

STATUTORY RULES OF NORTHERN IRELAND

**2016 No. 104**

**The Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016**

**Prior approval in dental cases**

8.—(1) Where—

- (a) in the case of an appeal under regulation 5(1)(a), the Department determines that a dentist has failed to comply with one or more of their terms of service; or
- (b) an appeal is made by a dentist under regulation 5(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 (3).

(3) The Department shall give notice in writing of its determination under paragraph (1) to the dentist<sup>F1</sup>... 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.

<sup>F2</sup>(6) .....

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

- [<sup>F3</sup>(a) terminating the prior approval requirement 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<sup>F4</sup>... 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 their 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 a dentist in respect of whom the relevant determination is made is not included in the dental list.

<sup>F5</sup>(10) .....

<b>F1</b>	Words in <b>reg. 8(3)</b> omitted (1.4.2022) by virtue of <b>The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022 (S.R. 2022/109)</b> , <b>reg. 1, Sch. para. 30(2)</b> (with <b>reg. 13</b> )
<b>F2</b>	<b>Reg. 8(6)</b> omitted (1.4.2022) by virtue of <b>The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022 (S.R. 2022/109)</b> , <b>reg. 1, Sch. para. 30(3)</b> (with <b>reg. 13</b> )
<b>F3</b>	<b>Reg. 8(7)(a)</b> substituted (1.4.2022) by <b>The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022 (S.R. 2022/109)</b> , <b>reg. 1, Sch. para. 30(4)(a)</b> (with <b>reg. 13</b> )
<b>F4</b>	Words in <b>reg. 8(7)</b> omitted (1.4.2022) by virtue of <b>The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022 (S.R. 2022/109)</b> , <b>reg. 1, Sch. para. 30(4)(b)</b> (with <b>reg. 13</b> )
<b>F5</b>	<b>Reg. 8(10)</b> omitted (1.4.2022) by virtue of <b>The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022 (S.R. 2022/109)</b> , <b>reg. 1, Sch. para. 30(5)</b> (with <b>reg. 13</b> )
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<b>Commencement Information</b>	
<b>I1</b>	<b>Reg. 8</b> in operation at 1.4.2016, see <b>reg. 1(1)</b>

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016, Section 8.