
STATUTORY INSTRUMENTS

1993 No. 2209

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (General Dental
Services) Amendment Regulations 1993**

Made - - - - 9th September 1993

Laid before Parliament 10th September 1993

Coming into force - - 1st October 1993

The Secretary of State for Health, in exercise of powers conferred on her by sections 15(1)(b), 16, 35(1), 36(1) and (3) and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) Amendment Regulations 1993 and shall come into force on 1st October 1993.

(2) In these Regulations, “the principal Regulations” means the National Health Service (General Dental Services) Regulations 1992(2).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) the following definitions shall be inserted in the appropriate places in the alphabetical order—

““Appeal Body” means the body referred to in regulation 5B;

“appeal committee” means a committee appointed by the Appeal Body in accordance with regulation 5C(3);

(1) 1977 c. 49. See section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(1), 2(g), (i) for the definition of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c. 48), section 5(2) and by the 1990 Act, section 12(1); section 16(1) was amended by the Health Services Act 1980 (c. 53), sections 1, 2 and paragraph 36 of Part I of Schedule 1, and by the 1990 Act, sections 3(3), 66(2) and Schedule 10; section 35(1) was substituted by the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39) (“the 1985 Order”), article 7(9); sections 36(1) and (3) were amended by the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981, S.I. 1981/432, article 3(3)(a), by the 1985 Order, article 7(10), by the Health and Medicines Act 1988, section 25(1) and paragraphs 1 and 4 of Schedule 2, and by the 1990 Act, section 24; and section 126(4) was amended by the 1990 Act, section 65(2).

(2) S.I. 1992/661, to which there are amendments not relevant to these Regulations.

“approved trainer” means a dentist whose name is included in a dental list and who is approved by a postgraduate dental dean or a Director of postgraduate dental education as being a dentist who has the requisite skills and suitable practice facilities to enable him to act as a trainer;

“vocational training” means a period of one year’s full time employment (or an equivalent period of part-time employment) undertaken wholly after 30th September 1993 during which a dentist is employed under a contract of service by an approved trainer to provide a wide range of dental care and treatment and to attend such study days as that contract requires with the aim and objectives set out respectively in paragraphs 1 and 2 of Schedule 1A;

“vocational training certificate” means a certificate confirming that a dentist has completed vocational training issued–

- (a) in England, Wales or Northern Ireland by a postgraduate dental dean or a Director of postgraduate dental education; or
- (b) in Scotland by the director of postgraduate dental education, the chairman of the Scottish Dental Vocational Training Committee or a regional general dental practice vocational training adviser; or
- (c) the Director of the Royal Naval Dental Service, the Director of the Royal Army Dental Corps or the Director of the Dental Branch of the Royal Air Force;

“vocational training number” means a number allocated to a dentist–

- (a) in England and Wales under regulation 5A,
- (b) in Scotland under regulation 4ZA of the National Health Service (General Dental Services) (Scotland) Regulations 1974(3),
- (c) in Northern Ireland under provisions equivalent to these Regulations;

“voluntary vocational training certificate” means a vocational training certificate or a letter confirming that a dentist has completed vocational training on or before 30th September 1994 and signed, in either case, in England and Wales, by a postgraduate dental dean or Director of postgraduate dental education, in Scotland by the chairman of the Scottish Dental Vocational Training Committee or an officer of a Regional Committee for Postgraduate Dental Education and in Northern Ireland by the Adviser in vocational training;”.

Amendment of regulation 5 of the principal Regulations

3.—(1) Regulation 5 of the principal Regulations (application for inclusion in the dental list) shall be amended as follows–

(2) In paragraph (1)–

- (a) at the beginning there shall be inserted “Subject to paragraph (3),”; and
- (b) in sub-paragraph (a)(i), after “5” there shall be inserted; “5A”.

(3) In paragraph (2), at the beginning, there shall be inserted “Subject to paragraph (4),”;

(4) After paragraph (2) there shall be inserted–

“(3) A dentist who wishes to have his name included in the dental list but who does not have a vocational training number shall apply for a vocational training number; and his application for a vocational training number shall be dealt with in accordance with regulation 5A before the FHSA determines his application under paragraph (1).

(4) Paragraph (2) shall not apply to the application under paragraph (1) of a dentist who does not have a vocational training number until such a number has been allocated to him.”.

Applications for vocational training numbers

4. After regulation 5 there shall be inserted the following new regulations—

“Applications for vocational training numbers

5A.—(1) An application for a vocational training number shall be in writing and—

- (a) shall state that the dentist has also made an application under regulation 5(1), and
 - (i) specify the FHSA to which that application has been made, and
 - (ii) state the date on which it was made; and
- (b) shall either—
 - (i) state that the dentist has completed vocational training and be accompanied by his vocational training certificate, or
 - (ii) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to vocational training and be accompanied by written details of that experience or training, or
 - (iii) state that the dentist is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (3) below and be accompanied by written details in support of that statement.

