
STATUTORY INSTRUMENTS

2005 No. 3491

The National Health Service (Performers Lists) Amendment Regulations 2005

Insertion of Part 3 to the principal Regulations

11. After Part 2 of the principal Regulations insert Part 3—

“PART 3

DENTAL PERFORMERS LISTS

Interpretation

28.—(1) For the purposes of this Part, the prescribed description of performer is dentist and the relevant body is the General Dental Council.

(2) In this Part—

“the 2005 Order” means articles 18 to 24 of the Dentists Act 1984 (Amendment) Order 2005(1);

“approved trainer” means a dentist—

- (a) whose name is included in a dental performers list; and
- (b) who has been approved for a specified period, which has not elapsed, by a postgraduate dental dean or a director of postgraduate dental education as having the requisite skills and suitable practice facilities to enable him to act as a trainer;

“community dental service” means dental services provided under—

- (a) sections 3(1)(c) and 5(1A);
- (b) in Scotland, under sections 1 and 39(2) of the NHS (Scotland) Act 1978(2); and
- (c) in Northern Ireland, under article 5(1)(c) and 9(1A) of the Health and Personal Social Services (Northern Ireland) Order 1972(3);

“contractor” means a dentist, who both provides and performs primary dental services in accordance with section 28C(4) arrangements or under a general dental services contract under section 28K(5);

“dental supplementary list” means the list prepared by a Primary Care Trust under regulation 3(1) of the Dental Supplementary List Regulations;

(1) S.I. 2005/2011.

(2) 1978 c. 29.

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

(4) Section 28C was inserted by the National Health Service (Primary Care) Act 1997, s. 21(1) and amended by the 1999 Act, s.65(1) and Schedule 4, the 2001 Act, s.40 and Schedule 5 and the 2003 Act, s. 180 and Schedule 11, paragraph 14.

(5) Section 28K was inserted by the 2003 Act, s. 172(1).

“the Dental Supplementary List Regulations” means the National Health Service (General Dental Services Supplementary List) and (General Dental Services) Amendment Regulations 2003(6);

“dentist” means a dental practitioner who is registered in the dentists register;

“Dentists Act” means the Dentists Act 1984(7);

“dentists register” means the register referred to in section 14(1) of the Dentists Act(8);

“health case” means a case falling within either section 28(1) (powers of the Health Committee) or, after the coming into force of the 2005 Order, section 27(2)(c) of the Dentists Act (allegations) (9);

“Health Committee” means the Health Committee of the General Dental Council, referred to in section 2 of the Dentists Act (committees of the Council)(10);

“personal dental services” means personal dental services provided pursuant to Part I of the Primary Care Act (pilot schemes for primary care);

“postgraduate dental dean or director of postgraduate dental education” means a dentist appointed to that position by a Strategic Health Authority to assist in the provision of a suitable learning environment for dentists performing primary dental services to meet the requirements and standards of the Dental Faculties of the Royal College of Surgeons of England and the Department of Health;

“Practice Committee”, after the coming into force of the 2005 Order, means the Professional Conduct Committee, the Health Committee or the Professional Performance Committee of the General Dental Council referred to in section 2 of the Dentists Act;

“Preliminary Proceedings Committee” means the Preliminary Proceedings Committee of the General Dental Council, referred to in section 2 of the Dentists Act;

“Professional Conduct Committee” means the Professional Conduct Committee of the General Dental Council, referred to in section 2 of the Dentists Act;

“professional registration number” means the number against the dentist’s name in the dentists register;

“relevant scheme” means the scheme in respect of which the dentist is applying to be included in a dental performers list;

“scheme” means an arrangement to provide primary dental services—

- (a) in accordance with section 28C; or
- (b) under a general dental services contract; and

“vocational training” means a relevant period of employment 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 provides, with the aims and objectives of enhancing clinical and administrative competence and promoting high standards through relevant postgraduate training and in particular to—

- (a) enable the dentist to practise and improve his skills;
- (b) introduce the dentist to all aspects of dental practice in primary care;

(6) S.I. 2003/250.

(7) 1984 c. 24.

(8) Section 14 is substituted by S.I. 2005/2001 from a date to be determined.

(9) Sections 27 and 28 are substituted by S.I. 2005/2001 from a date to be determined.

(10) Section 2 was amended by S.I. 2001/3926, art. 2 and 6(b) and by S.I. 2005/2011, article 4, from a date to be determined.

