
STATUTORY INSTRUMENTS

2013 No. 335

**The National Health Service (Performers
Lists) (England) Regulations 2013**

PART 3

Dental Performers List

Interpretation: general definitions

29.—(1) In this Part—

“approved trainer” means a dental practitioner—

- (a) who is included in the dental performers list; and
- (b) who has been approved for a specified period, which has not elapsed, by a postgraduate dental dean or director of postgraduate dental education as having the requisite skills and suitable practice facilities to act as a trainer;

“community dental service” means dental services provided under section 3(1)(c) of the 2006 Act (duties as to certain health services)(1);

“contractor” has the meaning given in section 100(4) of the 2006 Act (general dental services contracts)(2);

“dental practitioner” means a person who is registered in the dentists register;

“dentists register” means the register referred to in section 14(1) of the Dentists Act 1984 (the dentists register and the registrar)(3);

“health case” means a fitness to practise case in which an allegation is made that a dental practitioner’s fitness to practise is impaired by reason of adverse physical or mental health;

“Interim Orders Committee” means the Interim Orders Committee of the General Dental Council;

“postgraduate dental dean or director of postgraduate dental education” means a dental practitioner appointed to that position to assist in the provision of a suitable learning environment for dental practitioners performing primary dental services to meet the requirements and standards of the Dental Faculties of the Royal College of Surgeons of England and the Department of Health;

“Practice Committee” has the meaning given in section 2(3) of the Dentists Act 1984 (committees of the Council)(4);

“professional registration number” means, in relation to a dental practitioner, the number against the dental practitioner’s name in the dentists register;

(1) Section 3 was amended by the Health and Social Care Act 2012 (c. 7), section 13.

(2) Section 100 was amended by the Health and Social Care Act 2012 (c. 7), section 55 and Schedule 4, Part 5, paragraph 43.

(3) 1984 c. 24. Section 14 was substituted by S.I. 2005/2011 and by S.I. 2007/3101.

(4) Sub-section (3) was substituted by S.I. 2005/2011.

“relevant scheme” means, in relation to a dental practitioner, the scheme in respect of which the dental practitioner is applying to be included in a dental performers list;

“scheme” means an arrangement to provide primary dental services—

- (a) in accordance with section 107 arrangements; or
- (b) under a general dental services contract within the meaning of section 100(2) of the 2006 Act (general dental services contracts); and

“section 107 arrangements” has the meaning given in section 107(8) of the 2006 Act (arrangements for the provision of primary dental services)(5).

Interpretation: foundation training

30.—(1) In this Part, “foundation training” means a relevant period of employment during which a dental practitioner 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 provides, with the aims and objectives of enhancing clinical and administrative competence and promoting high standards through relevant postgraduate training and in particular to—

- (a) enable the dental practitioner to practise and improve the dental practitioner’s skills;
- (b) introduce the dental practitioner to all aspects of dental practice in primary care;
- (c) identify the dental practitioner’s personal strengths and weaknesses and balance them through a planned programme of training;
- (d) promote oral health of, and quality dental care for, patients;
- (e) develop and implement peer and self review, and promote awareness of the need for professional education, training and audit as a continuing process; and
- (f) enable the dental practitioner to—
 - (i) make competent and confident professional decisions including decisions for referrals to other services,
 - (ii) demonstrate that the dental practitioner is working within the guidelines regarding the ethics and confidentiality of dental practice,
 - (iii) implement regulations and guidelines for the delivery of safe practice,
 - (iv) know how to obtain appropriate advice on, and practical experience of, legal and financial aspects of practice, and
 - (v) demonstrate that the dental practitioner has acquired skill and knowledge in the psychology of care of patients and can work successfully as a member of a practice team.

(2) In the definition of “foundation training” in paragraph (1), “relevant period of employment” means—

- (a) one year’s full-time employment;
- (b) an equivalent period of part-time employment; or
- (c) in the case of a dental practitioner who is not exempt under regulation 34(4) from the requirement to undertake foundation training and has not completed foundation training as mentioned in sub-paragraph (a) or (b), but—
 - (i) has performed community dental service,
 - (ii) has otherwise gained experience of dentistry in primary care as a dental practitioner,
 or

(5) Section 107 was amended by the Health and Social Care Act 2012 (c. 7), section 55 and Schedule 4, Part 5, paragraph 48.

(iii) has been employed in a hospital as a dental practitioner, such period of employment, which may be less than but is to not exceed that in subparagraph (a) or such an equivalent period of part-time employment, as a postgraduate dental dean or director of postgraduate dental education determines that dental practitioner must complete in order to have satisfactorily completed foundation training.

Dental performers list

31.—(1) A dental practitioner may not perform any primary dental services unless that dental practitioner is included in the dental performers list.

This is subject to paragraph (2).

(2) Where a dental practitioner is undertaking foundation training, paragraph (1) does not apply during the first three months of that training.

Contents of the dental performers list

32. In respect of any dental practitioner included in the dental performers list, the list must include—

- (a) the dental practitioner's full name;
- (b) the dental practitioner's professional registration number;
- (c) the date of the dental practitioner's first registration in the dentists register;
- (d) confirmation of whether the dental practitioner is undertaking foundation training;
- (e) confirmation of whether the dental practitioner is a contractor under a general dental services contract;
- (f) confirmation of whether the dental practitioner provides primary dental services in accordance with section 107 arrangements; and
- (g) the date that the dental practitioner was first included in one of the following lists—
 - (i) the dental performers list,
 - (ii) a dental performers list kept by a Primary Care Trust prior to the transfer date, or
 - (iii) a dental list or dental supplementary list,specifying which list.

