STATUTORY INSTRUMENTS

1969 No. 254 (S.23)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Dental Services) (Scotland) Amendment Regulations 1969

Made - - -	*27th February* 1969
Laid before Parliament	*7th March* 1969
Coming into Operation	*10th March* 1969

In exercise of the powers conferred on me by sections 39, 40, 41, 45 and 72 of the National Health Service (Scotland) Act 1947(a), as amended by sections 23 and 39 of the Health Services and Public Health Act 1968(b), section 1 of the National Health Service Act 1951(c), and section 2 of the National Health Service Act 1952(d), as amended by the National Health Service Act 1961(e), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment Regulations 1969, and shall come into operation on 10th March 1969.

(2) The Interpretation Act 1889(f) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. The National Health Service (General Dental Services) (Scotland) Regulations 1966(g) as amended (h) shall be further amended as follows :—

(1) In regulation 2(1) (Interpretation) the definition of "drugs" shall be deleted and after the definition of "health centre" there shall be inserted the following definition :—

" "listed drugs" means such drugs and medicines as are included in a list for the time being approved by the Secretary of State for the purposes of section 40 of the Act (which requires Executive Councils to make arrangements for the supply, among other things, of drugs and medicines to persons receiving general dental services) as amended by section 23 of the Health Services and Public Health Act 1968".

(2) In line 4 of regulation 6(1) (Arrangements for the supply by practitioners of drugs) for the word "drugs" there shall be substituted the words "listed drugs".

(3) In regulation 22(1) (Charges for treatment and appliances) for subparagraph (*a*) there shall be substituted the following :—

"(*a*) the appropriate charge specified in the schedule to the National

(a) 1947 c. 27.
(b) 1968 c. 46.
(c) 1951 c. 31.
(d) 1952 c. 25.
(e) 1961 c. 19.
(f) 1889 c. 63.
(g) S.I. 1966/1449 (1966 III p. 3802).
(h) S.I. 1967/947 (1967 II p. 2898).

Health Service Act 1951 as varied by section 1 of the Act of 1961 or by regulations made under section 2 of that Act in respect of the supply under these regulations of such dental appliances as are covered by the said schedule :".

(4) In regulation 24 (Charges for replacement necessitated by lack of care)

(*a*) in paragraph (1) for the words from "lack of care on the part of the patient" onwards there shall be substituted the words "an act or omission on the part of the patient or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred, they shall refer the matter to the Council for investigation" ;

(*b*) in paragraph (2) for the words from "so demands" onwards there shall be substituted the words "or the person having charge of him (if he is under sixteen years of age) so demands, the inquiry shall take the form of a hearing by a Committee of the Council constituted for this purpose" ;

(*c*) in paragraph (3) for the words from "lack of care on the part of the patient" onwards there shall be substituted the words "an act or omission on the part of the patient or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred and whether the whole or a proportion of the cost of the replacement shall be borne by or on behalf of the patient, and shall communicate their decision to the patient or, where appropriate, to the person having charge of him, the practitioner and the Board, and the Council shall be responsible for the payment of such part only of the cost as is not determined to be payable by or on behalf of the patient ; provided that if subsequently it appears to the Council that the payment of the sum by or on behalf of the patient would involve undue hardship, they may make such contribution thereto as they think fit".

(5) In paragraph 10(1) of Part I of Schedule 1 (Supply to a patient of drugs) for the words "drugs (being drugs specified in Schedule 3)" there shall be substituted the words "listed drugs".

(6) In paragraph 10(2) of the said Part I (Supply by a practitioner of any drug administered by him in person) for the words from "any other drug" onwards there shall be substituted the words "any drug other than a listed drug if it is administered by him in person".

(7) For paragraph 11(1) of the said Part I (Ordering of drugs) there shall be substituted the following paragraph :—

"A practitioner shall order on a form to be provided by the Council for the purpose, such listed drugs (other than those supplied under paragraph 10 hereof) as are requisite for the treatment of any patient. The order shall be signed by the practitioner or his deputy or assistant in his own handwriting and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs to a previous order".

(8) In paragraph 15(1) of the said Part II (Supply to a patient of drugs) for the words "drugs (being drugs specified in Schedule 3)" there shall be substituted the words "listed drugs".

(9) In paragraph 15(2) of the said Part II (Supply by a practitioner of any drug administered by him in person) for the words from "any other drug"

onwards there shall be substituted the words "any drug other than a listed drug if it is administered by him in person".

(10) For paragraph 16 of the said Part II (Ordering of drugs) there shall be substituted the following paragraph :—

"A practitioner shall order, on a form to be provided by the Council for the purpose, such listed drugs as are requisite for the treatment of any patient. The order shall be signed by the practitioner in his own handwriting and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs to a previous order. A separate form shall be used for each patient".

(11) Schedule 3 (List of prescribed drugs) shall be deleted.

(12) In Part I of Schedule 4 (Form of application for inclusion in dental list) for the words "National Health Service (Scotland) Acts 1947 to 1961" there shall be substituted the words "National Health Service (Scotland) Acts 1947 to 1968".

(13) Paragraph (1) of Part VII of Schedule 5 (Conditions with respect to materials) shall be amended as follows :—

(*a*) in Column A there shall be inserted the words "Dental mercury" and immediately opposite thereto in Column B there shall be inserted the expression "BS.4227: 1968";

(*b*) in Column A there shall be inserted the words "Dental elastic impression materials—Part 1. Elastomeric impression material" and immediately opposite thereto in Column B there shall be inserted the expression "BS.4269: 1968";

(*c*) in Column A there shall be inserted the words "Dental elastic impression materials—Part 2. Alginate impression material" and immediately opposite thereto in Column B there shall be inserted the expression "BS.4269: 1968";

(*d*) in Column A there shall be inserted the words "Dental zinc oxide/eugenol impression material" and immediately opposite thereto in Column B there shall be inserted the expression "BS. 4284: 1968".

3. The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966(**a**), as amended (**b**), shall be further amended by substituting in the definitions of "drugs" in paragraph 1 (Interpretation) of Part I (Terms of Service for chemists providing Pharmaceutical Services elsewhere than at a Health Centre) and in paragraph 1 (Interpretation) of Part II (Terms of Service for chemists providing Pharmaceutical Services at a Health Centre), of Schedule 4, for the words from "means the drugs specified" onwards, the words "means such drugs and medicines as are included in a list for the time being approved by the Secretary of State for the purposes of section 40 of the Act as amended by section 23 of the Health Services and Public Health Act 1968".

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
27th February 1969.

(**a**) S.I. 1966/1233 (1966 III, p. 3330).
(**b**) S.I. 1966/1618 (1966 III, p. 5057).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Under section 40 of the National Health Service (Scotland) Act 1947 Executive Councils were required to make arrangements for the supply to persons receiving general dental services of drugs and medicines prescribed by regulations. Section 23 of the Health Services and Public Health Act 1968 amended this section so as to provide for the supply to such persons of drugs and medicines included in a list for the time being approved for the purposes of the said section 40 by the Secretary of State. Under section 45(1)(*b*) of the Act of 1947 charges could be imposed, if it was established that the repair or replacement of dental appliances was necessitated by lack of care by the person supplied. Section 39 of the Act of 1968 amended this section so as to apply it where there was an act or omission of the person supplied, or, if he was under 16 years of age, of the person having charge of him.

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1966 and the General Medical and Pharmaceutical Services (Scotland) Regulations 1966 in consequence of the above-mentioned amendments. They also make minor amendments including amendments to the conditions with respect to materials used by dental practitioners.