- (c) identify the dentist's personal strengths and weaknesses and balance them through a planned programme of training;
 - (d) promote oral health of, and quality dental care for, patients;
 - (e) develop further and implement peer and self review, and promote awareness of the need for professional education, training and audit as a continuing process; and
 - (f) enable the dentist to—
 - (i) make competent and confident professional decisions including decisions for referrals to other services,
 - (ii) demonstrate that he is working within the guidelines regarding the ethics and confidentiality of dental practice,
 - (iii) implement regulations and guidelines for the delivery of safe practice,
 - (iv) know how to obtain appropriate advice on, and practical experience of, legal and financial aspects of practice, and
 - (v) 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.
- (3) In the definition of “vocational training” in paragraph (2), “relevant period of employment” means—
- (a) one year's full-time employment;
 - (b) an equivalent period of part-time employment; or
 - (c) in the case of a dentist, who is neither exempt under regulation 31(5) from the requirement to undertake vocational training, nor has completed vocational training as in sub-paragraph (a) or (b), but—
 - (i) has performed community dental service,
 - (ii) has performed personal dental services prior to 1st April 2006,
 - (iii) has otherwise gained experience of dentistry in primary care as a dentist,
 - (iv) has been employed in a hospital as a dentist, or
 - (v) holds or is enrolled on a course to achieve a postgraduate qualification in dentistry registerable with the General Dental Council as an additional diploma by virtue of regulations made under section 19(1)(c) of the Dentists Act (regulations with respect to the register),
- such period of employment, which may be less than, but shall not exceed that in sub-paragraph (a) or an equivalent period of part-time employment, as a postgraduate dental dean or director of postgraduate dental education may determine that he must complete in order to have satisfactorily completed vocational training.

Dental performers list

29.—(1) Subject to paragraph 14 of the Schedule to the Amendment Regulations, a dentist may not perform any primary dental services, unless he is a dentist whose name is included in a dental performers list.

(2) Paragraph (1) does not apply to a dentist, who is undertaking vocational training, during the first two months of that training.

(3) In respect of any dentist, whose name is included in a dental performers list, the list shall include—

- (a) his full name;
- (b) his professional registration number with, suffixed to it, the organisational code given by the Secretary of State to the Primary Care Trust;
- (c) his date of first registration in the dentists register;
- (d) whether he is a dentist undertaking vocational training;
- (e) whether he is a contractor; and
- (f) the date that his name was included in the dental performers list or, if his name was included in any dental list or dental supplementary list of a Primary Care Trust, first included in such a list.

Application for inclusion in a dental performers list

30.—(1) In addition to the information required by regulation 4(2), the dentist, when making an application for the inclusion of his name in a dental performers list, shall give the following information—

- (a) his dental qualifications and where they were obtained, with evidence concerning his qualifications and experience;
- (b) unless he is a dentist undertaking vocational training, evidence that he has completed vocational training;
- (c) a declaration that he is included in the dentists register;
- (d) his professional registration number and date of first registration;
- (e) if he is a dentist undertaking vocational training, the name and practice address of his approved trainer;
- (f) whether he is a contractor; and
- (g) whether he is a contractor for more than one scheme and, if so, which schemes and which of those schemes is the relevant scheme.

(2) In addition to the undertakings required by regulation 4(3), the dentist shall give the following further undertakings—

- (a) not to perform any primary dental services in the area of another Primary Care Trust or equivalent body from whose dental performers list, dental list, dental supplementary list or equivalent list he has been removed, except where that removal was at his request or in accordance with regulation 10(6) of these Regulations, regulation 10(7) of the Dental Supplementary List Regulations or regulation 8(3) of the Dental Regulations or any equivalent provision in Scotland or Wales, without the consent, in writing, of that Trust or equivalent body;
- (b) if he is a dentist undertaking vocational training, an undertaking—
 - (i) not to perform any primary dental services except when acting for and under the direction of his approved trainer,
 - (ii) to withdraw from the dental performers list if he fails to complete his vocational training, and
 - (iii) upon completion of his vocational training, to provide the Primary Care Trust with satisfactory evidence that he has completed that training;
- (c) if he is a contractor, to comply with the requirements of paragraph 83 of Schedule 3 to the National Health Service (General Dental Services Contracts) Regulations 2005 (gifts)(**11**) or paragraph 81 of Schedule 3 to the National Health

Service (Personal Dental Services Agreements) Regulations 2005 (gifts)(**12**), as the case may be; and

- (d) if he is not a contractor, to comply with those requirements as though he were a contractor.

