

2001 No. 2

**HEALTH AND PERSONAL SOCIAL SERVICES**

**General Dental Services (Amendment)  
Regulations (Northern Ireland) 2001**

*Made* . . . . . 4th January 2001

*Coming into operation—*

*except for the purposes of  
regulation 6(3)* 5th February 2001

*for the purposes of regulation 6(3)* 2nd April 2001

The Department of Health, Social Services and Public Safety<sup>(a)</sup>, in exercise of the powers conferred on it by Articles 61(1), (2) and (2AA), 106 and 107(6) of, and paragraph 8E of Part I of Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(b)</sup> and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the dental profession as required by Article 61(4) of the Order, hereby makes the following Regulations:

*Citation, commencement and interpretation*

**1.**—(1) These Regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation—

(a) except for the purposes of regulation 6(3), on 5th February 2001; and

(b) for the purposes of regulation 6(3), on 2nd April 2001.

(2) In these Regulations “the principal Regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993<sup>(c)</sup>.

*Amendment of regulation 8 of the principal Regulations*

**2.**—(1) Regulation 8 of the principal Regulations (removal from dental list) is amended as follows.

(2) In paragraph (1)—

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(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265 (N.I. 14); relevant amending Instruments are Article 13 of S.I. 1978/1907 (N.I. 26); Articles 30, 34, 35 and Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1); Article 4 of S.I. 1995/2704 (N.I. 14); and S.I. 1997/1177 (N.I. 7)

(c) S.R. 1993 No. 326 as amended by S.R. 1993 No. 401, S.R. 1995 No. 488, S.R. 1996 Nos. 114 and 382, S.R. 1998 Nos. 245 and 404, and S.R. 1999 No. 100

- (a) at the end of sub-paragraph (a) the word “or” is omitted;
- (b) after sub-paragraph (b) there is inserted—
  - “(c) has been convicted in the United Kingdom of murder; or
  - (d) has been convicted in the United Kingdom of a criminal offence and sentenced to a term of imprisonment of at least six months”.

*Amendment of regulation 14 of the principal Regulations*

3. In regulation 14 of the principal Regulations (Emergency Dental Services), in paragraph (1), the words “whose name is included in the dental list” shall be omitted.

*Amendment of regulation 19 of the principal Regulations*

4. In regulation 19 of the principal Regulations (Statement of Dental Remuneration), in paragraph (1), there shall be inserted in the Table “V Commitment payments”.

*Amendment of regulation 20 of the principal Regulations*

5. In regulation 20 of the principal Regulations (approval of payments), in sub-paragraph (5), after “IV”, there shall be inserted “V”.

*Amendment of Schedule 2 to the principal Regulations*

6.—(1) Schedule 2 to the principal Regulations (terms of service for dentists) shall be amended as follows.

- (2) In paragraph 25 (records)—
  - (a) in sub-paragraph (1)—

before “record” the first time it appears, there shall be inserted “full, accurate and contemporaneous”;
  - (b) in sub paragraph (2) after “records,” there shall be inserted “forms,”;
  - (c) for sub-paragraph (3) there shall be substituted—
    - “(3) The dentist shall, during the period in which he holds any records, forms, radiographs, photographs and study models referred to in sub-paragraph (1)—
      - (i) produce them on request to a dental officer of the relevant Board or a referral dental officer for inspection; or
      - (ii) send them to a referral dental officer, the Committee, the Agency or the Board within 14 days of being required to do so by a referral dental officer, the Committee, the Agency or the Board.”.
- (3) After paragraph 27 there shall be inserted—

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(a) S.R. 1989 No. 111, as amended by S.R. 1992 No. 156, S.R. 1993 No. 139, S.R. 1994 No. 95, S.R. 1995 No. 83, S.R. 1996 No. 106, S.R. 1997 No. 111, S.R. 1998 No. 93, S.R. 1999 Nos. 17 and 105, and S.R. 2000 No. 58

*“Completion of claim forms*

**27A.**—(1) Subject to sub-paragraph (2), where a person declares that he or a person for whom he is responsible does not have to pay the charges prescribed by the Health and Personal Social Services Dental Charges Regulations (Northern Ireland) 1989(a) by virtue of either—

- (a) entitlement to exemption under sub-paragraph (6) of paragraph 1AA of Schedule 15 to the Order(a); or
- (b) entitlement to remission of such charges under regulation 3 or 5 of the Health and Personal Social Services Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(b)

the dentist shall ask that person to produce to him satisfactory evidence in support of that declaration and where that person does not produce such evidence the dentist shall record that fact in his form claiming remuneration for the treatment of that person or the person for whom that person is responsible.

