
STATUTORY INSTRUMENTS

1992 No. 661

**The National Health Service (General
Dental Services) Regulations 1992**

PART II

**GENERAL ARRANGEMENTS FOR
PROVISION OF GENERAL DENTAL SERVICES**

Terms of service

3. The arrangements with dentists for the provision of general dental services which it is the duty of an FHSAs under section 35 of the Act to make, and under section 15(1)(a) of the Act to administer, shall incorporate—

- (a) in the case of a dentist undertaking to provide general dental services (other than emergency dental services), otherwise than as a salaried dentist, the terms of service contained in Parts I, II, III, IV and V of Schedule 1;
- (b) in the case of a dentist undertaking to provide general dental services (other than emergency dental services), as a salaried dentist, the terms of service contained in Parts I, II, III, IV and VI of Schedule 1;
- (c) in the case of the provision of emergency dental services by a dentist undertaking to provide emergency dental services, the terms of service contained in Parts I and III, paragraphs 19, 20, 21, 22, 23 and 25 of Part IV and paragraphs 39, 40, 41 and 42 of Part VI of Schedule 1.

Dental list

4.—(1) An FHSAs shall prepare a list, to be called the dental list, of dentists who, pursuant to the provisions of regulation 5, have undertaken to provide general dental services in its locality and who are not disqualified for inclusion by virtue of the provisions of—

- (a) section 36(2), 47(1) or 48(b) of the Act; or
 - (b) section 8(2) of the Health and Medicines Act 1988(1); or
 - (c) regulation 7 (restrictions on the right to be included in a dental list).
- (2) The dental list shall, in addition to containing the name of a dentist,—
- (a) contain—
 - (i) the addresses of all his 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 usually be 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 visited regularly 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 his practice premises;

(iv) the date of his registration as a dental practitioner in the register kept under section 14 of the Dentists Act 1984⁽²⁾, particulars of the dental qualification 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 registrable pursuant to section 19(1)(c) of the Dentists Act 1984⁽²⁾; 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.

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

(4) The dental list may, if an FHSA thinks fit, be so arranged as to show the part of the locality in which each dentist has undertaken to provide general dental services.

(5) A dentist whose name is included in the dental list of an FHSA shall notify the FHSA of any occurrence requiring an alteration to the information recorded in relation to him in the dental list within 14 days of the date of such occurrence.

(6) An FHSA shall—

(a) send to the Board and the Local Dental Committee a copy of its dental list; and

(b) notify the Board and the Local Dental Committee of any alteration to its dental list within 7 days of the date on which the alteration is made.

(7) Subject to paragraph (9), an FHSA shall—

(a) send, if requested to do so, a copy of the dental list to—

(i) the Secretary of State;

(ii) the Local Medical Committee;

(iii) the Local Pharmaceutical Committee;

(iv) the relevant Regional Health Authority⁽³⁾;

(v) a District Health Authority any part of the district of which is in the locality of the FHSA;

(vi) the Board of Governors of the Eastman Dental Hospital⁽⁴⁾;

(vii) an NHS Trust the functions of which consist of or include the management of a hospital which is situated in the locality of the FHSA; and

(viii) a person whose name is included in the list maintained by the FHSA pursuant to section 42(2)(a) of the Act; and

(b) in that event, notify them, at intervals of not less than 3 months, of any alterations made to the dental list.

(8) An FHSA shall, if necessary, prepare an updated dental list each year and send a copy—

(a) to the Board and the Local Dental Committee; and

(2) 1984 c. 24.

(2) 1984 c. 24.

(3) See section 15(1A) of the National Health Service Act 1977 (c. 49) inserted by section 12(1)(c) of the National Health Service and Community Care Act 1990 (c. 19).

(4) See S.I. 1990/1525.

(b) subject to paragraph (9), to any person mentioned in paragraph (7)(a) who under that paragraph requested a copy of the dental list.

(9) Where an FHSA considers that only parts of, or only some of the alterations to, the dental list are likely to concern any person mentioned in paragraph (7)(a), the FHSA may instead of sending them a copy of the list or notifying them of all those alterations send that person a copy only of those parts or, as the case may be, notify him only of those alterations.

