
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 137

Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996

Part II

Provisions relating to investigations, disputes, appeals etc

Prior approval in dental cases

12.—(1) Where—

- (a) in the case of an appeal under regulation 9(1)(a), the Department determines that a dentist has failed to comply with one or more of his terms of service; or
- (b) an appeal is made by a dentist under regulation 9(1)(b),

the Department shall, subject to the following provisions of this regulation, determine whether a prior approval requirement should be imposed in relation to the dentist, that is to say that the dentist should, in respect of all or any specific description of treatment, be required to submit estimates for the prior approval of the Dental Committee.

(2) Where the Department determines under paragraph (1) that a prior approval requirement should be imposed, it shall also determine—

- (a) whether that requirement shall apply in the case of all treatment to be provided by the dentist, or only in relation to such treatment as the Department shall specify;
- (b) the period (to be specified as a number of months) for which the dentist is to be subject to the requirement; and
- (c) the date on which that period is to begin, being a date falling no earlier than 28 days after the date on which notice of the requirement is given to the dentist under paragraph (4).

(3) The Department shall give notice in writing of its determination under paragraph (1) to the dentist and the appropriate Board and shall include with the notice a statement of its reasons for the determination.

(4) A dentist who is subject to a prior approval requirement under this regulation may at any time after the expiry of a period of 6 months from the date on which notice of the requirement was given under paragraph (3) apply to the Department in accordance with paragraph (5) for a direction that the requirement cease to have effect before the period specified therein has elapsed.

(5) An application under paragraph (4) shall be made in writing and shall state the grounds on which the dentist contends that the requirement should cease to have effect.

(6) The Department shall, before it determines an application under paragraph (4)—

- (a) send a copy of it to the appropriate Board inviting it to submit its comments in writing within 21 days of the copy being sent to it; and

(b) where such comments are made by the appropriate Board within the time allowed under sub-paragraph (a), send a copy of them to the dentist inviting him to submit his observations in writing within 21 days of the copy being sent to him, and shall not determine the application until the time allowed under sub-paragraph (a), or, where sub-paragraph (b) applies, that sub-paragraph, has expired.

(7) The Department shall determine the application under paragraph (4) by—

- (a) directing that the prior approval requirement shall terminate on a specified date falling before the end of the period specified under paragraph (2)(b); or
- (b) dismissing the application,

and shall give notice in writing to the dentist, the appropriate Board and the Dental Committee of the determination and of the reasons for it.

(8) Where, on the date specified under paragraph (2)(c), the name of the dentist in respect of whom the relevant determination is made under paragraph (1) is not included in the dental list, the period specified under paragraph (2)(b) shall not begin until the next day on which his name is again included in the dental list.

(9) For the purpose of computing the date on which a period specified under paragraph (2)(b) is to end, no account shall be taken of any day on which the name of the dentist in respect of whom the relevant determination is made is not included in the dental list.

(10) Where a dentist is subject to a prior approval requirement under regulation 8(5)(b), paragraphs (2), (4), (5), (7), (8) and (9) shall have effect as if—

- (a) in paragraph (2)—
 - (i) for the words “Department determines under paragraph (1)” there were substituted the words “appropriate Board determines under regulation 8(5)(b)”,
 - (ii) for the word “Department” in sub-paragraph (a), there were substituted the words “appropriate Board”, and
 - (iii) for the words “paragraph (4)” in sub-paragraph (c), there were substituted the words “regulation 8(7)”;
- (b) in paragraph (4)—
 - (i) for the words “this regulation” there were substituted the words “regulation 8(5)(b)”,
 - (ii) for the words “paragraph (3)” there were substituted the words “regulation 8(7)”, and
 - (iii) for the word “Department” there were substituted the words “appropriate Board”;
- (c) in paragraph (7)—
 - (i) for the word “Department” there were substituted the words “appropriate Board”, and
 - (ii) the words “appropriate Board”, as they appear in that paragraph without the modifications mentioned in this paragraph, were omitted.