacy and General Sale – Exemption) Order 1980(1) shall be amended as provided in this paragraph.

(2) In article 4B (exemption for health professionals who supply medicinal products under a Patient Group Direction in order to assist doctors or dentists in providing national health services)(2)—

(a) in paragraph (2)(d)(ii)—

(i) in sub-paragraph (aa), after “primary medical services” insert “or primary dental services”, and

(ii) omit sub-paragraphs (a) and (b); and

(b) in paragraph (3), for sub-paragraph (a)(i) substitute—

“(i) in relation to England and Wales, the provision of primary dental services under Part 1 of the National Health Service Act 1977;”.

The National Health Service Trusts (Membership and Procedure) Regulations 1990

2.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990(3) shall be amended as provided in this paragraph.

(2) In regulation 1 (citation, commencement and interpretation) omit the definition of “general dental practitioner”.

(3) In regulation 11 (disqualification for appointment of chairman and non-executive directors), in paragraph (1)(f)—

(a) omit paragraph (i);

(b) in paragraph (ii), after “primary medical services” insert “or primary dental services”; and

(c) in paragraph (iii)—

(i) after “a company that” insert “or a director of a body corporate that”, and

(ii) after “primary medical services” insert “or primary dental services”.

The National Health Service (Service Committees and Tribunal) Regulations 1992

3.—(1) Subject to articles 31 to 37, the National Health Service (Service Committees and Tribunal) Regulations 1992(4) shall be amended in accordance with this paragraph.

(2) In regulation 2 (interpretation)—

(a) omit the definitions of “the 1997 Act”, “assistant”, “the Board”, “Dental Advisory Committee”, “dental discipline committee”, “dental list”, “dental officer”, “Dental Regulations”, “dentists' panel”, “deputy”, “estimate”, “prior approval requirement”, “salaried dentist”, “Statement of Dental Remuneration” and “treatment”;

(b) for the definition of “Local Dental Committee”, “Local Optical Committee” and “Local Pharmaceutical Committee” substitute ““Local Optical Committee” and “Local

(1) S.I. 1980/1924.

(2) Article 4B was inserted by S.I. 2000/1919 and amended by S.I. 2004/865, 1016, 2261 and 3038 and S.S.I. 2004/212.

(3) S.I. 1990/2024, amended by S.I. 2004/865; there are other amending instruments, but none are relevant.

(4) S.I. 1992/664.

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Pharmaceutical Committee” mean the committees of those names recognised by the Primary Care Trust in relation to its locality under section 44 of the Act, and “Local Representative Committee” means either of those committees”;

