
STATUTORY INSTRUMENTS

1999 No. 724 (S. 49)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Dental Services)
(Miscellaneous Amendments) (Scotland) Regulations 1999**

<i>Made</i>	- - - -	<i>8th March 1999</i>
<i>Laid before Parliament</i>		<i>11th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State, in exercise of powers conferred on him by sections 25(1) and (2), 70(1A), 71(1), 71A, 75, 105(7) and 108(1) of, and paragraphs 2(6) and 3(3) and (5) of Schedule 11 to, the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations—

“the 1996 Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 1996(2);

“the 1989 Regulations” means the National Health Service (Dental Charges) (Scotland) Regulations 1989(3).

(1) 1978 c. 29; section 25(2) was amended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), Schedule 2, paragraph 11 and by the National Health Service and Community Care Act 1990 (c. 19), section 40(2) and Schedule 9, paragraph 19(6) and was extended by the 1988 Act, section 17; section 70(1A) was inserted by the 1988 Act, section 11(4); section 71(1) was amended by the 1988 Act, section 11(5) and Schedule 3; section 71A was inserted by the 1988 Act, section 11(6); section 75 was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), Schedule 8, section 105(7), which was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, contains provisions relevant to the making of Regulations, section 108(1) contains a definition of “regulations” relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 2(3) of Schedule 11 was amended by the 1984 Act, Schedule 8, Part I; paragraph 3(3) of Schedule 11 was amended by the 1980 Act, Schedule 5, paragraph 7(3).

(2) S.I. 1996/177, amended by S.I. 1996/841 and 2060 and 1998/1663.

(3) S.I. 1989/363, amended by S.I. 1991/569, 1992/458, 1993/523, 1994/636, 1995/703, 1996/472, 1997/585 and 1998/610 and 2258.

Amendment of regulation 2 of the 1996 Regulations

2. In regulation 2 (interpretation)–
 - (a) in paragraph (1)–
 - (i) after the definition of “the Act” there is inserted–

““the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act;”;
 - (ii) the definition of “Common Services Agency” is deleted; and
 - (iii) in the definition of “salaried dentist” after the words “Health Board” there is inserted “or NHS trust”;
 - (b) after paragraph (1) there is inserted the following new paragraph:–

“(1A) A reference to “the Agency” in these Regulations includes a reference to the Agency acting on behalf of a Board.”.

Amendment of regulation 4 of the 1996 Regulations

3. In regulation 4 (dental list) in sub-paragraph (7)(a)(iv) “Common Services” is deleted.

Amendment of regulation 12 of the 1996 Regulations

4. In regulation 12 (removal from dental list on grounds of age) paragraph (1) is deleted.

Amendment of regulation 18 of the 1996 Regulations

5. In regulation 18 (arrangements for emergency cover) after the words “Health Board” there is inserted “or NHS trust”.

Amendment of regulation 19 of the 1996 Regulations

6. In regulation 19 (Health Board patient information leaflets) after the words “Health Board” in the first place where they occur there is inserted “or NHS trust”.

Amendment of regulation 23 of the 1996 Regulations

7. In regulation 23 (approval of payments)–
 - (a) in paragraph (1)(a) for the words “a Health Board” there is substituted “the Agency”;
 - (b) in paragraph (1)(b), (2) and (3) for the words “Health Board” in each place where they occur there is substituted “Agency”;
 - (c) in paragraph (4) for the words “A Health Board” there is substituted “The Agency”.

Amendment of regulation 25 of the 1996 Regulations

8. In regulation 25 (recovery of overpayments) in paragraph (1) for the words “a Health Board” in the first place where they occur there is substituted “the Agency”.

Amendment of regulation 29 of the 1996 Regulations

9. In regulation 29 (amounts and times of payment)–
 - (a) for paragraph (6) there is substituted–

“(6) Where the Health Board determined that a claimant is entitled to a payment, it shall inform the Agency of the amount of that payment and authorise the Agency to make the payment to the claimant.”;

(b) after paragraph (6) there is inserted—

“(7) The Agency shall make to the claimant any payments authorised by the Health Board.

(8) Payments under paragraph (7) shall be made monthly in arrears, and an appropriate proportion of the amount for a full month shall be paid where the claimant is entitled to a payment for part only of a month.”.

Amendment of regulation 30 of the 1996 Regulations

10. In regulation 30 (changes of circumstances) in paragraph (2) for the words “entitlement to payment, it shall make such adjustment to payment as it considers to be appropriate” there is substituted “payments it shall determine the adjustment as respects those payments which is appropriate to take account of that change and notify the Agency accordingly”.

Amendment of regulation 31 of the 1996 Regulations

11. In regulation 31 (overpayments) for the words “Health Board” in the first place where they occur there is substituted “the Agency”.

Amendment of regulation 32 of the 1996 Regulations

12. In regulation 32 (payments to dentists suspended by direction of the Tribunal) for the words “Health Board” there is substituted “Agency”.

Amendment of Schedule 1 of the 1996 Regulations

13. In Schedule 1 (terms of service) in paragraphs 39, 40, 41, 42, 44 and 45 after the words “Health Board” in each place where they occur and in paragraph 43 after those words in the second place where they occur, there is inserted “or NHS trust”.

Amendment of Schedule 6 of the 1996 Regulations

14. In paragraph 2(b) of Schedule 6 (information to be included in Health Board patient information leaflets) after the words “Health Board” there is inserted “or NHS trust”.

Amendment of regulation 1 of the 1989 Regulations

15. In regulation 1(2) (interpretation) after the definition of “the 1988 Act” there is inserted—
““the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act;”.

Amendment of regulation 4 of the 1989 Regulations

16. In regulation 4 (calculation of charges) for the amount “£340” in both places where it occurs in paragraph (5) there is substituted “£348”(4).

(4) Regulation 4 was last amended by [S.I. 1998/610](#).

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

Amendment of regulation 11 of the 1989 Regulations

17. In regulation 11 (reduction of remuneration and accounting for changes – general dental services) in paragraph (1) for the words “a Health Board” there is substituted “the Agency”.

St Andrew’s House,
Edinburgh
8th March 1999

Sam Galbraith
Minister for Health, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- (a) the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the 1996 Regulations”), which provide for the arrangements under which dentists provide general dental services as part of the National Health Service in Scotland; and
- (b) the National Health Service (Dental Charges) (Scotland) Regulations 1989 (“the 1989 Regulations”), which provide for the making and recovery of charges for dental appliances supplied or repaired under the National Health Service in Scotland, and for other dental treatment provided as part of NHS general dental services.

Both sets of Regulations are amended to replace references to a Health Board, where they relate to payment functions, by references to the Common Services Agency to which payment functions will transfer on 1st April 1999. They also amend the 1996 Regulations to make provision for salaried dentists to be employed by NHS trusts.

Regulation 16 amends the 1989 Regulations to increase from £340 to £348 the maximum contribution which a patient may be required to make towards the aggregate cost of dental treatment and appliances, where the contract or arrangement leading to the provision of such treatment or appliances is made on or after 1st April 1999.