SCOTTISH STATUTORY INSTRUMENTS

2025 No. 380

NATIONAL HEALTH SERVICE

The National Health Service (General Dental Services) (Scotland) Amendment Regulations 2025

Made - - - - 26th November 2025

Laid before the Scottish Parliament 1st December 2025

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 25(1), (2) and (2A), and 105(7)(a) of the National Health Service (Scotland) Act 1978(**a**), and all other powers enabling them to do so.

PART 1

Preliminary

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment Regulations 2025.

(2) Subject to paragraph (3), these Regulations come into force on 31 January 2026.

(3) Part 3 of these Regulations comes into force on 1 November 2026.

2. In these Regulations, "the 2010 Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 2010(**b**).

General

3. The 2010 Regulations are amended in accordance with Parts 2 and 3 of these Regulations.

(**a**) 1978 c. 29; section 25(1) was amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) ("the 2005 Act"), section 15; section 25(2) and (2A) were substituted by the 2005 Act, section 17; section 105(7) was amended by the Health Services Act 1980 (c. 53), schedule 6, paragraph 5(1) and schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 29(1) and schedule 9, Part 1, paragraph 24 and the Health Act 1999 (c. 8), schedule 4, paragraph 60; section 108(1) contains a definition of "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2010/208; relevant amending instruments are S.S.I. 2004/292, S.S.I. 2010/378, S.S.I. 2016/53, S.S.I. 2017/289, S.S.I. 2019/174, S.S.I. 2023/247 and S.S.I. 2025/74.

PART 2

Amendments to the National Health Service (General Dental Services) (Scotland) Regulations 2010 coming into force on 31 January 2026

Amendments to Part I of the 2010 Regulations

4. In regulation 2(1) (interpretation)—

(a) after the definition of "listed drugs" insert—

""listed provisionally" has the meaning given to it in regulation 4A(1);",

(b) after the definition of "register of dentists", insert—

""relevant service" means—

(a) whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise;

(b) compulsory whole-time service in those forces, including service resulting from any reserve liability; or

(c) any equivalent service by a person liable for compulsory whole-time service in those forces;".

Amendments to Part II of the 2010 Regulations

5. In regulation 4 (dental list)—

(a) after paragraph (4)(j), insert—

"(k) whether the person named on that part of the dental list is listed provisionally.",

(b) in paragraph (6)—

(i) at the end of sub-paragraph (d), omit "and",

(ii) at the end of sub-paragraph (e), insert "; and",

(iii) after sub-paragraph (e), insert—

"(f) whether the dentist is listed provisionally in that part of the dental list.".

6. After regulation 4 (dental list), insert—

"Inclusion in a dental list on a provisional basis

4A.—(1) The name of a dentist must be included in a dental list on a provisional basis ("listed provisionally") in the circumstances specified in paragraph (2).

(2) The circumstances are—

(a) a Health Board has decided to include the dentist in its dental list further to an application under regulation 5(1),

(b) that application—

(i) included the information specified in regulation 5(1B),

(ii) did not include a request for the dentist to be designated as a domiciliary care dentist, and

(iii) did not state that the applicant is intending to practise as a single-handed practitioner, and

(c) subject to regulation 4B, the dentist has not previously been listed provisionally.

(3) A dentist may be listed provisionally for six consecutive calendar months.

(4) Where a dentist who is listed provisionally satisfactorily completes—

(a) Part 1 training, Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(1), or

(b) Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(3),

the dentist must provide the listing Health Board with a certificate confirming this outcome within 7 working days of its issue.

(5) Where a listing Health Board has received the certificate referred to in paragraph (4), it must remove the information included in the dental list in respect of that dentist under either regulation 4(4)(k) or 6(f).

(6) Where a dentist who is listed provisionally does not satisfactorily complete—

(a) Part 1 training, Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(1), or

(b) Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(3),

within the exam diet, the dentist must notify the listing Health Board of this outcome within 2 working days of the end of the exam diet.

(7) Where a listing Health Board has received the notification referred to in paragraph (6), it must remove the dentist's name from its dental list with immediate effect and must notify the dentist as soon as practicable of the removal.