Additional grounds for refusal

31.—(1) In addition to the grounds in regulation 6(1), a Primary Care Trust may also refuse to admit a dentist to its dental performers list if—

- (a) having checked the information he provided under regulation 30(1), it considers he is unsuitable to be included in its list;
- (b) his registration in the dentists register is subject to conditions—
- (i) imposed by the Health Committee under section 28 of the Dentists Act (powers of the Health Committee), or
- (ii) after the coming into force of the 2005 Order, imposed by a Practice Committee under sections 27B(6)(c) (Practice Committees), 27C(1)(c), (2)(b) or (c) (resumed hearings) or 28(6)(b) of that Act (restoration to register)(**13**);
- (c) after the coming into force of the 2005 Order, he is subject to an order for immediate conditional registration imposed by a Practice Committee under section 30(2) of that Act (orders for immediate suspension and immediate conditional registration)(**14**); or
- (d) after the coming into force of the 2005 Order, he is subject to an order for interim conditional registration imposed by a Practice Committee or the Interim Orders Committee under section 32(4)(b) or (6)(c) or by the Court under section 32(9) of that Act (interim orders)(**15**).

(2) In addition to the grounds in regulation 6(2), a Primary Care Trust shall also refuse to admit a dentist to its dental performers list if—

- (a) he is a contractor and the relevant scheme is not one that lies within its area;
- (b) he is included in the dental performers list of another Primary Care Trust, unless he has given notice to that Trust that he wishes to withdraw from that list; or
- (c) he is not undertaking vocational training and has neither completed vocational training nor is exempt under paragraph (5) from the requirement to undertake vocational training.

(3) For the purposes of regulation 6(2)(d), the day prescribed in this Part is 3rd March 2003 or, if that dentist had been included in a dental list, 14th December 2001.

(4) In addition to checking the information provided by the dentist as required by regulation 6(3)(a), the Primary Care Trust shall also check the information he provided under regulation 30(1).

(5) A dentist is exempt from the requirement to undertake vocational training if—

- (a) he is registered as a dentist by virtue of section 15(1)(b) of the Dentists Act (registration of nationals of member States who hold appropriate European

(12) [S.I. 2005/3373](#).

(13) Sections 27B, 27C and 28 were inserted by the 2005 Order from a date to be determined.

(14) Section 30 is substituted by [S.I. 2005/2011](#) from a date to be determined.

(15) Section 32 is substituted by [S.I. 2005/2011](#) from a date to be determined.

- diplomas)(16) 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) he has experience in primary care as a dentist for a total period of at least two years full-time or an equivalent period part-time—
- (i) in community dental service,
 - (ii) in the armed forces of the Crown, or
 - (iii) prior to 1st April 2006, in the performance of personal dental services,
- and part or all of that period fell within the period of four years beginning with the date of his application under regulation 4.

Grounds for removal from a dental performers list

32.—(1) Subject to paragraph (2) and in addition to the grounds in regulation 10(1), the Primary Care Trust must remove a dentist from its dental performers list where it becomes aware that he—

- (a) is the subject of—
 - (i) a determination by the Professional Conduct Committee to suspend him under section 27 of the Dentists Act (erasure or suspension), or
 - (ii) after the coming into force of the 2005 Order, a direction of a Practice Committee under section 27B(6)(b) or 27C(2)(d) or (3) of that Act;
- (b) is included in the dental performers list of another Primary Care Trust; or
- (c) has failed to complete vocational training and has not withdrawn from the list pursuant to regulation 30(2)(b)(ii).

(2) Paragraph (1)(a)(ii) shall not apply where a direction that a dentist's registration be suspended is made in a health case.

(3) For the purposes of regulation 10(1)(b), the day prescribed in this Part is 3rd March 2003 or, if that dentist had been included in a dental list, 14th December 2001.

(4) In calculating the period of 12 months under regulation 10(7) (periods to be disregarded), the Primary Care Trust shall disregard any period during which the dentist's registration or his entitlement to practise as such was suspended by—

- (a) the Health Committee under section 28(1)(a) or (3)(a) of the Dentists Act (powers of the Health Committee);
- (b) the Preliminary Proceedings Committee under section 32(1) of that Act (orders for interim suspension);
- (c) after the coming into force of the 2005 Order, by a Practice Committee under sections 27B (6)(b) (Practice Committee) or 27C(1)(b) or (d) (resumed hearings) of that Act in a health case; or
- (d) after the coming into force of the 2005 Order, by a Practice Committee or the Interim Orders Committee of the General Dental Council under section 32(4)(a) or (6)(d) of that Act or by the court under section 32(9) of that Act.

Additional decision that may be appealed

33. A dentist may also appeal, under regulation 15, against a decision of the Primary Care Trust to refuse to include his name in its dental performers list under regulation 31(1).”.

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