
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for arrangements for the provision of general dental services under the National Health Service in Scotland, and for the preparation and maintenance by each Health Board in Scotland of a dental list.

They supersede and revoke the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the 1996 Regulations”). These Regulations are consequential on the coming into force of amendments made by the Smoking, Health and Social Care (Scotland) Act 2005 (“the 2005 Act”) to the sections of the National Health Service (Scotland) Act 1978 (“the 1978 Act”) dealing with general dental services and the disqualification of practitioners.

Those provisions of the 2005 Act were commenced on 2nd July 2010 by the Smoking, Health and Social Care (Scotland) Act 2005 (Commencement No. 6 Order 2010) ([S.S.I. 2010/185](#)).

The changes to the 1978 Act made by the 2005 Act include changes to the structure and content of the dental list.

Part I of the Regulations makes general provision for the purpose of these Regulations. Regulation 2 defines the terms used in the Regulations.

Part II of the Regulations make general arrangements for the provision of general dental services.

Regulation 3 specifies the terms of service (which are set out in Schedule 1) which shall be incorporated into the arrangements which a Health Board makes with a provider of general dental services.

Regulation 4 provides that each Health Board is to prepare and maintain a dental list which will be divided into 2 parts. The first part will contain the names and other details of dentists and bodies corporate who have undertaken to provide general dental services under arrangements with the Health Board in terms of the Regulations. In terms of regulation 2(1) a body corporate means a body corporate entitled by virtue of section 43 of the Dentists Act 1984 to carry on the business of dentistry. The second part of the dental list will contain names and other details of dentists who are approved by the Health Board to assist in the provision of such services.

The first part of the dental list is further divided into 2 sub-parts, namely sub-part A which is a list of dentists and bodies corporate who have undertaken to provide general dental services in the Health Board’s area, and sub-part B which is a list of dentists and bodies corporate who have undertaken to provide emergency dental services in the Health Board’s area.

Regulation 5 sets out the requirements and procedure for making an application for inclusion in a dental list, and for the notification of any changes in the information provided. An application may specify other Health Boards on whose dental list the applicant wishes to be included. A Health Board must inform such other Health Boards of its decision on whether or not to include the applicant in its dental list (regulation 5(10) and 7(4)). Inclusion in a dental list is to be allowed by another Health Board without further enquiry where the decision is that the applicant should be included in the dental list or where the applicant is already on a dental list (regulation 7(3)).

Paragraphs (12) to (15) contain provisions for applications by dentists undertaking vocational training.

Regulation 6 contains general provisions relating to the dental list. Paragraph (3) provides that a dentist or body corporate may not provide general dental services in a Health Board’s area unless the name of that dentist or body corporate is included in the first part of that Health Board’s dental

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list, and a dentist may not assist with the provision of general dental services in a Health Board's area unless the name of that dentist is included in the first or second part of that Health Board's general dental list.

Regulation 7 sets out mandatory grounds for refusal to include a dentist or body corporate in a dental list.

Regulation 8 sets out circumstances in which a Health Board may defer a decision on an application to include a dentist or body corporate in the dental list, and the procedure to be followed.

Regulation 9 provides for local directories of dentists.

Regulation 10 sets out general requirements with which a dentist or body corporate included in a dental list must comply.

Regulation 11 sets out the grounds on which a Health Board may suspend a dentist or body corporate from the dental list, and the procedure to be followed.

Regulation 12 sets out the grounds of removal of a person's name from a Health Board's dental list and the procedure to be followed.

Regulation 13 contains provisions regarding the re-inclusion of a dentist or body corporate in a Health Board's dental list where the occurrence which led to the removal of that person's name is overturned on appeal or for any other reason.

Regulation 14 provides for certain information regarding the Health Board's decisions in relation to its dental list to be disclosed to the parties specified in that regulation.

Regulation 15 sets out the procedure if a dentist or body corporate wishes to withdraw from the Health Board's dental list.

Regulation 16 sets out the procedure for a Health Board to send information regarding deputies and assistants to the Scottish Dental Practice Board ("SDPB").

Regulation 17 sets out the requirements for providing information regarding associateship agreements, which agreements are defined in regulation 2(1).

Regulation 18 provides powers for the Health Board to make arrangements for the transfer of continuing care and capitation arrangements in respect of dentists and body corporates in certain specified circumstances.

Regulation 19 makes provision for a Health Board to make arrangements for the provision of emergency dental services in urgent cases at a hospital or other Health Board premises.

Regulation 20 provides that it is the Health Board's responsibility to make arrangements to enable a salaried dentist to provide emergency cover.

Regulation 21 provides that a Health Board must prepare and make available a patient information leaflet regarding services to be provided by salaried dentists, and at health centres.

