
STATUTORY INSTRUMENTS

1990 No. 1772

**The National Health Service (General Dental Services)
(Miscellaneous Amendments) (Scotland) Regulations 1990**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1990 and shall come into force—

- (a) except for the purposes of regulation 4(2), on 1st October 1990; and
- (b) for the purposes of regulation 4(2), on 1st April 1991.

(2) In these Regulations, the “principal Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 1974(1).

Amendment of regulation 2 of the principal Regulations

2.—(1) In regulation 2(1) of the principal Regulations (interpretation)—

- (a) for the definition of “capitation arrangements” there is substituted the following definition:

—
““capitation arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 5 of Schedule 1;”;

- (b) the definitions of “dental estimate form”, “dental fitness”, “dental health” and “emergency treatment” are omitted;

- (c) for the definition of “estimate” there is substituted the following definition:—

““estimate” means a form supplied by the Health Board, or a form to like effect, completed by the dentist and submitted to the Board in accordance with paragraph 24 of Schedule 1 for the purpose of obtaining prior approval under that paragraph;”;

- (d) the definition of “preventive treatment” is omitted;

- (e) for the definition of “salaried dentist” there is substituted the following definition:—

““salaried dentist” means a dentist employed by a Health Board who undertakes to provide general dental services at a health centre;”;

- (f) the definition of “Special form” is omitted;

- (g) for the definition of “treatment” there is substituted the following definition:—

““treatment” means all proper and necessary dental treatment which a dentist usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, preventive treatment, periodontal treatment, conservative treatment, surgical treatment, the supply and repair of dental appliances, ortho dontic treatment and the taking of radiographs and the administration of anaesthesia and

(1) S.I. 1974/505, amended by S.I. 1974/2048, 1980/1220, 1981/900, 1984/1491, 1985/1552, 1986/1571, 1987/1634, 1988/854, 1989/363, 602 and 851.

sedation in connection with such treatment and the supply of drugs and the issue of prescriptions in accordance with paragraphs 20 and 21 of Schedule 1;”;

(h) the following definitions are inserted in the appropriate places in the alphabetical order:—

“(i) “care and treatment” means—

(a) all proper and necessary care which a dentist usually undertakes for a patient and which the patient is willing to undergo, including advice, planning of treatment, preventive care; and

(b) treatment;”;

“(ii) “continuing care arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 4 of Schedule 1;”;

“(iii) “dental surgery” means any part of the practice premises where care and treatment is provided;”;

“(iv) “an emergency” means the circumstances set out in paragraph 6(2) of Schedule 1 in which a patient requires prompt care and treatment;”;

“(v) “mobile surgery” means any vehicle in which care and treatment is provided;”;

“(vi) “NHS charge” means the charge, authorised under the National Health Service (Dental Charges) (Scotland) Regulations 1989(2), to the patient within the meaning of those Regulations;”;

“(vii) “occasional treatment” means such treatment as is mentioned in paragraph 16 of Schedule 1;”;

“(viii) “oral health” means such a standard of health of the teeth, their supporting structures and other tissues of the mouth, and of dental efficiency, as in the case of any patient is reasonable having regard to the need to safeguard his general health;”;

“(ix) “patient record” means the form supplied by the Health Board for the purpose of maintaining a record of treatment or a form to like effect;”;

“(x) “practice premises” means, in relation to any dentist, any premises at which he provides general dental services, or any mobile surgery of his;”;

“(xi) “prior approval treatment” means any item of treatment referred to in Part I of Schedule 1C or any care and treatment specified in paragraph 1 or 2 in Part II of that Schedule;”;

“(xii) “private”, in the context of care and treatment, means otherwise than under general dental services or Part III of the National Health Service (Scotland) Act 1978(3) and “privately” shall be construed accordingly;”;

“(xiii) “trauma” means damage to teeth, gingival tissues, or alveoli caused by a force arising outside the mouth resulting in mobility, luxation, subluxation or fracture of the hard tissues or injury to the soft tissues;”;

“(xiv) “treatment on referral” means any care and treatment provided by a dentist under paragraph 13 of Schedule 1;”.