(2) For the purposes of paragraph 1(b)(ii) experience or training shall not be prevented from being equivalent to vocational training merely because the structure of the experience or training does not comply exactly with the definition of vocational training.

(3) The grounds upon which a dentist is exempt from the requirement to have completed vocational training are that—

- (a) he is registered as a dentist by virtue of section 15(1)(b) of the Dentists Act 1984⁽⁴⁾ (registration of nationals of member States who hold appropriate European diplomas) or is in any other way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement; or
- (b) his name has been included in a dental list in the United Kingdom within the period of five years ending on the date of his application to be included in the dental list; or
- (c) he holds a voluntary vocational training certificate which indicates that it is in respect of vocational training completed on or after—
 - (i) 1st January 1988 in the case of a certificate issued in England and Wales,
 - (ii) 1st July 1988 in the case of a certificate issued in Scotland, or
 - (iii) 1st August 1989 in the case of a certificate issued in Northern Ireland; or
- (d) he has practised in primary dental care for a period of at least four years in the aggregate in either the Community Dental Service or the armed forces of the Crown and part of that aggregate period has fallen within four years of the date of his application under regulation 5(1), or
- (e) in the case of any application made before 1st October 1998, he was, on 1st October 1993, employed as a Senior House Officer or Registrar in a hospital in the United Kingdom or enrolled on a course intended to lead to a Master’s degree

(4) 1984 c. 24.

in dentistry or Membership Diploma in dentistry of any of the Royal Colleges of Surgeons in the United Kingdom.

(4) In paragraph (3)–

- (a) in sub-paragraph (d), “primary dental care” means care and treatment delivered by the dentist at the first point of contact with the patient, and the “Community Dental Service” means the dental service provided in England and Wales under sections 3(1)(c) and 5(1)(a) or (1A) of the 1977 Act⁽⁵⁾ and in Scotland under sections 1 and 39(2) of the National Health Service (Scotland) Act 1978⁽⁶⁾, and in Northern Ireland under articles 5(1)(c), 9(1)(a) and 1A of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁷⁾; and
- (b) in sub-paragraph (e) “Membership Diploma” means any postgraduate dental qualification which is registrable with the General Dental Council.

(5) An application for a vocational training number shall be granted if the applicant–

- (a) has had a vocational training certificate issued to him;
- (b) has acquired experience or completed training which ought to be regarded as equivalent to vocational training; or
- (c) is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (3) above.

(6) FHSAs shall have the functions of determining applications for vocational training numbers, of allocating such numbers, of issuing notices and dealing with other matters in connection with such applications but those functions shall be exercised on behalf of each FHSAs by the Dental Vocational Training Authority⁽⁸⁾ in accordance with the following provisions of these Regulations; and accordingly any such application shall be made to that Authority.

(7) The Dental Vocational Training Authority shall determine in accordance with paragraph (5) and Schedule 5A whether or not an application for a vocational training number is to be granted; and if it determines to grant it, it shall–

- (a) allocate to the applicant a vocational training number;
- (b) notify him of that number;
- (c) enter that number against the name of the applicant in a register kept for that purpose.

(8) If the Dental Vocational Training Authority does not allocate a vocational training number to the applicant, it shall, within 10 days of that decision, send him a notice to that effect together with a statement setting out the reasons for the refusal and telling him about his right to appeal to the Appeal Body and giving the address to which notice of appeal, if an appeal is made, must be sent.

Appeal body for appeals against refusal of vocational training number

5B.—(1) The body prescribed for the purposes of section 36(3) of the National Health Service Act 1977⁽⁹⁾ to which appeals may be made in respect of a refusal to include a dental practitioner on a dental list because he has been refused a vocational training number shall be a body of eleven persons appointed by the Secretary of State.

(5) Section 5(1)(a) was amended by, and section 5(1A) was added by, the Health and Medicines Act 1988, section 10.

(6) 1978 c. 29.

(7) S.I. 1972/1265 (N.I. 14).

(8) See S.I. 1993/2210.

(9) 1977 c. 49. Amendments to section 36(3) are noted at footnote (a) to the Preamble to these Regulations.

- (2) Of the eleven persons—
 - (a) one person shall be appointed as chairman of the body who—
 - (i) has a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)(10), or
 - (ii) is an advocate or solicitor in Scotland of at least 10 years standing, or
 - (iii) is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least 10 years standing;
 - (b) five shall be dentists nominated by a body appearing to the Secretary of State to be representative of the dental profession; and
 - (c) five shall be dentists nominated by the Secretary of State.
- (3) The Secretary of State shall appoint a person to act as secretary to the Appeal Body.