- (c) in the definition of—
 - (i) “Part II service”, omit the words “general dental services”,
 - (ii) “practitioner”, for the words “a dentist” substitute “an”,
 - (iii) “relevant local representative committee”, omit paragraph (b), and
 - (iv) “terms of service”, omit paragraph (b); and
- (d) in paragraph (4), omit sub-paragraph (a).
- (3) In regulation 3 (establishment of committees), omit paragraph (1)(b).
- (4) In regulation 4 (provisions relating to the start of disciplinary proceedings) in paragraph (5) (a), omit “dental.”.
- (5) In regulation 5 (referral to investigating discipline committee), omit paragraph (3)(b).
- (6) In regulation 6 (time limits), omit paragraph (3)(b), (4) and (5).
- (7) In regulation 8 (determination of appropriate Health Authority or Primary Care Trust)—
 - (a) omit paragraph (5)(b) and (9); and
 - (b) in paragraphs (8) and (11), omit “, (b)”.
- (8) In regulation 9 (appeal to the Secretary of State)—
 - (a) in paragraph (1)(b), (3)(c) and (4)(b), omit “, (b)”;
 - (b) in paragraph (3)(c) and (4)(b), for “regulations 11 or 12” substitute “regulation 11”; and
 - (c) in paragraph (5), for “(5)(a), (b)”, substitute “(5)(a)”.
- (9) In regulation 10 (procedure on appeal)—
 - (a) in paragraph (5), for “(5)(a), (b)”, substitute “(5)(a)”;
 - (b) in paragraph (6), for “paragraphs (7) and (8)”, substitute “paragraph (7)”; and
 - (c) omit paragraphs (7)(b) and (8).
- (10) In regulation 11 (recovery of amounts from practitioners following appeal)—
 - (a) omit paragraphs (2), (3), (4) and (8); and
 - (b) in paragraph (7), omit “, (b)”.
- (11) Omit regulation 12 (prior approval in dental cases).
- (12) In regulation 20 (power of Local Representative Committees to consider complaints), omit paragraph (2).
- (13) In Schedule 2 (constitution of discipline committees)—
 - (a) in paragraph 2—
 - (i) omit sub-paragraph (1)(b)(iii) and (4)(b), and
 - (ii) in sub-paragraph (2), for “(iii) to (v)” substitute “(iv) or (v)”;
 - (b) in paragraph 8, omit sub-paragraph (c)(ii).
- (14) In Schedule 4 (procedure for investigation by discipline committees)—
 - (a) omit paragraph 2(1)(b) (disciplinary matters in relation to deputies); and
 - (b) in paragraph 9, omit sub-paragraph (b)(ii).
- (15) In Schedule 5 (advisory committees), omit paragraph 2 and Part 3.

The Medicines for Human Use (Marketing Authorisations etc) Regulations 1994

4. In the Medicines for Human Use (Marketing Authorisations etc) Regulations 1994(5), in Schedule 1 (exemptions and exceptions from the provisions of regulation 3), in paragraph 3(1)(a) for the words “general dental services” substitute “primary dental services”.

The Health Authorities (Membership and Procedure) Regulations 1996

5.—(1) The Health Authorities (Membership and Procedure) Regulations 1996(6) shall be amended as provided in this paragraph.

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) in the definition of “discipline committee” for “a dental” substitute “an”;
- (b) in the definition of “Part II services” omit “general dental services,”; and
- (c) in the definition of “service committee” for “a dental” substitute “an”.

(3) In regulation 10 (disqualification for appointment), in paragraph (5)(b), after “primary medical services” insert “or primary dental services”.

(4) In regulation 14 (appointment of committees and sub-committees), in paragraph (3), after “primary medical services” insert “or primary dental services”.

(5) In regulation 16 (disability of chairman and members in proceedings on account of pecuniary interest), in paragraph (6)(b), after “primary medical services” insert “or primary dental services”.

The Prescription Only Medicines (Human Use) Order 1997

6.—(1) The Prescription Only Medicines (Human Use) Order 1997(7) shall be amended as provided in this paragraph.

(2) In Article 12B (exemption for health professionals who supply or administer prescription only medicines under a Patient Group Direction in order to assist doctors or dentists in providing national health services)(8)—

(a) for paragraph (2)(d)(ii) substitute—

“(ii) on behalf of the Primary Care Trust, Local Health Board, Health Board or Health and Social Services Board that is responsible for the arrangements under which the services are provided”; and

(b) for paragraph (3)(a)(i) substitute—

“(i) in relation to England and Wales, the provision of primary dental services under Part 1 of the National Health Service Act 1977;”.

The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999

7.—(1) The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(9) shall be amended as provided in this paragraph.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—

(a) omit the definition of “the 1997 Act”; and

(5) [S.I. 1994/3144](#); relevant amending instruments are [S.I. 2004/865](#) and [1016](#).

(6) [S.I. 1996/707](#). These Regulations (but not the title) were amended, for England, to relate to Strategic Health Authorities by [S.I. 2002/2469](#). Other relevant amending instruments are [S.I. 1997/2991](#), [1998/646](#) and [2621](#), [1999/1901](#), [2000/696](#) and [2002/556](#) and [2004/865](#).