(2) In regulation 2(4) of the principal Regulations (interpretation) there are inserted after the word “regulation” where it last appears the words “and any reference in a regulation to a numbered Schedule is a reference to the Schedule bearing that number in these Regulations”.

(2) S.I. 1989/363

(3) 1978 c. 29

Amendment of regulation 3 of the principal Regulations

3. In regulation 3(1) of the principal Regulations (terms of service), for sub-paragraphs (a) and (b) there are substituted the following sub-paragraphs:—

- “(a) in the case of a dentist undertaking to provide general dental services otherwise than as a salaried dentist, the terms of service contained in Parts I, II, III, IV and V of Schedule 1; and
- (b) in the case of a dentist undertaking to provide general dental services as a salaried dentist, the terms of service contained in Parts I, II, III, IV, and VI of Schedule 1;”.

Amendment of regulation 4 of the principal Regulations

4.—(1) Regulation 4 of the principal Regulations (dental list) is amended in accordance with the following paragraphs of this regulation.

(2) There are substituted for paragraph (1) the following paragraphs:—

“(1) The Health Board shall prepare a list, to be called the dental list, of dentists who, pursuant to the provisions of paragraph (2), have undertaken to provide general dental services in its area and who are not disentitled by virtue of the provisions of—

- (a) sections 25(2A) or 30(1) of the National Health Service Act 1978(4);
- (b) section 8(2) of the Health and Medicines Act 1988(5).

(1A) The dental list shall, in addition to the name of a dentist,—

- (a) contain—
 - (i) the addresses of all the practice premises and, where he provides general dental services at a mobile surgery only, the address at which correspondence in connection with such provision may be sent to him;
 - (ii) particulars of the days and hours when he is or will be usually in attendance at the practice premises for the provision of general dental services and, in the case of any mobile surgery, particulars of the places regularly visited by him and the times of those visits;
 - (iii) the name of any other dentist in association with whom he provides general dental services at the practice premises;
 - (iv) the date of his registration as a dental practitioner in the register kept under section 14 of the Dentists Act 1984(6), particulars of the dental qualification held by the dentist which entitled him to be so registered, including the date on which the qualification was awarded, and particulars of any other dental qualification held by him which is registerable pursuant to section 19(1)(c) of the Dentists Act 1984; and

(b) indicate—

- (i) whether the dentist provides only orthodontic treatment; and
- (ii) whether there is access to the dental surgery without the use of stairs.

(1B) The dental list may, provided that the dentist consents to its inclusion, also give particulars of any languages, other than English, spoken by the dentist.

(1C) The dental list may, if the Health Board thinks fit, be so arranged as to show the part of its area in which each dentist has undertaken to provide general dental services.”.

(4) 1978 c. 29; section 25(2A) was inserted by S.I. 1981/432, article 4(3).

(5) 1988 c. 49

(6) 1984 c. 24

(3) There are substituted for paragraph (2) the following paragraphs:—

“(2) A dentist who wishes to have his name included in the dental list shall make an application to the Health Board in writing which—

- (a) shall include the information and undertaking specified in Part I of Schedule 1A; and
- (b) may include the information specified in Part II of that Schedule.

(2A) A dentist whose name is included in the dental list of any Health Board, who is requested in writing by the Health Board to supply any information mentioned in paragraph (2B), shall supply that information to the Health Board within 28 days of the date of the Health Board’s request.