Application for inclusion in the dental list

5.—(1) A dentist who wishes to have his name included in the dental list shall make an application to the FHSA in writing which—

(a) shall include—

- (i) in the case of a salaried dentist or a dentist undertaking to provide only emergency dental services, the information specified in paragraphs 1, 2, 3, 4, 5 and 11 of Part I of Schedule 2 and the undertaking specified in that Part of that Schedule; and
- (ii) in any other case, all the information and the undertaking specified in Part I of Schedule 2; and

(b) may include the information specified in Part II of that Schedule.

(2) The FHSA shall determine an application made by a dentist under paragraph (1) within 14 days of the date of its receipt of the application or, where the FHSA considers the proposed practice premises should be inspected, within 14 days of the date of that inspection.

Local directory of dentists

6.—(1) An FHSA may prepare, and thereafter maintain, in addition to a dental list, another list, to be known as the local directory of dentists, 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 FHSA has agreed with the Local Dental Committee to be appropriate.

(2) Where the FHSA has agreed with the Local Dental Committee that certain information is appropriate for inclusion in the local directory of dentists, it may request in writing any dentist whose name is included in its dental list to furnish the FHSA with such information as it relates to him, and the dentist shall furnish that information to the FHSA within 28 days of the date of the FHSA's request.

Restrictions on the right to be included in a dental list

7.—(1) A dentist shall not be entitled to have his name included in the dental list prepared by any FHSA where the circumstances specified in paragraph (2) apply.

(2) The circumstances referred to in paragraph (1) are—

- (a) if the dentist has previously withdrawn his name from the dental list prepared by any FHSA or any list prepared pursuant to section 25(2)(a) of the National Health Service (Scotland) Act 1978⁽⁵⁾ in circumstances where the Secretary of State has certified for the purposes of regulation 8(7) of the National Health Service (Superannuation) Regulations 1980⁽⁶⁾ or, as the case may be, regulation 10(4) of the National Health Service (Superannuation)

(5) 1978 c. 29.

(6) S.I. 1980/362; the relevant amending instrument is S.I. 1981/1205.

(Scotland) Regulations 1980(7) that, in the interests of the efficiency of general dental services, he should cease to provide such services; or

- (b) if the FHSA is not satisfied following an inspection that the proposed practice premises meet the requirements of paragraph 33 of Schedule 1.

Removal from dental list

8.—(1) Subject to sub-paragraph (2), where an FHSA determines that a dentist whose name is included in the dental list—

- (a) has died; or
(b) subject to section 35(3) of the Act, is no longer a dentist; the FHSA shall remove his name from the dental list with effect from the date of its determination.

(2) Where a dentist has died and—

- (a) for so long as his practice is carried on by his personal representatives in accordance with the provisions of the Dentists Act 1984(8), and
(b) the personal representatives have appointed for that purpose a dentist whose name is included in the dental list of the FHSA,

the FHSA shall not remove the dentist's name from the dental list.

(3) Subject to paragraph (5), where an FHSA determines, in accordance with paragraph (4), that a dentist whose name has been included for the preceding 6 months in the dental list has not during that period provided general dental services, the FHSA may remove the dentist's name from the dental list.

(4) Before making any determination under paragraph (3) the FHSA shall—

- (a) give the dentist 28 days' notice of its intention to do so;
(b) afford the dentist an opportunity of making representations to the FHSA in writing or, if he so wishes, in person; and
(c) except where the dentist is a salaried dentist, consult the Local Dental Committee.

(5) In calculating the period of 6 months referred to in paragraph (3) there shall be disregarded any period during which—

- (i) the dentist was performing relevant service;
(ii) the dentist was on maternity leave; or
(iii) the dentist was unable to provide general dental services because of sickness.

(6) In this regulation—

- (a) "relevant service" means—
(i) whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise; or
(ii) compulsory whole-time service in those forces, including service resulting from any reserve liability; or
(iii) any equivalent service by a person liable for compulsory whole-time service in those forces; and
(b) "maternity leave" means the period of one year beginning with the date of confinement.

(7) Nothing in this regulation shall prejudice any right of a dentist to have his name included again in a dental list.

(7) S.I. 1980/1177.

(8) 1984 c. 24.