Procedure on appeal

5C.—(1) A dentist whose application for a vocational training number has been refused may appeal against the refusal by giving to the Appeal Body, within 28 days after he has received notice of the refusal pursuant to regulation 5A(8) (or such extended period as the Appeal Body may allow pursuant to paragraph (2)), a written notice of appeal setting out a statement of the facts and contentions on which he intends to rely.

(2) The Appeal Body may agree to an extension or further extension of the period of 28 days for giving notice of an appeal (either before or after that period has expired).

(3) On receipt of a notice of appeal the Appeal Body shall appoint to determine the appeal an appeal committee consisting of the chairman and two other persons, of whom—

- (a) one shall be drawn from the dentists appointed under regulation 5B(1) following their nomination under regulation 5B(2)(b); and
- (b) the other shall be drawn from the dentists appointed under regulation 5B(1) following their nomination under regulation 5B(2)(c).

(4) In connection with an appeal, the appeal committee may require such further particulars from an appellant and such documents in support of his appeal, and may make such inquiries of such persons, as it thinks fit.

(5) The appeal committee shall send to the appellant a copy of any comments made by such persons in reply to those inquiries and shall give the appellant a period of 21 days beginning with the date on which the comments are sent to him in which to reply to such comments.

(6) The appeal committee shall give notice to the appellant that he may, within such period as is specified in the notice, require the appeal committee to give him an opportunity of appearing before and being heard by the appeal committee.

(7) The appeal committee shall appoint a date, time and place for the consideration of the appeal, and may, or shall if so required by the appellant, hold a hearing for that purpose.

(8) If a hearing is to be held, the appeal committee shall appoint a date, time and place for the hearing and, not less than 21 days before that date, shall send notice to the appellant and to the Dental Vocational Training Authority informing them of the date, time and place.

(9) At a hearing by the appeal committee, the appellant may appear and be heard in person or by counsel or solicitor or by any other person on his behalf, and the Dental

Vocational Training Authority may appear and be represented by counsel or solicitor or by any duly authorised member or officer.

(10) The appellant may withdraw his appeal at any time.

(11) Where the appellant does not appear at a hearing and is not represented, the appeal committee may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat any request for a hearing as having been withdrawn.

(12) The proceedings of the appeal committee shall be in private.

(13) The appeal committee shall determine the appeal and shall, within 10 days of that determination, notify the appellant and the Dental Vocational Training Authority in writing of their decision and the reasons for it.

(14) Where the Dental Vocational Training Authority receives notice that a dentist's appeal has been allowed, it shall allocate a vocational training number to the dentist, notify him of that number within 10 days, and enter that number in its register of vocational training numbers.

(15) Subject to the foregoing paragraphs, the procedure of the Appeal Body and of the appeal committee shall be such as that body and committee respectively think fit.”

Amendment of regulation 7 of the principal Regulations

5. In regulation 7(2) of the principal Regulations (restrictions on the right to be included in a dental list), the word “or” at the end of paragraph (a) shall be omitted, and after paragraph (b) there shall be inserted– “or

(c) if the dentist does not have a vocational training number.”.

Substitution of regulation 32 of the principal Regulations

6. For regulation 32 of the principal Regulations there shall be substituted the following regulation–

“Service of documents

32. Any notice or other document which is required or authorised by these Regulations (including the terms of service) to be given or sent–

- (a) to a dentist by an FHSA, the Dental Vocational Training Authority, the Appeal Body or an appeal committee may be given or sent by delivering it to him or by sending it by post to him at his usual or last-known address;
- (b) to a dentist in connection with an appeal under regulation 5C who is represented by a solicitor for the purposes of that appeal, may be given or sent (as an alternative to a method mentioned in paragraph (a)) by delivering it to the solicitor at, or by sending it by post to the solicitor at, his usual or principal professional address;
- (c) to the Appeal Body or an appeal committee may be given or sent by delivering it to, or by sending it by post to, the secretary of the Appeal Body at the address mentioned in the notice given under regulation 5A(8).”.

Amendment of Part I of Schedule 2 to the principal Regulations

7. In Part I of Schedule 2 to the principal Regulations, after paragraph 5, there shall be inserted–

“5A. His vocational training number, if he has one.”.

New Schedule 1A to the principal Regulations

8. After Schedule 1 to the principal Regulations there shall be inserted the new Schedule 1A set out in Schedule 1 to these Regulations.

New Schedule 5A to the principal Regulations

9. After Schedule 5 to the principal Regulations there shall be inserted the new Schedule 5A set out in Schedule 2 to these Regulations.