(2B) The information referred to in paragraph (2A) is—

- (a) if the dentist provides general dental services at a mobile surgery, particulars of the places regularly visited by him and the times of those visits;
- (b) if he provides general dental services at a mobile surgery only, the address at which correspondence in connection with such provision may be sent to him;
- (c) the name of any other dentist in association with whom the dentist provides general dental services at the practice premises;
- (d) the date of the dentist’s registration as a dental practitioner in the register kept under section 14 of the Dentists Act 1984, particulars of the dental qualification held by the dentist which entitled him to be so registered, including the date on which the qualification was awarded, and particulars of any other dental qualification held by him which is registerable pursuant to section 19(1)(c) of the Dentists Act 1984;
- (e) whether he provides only orthodontic treatment;
- (f) whether there is access to the dental surgery without the use of stairs; and
- (g) where the dentist consents to the inclusion of such information in the dental list, particulars of any languages, other than English, spoken by him.”.

(4) There are inserted after paragraph (4) the following paragraphs:—

“(5) The Health Board may prepare, and thereafter maintain, in addition to a dental list, any other list which may contain, in respect of each dentist whose name is included in its dental list—

- (a) any information included in the dental list in respect of the dentist; and
- (b) any other information related to the provision of general dental services which the Health Board has agreed with the area dental committee to be appropriate.

(6) Where the Health Board has agreed with the area dental committee that certain information is appropriate for inclusion in the list referred to in paragraph (5), it may request in writing any dentist whose name is included in its dental list to furnish the Health Board with such information as it relates to him, and the dentist shall furnish that information to the Health Board within 28 days of the date of the Health Board’s request.”.

Substitution of regulation 8 of the principal Regulations

5. For regulation 8 of the principal Regulations (arrangements to complete treatment) there is substituted the following regulation:—

“Arrangements to complete care and treatment

8.—(1) Subject to sub-paragraph (2), where a dentist who is providing care and treatment for patients under continuing care arrangements or capitation arrangements ceases to have his name included in the dental list, the Health Board may, after consultation with the area dental committee and with the agreement of the patients concerned, make arrangements with one or more dentists (whose names are included in the dental list) for the continuing care arrangements or capitation arrangements to be transferred to that or those dentists.

(2) Where a dentist has died and his name remains on the dental list in accordance with the proviso to regulation 6(1), the Health Board shall, subject to the agreement of the patients concerned, make arrangements with the dentist appointed by the personal representatives of the deceased dentist for the care and treatment under any continuing care arrangements or capitation arrangements entered into by the deceased dentist to be provided by that dentist.”.

Amendment of regulation 9 of the principal Regulations

6. In regulation 9(1) of the principal Regulations (constitution) the words

Substitution of regulation 12 of the principal Regulations

7. For regulation 12 of the principal Regulations (functions), there is substituted the following regulation:—

“Functions

12.—(1) The Common Services Agency shall provide the services of office accommodation and other facilities to enable the Board to carry out its functions.

(2) The Board shall, for the purpose of carrying out the duties imposed on it by these Regulations, consider all claims for remuneration submitted for approval for payment and all estimates and may give or withhold approval as it thinks fit; and for the purpose of determining whether or not to give approval may require a patient to submit himself for examination by a dental officer and may require the dentist to produce such records including radiographs and further particulars as it thinks fit.”.

Insertion of regulation 12A into the principal Regulations

8. After regulation 12 of the principal Regulations (functions) there is inserted the following regulation:—

“Prior approval—patterns of treatment

12A.—(1) Where it appears to the Board that a dentist’s pattern of treatment in respect of all or any specified description of treatment, provided as part of general dental services in the area of any Health Board, differs so substantially from the local or national pattern of treatment of other dentists as to warrant, in the opinion of the Board, further investigation, the Board may write to the dentist—

- (a) giving details of his pattern of treatment in respect of all or any particular description of treatment and stating the extent to which it differs from the local or national pattern of treatment of other dentists;
- (b) inviting him to submit to the Board in writing the reasons why his pattern of treatment differs to the extent identified by the Board under sub-paragraph (a) of this paragraph, from that local or national pattern; and

- (c) giving notice to him that if—
 - (i) he fails to reply within 28 days; or
 - (ii) his reply discloses no reasonable grounds, in the opinion of the Board, for his pattern of treatment to differ, to the extent identified by the Board under sub-paragraph (a) of this paragraph, from that local or national pattern of treatment,

the Board may give a direction as mentioned in paragraph (2).