(8) Where a listing Health Board has not received—

(a) the certificate referred to in paragraph (4), or

(b) the notification referred to in paragraph (6),

by the end of the period specified in paragraph (3), it must remove the dentist's name from its dental list with immediate effect and must notify the dentist as soon as practicable of the removal.

(9) Where a dentist who is listed provisionally is suspended by direction of the Tribunal or by the Health Board, the listing Health Board must remove the dentist's name from its dental list with immediate effect and must notify the dentist as soon as practicable of the removal.

(10) A dentist who is listed provisionally must provide the listing Health Board with any information that the listing Health Board requests relating to—

(a) in a case where regulation 5A(1) applies to that dentist, Part 1 training, Part 2 training and the test of knowledge, or

(b) in a case where regulation 5A(3) applies to that dentist, Part 2 training and the test of knowledge.

(11) For the purposes of this regulation—

"exam diet" means the period of six weeks from the satisfactory completion of—

(a) Part 1 training and Part 2 training under regulation 5A(1), or

(b) Part 2 training under regulation 5A(3),

during which period the dentist must satisfactorily complete the test of knowledge, and

"listing Health Board" means the Health Board in whose dental list a dentist is listed provisionally.

Inclusion in a dental list on a provisional basis for a second time

4B.—(1) A dentist may be listed provisionally under regulation 4A(1) for a second period of six months, where that dentist is a person described in paragraph (2).

(2) The person is—

(a) a dentist who has previously been listed provisionally under regulation 4A(1), and, for some or all of that listing period, was—

(i) performing relevant service,

(ii) on statutory maternity, paternity or adoption leave,

(iii) on statutory shared parental leave,

(iv) unable to provide general dental services or assist with the provision of such services because of sickness, or

(v) performing personal dental services in connection with a pilot scheme,

(b) a dentist who has previously been listed provisionally under regulation 4A(1), and the Health Board referred to in regulation 4A(2)(a) is satisfied that exceptional circumstances exist which justify listing that dentist on a provisional basis for a second period of six months, or

(c) a dentist who was removed from a dental list under regulation 4A(9), and following which, the suspension that led to that removal has been overturned either on appeal, or for any other reason.".

7. In regulation 5 (application for inclusion in the dental list)—

(a) after paragraph (1), insert—

"(1A) Where an application under paragraph (1) is made by a person who—

(a) does not fall within one of the grounds specified in regulation 5A(2), and

(b) has not satisfactorily completed—

(i) Part 1 training, Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(1), or

(ii) Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(3),

that application must also include the information specified in paragraph (1B).

(1B) The information is—

(a) confirmation that the person is applying to be listed provisionally,

(b) evidence demonstrating that the person holds a valid basic life support certificate issued following the completion of in person training provided by a health care professional, and

(c) confirmation from NHS Education for Scotland that the person is registered to undertake either Part 1 training and Part 2 training where the person is required to do this by regulation 5A(1) or Part 2 training where the person is required to do this by regulation 5A(3).",

(b) in paragraph (2), for "An application may" substitute "Subject to paragraph (2A), an application may",

(c) after paragraph (2), insert—

"(2A) Where an application under paragraph 1 is made by a person who—

(a) does not fall within one of the grounds specified in regulation 5A(2), and

(b) has not satisfactorily completed—

(i) Part 1 training, Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(1), or

(ii) Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(3),

that application may not specify more than one Health Board in whose dental list the applicant wishes to be included.",

(d) in paragraph (4), after "in addition to" insert "the information provided by the applicant in accordance with paragraph (1B) or",

(e) after paragraph (17), insert—

"(18) For the purposes of this regulation, "health care professional" means a member of a profession regulated by a body for the time being mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.".

8. For regulation 5A (mandatory training), substitute—

"(1) Subject to regulation 4A, a dentist who is applying for inclusion in sub-part A of the first part, or in the second part of a dental list, must satisfactorily complete Part 1 training, Part 2 training and the test of knowledge no more than 12 months before making an application under regulation 5, unless that dentist—

(a) falls within one of the grounds specified in paragraph (2), or

(b) is a dentist referred to in paragraph (3).

