This Statutory Instrument has been made in consequence of defects in S.I. 1990/1772 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

1990 No. 1940 (S.76)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) (No.2) Regulations 1990

Made - - - -	*25th September 1990*
Laid before Parliament	*26th September 1990*
Coming into force	*1st October 1990*

The Secretary of State, in exercise of powers conferred on him by sections 25(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) (No.2) Regulations 1990 and shall come into force on 1st October 1990 immediately after the coming into force of the National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1990(**b**).

Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 1974

2.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1974(**c**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 19 (application for services) in paragraphs (1) and (2) after sub-paragraph (a) there is inserted in each case the following sub-paragraph:–

"(aa) treatment on referral; or".

(3) In Schedule 1 (terms of service for dentists)–

(a) in paragraph 3–

(i) there is substituted for sub-paragraph (c) the following sub-paragraph:–

(**a**) 1978 c.29; section 25(2) was amended by S.I. 1981/432, article 4(3), 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 105(7), which was amended by the Health Services Act 1980 (c.53), 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.

(**b**) S.I. 1990/1772.

(**c**) S.I. 1974/505; the relevant amending instrument is S.I. 1990/1772.

"(c) for a person who is receiving dental services from another dentist (whether or not pursuant to the National Health Service (Scotland) Act 1978(a), treatment on referral;";

(ii) in sub-paragraph (d)–

(a) at the end of head (iii) for the comma there is substituted the word "; or"; and

(b) after head (iii) there is inserted the following head:–

"(iv) who is referred to him under paragraph 16A(1);";

(b) in paragraph 13(1) for the words "under paragraph 12(1)" there are substituted the words "by another dentist who is providing dental services to that patient (whether or not pursuant to the National Health Service (Scotland) Act 1978) otherwise than under Part III of this Schedule"; and

(c) after paragraph 16 there is inserted the following paragraph:–

"Referral for occasional treatment

16A.—(1) Where a patient requires any occasional treatment and the dentist does not have the necessary facilities, experience or expertise to provide that occasional treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that occasional treatment by another dentist under general dental services or by a hospital or other service provided under Part III of the National Health Service (Scotland) Act 1978.

(2) In referrring a patient under sub-paragraph (1) to another dentist or to a hospital or other service for that occasional treatment, the dentist shall –

(a) give details of the oral condition of the patient and the reason for the referral to that other dentist or, as the case may be, that hospital or other service, either at the time of referral or as soon as practicable afterwards;

(b) include with those details a statement of the amount paid to him by the patient under the National Health Service (Dental Charges) (Scotland) Regulations 1989(b) in respect of any occasional treatment already provided in the course of the occasional treatment during which the referral is made; and

(c) indicate in his claim for remuneration in respect of that course of occasional treatment that the patient has been referred for the required occasional treatment.

(3) A dentist who accepts a patient referred to him under sub-paragraph (1) shall provide only the occasional treatment which, in the opinion of the dentist, it is necessary for him to provide having regard to the reason for referral.".

Amendment of the National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1990

3. In regulation 19(5) of the National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1990(c) for the words from "a complaint" to the end of the paragraph there are substituted the words "a complaint or a reference which relates to treatment, as part of general dental services, begun before 1st October 1990 except to the extent that–

(a) such treatment is orthodontic treatment and is provided after the dentist in question has accepted the patient for care and treatment as mentioned in paragraph (1); or

(b) such treatment is provided after the patient has been treated in accordance with paragraph (3) as having applied and been accepted for care and treatment under a capitation arrangement,

those Regulations shall apply to the investigation, referral or determination of that matter as if these Regulations had not been made.".

(a) 1978 c.29.
(b) S.I. 1989/363.
(c) S.I. 1990/1772.

Michael B. Forsyth
Minister of State,
Scottish Office

St Andrew's House, Edinburgh
25th September 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) (Scotland) Regulations 1974, which regulate the terms on which general dental services are provided under the National Health Service (Scotland) Act 1978, so as to correct the omission, from regulation 19 and paragraphs 3, 13 and 16 of the Terms of Service for Dentists, of provision for the treatment under general dental services of a patient on referral by another dentist who has been providing occasional treatment or who has been treating the patient otherwise than under general dental services.

These Regulations also amend the transitional provision in regulation 19(5) of the National Health Service (General Dental Services) (Miscellaneous Amendments) (Scotland) Regulations 1990 as it relates to the application of the National Health Service (Service Committees and Tribunal) Regulations 1974 to dental treatment begun before 1st October 1990.

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