- (2) Where the dentist fails—

- (a) to reply within 28 days; or
- (b) to disclose the reasonable grounds as mentioned in paragraph (1)(c)(ii),

the Board may direct the dentist that he may not, for a period of not less than 3 months nor more than 9 months specified in the direction, carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Board, but nothing in any such direction shall prevent the dentist, without such approval, from giving treatment following trauma or in an emergency, any private treatment or, in the course of any single consultation, treatment of a patient consisting of one examination and the taking of no more than two radiographs, each of a size not exceeding 16 centimetres square.

(3) Where the Board gives a direction under paragraph (2), the direction shall inform the dentist of his right of appeal under regulation 19 of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(7) and shall have no effect until the expiry of the period allowed by that regulation for the bringing of an appeal and, if such an appeal is brought, until the determination of the appeal.

(4) The Board shall not give a direction to a dentist under paragraph (2) in consequence of having written to him under paragraph (1) more than 12 months previously.

- (5) Where the Board gives a direction to a dentist under paragraph (2) and—

- (a) the dentist does not appeal;
- (b) he does appeal and his appeal is unsuccessful; or
- (c) he appeals successfully,

the Board shall not give a further direction under paragraph (2) in relation to that dentist in respect of any treatment specified in the earlier direction for a period of 9 months beginning with the expiry of the period specified in the earlier direction or, as the case may be, the date on which the appeal is allowed.

(6) Paragraphs (1) and (2) shall not apply to any treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration dated 28th August 1990 and for which he receives no remuneration other than a capitation payment.

- (7) In this regulation—

- (a) “pattern of treatment” means—
 - (i) the number of instances in which an item or items of treatment are provided by or on behalf of a dentist; or
 - (ii) the ratio which the number of instances relating to one such item bears to the number of instances relating to another such item;

- (b) “local”, in relation to pattern of treatment, means throughout the area of a Health Board; and
- (c) “national”, in relation to pattern of treatment, means throughout Scotland.”.

Amendment of regulation 15 of the principal Regulations

9. In regulation 15 of the principal Regulations (standing orders) there is inserted in paragraph (b), after the word “estimate” in both places where it occurs, the words “, claim for remuneration”.

Substitution of regulation 19 of the principal Regulations

10. For regulation 19 of the principal Regulations (application for services) there is substituted the following regulation:—

“Application for services

19.—(1) A person aged 18 or over may apply to any dentist whose name appears in any dental list for general dental services by way of—

- (a) care and treatment under a continuing care arrangement; or
- (b) occasional treatment.

(2) Subject to paragraph (3), a person under the age of 18 may apply to any dentist whose name appears in any dental list for general dental services by way of—

- (a) care and treatment under a capitation arrangement; or
- (b) occasional treatment.

(3) A dentist may not enter into a capitation arrangement with a person during the month before he attains the age of 18.

(4) A person under the age of 18 may apply to a dentist for general dental services by way of care and treatment under a continuing care arrangement at any time during the month before he attains the age of 18 provided that he is not immediately before that date receiving care and treatment under a capitation arrangement with that dentist.

(5) A person who is receiving care and treatment under a capitation arrangement with a dentist may at any time after he attains the age of 17 apply for general dental services by way of care and treatment under a continuing care arrangement with that dentist from the date that he attains the age of 18.

(6) Application under this regulation shall be made in person at the practice premises unless a person is unable to attend those premises owing to illness or any other reasonable cause.”.

Amendment of regulation 20 of the principal Regulations

11. In regulation 20 of the principal Regulations (exercise of choice of dentists in certain cases) the words from “or a signature” to “purpose of regulation 23” are omitted.