Removal from dental list on grounds of age

9.—(1) An FHSA shall, on each of the dates specified in column (1) of the Table below, remove from the dental list the name of any dentist included in the list who has, on or before that date, attained the age specified in column (2) of the Table in relation to that date.

Table

(1)	(2)
1st April 1992	the age of 70
1st April 1993	the age of 69
1st April 1994	the age of 68
1st April 1995	the age of 67
1st April 1996	the age of 66
1st April 1997	the age of 65

(2) An FHSA shall, on 1st April in 1998 and in each successive year thereafter, remove from the dental list the name of any dentist included in the list who has attained the age of 65 during the period of 12 months ending on 1st April in that year.

(3) An FHSA shall give to any dentist whose name is to be removed from the dental list in accordance with paragraph (1) or (2)—

- (a) notice in writing to that effect not less than 12 months nor more than 13 months before the date on which his name is to be removed; and
- (b) a further such notice not less than 3 months nor more than 4 months before that date;

but failure to give notice to any dentist as required by sub-paragraph (a) or (b) of this paragraph shall not prevent the removal of that dentist's name from the dental list in accordance with paragraph (1) or (2).

(4) An FHSA shall, no later than 7 days after the removal in accordance with paragraph (1) or (2) of the name of any dentist from the dental list, notify the Board in writing of the name, address and date of birth of the dentist in question and of the number by which his arrangement with the FHSA is identified.

Withdrawal from dental list

10.—(1) Where a dentist wishes to withdraw his name from the dental list—

- (a) he shall give 3 months' notice in writing to the FHSA, or such shorter period as he may agree with the FHSA, before the date on which he wishes his name to be removed from the dental list; and
- (b) subject to paragraph (2), the FHSA shall remove the dentist's name from the dental list on the expiry of the period of notice given under sub-paragraph (a) of this paragraph.

(2) Where, in relation to any dentist, representations are made to the Tribunal under section 46 of the Act⁽⁹⁾(disqualification of practitioners) that the continued inclusion of his name in a dental list would be prejudicial to the efficiency of general dental services, the name of the dentist shall not, except with the consent of the Secretary of State, be removed from the dental list until the proceedings in relation to those representations have been determined.

⁽⁹⁾ Section 46 was amended by the Health and Social Security Act 1984 (c. 48), section 24 and Schedule 8 and S.I. 1985/39, article 7(16).

(3) Paragraph (2) shall not apply in the case of a dentist who has reached an age at which the following 1st April his name shall be removed from the dental list in accordance with regulation 9.

Information about assistants

11. An FHSA shall send to the Board any information it receives under paragraph 35(5) of Schedule 1 (employment of assistants) within 7 days of the date of its receipt of the information.

Information about associateship agreements

12.—(1) Where an associateship agreement is made, written notice of the parties to that agreement and of the date on which the agreement was made shall be given to the FHSA within 7 days of the date on which the agreement was made.

(2) Written notice of any change in the parties to, or of the termination of, any associateship agreement shall be given to the FHSA within 7 days of the date of such change or termination.

(3) Any notice required by this regulation shall be given by the person or, if more than one, one of the persons, liable by virtue of the associateship agreement to provide the use of premises and facilities.

(4) An FHSA shall supply to the Board the information it receives under paragraphs (1) and (2) within 7 days of the date of its receipt of the information.

Transfer of continuing care and capitation arrangements

13.—(1) Subject to 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 FHSA may, after consultation with the Local 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 regulation 8(2), the FHSA 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.

Emergency dental services

14.—(1) An FHSA may make arrangements with any dentist whose name is included in its dental list for the provision of treatment in urgent cases at a health centre when dentists in its locality or part of its locality, are not normally available to provide general dental services.

(2) In this regulation an “urgent case” means any circumstances in which, in the opinion of the dentist, a patient needs immediate treatment for an acute condition.

Arrangements for emergency cover

15. It shall be the responsibility of an FHSA to make any arrangements that may be necessary to enable a salaried dentist whose name is included in its dental list to comply with his obligation under paragraph 6 of Schedule 1.

FHSA patient information leaflets

16. An FHSA shall compile and, from 1st October 1992, make available to any person who may reasonably require one, a document about the provision of general dental services at any health centre in its locality (in this regulation called an “FHSA patient information leaflet”) which shall include the information specified in Schedule 6.