(2) The grounds are that the dentist—

(a) has provided or assisted in the provision of general dental services at any point in the 12 months before the application is made,

(b) is, at the point of making the application, undertaking Dental Core Training,

(c) will commence Dental Core Training or Specialty Training within 2 months following inclusion in a dental list further to the application, or

(d) will commence vocational training within 2 months following inclusion in the second part of a dental list, further to the application.

(3) Subject to regulation 4A, a dentist who is applying for inclusion in sub-part A of the first part, or in the second part of a dental list, must satisfactorily complete Part 2 training and the test of knowledge no more than 12 months before making an application under regulation 5, where that dentist has not provided or assisted in the provision of general dental services throughout the 12 months preceding the application but is included in an equivalent list in England, Wales or Northern Ireland.".

9. In regulation 7(1) (grounds for refusal of application), after sub-paragraph (s), insert—

"(t) the applicant is a dentist whose application includes a confirmation that they are applying to be listed provisionally, and

(i) except where the dentist is a person described in regulation 4B(2), the applicant was previously listed provisionally; and

(ii) the Health Board removed the dentist's name from that dental list under regulation 4A(7) or (8);

(u) the applicant is a dentist whose application includes a confirmation that they are applying to be listed provisionally, and the application—

(i) includes a request for the dentist to be designated as a domiciliary care dentist; or

(ii) states that the applicant is intending to practise as a single-handed practitioner.
".

10. In regulation 10(1)(b) (requirements with which a dentist or body corporate included in a dental list must comply), after "appears", insert ", or in the case of a dentist who is listed provisionally, comply with the terms of service that apply to such a dentist".

11. In regulation 12 (removal from dental list)—

(a) in paragraph (2), for the word "Where" substitute "Subject to paragraph (2A), where",

(b) after paragraph (2), insert—

"(2A) Paragraph (2) does not apply where the dentist is listed provisionally.",

(c) omit paragraph (7).

12. Omit regulation 12A(4) (removal of domiciliary care designation).

13. In regulation 14 (disclosure of information)—

(a) after paragraph (1) insert—

"(1A) Where a Health Board removes a dentist's name from the dental list under regulation 4A(7), (8) or (9), the Health Board must notify the bodies specified in paragraph (2), and shall additionally notify those specified in paragraph (3), if requested to do so by those persons or bodies in writing, of the matters set out in paragraph (4)(a), (b) and (d).", and

(b) in paragraph (2) after "under paragraph (1)" insert "or the removal referred to in paragraph (1A)".

14. In regulation 15(2) (withdrawal from dental list), for "Where" substitute "Subject to regulation 4A(9), where".

Amendment to schedule B1 of the 2010 Regulations

15. In paragraph 1(2) (request to become a domiciliary care dentist and eligibility) of schedule B1 (enhanced skills in domiciliary care), after head (e), insert—

"(f) the dentist is not listed provisionally.".

Amendments to schedule 1 of the 2010 Regulations

16. In schedule 1 (terms of service for dentists)—

(a) in paragraph 40 (quality improvement activities)—

(i) in sub-paragraph (2), for "A contractor", substitute "Subject to sub-paragraph (8), a contractor",

(ii) in sub-paragraph (4), before the definition of "quality improvement activities" insert—

""joins a dental list" excludes a dentist who is listed provisionally;", and

(iii) after sub-paragraph (7), insert—

"(8) Notwithstanding sub-paragraph (1), a dentist who is listed provisionally is not required to undertake quality improvement activities.", and

(b) in paragraph 44 (deputies and assistants), after sub-paragraph (1A), insert—

"(1B) A contractor who is listed provisionally may not arrange for care and treatment to be provided by an assistant.".