Amendment of regulation 26 of the principal Regulations

12. In regulation 26(1) of the principal Regulations (statement of dental remuneration) for all the words after the words “the Statement of Dental Remuneration”, there is substituted the following:—

<i>“Column 1 Determination</i>	<i>Column 2 Subject matter of determination</i>
I	A Scale of Fees which shall prescribe the remuneration to be paid to a dentist, other than a salaried dentist, for care and treatment under a continuing care arrangement or a capitation arrangement, treatment on referral and occasional treatment and the conditions of payment of remuneration;
II	Rates of remuneration for a salaried dentist;
III	Seniority payments;
IV	Vocational training allowances;
V	Maternity payments;
VI	Long term sickness payments;
VII	Postgraduate education allowances”.

Amendment of regulation 27 of the principal Regulations

13. In regulation 27 of the principal Regulations (approval of payments) there are substituted for paragraph (1) the following paragraphs:—

“(1) The Board shall, where it receives notification that—

- (a) a patient has been accepted by a dentist, other than a salaried dentist, under a continuing care arrangement or a capitation arrangement or for treatment on referral, authorise the payments which, in accordance with the Scale of Fees, fall to be made by the Health Board to the dentist in respect of such an arrangement or referral; or
- (b) a continuing care arrangement or a capitation arrangement has terminated or treatment on referral has been completed, authorise the Health Board to cease such payments to the dentist.

(1A) The Board shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in respect of—

- (a) care and treatment under a continuing care arrangement or a capitation arrangement;
- (b) treatment on referral; or
- (c) occasional treatment,

completed by the dentist, authorise in accordance with the Scale of Fees, the remuneration to be paid by the Health Board to the dentist in respect of such care and treatment, treatment on referral, or occasional treatment.

(1B) In any case falling within paragraph 14(1) or 16(4) of Schedule 1 (inability of dentist to complete treatment), the Board shall authorise in accordance with the Scale of Fees, and without prejudice to the provisions of the National Health Service (Dental Charges) (Scotland) Regulations 1989(8), the remuneration to be paid by the Health Board to a dentist, other than a salaried dentist, in respect of the care and treatment or occasional treatment provided by him.

(1C) A Health Board shall pay to a dentist, other than a salaried dentist, the remuneration—

- (a) authorised by the Board under paragraphs (1)(a), (1A) and (1B); and
- (b) in accordance with Determinations III, IV, V, VI and VII of the Statement of Dental Remuneration.

(1D) A Health Board shall pay to a salaried dentist remuneration in accordance with Determination II of the Statement of Dental Remuneration dated 28th August 1990.”.

Amendment of regulation 28 of the principal Regulations

14. In regulation 28 of the principal Regulations (drugs) there are substituted for the words “in pursuance of Schedule 1 Part 1 paragraph 11(1)” the words “under paragraph 20(1) of Schedule 1”.

Amendment of regulation 29A of the principal Regulations

15. In regulation 29A of the principal Regulations(9)(emergency dental treatment) for the words “emergency treatment” there are substituted the words “treatment in an emergency”.

Substitution of Schedule 1 to the principal Regulations

16. For Schedule 1 to the principal Regulations there are substituted the Schedules set out in Schedule 1 to these Regulations.

Amendment of the National Health Service (Dental Charges) (Scotland) Regulations 1989

17.—(1) The National Health Service (Dental Charges) (Scotland) Regulations 1989(10) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) (citation, commencement and interpretation)—

- (a) the definition of “dental estimate form” is omitted; and
- (b) the following definitions are inserted in the appropriate places in the alphabetical order:—
 - “(i) “capitation arrangement” has the same meaning as in the National Health Service (General Dental Services) (Scotland) Regulations 1974;”;
 - “(ii) “continuing care arrangement” has the same meaning as in the National Health Service (General Dental Services) (Scotland) Regulations 1974;”;
 - “(iii) “emergency” has the same meaning as in the National Health Service (General Dental Services) (Scotland) Regulations 1974;”;
 - “(iv) “estimate” has the same meaning as in the National Health Service (General Dental Services) (Scotland) Regulations 1974;”;
 - “(v) “treatment” has the same meaning as in the National Health Service (General Dental Services) (Scotland) Regulations 1974;”;
 - “(vi) “treatment on referral” has the same meaning as in the National Health Service (General Dental Services) (Scotland) Regulations 1974;”.