Part III of the regulations contains provisions regarding the remuneration for general dental services.

Regulation 22 provides for the Scottish Ministers to make determinations relating to the matter specified in the Table in that regulation.

Regulation 23 makes provision for the SDPB to authorise the Common Services Agency to pay remuneration to contractors, or to cease such payments, subject to specified conditions.

Regulation 24 contains provisions regarding fees for listed drugs.

Regulation 25 makes provision for recovery of overpayments.

Part IV of the regulations contains regulation 26 which provides for the Scottish Ministers to make a Determination in respect of payments to be made to any dentist or body corporate suspended by a Health Board or by direction of a Tribunal.

Regulation 27 specifies the circumstances in which the SDPB may direct a dentist not to provide or assist in the provision of treatment for a specified period without obtaining prior approval of an estimate from the SDPB.

Regulation 28 provides that the SDPB may conduct or commission surveys or other research relating to the provision of general dental services.

Part Vi of the regulations contains regulation 29 which provides for the grounds and procedure to be followed in respect of appeals against decisions of the SDPB.

Part VII of the regulations contains provisions relating to miscellaneous matters.

Regulation 30 provides for publication of copies of the dental list and other information regarding general dental services.

Regulation 31 makes provision for the services of notices or documents.

Regulation 32 provides requirements for any signature required by the Regulations.

Regulation 33 and Schedule 7 repeals the 1996 Regulations, and makes transitional provisions.

Regulation 33(3) provides that the names of those persons who are on Part A or Part B of a Board's previous dental list in terms of the 1996 Regulations on 1st July 2010 will be automatically transferred to sub-part A or sub-part B respectively of the Board's dental list on 2nd July 2010. Such persons must provide the information specified in paragraph (6) by 1st October 2010 or such later date as the Board may permit.

Paragraph (9) provides that a dentist who wishes to be included in the second part of the Health Board's dental list can assist in the provision of general dental services without the name of that person being included in that list until 1st October 2010.

Regulation 34 and Schedule 8 provide for consequential amendments.

Regulation 35 gives effect to Schedules 3, 4 and 5.

Schedule 1 sets out the terms of service for those undertaking to provide general dental services.

Part I makes general provisions.

Paragraph 1 deals with the interpretation of terms used in the Schedule.

Paragraph 2 incorporates the provisions of other regulations into the terms of service.

Paragraph 3 specifies the services which must or may be provided as general dental services.

Part II of the Schedule contains the terms of service in respect of continuing care arrangements, capitation arrangements and treatment on referral.

Paragraph 4 sets out the requirements for a continuing care arrangement.

Paragraph 5 sets out the requirements for a capitation arrangement.

Paragraph 6 sets out a contractor's obligations as regards providing emergency cover.

Paragraph 7 sets out a contractor's obligations regarding the repair or replacement of restorations.

Paragraph 8 provides for circumstances in which a continued care arrangement may be terminated.

Paragraph 9 provides for circumstances in which the capitation arrangement may be terminated.

Paragraph 10 sets out the procedure to be followed where a contractor wishes to terminate a continuing care arrangement or a capitation arrangement.

Paragraph 11 provides that a contractor may notify a Health Board that it wishes a continuing care arrangement or a capitation arrangement with any person to be terminated immediately if that person has committed an act of violence against any dentist, dental care professional or any other person employed or engaged by the contractor or has behaved in such a way that such a person has feared for his or her safety.

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Paragraph 12 provides for a contractor to refer a patient to another contractor or to hospital or other service provided under Part III of the 1978 Act where that contractor cannot provide the necessary facilities, experience or expertise to provide the care or treatment required.

Paragraph 13 provides that a dentist may refer a patient for care or treatment by a dental student in specified circumstances.

Paragraph 14 sets out the circumstances in which a contractor may accept a patient who has been referred to the contractor by another dentist, and the obligations of the contractor in these circumstances.

Paragraph 15 provides that the contractor must notify the Health Board in writing if the contractor is unable to complete any care and treatment.

Paragraph 16 provides that a contractor must provide a summary of the care and treatment which the patient has received if the patient intends to enter into an arrangement with another contractor.

Paragraph 17 sets out the circumstances in which the contractor may provide private care or treatment.

Part III of the Schedule sets out the terms of service relating to the provision of occasional treatment.

Paragraph 18 specifies the items which may be provided as occasional treatment.

Paragraph 19 makes provision for circumstances in which a contractor for whom a patient requests occasional treatment can refer the patient for the provision of that additional treatment by another contractor or by a hospital or other service provided under Part III of the 1978 Act.

Part IV of the Schedule sets out additional terms of service for all dentists.

Paragraph 20(1) sets out circumstances in which a dentist or contractor shall not claim or accept payment of any fee.