(7) [S.I. 1997/1830](#).

(8) Article 12B was inserted by [S.I. 2000/1917](#) and amended by [S.I. 2002/2469](#), [2004/865](#), [1016](#), [2261](#), [3038](#) and [S.S.I. 2004/212](#).

(9) [S.I. 1999/2337](#); relevant amending instruments are [S.I. 2002/2469](#) and [2004/865](#).

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- (b) in the definition of “Part II services” omit “general dental services”.
- (3) In regulation 2 (consultation requirements for PCT orders), in sub-paragraph (d) of paragraph (2)—
 - (a) in paragraph (i), after “primary medical services” insert “, primary dental services,”; and
 - (b) after paragraph (i), omit the word “or” and paragraph (ii).
- (4) In regulation 3 (consultation on amendment of a PCT order or dissolution), in sub-paragraph (d) of paragraph (4)—
 - (a) in paragraph (i), after “primary medical services” insert “primary dental services,”; and
 - (b) after paragraph (i), omit the word “or” and paragraph (ii).

The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

8.—(1) The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000⁽¹⁰⁾ shall be amended as provided in this paragraph.

- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—
 - (a) omit the definition of “the 1997 Act”;
 - (b) in the definition of “health service body”, omit “or pilot scheme health service body”;
 - (c) in the definition of “nurse”—
 - (i) for paragraphs (a) and (b) substitute—
 - “(a) is a party to a general dental services contract under section 28K of the Act or to a PDS agreement;
 - (b) is employed by a provider of primary dental services under Part 1 of the Act to assist in the provision of those services;”, and
 - (ii) omit paragraph (d);
 - (d) in the definition of “Part II services”, omit “general dental services,”;
 - (e) before the definition of “PMS Agreement”, insert ““PDS Agreement” means an agreement made under section 28C of the Act for the provision of primary dental services;”;
 - (f) in the definition of “PMS Agreement”, after “means an agreement” insert “for the provision of primary medical services”; and
 - (g) omit the definition of “pilot scheme health service body”.
- (3) In regulation 5 (disqualification for appointment: chairman and non-officer members), in paragraph (1)—
 - (a) in sub-paragraph (g)—
 - (i) in paragraph (i), after “primary medical services,” insert “primary dental services,”, and
 - (ii) omit paragraph (ii); and
 - (b) in sub-paragraph (i), omit “or a pilot scheme health service body”.

The National Health Service (Charges for Drugs and Appliances) Regulations 2000

9. In the National Health Service (Charges for Drugs and Appliances) Regulations 2000⁽¹¹⁾, in regulation 2(1) (interpretation), in the definition of “terms of service” omit “general dental services”.

⁽¹⁰⁾ S.I. 2000/89; relevant amending instruments are S.I. 2002/2469 and 2861, 2003/1616 and 2004/696, 865 and 1771.

⁽¹¹⁾ S.I. 2000/620; the relevant amending instrument is S.I. 2004/865.

The Family Health Services Appeal Authority (Procedure) Rules 2001

10. In rule 2 (interpretation) of the Family Health Services Appeal Authority (Procedure) Rules 2001(12), in the definition of “FHS Regulations”—

- (a) after paragraph (a), insert—
 - “(ba) sections 28M and 126(4) of the 1977 Act (persons eligible to enter into GDS contracts),”;
- (b) omit paragraphs (b), (h) and (i); and
- (c) in paragraph (g), omit “general medical services, general dental services”.

The Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2002

11. In the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2002(13), omit regulation 10.

The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002

12. In the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002(14)—

- (a) omit regulation 4 (functions relating to pilot schemes);
- (b) in regulation 6 (limitations and restrictions on the exercise of functions relevant to both Strategic Health Authorities and Primary Care Trusts)—
 - (i) in paragraph (1), for “regulations 3 and 4”, substitute “regulation 3”, and
 - (ii) in paragraph (2)(b), omit the words from “and” to “or”;
- (c) in Part 1 of Schedule 1 (Secretary of State Functions Exercisable by Strategic Health Authorities and by Primary Care Trusts), for the entry in column 2 relating to section 26(2) of the 1977 Act, substitute “Supplying prescribed goods, materials or other facilities to persons providing general ophthalmic services or pharmaceutical services or providing services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements or providing local pharmaceutical services”; and
- (d) in the Table in Schedule 3 omit the entry for the 1997 Act in column 1 and the corresponding entry in column 2.

The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002

13. In the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002(15)—

- (a) in Schedule 1 (amendments consequential on Part 1 of the National Health Service Reform and Health Care Professions Act 2002), omit paragraphs 56, 81 and 93;
- (b) in the table in Schedule 5 (enactments where after “Health Authority”, “Health Authorities” or “Health Authority’s there is inserted “or Primary Care Trust”, “or Primary Care Trusts” or “or Primary Care Trust’s)(16), omit the entry relating to—

(12) [S.I. 2001/3750](#).

(13) [S.I. 2002/1920](#).

(14) [S.I. 2002/2375](#).

(15) [S.I. 2002/2469](#).

(16) Relevant amending instruments are [S.I. 2004/641](#), [865](#) and [1016](#).

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- (i) the National Health Service (General Dental Services) Regulations 1992, and
- (ii) the Dental Practice Boards (Personal Dental Services) Regulations 1998;
- (c) in the table in Schedule 6 (enactments where after “Health Authority” there is inserted “, Primary Care Trust”), omit the entry relating to the National Health Service (Pilot Schemes for Personal Dental Services: Miscellaneous Provisions and Consequential Amendments) Regulations 1998; and
- (d) in the table in Schedule 7 (enactments where for “Health Authority”, “District Health Authority”, “Health Authorities” or “Health Authority’s” there is substituted “Primary Care Trust”, “Primary Care Trusts” or “Primary Care Trust’s”), omit the entry relating to the—
 - (i) National Health Service (General Dental Services) Regulations 1992, and
 - (ii) National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001.

The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

14. In regulation 4 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002(17) (consultation of committees), omit paragraph (2)(b).

The Patients' Forums (Functions) Regulations 2003

15. In regulation 3(3) of the Patients' Forums (Functions) Regulations 2003(18) (entry and inspection of premises)—

- (a) insert after sub-paragraph (da)—
 - “(db) persons providing primary dental services under Part 1 of the Act;”;
- (b) in sub-paragraph (e), omit “or under a personal dental services pilot scheme established under Part 1 of the National Health Service (Primary Care) Act 1997”.

The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003

16.—(1) The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(19) is amended in accordance with this paragraph.

(2) In regulation 2 (interpretation), in the appropriate alphabetical place insert the terms “course of treatment”, “urgent course of treatment” and “relevant primary dental services” and insert after each of those terms “has the meaning given to it in regulation 2(1) of the National Health Service (Dental Charges) Regulations 2005(20)”.

- (3) In regulation 3(1)(a) (NHS travel expenses)(21)—
 - (a) after “primary medical services”, insert “or primary dental services”; and
 - (b) omit the words “or personal dental services provided under section 28C of the Act”.
- (4) In regulation 4(1) (remissible NHS charges), for sub-paragraphs (b) and (c) substitute—
 - “(b) in accordance with regulations made under section 79 of the Act in respect of charges for relevant dental services)”.

(17) [S.I. 2002/3048](#); the relevant amending instrument is [S.I. 2004/696](#).

(18) [S.I. 2003/2124](#); relevant amending instruments are [S.I. 2004/540](#), [696](#) and [865](#).

(19) [S.I. 2003/2382](#).

(20) [S.I. 2005/3477](#).

(21) Regulation 3 has been previously amended by [S.I. 2004/865](#) and [696](#).

