

2010 No. 228

NATIONAL HEALTH SERVICE

**The Scottish Dental Practice Board Amendment
Regulations 2010**

<i>Made</i> - - - -	<i>9th June 2010</i>
<i>Laid before the Scottish Parliament</i>	<i>10th June 2010</i>
<i>Coming into force</i> - -	<i>2nd July 2010</i>

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by sections 4(1), and (2), 25(1), 105(7), and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Scottish Dental Practice Board Amendment Regulations 2010 and come into force on 2nd July 2010.

(2) In these Regulations, “the principal Regulations” means the Scottish Dental Practice Board Regulations 1997(b).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended in accordance with the following paragraphs.

(2) In regulation 2 (interpretation), in the definitions of “associateship agreement”, “dental officer” and “estimate”, for “National Health Service (General Dental Services) (Scotland) Regulations 1996(c)” substitute “National Health Service (General Dental Services) (Scotland) Regulations 2010(d)”.

(3) In regulation 8(2) (termination of tenure of office), for sub-paragraph (d) substitute—

“if the member is a person—

(i) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);

(a) 1978 c.29; section 4(1) was amended by the Health and Medicines Act 1988 (c.49) (“the 1988 Act”), section 25(2); section 25(1) is amended by the Smoking, Health and Social Care (Scotland) Act 2005 (2005 asp 13) (“the 2005 Act”), section 15, with effect from 20th May 2010 for the purposes of making regulations and with full effect from 2nd July 2010 in terms of S.S.I. 2010/185; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5 and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24 and the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraph 60; section 108(1) defines “prescribed” and “regulations”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1997/174, amended by S.S.I. 1999/52.

(c) S.I. 1996/177.

(d) S.S.I. 2010/208.

- (ii) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);
- (iii) who is the subject of—
 - (aa) a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985(a) or the Insolvency Act 1986(b); or
 - (bb) a bankruptcy restrictions undertaking entered into under either of those Acts; or
- (iv) who has been adjudged bankrupt (and has not been discharged), or is subject to any other kind of order, arrangement or undertaking analogous to those described above, in England, Wales, Northern Ireland, the Channel Islands, the Isle of Man or the Republic of Ireland.”.

(4) In regulation 8(3) (termination of tenure of office) for sub-paragraph (b), substitute—

“(b) in the case of a dental member—

- (i) if that member’s name has been erased from the register kept under section 14 of the Dentists Act 1984(c) or that member’s registration in that register has been suspended or made subject to conditions; or
- (ii) if that member has been disqualified by the Tribunal under section 29B(d) of the Act, or conditionally disqualified under section 29C(e) of the Act, from being included in any list kept under Part I or Part II of the Act, or has been the subject of any decision made in England, Wales or Northern Ireland which corresponds (whether or not exactly) with a decision which may be made under section 29B or section 29C of the Act.”.

(5) In regulation 10(2) (functions) for “National Health Service (General Dental Services) (Scotland) Regulations 1996” substitute “National Health Service (General Dental Services) (Scotland) Regulations 2010”.

(6) In regulation 17 (arrangements for general dental services) for “National Health Service (General Dental Services) (Scotland) Regulations 1996” substitute “National Health Service (General Dental Services) (Scotland) Regulations 2010”.

SHONA ROBISON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
9th June 2010

(a) 1985 c.66.
 (b) 1986 c.45.
 (c) 1984 c.24; section 14 was amended by S.I. 2005/2011 and 2007/3101.
 (d) Section 29B was inserted by the Health Act 1999 (c.8) (the “1999 Act”) section 58(1) and was amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) (the “2005 Act”) section 26 and paragraph 1 of schedule 3.
 (e) Section 29C was inserted by the 1999 Act, section 58(1), and amended by the 2005 Act, section 26, and by S.S.I. 2004/167.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Scottish Dental Practice Board Regulations 1997 (“the principal Regulations”) which make provision for the continued existence of the Scottish Dental Practice Board.

Regulation 2(2), (5) and (6) is consequential on the revocation of the National Health Service (General Dental Services) (Scotland) Regulations 1996 and their replacement by the National Health Service (General Dental Services) (Scotland) Regulations 2010.

Regulation 2(3) and (4) amends the principal Regulations to take account of recent changes to the sanctions which can be imposed on dentists.

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