Paragraph 20(2) specifies the way in which a claim for a fee or other remuneration for the provision of general dental services shall be submitted.

Paragraph 21 provides that a Health Board may conduct or commission surveys or other research related to the provision of general dental services at no less than 6 monthly intervals.

Paragraph 22 sets out the general standards of care to be employed in providing or assisting with the provision of care and treatment under general dental services.

Paragraph 23 imposes duties on a dentist undertaking any procedure for which sedation of the patient is necessary.

Paragraph 24 deals with the supply of listed drugs to a patient.

Paragraph 25 specifies the requirements for a dentist ordering such listed drugs on a prescription form.

Paragraph 26 provides that a contractor may provide general dental services at a place at which the patient normally resides if requested to do so by a patient who is unable to leave home unaccompanied because of physical or mental illness or disability.

Paragraph 27 specifies the records which must be kept by a contractor.

Paragraph 28 sets out the procedure to be followed where care and treatment requires prior approval from the SDPB.

Paragraph 29 specifies the procedure to be followed by a dentist submitting an estimate to the SDPB for approval.

Paragraph 30 specifies the procedure to be followed where a person declares he/she does not have to pay charges for care and treatment.

Paragraph 31 specifies the procedure to be followed where a dentist is recalled to practice premises outwith normal hours in order to provide treatment in an emergency.

Paragraph 32 specifies the requirements on a contractor regarding completion of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral.

Paragraph 33 provides that a dentist may in the provision of general dental services arrange for dental care and treatment to be given by dental care professionals.

Paragraph 34 imposes obligations on dentists regarding post graduate education.

Paragraph 35 obliges a contractor to display information about charges for general dental services.

Paragraph 36 sets out the requirements for a practice based complaints procedure to be operated by contractors.

Paragraph 37 sets out the cooperation which a contractor or dentist must give in investigation of a complaint by a Health Board.

Paragraph 38 provides that a contractor must provide a Health Board with an annual return regarding complaints received.

Paragraph 39 provides that a contractor must provide the Health Board with information regarding the contractor's professional indemnity insurance if requested to do so.

Paragraph 40 specifies the clinical audit activities which must be undertaken by dentists.

Part V of the Schedule sets out additional terms of service for dentists other than salaried dentists.

Paragraph 41 makes provision regarding patient information leaflets.

Paragraph 42 sets out the requirements for the premises at which general dental services are provided.

Paragraph 43 provides that the provisions of paragraph 20 shall not have effect in relation to a claim for loss of remuneration if a patient fails to keep an appointment for general dental services.

Paragraph 44 makes provision for the circumstances in which care and treatment may be provided by a deputy or assistant.

Part VI of the Schedule provides additional terms of service for salaried dentists.

Paragraph 45 provides that a salaried dentist shall attend at such premises on such days and such hours as may be agreed with the Health Board, and shall not provide on such premises any care and treatment which is not part of general dental services, without the permission of the Health Board.

Paragraph 46 sets out that the records referred to in paragraph 27(1) shall be the property of the Health Board.

Paragraph 47 makes provision for any drugs or the provision of drugs supplied under paragraph 24 obtained by a salaried dentist.

Paragraph 48 provides that a salaried dentist shall make available the patient information leaflet compiled by the Health Board under regulation 21.

Paragraph 49 sets out the circumstances which an arrangement between a Health Board and a salaried dentist for the provision of general dental services may be terminated.

Schedule 2 lists the information and undertakings to be included in an application for inclusion in a dental list.

Regulation 5(1)(b) provides that an application to be included in sub-part A of the first part of the dental list shall include the information, certificate or application, undertakings, consents and declarations specified in Part IA of Schedule 2.

Regulation 5(1)(c) provides that an application to be included in sub-part B of the first part of the dental list shall include the information certificate or application, undertakings, consents and declarations specified in Part IB of Schedule 2.

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Regulation 5(1)(d) provides that an application to be included in the second part of the dental list shall include the information, certificate, undertakings, consents and declarations set out in Part II of Schedule 2.

Part III of Schedule 2 provides for information which may be included in an application for inclusion in a dental list, which is specified as details of any languages, other than English, spoken by the dentist.

Schedule 3 specifies the information to be provided about care and treatment under general dental services in terms of paragraphs 4(1)(a) and 5(1)(b) of Schedule 1.

Schedule 4 specifies the items for which prior approval of care and treatment from the SDPB is required in terms of paragraph 28 of Schedule 1.

Schedule 5 specifies the information to be included in patient information leaflets in terms of paragraph 41 of Schedule 1.

Schedule 6 provides the information to be included in the Health Board patient information leaflet in terms of regulation 21.

Schedule 7 specifies the regulations revoked by these Regulations.

Schedule 8 sets out consequential amendments.