Application for inclusion in the dental performers list

33.—(1) In addition to satisfying the requirements of regulation 4, an application by a dental practitioner for the inclusion in the dental performers list must satisfy the requirements of this regulation.

(2) The dental practitioner must provide—

- (a) details of the dental practitioner's dental qualifications, details of where they were obtained and evidence of them;
- (b) unless the dental practitioner is undertaking foundation training, evidence that the dental practitioner has completed such training;
- (c) a declaration that the dental practitioner is included in the dentists register;
- (d) the dental practitioner's professional registration number and date of first registration;
- (e) if the dental practitioner is undertaking foundation training, the name and practice address of the dental practitioner's approved trainer;

- (f) confirmation of whether the dental practitioner is a contractor under a general dental services contract or provides primary dental services in accordance with section 107 arrangements; and
 - (g) confirmation of whether the dental practitioner is a contractor under a general dental services contract or provides primary dental services in accordance with section 107 arrangements for more than one scheme and, if so, which schemes and which of those schemes is the relevant scheme.
- (3) The dental practitioner must give the following undertakings—
- (a) if the dental practitioner is undertaking foundation training—
 - (i) not to perform any primary dental services except when acting for and under the direction of the dental practitioner’s approved trainer,
 - (ii) to withdraw from the dental performers list if the dental practitioner fails to complete that training, and
 - (iii) upon completion of the dental practitioner’s foundation training, to provide the Board with satisfactory evidence of that fact;
 - (b) if the dental practitioner is a contractor under a general dental services contract, to comply with the requirements of paragraph 83 of Schedule 3 to the National Health Service (General Dental Services Contracts) Regulations 2005 (gifts)(6); and
 - (c) if the dental practitioner is not a contractor under a general dental services contract, to comply with the requirements referred to in sub-paragraph (b) as though the dental practitioner were such a contractor.

Additional grounds for refusal

34.—(1) In addition to the grounds in regulation 7(2), the Board may refuse to admit a dental practitioner to the dental performers list if—

- (a) the dental practitioner’s registration in the dentists register is subject to conditions by virtue of a direction of a Practice Committee under section 27B (Practice Committees), 27C (resumed hearings) or 28 (restoration to register) of the Dentists Act 1984(7);
- (b) the dental practitioner is subject to an order for immediate conditional registration made by a Practice Committee under section 30 of the Dentists Act 1984 (orders for immediate suspension and immediate conditional registration)(8); or
- (c) the dental practitioner is subject to an order for interim conditional registration made by a Practice Committee, Interim Orders Committee or the court under section 32 of the Dentists Act 1984 (interim orders)(9).

(2) In addition to the grounds in regulation 7(4), the Board must also refuse to admit a dental practitioner to the dental performers list if the dental practitioner is not undertaking foundation training and has neither completed foundation training nor is exempt under paragraph (4) from the requirement to undertake foundation training.

(3) For the purposes of regulation 7(2)(e), the day prescribed in this Part is 3rd March 2003 or, if the dental practitioner concerned had been included in a dental list, 14th December 2001.

(4) A dental practitioner is exempt from the requirement to undertake foundation training if the dental practitioner is—

(6) S.I. 2005/3361. Paragraph 83 of Schedule 3 was amended by S.I. 2013/364.

(7) Sections 27B, 27C and 28 were substituted by S.I. 2005/2011.

(8) Section 30 was substituted by S.I. 2005/2011.

(9) Section 32 was substituted by S.I. 2005/2011.

- (a) registered as a dental practitioner by virtue of section 15(1)(b) of the Dentists Act 1984 (registration of nationals of member States who hold the appropriate European diplomas)**(10)** 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;
- (b) experienced in primary care as a dental practitioner for a total of at least two years full-time or an equivalent period part-time—
 - (i) in community dental service, or
 - (ii) in the armed forces of the Crown, or
- (c) is judged, through an assessment by a post-graduate dental dean or director of postgraduate dental education to have knowledge and experience equivalent to that of a dental practitioner who has satisfactorily completed foundation training.

Grounds for removal from the dental performers list

35.—(1) In addition to the grounds in regulation 14(1), the Board must remove a dental practitioner from the dental performers list where it becomes aware that—

- (a) the dental practitioner's registration in the dentists register has been suspended; or
- (b) the dental practitioner has failed to complete foundation training and has not withdrawn from the dental performers list pursuant to regulation 33(3)(a)(ii).

This is subject to paragraph (2).

(2) Paragraph (1)(a) does not apply where a direction that a dental practitioner's registration in the dentists register be suspended is made in a health case.

(3) For the purposes of regulation 14(3)(a), the day prescribed in this Part is 3rd March 2003 or, if the dental practitioner had been included in a dental list, 14th December 2001.

(4) In calculating the period of 12 months under regulation 14(7), the Board is to disregard any period during which the dental practitioner's registration in the dentists register is suspended.

(10) Sub-section (1)(b) was substituted by [S.I. 2007/3101](#).