(3) In regulation 3 (charges for other general dental services)—

- (a) in paragraph (2)(c) and (d) there are substituted for the words “emergency treatment” wherever they occur the words “treatment in an emergency”;

(9) Inserted by S.I. 1981/900

(10) S.I. 1989/363

- (b) in paragraph (2) the word “or” where it appears at the end of sub-paragraph (c) is omitted and there is substituted for the full-stop at the end of sub-paragraph (d) the word “; or”;
- (c) in paragraph (2) after sub-paragraph (d) there is inserted the following paragraph:—
 - “(e) treatment provided pursuant to paragraph 7 or 13(2) (repair or replacement of restorations) of Schedule 1 (terms of service) to the National Health Service (General Dental Services) (Scotland) Regulations 1974.”.
- (4) In regulation 4 (calculation of charges) in paragraph (2)(b) there are inserted after the word “arrangement” where it last occurs the words “, but where a patient has been accepted by the dental practitioner under a continuing care arrangement or a capitation arrangement or for treatment on referral, does not include the payments which, in accordance with that Statement, fall to be made to the dentist in respect of such an arrangement or referral”.
- (5) In regulation 5 (conditions for exemption under the Act) in paragraph (2)(a) there are substituted for the words “dental estimate form” the words “claim for remuneration or estimate”.
- (6) In regulation 6 (making and recovery of charges) in paragraph 2(b) there are substituted for the words “dental estimate form, and before that form” the words “claim for remuneration or estimate, and before that claim or estimate”.
- (7) In regulation 8 (charges for more expensive supplies and repairs) paragraphs (2), (3) and (4) are omitted.
- (8) In regulation 11 (reduction of remuneration and accounting for charges—general dental services) in paragraphs (2) and (3) for “VI” there is substituted “II”.
- (9) In regulation 12 (revocations, amendment, savings and application of Regulations) paragraph (2) is omitted.
- (10) Schedule 3 (charges for more expensive supplies and repairs -general dental services) is omitted.

Amendment of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974

18.—(1) The National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(**11**) are amended in accordance with the following paragraphs of this regulation.

- (2) In regulation 2(1) (interpretation)—
 - (a) the definition of “estimate” is omitted;
 - (b) in the definition of “the terms of service” the words “Parts I, II and III of” are omitted;
 - (c) in the definition of “treatment” for the words “has the same meaning as in the General Dental Regulations” there are substituted the following words:—
 - “means—
 - (a) except in the context mentioned in sub-paragraph (b) of this definition—
 - (i) where at the material time the dentist is providing occasional treatment under the General Dental Regulations, treatment within the meaning of those Regulations;
 - (ii) in any other case, care and treatment within the meaning of those Regulations;
 - (b) in the context of the description of treatment specified under regulation 9(1)(e), treatment within the meaning of the General Dental Regulations other than—
 - (i) one examination in the course of any single consultation;

- (ii) treatment in an emergency within the meaning of those Regulations;
- (iii) two radiographs, each of a size not exceeding 16 centimetres square, in the course of any single consultation; and
- (iv) treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration dated 28th August 1990 and for which he receives no remuneration other than a capitation payment;”.

(3) In regulation 9 (action by the Board), in paragraph (1)(e) for the words from “, in respect of any” to the end of the sub-paragraph there are substituted the words “to submit to the Scottish Dental Practice Board for prior approval estimates in respect of any description of treatment specified by the Board.”.