(2) Where, at the time of the declaration there is already available to the dentist satisfactory evidence of an entitlement to exemption from the charges on the grounds that the person in respect of whom the declaration is made is under 18 years of age, the obligations on the dentist specified in sub-paragraph (1) shall not apply.

(3) The dentist may appoint a member of his staff to undertake the task set out in sub-paragraph (1) on his behalf, and where he does so he shall ensure that that staff member is given sufficient instruction to enable him to perform that task.”.

(4) After paragraph 37 there shall be inserted—

“37A. Where care and treatment is given by an assistant, the dentist or assistant shall complete a claim for remuneration in respect of that care and treatment which—

- (a) is separate from any claim form in respect of care and treatment given by the dentist personally; and
- (b) identifies the assistant by whom the care and treatment was given and his status as an assistant.”.

*Amendment of Schedule 3 to the principal Regulations*

**7.**—(1) Schedule 3 to the principal Regulations (application for inclusion in the dental list) is amended as follows.

(2) In Part I—

after paragraph 16(c) there is inserted—

“17. Declaration as to whether—

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(a) Paragraph 1AA was inserted by Article 26 of S.I. 1997/1177 (N.I. 7)  
(b) S.R. 1989 No. 348; relevant amending Regulations are S.R. 1993 No. 161, S.R. 1995 No. 138 and S.R. 1999 No. 16  
(c) Paragraphs 15 and 16 were inserted by S.R. 1998 No. 245

- (a) he has been convicted of a criminal offence, bound over or cautioned in the United Kingdom or elsewhere, or is currently the subject of any proceedings which might lead to a conviction, order or to bind over or caution;
- (b) he has been, or is currently subject to any action by his professional body or by licensing or regulatory body in the United Kingdom or elsewhere,

and if so, details, including approximate dates of where the action or proceedings were or are to be brought, the nature of that action or proceedings and any outcome.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 4th January 2001.

(L.S.) *D. A. Baker*  
Senior Officer of the Department of Health,  
Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 4th January 2001.

(L.S.) *D. Sterling*  
Senior Officer of the Department of  
Finance and Personnel

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993 (“the principal Regulations”) which regulate the terms on which general dental services are provided under the Health and Personal Social Services (Northern Ireland) Order 1972.

Regulation 2 amends regulation 8 of the principal Regulations (removal from dental list) to require a Board to remove the name of a dentist from the dental list if he has been convicted in the United Kingdom of murder or has been convicted in the United Kingdom of a criminal offence and sentenced to a term of imprisonment of at least 6 months.

Regulation 3 amends regulation 14 of the principal Regulations so that dentists who have undertaken to provide only Emergency Dental Services, are not required to have their name included in the dental list.

Regulations 4 and 5 amend regulations 19 and 20 of the principal Regulations so that Determination V of the Statement of Dental Remuneration relates to the subject matter “commitment payments”.

Regulation 6 amends Schedule 2 to the principal Regulations, which contains dentists’ terms of service, with regard to forms and records. Regulation 6(2) amends the circumstances in which records must be produced for inspection. Regulation 6(3) inserts a new requirement for a dentist to ask to see evidence in support of a patient’s claim that he is entitled to exemption from, or remission of, dental charges and to record in his claim for remuneration when he does not see such evidence. Regulation 6(4) inserts a requirement for separate claim forms to be completed for treatment given by assistants.

Regulation 7 amends Schedule 3 to the principal Regulations (application for inclusion in the dental list). Regulation 7(2) inserts a new paragraph 17 into Part I of the Schedule. The new paragraph sets out an additional declaration which requires the applicant to state any convictions or current proceedings for a criminal offence or action by a professional licensing or regulatory body.

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