Signed by authority of the Secretary of State for Health

9th September 1993

Brian Mawhinney
Minister of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 8

NEW SCHEDULE 1A TO THE PRINCIPAL REGULATIONS

“SCHEDULE 1A

Regulation 2(1)

CONSTITUENT ELEMENTS IN VOCATIONAL TRAINING

Overall Aim

1. To enhance clinical and administrative competence and promote high standards through relevant postgraduate training to meet the needs of unsupervised general dental practice, and in particular—

- (a) to enable trainees to practise and improve their skills;
- (b) to introduce trainees to all aspects of general dental practice;
- (c) to identify a trainee’s personal strengths and weaknesses and balance them through a planned programme of training;
- (d) to promote oral health of, and quality dental care for, patients;
- (e) to develop further and implement peer and self review, and promote awareness of the need for professional education, training and audit as a continuing process.

Objectives

2. To enable the trainee—

- (a) to make competent and confident professional decisions including decisions for referrals to other services;
- (b) to demonstrate that he is working within the guidelines regarding the ethics and confidentiality of general dental practice;
- (c) to implement regulations and guidelines for the delivery of safe practice;
- (d) to know how to obtain appropriate advice on, and practical experience of, legal and financial aspects of practice;
- (e) to demonstrate that he has acquired skill and knowledge in the psychology of care of patients and can work successfully as a member of a practice team;
- (f) to demonstrate the necessary knowledge and skills to organise and manage a practice.”

SCHEDULE 2

Regulation 9

NEW SCHEDULE 5A TO THE PRINCIPAL REGULATIONS

“SCHEDULE 5A

Regulation 5A(7)

PROCEDURE ON APPLICATIONS FOR A VOCATIONAL TRAINING NUMBER

1. All applications under regulation 5A(1) shall be considered and determined without an oral hearing and without the attendance of the applicant.

Applications to be dealt with by the secretary

2.—(1) Subject to sub-paragraph (2)(b), an application under regulation 5A(1)(b)(i) or (iii) shall be considered by and may be determined by the secretary or in the absence of the secretary such other officer, or such committee, as the Chairman shall designate for the purpose.

- (2) The secretary (or that other officer or that committee) shall either—
- (a) grant the application within fourteen days and allocate a vocational training number to the applicant; or
 - (b) refer the application for consideration and determination by a committee in accordance with paragraph 3.

Applications to be dealt with by committee

3. Any application under regulation 5A(1)(b)(ii), and any application referred in accordance with paragraph 2(2)(b), shall be considered and determined by a committee of three sitting together and being—

- (a) either three non-officer members one of whom shall act as chairman of that committee, or
- (b) two non-officer members and the Chairman who shall act as chairman of the committee.

Additional information

4.—(1) The Authority may request of any applicant additional information and documents in respect of any application, and where any such request is made—

- (a) it shall be in writing;
- (b) it shall specify a reasonable date by which the information or documents are to be provided; and
- (c) the applicant shall provide the additional information and documents requested within such reasonable time.

(2) If the applicant fails to provide the additional information and documents requested within the time specified by the Authority, the Authority may proceed to determine the application on the basis of the information and documents which it has.

Time for the determination of an application

5. An application shall be determined—
- (a) where no additional information or documents are requested by the Authority pursuant to paragraph 4, within the period of 12 weeks beginning with the date on which the application is received by the Authority;
 - (b) where such additional information or documents are requested by the Authority—
 - (i) within the period of 12 weeks beginning with the date on which the Authority receives that information or those documents, or
 - (ii) where the applicant has failed to provide the additional information or documents requested, within the period of 12 weeks beginning with the date mentioned in paragraph 4(1)(b).

Interpretation

6. In this Schedule—

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- (a) a reference to the Authority is to the Dental Vocational Training Authority and includes a reference to the secretary, other officer or committee exercising functions on its behalf;
 - (b) references to the secretary, an officer, a member or a committee are respectively to the secretary of, an officer of, a member of, or a committee of, the Dental Vocational Training Authority.”
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 by providing that an FHSA shall not include any dentist in its dental list unless satisfied that he has completed a period of vocational training, or has acquired dental experience or training which may be regarded as the equivalent of such training, or is within one of the specified categories of exemption from the vocational training requirements. The FHSA has the function of allocating a vocational training number to an applicant where it is so satisfied and the regulations provide for a right of appeal and for appeal procedures in cases where the FHSA determines not to allocate a vocational training number. The right of appeal is to the body specified in and set up by these Regulations. The functions of FHSAs under these Regulations are all to be exercised by a Special Health Authority called the Dental Vocational Training Authority.