STATUTORY INSTRUMENTS

1989 No. 832

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Dental Services) Amendment (No. 2) Regulations 1989

Made - - - -	*15th May 1989*
Laid before Parliament	*19th May 1989*
Coming into force	*9th June 1989*

The Secretary of State for Health, in exercise of powers conferred by section 15(1)(b) of the National Health Service Act 1977(**a**) and section 8 of the Health and Medicines Act 1988(**b**) 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 (General Dental Services) Amendment (No. 2) Regulations 1989 and shall come into force on 9th June 1989.

(2) In these Regulations–

"the dental list" means the list prepared by a Committee in accordance with regulation 4(1) of the principal Regulations;

"dentist" means a registered dental practitioner;

"the principal Regulations" means the National Health Service (General Dental Services) Regulations 1973(**c**).

Amendment of the principal Regulations

2. After regulation 6 of the principal Regulations there shall be inserted the following regulation:–

"Removal from dental list on grounds of age

6A.—(1) A Committee 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.

(**a**) 1977 c.49; *see* section 128(1) for the definition of "prescribed" and "regulations". Section 15 was amended by section 5(2) of, and Part I of Schedule 8 to, the Health and Social Security Act 1984 (c.48). (**b**) 1988 c.49.
(**c**) S.I. 1973/1468; the relevant amending instrument is S.I. 1974/53.

Table

(1)	(2)
1st April 1990	the age of 72
1st April 1991	the age of 71
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) A Committee 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) A Committee 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 the failure to give notice to any dentist as required by sub-paragraph (a) or (b) shall not prevent the removal of that dentist's name from the dental list in accordance with paragraph (1) or (2).

(4) A Committee 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 Secretary of State in writing of the name, address, date of birth and dental list number of the dentist in question.".

Transitional provision

3. In relation to any dentist whose name is to be removed from the dental list on 1st April 1990, the requirement as to notice in paragraph (3)(a) of regulation 6A of the principal Regulations shall have effect as if for the references to "12 months" and "13 months" there were substituted references to "9 months" and "10 months" respectively.

Signed by authority of the Secretary of State for Health

D. Mellor
Minister of State
Department of Health

15th May 1989

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1973 ("the principal Regulations"), which provide for the arrangements under which dentists provide general dental services under the National Health Service in England and Wales.

Regulation 2 inserts a new regulation 6A into the principal Regulations to provide for the removal, annually from 1st April 1990, from lists of dentists providing general dental services, of the name of any dentist who has attained the age specified in relation to the year in question. The new regulation also provides for a dentist to be given written notice of the removal of his name from a list and for the Family Practitioner Committee to notify the Secretary of State. Transitional provision is made (in regulation 3 of these Regulations) for the period of notice applicable in relation to those dentists whose names fall to be removed on 1st April 1990.