- (5) In regulation 5(3) (entitlement to full remission payment), for sub-paragraph (c) substitute—
- “(c) in the case of a charge for relevant dental services—
- (i) the arrangements for the treatment or urgent course of treatment under the Act are made,
 - (ii) the arrangements for the supply of dentures or other dental appliances under the Act otherwise than as part of relevant primary dental services are made, or
 - (iii) the charge is made.”.
- (6) In regulation 6 (entitlement to partial remission and payment), for paragraph (4) substitute—
- “(4) In the case of a NHS Charge for relevant dental services, the charge which is partially remissible under this regulation and which must be used for the purposes of the calculation required under paragraph (3)(a) is the charge made—
- (a) for one course of treatment or urgent course of treatment, including any charge made for a denture or other dental appliance supplied in that course of treatment; or
 - (b) for the supply of dentures or other dental appliances under the Act otherwise than as part of relevant primary dental services.”.

The Delayed Discharges (England) Regulations 2003

17. In regulation 2 of the Delayed Discharges (England) Regulations 2003(22) (interpretation), in the definition of “health service body”, for paragraph (d) substitute—

- “(d) a contractor who is regarded as a health service body pursuant to regulation 9 of the National Health Service (Personal Medical Services Agreements) Regulations 2004(23) or regulation 9 of the National Health Service (Personal Dental Services Agreements) Regulations 2005(24);”.

The National Health Service (General Medical Services etc) (Patients' Forums) Amendment Regulations 2003

18. In the National Health Service (General Medical Services etc) (Patients' Forums) Amendment Regulations 2003(25), omit regulation 3 (amendment of the General Dental Services Regulations).

The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004

19. In the table in Schedule 2 to the Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004(26) (enactments where after “National Health Service Trust” or “NHS Trust” there is inserted “NHS Foundation Trust”, omit the entry relating to the National Health Service (General Dental Services) Regulations 1992.

(22) [S.I. 2003/2277](#).

(23) [S.I. 2004/627](#).

(24) [S.I. 2005/3373](#).

(25) [S.I. 2003/2863](#).

(26) [S.I. 2004/696](#).

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The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004

20. In Schedule 1 to the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004(27), omit paragraph 9 (the National Health Service (General Dental Services) Regulations 1992).

The National Health Service (Complaints) Regulations 2004

21. In regulation 2 of the National Health Service (Complaints) Regulations 2004(28) (interpretation)—

- (a) in paragraph (1), insert the following definition in the appropriate alphabetical place—
 - ““general dental services contractor” means a person who has entered into a general dental services contract with a Primary Care Trust in accordance with section 28K of the 1977 Act;”;
- (b) in paragraph (2), for sub-paragraphs (d) and (e) substitute—
 - “(d) a general dental services contractor;
 - (e) a person who provides primary dental services in accordance with arrangements made under section 28C of the 1977 Act;”.

The Special Health Authorities Abolition Order 2005

22. In Schedule 2 to the Special Health Authorities Abolition Order 2005(29) (amendments consequential on the abolition of the Special Health Authorities), omit paragraph 5 (the National Health Service (General Dental Services Supplementary List) and (General Dental Services) Amendment Regulations 2003).

The National Health Service (Pharmaceutical Services) Regulations 2005

23. In the National Health Service (Pharmaceutical Services) Regulations 2005(30) (interpretation)—

- (a) in regulation 2(1), for the definition of “Local Dental Committee” substitute—
 - ““Local Dental Committee” means a committee recognised under section 45B of the Act (Local Dental Committees);”;
- (b) in Schedule 5 (minor and consequential amendments), omit paragraph 15 (the National Health Service (Pilot Schemes for Personal Dental Services: Miscellaneous Provisions and Consequential Amendments) Regulations 1998) and 18 (the National Health Service (General Dental Services) Regulations 1992).

(27) S.I. 2004/865.
(28) S.I. 2004/1768.
(29) S.I. 2005/502.
(30) S.I. 2005/641.