

## SCHEDULE 6

### Minor and consequential amendments

## PART 1

### Primary Legislation

#### **The National Health Service (Scotland) Act 1978**

2.—(1) The National Health Service (Scotland) Act 1978(1) is amended as follows.

(2) In section 25(2) (arrangements for provision of general dental services)—

(a) for subsection (4) substitute—

“(4) Subsection (4B) applies where the registration of a dental practitioner in the dentists register is suspended—

(a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or

(b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner’s fitness to practise is impaired.

(4A) For the purposes of subsection (4), a “relevant determination” that a practitioner’s fitness to practise is impaired is a determination which is based solely on—

(a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);

(b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or

(c) both those grounds.

(4B) Where this subsection applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.”; and

(b) in subsection (5), for “is so suspended” substitute “is suspended as described in subsection (4)”.

(3) In section 27(3) (arrangements for provision of pharmaceutical services), for paragraph (c) of subsection (1A) substitute—

“(c) persons who are registered in the dental care professionals register established under section 36B of the Dentists Act 1984;”.

(4) In Schedule 1 (Health Boards), for paragraph 6A(4) substitute—

“6A.—(1) Sub-paragraph (3) applies where the registration of a dental practitioner in the dentists register is suspended—

---

(1) 1978 c. 29.

(2) Section 25(4) and (5) were inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 16(a), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraph 12.

(3) Section 27 was amended by the Health and Social Care Act 2001 (c. 15), section 44.

(4) Paragraph 6A was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 16(b), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraphs 12 and 14.

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

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders);  
or
  - (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner's fitness to practise is impaired.
- (2) For the purposes of sub-paragraph (1), a "relevant determination" that a practitioner's fitness to practise is impaired is a determination which is based solely on—
- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
  - (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
  - (c) both those grounds.
- (3) Where this sub-paragraph applies, notwithstanding paragraph 7 of this Schedule, the suspension shall not terminate any contract of employment made between the dental practitioner and a Health Board, but a person whose registration is so suspended shall not perform any duties under a contract made between him and a Health Board which involves the practice of dentistry within the meaning of the Dentists Act 1984."