

SCHEDULE 6

Minor and consequential amendments

PART 1

Primary Legislation

The National Health Service Act 1977

- 1.—(1) The National Health Service Act 1977(1) is amended as follows.
- (2) In section 35(2) (arrangements for general dental services)—
- (a) for subsection (3) substitute—
- “**(3)** Subsection (3B) 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.
- (3A)** For the purposes of subsection (3), 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.
- (3B)** 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 (4), for “is so suspended” substitute “is suspended as described in subsection (3)”.
- (3) In section 41(3) (arrangements for pharmaceutical services), for paragraph (c) of subsection (3) substitute—
- “(c) persons who are registered in the dental care professionals register established under section 36B of the Dentists Act 1984;”.
- (4) In Schedule 5 (Health Authorities and Special Health Authorities), for sub-paragraph (2A) of paragraph 10(4) substitute—

(1) 1977 c. 49.

(2) Section 35(3) and (4) were inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 15(a), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraph 8; and section 35 is prospectively repealed by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 172(2).

(3) Section 41 was substituted by the Health and Social Care Act 2001 (c. 15), section 42.

(4) Sub-paragraph (2A) of paragraph 10 was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 15(b), and amended by the Dentists Act 1984, section 54(1) and Schedule 5, paragraphs 8 and 10.

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“(2A) Sub-paragraph (2C) 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.

(2B) For the purposes of sub-paragraph (2A), 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.

(2C) Where this sub-paragraph applies, the suspension shall not terminate any contract of employment made between the dental practitioner and an authority, but a person whose registration is so suspended shall not perform any duties under a contract made between him and an authority which involves the practice of dentistry within the meaning of the Dentists Act 1984.”

(5) In Schedule 5A(5) (Primary Care Trusts), for paragraph 10A(6) substitute—

“**10A.**—(1) Sub-paragraph (3) 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.

(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, the suspension shall not terminate any contract of employment made between the dental practitioner and a Primary Care Trust, but a person whose registration is so suspended shall not perform any duties under a contract made between him and a Primary Care Trust which involves the practice of dentistry within the meaning of the Dentists Act 1984.”

(5) Schedule 5A was inserted by the Health Act 1999 (c. 8), section 2(2) and Schedule 1.

(6) Paragraph 10A was inserted by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 2(5) and Schedule 2, Part I, paragraph 37.

The National Health Service (Scotland) Act 1978

2.—(1) The National Health Service (Scotland) Act 1978(7) is amended as follows.

(2) In section 25(8) (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(9) (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(10) substitute—

“6A.—(1) Sub-paragraph (3) 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.

(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—

(7) 1978 c. 29.

(8) 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.

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

(10) 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.

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- (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.”.

The Value Added Tax Act 1994

3. In Schedule 9 to the Value Added Tax Act 1994(**11**) (exemptions), in Group 7 (health and welfare) for item 2(b) substitute—

- “(b) a person registered in the dental care professionals register established under section 36B of the Dentists Act 1984; or”.

The National Health Service Reform and Health Care Professions Act 2002

4. In section 29 of the National Health Service Reform and Health Care Professions Act 2002(**12**) (reference of disciplinary cases by Council to court), for paragraph (e) of subsection (1) substitute—

- “(e) a direction by the Professional Conduct Committee, the Professional Performance Committee or the Health Committee of the General Dental Council under any of sections 27B, 27C, 36P or 36Q of the Dentists Act 1984 following a determination that a person’s fitness to practise as a dentist or as a member of a profession complementary to dentistry, or class of members of such a profession, is impaired (other than a determination based solely on the ground mentioned in section 27(2)(c) or 36N(2)(c) of that Act (adverse physical or mental health)).”.

The Income Tax (Earnings and Pensions) Act 2003

5. In section 343(2) of the Income Tax (Earnings and Pensions) Act 2003(**13**) (deduction for professional membership fees), for paragraph 1(c) of the Table substitute—

- “(c) the dental care professionals register.”.

(11) 1994 c. 23.

(12) 2002 c. 17. Section 29(1) was amended by S.I.2002/3135 and 2004/1771 and prospectively amended by S.I. 2005/848.

(13) 2003 c. 1; the Table was amended by S.I. 2003/1652, 2004/1360 and 2005/1091.