(4) In regulation 13 (procedure on withholding money), in paragraph (4) for the words from “failure to complete” to “skill” there are substituted the words “failure to employ a proper degree of skill and attention”.

(5) In regulation 19 (appeal from Scottish Dental Practice Board)—

(a) after paragraph (1) there is inserted the following paragraph:—

“(1A) Any dental practitioner who is aggrieved by a decision of the Board under regulation 12A of the General Dental Regulations (prior approval—patterns of treatment) may, in accordance with paragraphs (2) and (3), appeal against the decision—

- (a) where the name of the dental practitioner is included in the dental list of only one Health Board, to that Health Board;
- (b) where the name of the dentist is included in the dental list of more than one Health Board, to any such Health Board.”;

(b) in paragraph (5)—

- (i) in sub-paragraph (b) for the words from “on the ground” to “the estimate” there are substituted the words “or a claim for remuneration on the ground that the services to which the estimate or claim”;
- (ii) in sub-paragraph (d) for the words from “appoint” to “the appeal” there are substituted the following words:—

“appoint—

- (i) where the appeal is made under paragraph (1A), three dentists;
 - (ii) in any other case, two dentists,
- as referees to determine the appeal”.

(6) Regulation 20 (investigation of excessive dental treatment) is hereby revoked.

Transitional provisions

19.—(1) Where—

- (a) a dentist has begun treatment of a patient before 1st October 1990 with a view to securing dental fitness in accordance with paragraph 2(1)(b) of Schedule 1 to the principal Regulations as in force before that date; and
- (b) that treatment is not completed by 1st October 1990,

the principal Regulations shall continue to have effect as respects completion of that treatment as if these Regulations had not been made, unless and until that dentist accepts the patient for care and treatment under a continuing care arrangement or a capitation arrangement under the principal Regulations as amended by these Regulations.

(2) A dentist shall not accept for care and treatment under a continuing care arrangement or a capitation arrangement a patient who is receiving treatment pursuant to paragraph (1), other than orthodontic treatment, and remains willing to undergo that treatment (whether or not pursuant to that paragraph).

(3) A patient who, before 1st October 1990, is receiving care and treatment from a dentist under a capitation arrangement under Part IV of Schedule 1 to the principal Regulations as in force before that date shall be treated as having applied to, and been accepted on that date by, that dentist for care and treatment under a capitation arrangement under the principal Regulations as amended by these Regulations; and in relation to such a patient paragraph 5 of Schedule 1 to the principal Regulations shall have effect as if the references in paragraph 5(1)(a) to the time at which the dentist accepts the patient were to the time of his consultation with the patient after 1st October 1990 and in paragraph 5(1)(b) and (c) to the time of the dentist's first examination of the patient were to the time of the first such examination taking place on or after 1st October 1990.

(4) The amendments made by these Regulations to the National Health Service (Dental Charges) (Scotland) Regulations 1989⁽¹²⁾ shall apply in relation to general dental services only where the contract or arrangement leading to the provision of the services is made on or after 1st October 1990.

(5) Where on or after 1st October 1990 a matter falls to be investigated, referred or determined (whether by a service committee, a Health Board, the Secretary of State or otherwise) under Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974⁽¹³⁾ following a complaint which relates to treatment, as part of general dental services, begun before 1st October 1990, those Regulations shall apply to the investigation, referral or determination of that matter as if these Regulations had not been made.

Revocations

20. The Regulations specified in column (1) of Schedule 2 to these Regulations are revoked to the extent specified in column (3) of that Schedule.

St Andrew's House,
Edinburgh
28th August 1990

Sanderson of Bowden
Minister of State, Scottish Office

⁽¹²⁾ S.I. 1989/363

⁽¹³⁾ S.I. 1974/504, amended by S.I. 1974/1031 and 1988/878