Amendments to schedule 2 of the 2010 Regulations

17. In schedule 2—

(a) in paragraph 1 of Part IA (information etc. to be included in an application for inclusion in sub-part A of the first part of the dental list)—

(i) for sub-paragraph (w), substitute—

"(w) where the applicant has satisfactorily completed Part 1 training, Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(1) or Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(3), a certificate, issued no more than 12 months before the application is made, confirming this;",

(ii) omit sub-paragraph (x),

(b) in paragraph 1 of Part II (information etc. to be included in an application for inclusion in the second part of the dental list)—

(i) for sub-paragraph (l), substitute—

"(l) where the applicant has satisfactorily completed Part 1 training, Part 2 training and the test of knowledge where the person is required to do this by regulation 5A(1) or Part 2 training and the test of knowledge where the person is required to do this

by regulation 5A(3), a certificate, issued no more than 12 months before the application is made, confirming this.",

(ii) omit sub-paragraph (m).

PART 3

Amendments to the National Health Service (General Dental Services) (Scotland) Regulations 2010 coming into force on 1 November 2026

Amendment to Part I of the 2010 Regulations

18. In regulation 2(1) (interpretation), after the definition of "treatment on referral" insert—

""treatment plan" means a treatment plan referred to in paragraph 5(2)(d) of schedule 1;
".

Amendment to Part V of the 2010 Regulations

19. In regulation 27(2) (prior approval – patterns of treatment), omit "small" and ", each of a size not exceeding 16 square centimetres".

Amendments to schedule 1 of the 2010 Regulations

20. In paragraph 28 (prior approval of care and treatment) of schedule 1 (terms of service for dentists)—

(a) omit sub-paragraph (7),

(b) in each of sub-paragraphs (8)(b) and (9)(b) omit "small" and ", each of a size not exceeding 16 square centimetres,".

Amendments to schedule 4 of the 2010 Regulations

21. In Part II (care and treatment) of schedule 4 (prior approval of care and treatment)—

(a) for paragraph 1 substitute—

"(1) A course of care and treatment under a capitation arrangement, including any treatment on referral, for which the treatment plan includes—

(a) any item of treatment as specified in Determination I, in a number which is, or exceeds, the number so specified in relation to that item of treatment and the dentist providing it,

(b) any item of treatment within a type of treatment both as specified in Determination I, in a number which is, or exceeds, the number so specified in relation to that type of treatment and the dentist providing it.

(2) In this paragraph "Determination I" means Determination I of the Statement of Dental Remuneration.",

(b) in paragraph 3, omit sub-paragraphs (a) and (ba).

JENNI MINTO
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
26th November 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 2010 ("2010 Regulations") to allow Health Boards to include the name of a dentist on their dental lists on a provisional basis where that dentist has not yet completed mandatory training where required by regulation 5A, and amend provisions relating to the requirement to obtain the prior approval of the Scottish Dental Practice Board before carrying out care and treatment.

Part 2 of the Regulations makes the following changes of substance to the 2010 Regulations, from 31 January 2026, in relation to listing a dentist on a provisional basis.

Regulation 5 amends regulation 4 of the 2010 Regulations to add a requirement for a dental list to state where a dentist is listed provisionally. Regulation 6 inserts new regulations 4A and 4B. Regulation 4A details the circumstances in which a dentist must be listed provisionally, the maximum duration of this listing status, the requirement for the listed dentist to notify the Health Board of the outcome of mandatory training undertaken during this period and circumstances in which such a dentist will be removed from a dental list. Regulation 4B details the limited circumstances in which a dentist may be listed provisionally for a second time.

Regulation 7 amends regulation 5 of the 2010 Regulations to detail the information that an application for inclusion in a dental list on a provisional basis must include, and confirms that the application may not specify more than one Health Board on whose dental list the applicant wishes to be included. Regulation 9 amends regulation 7 of the 2010 Regulations to require refusal of an application to be listed provisionally, where, except in the circumstances detailed, an applicant has previously been listed provisionally, or where the application includes a request for the dentist to be designated as a domiciliary care dentist or states that the applicant intends to practise as a single-handed practitioner.

Regulation 10 amends regulation 10 of the 2010 Regulations to provide that a dentist who is listed provisionally must comply with the terms of service appropriate to the part or sub-part of the dental list on which their name appears to the extent that those terms of service apply to a dentist who is listed provisionally. Regulation 11 provides that regulation 12(2) of the 2010 Regulations does not apply to a dentist who is listed provisionally and Regulation 13 amends regulation 14 of the 2010 Regulations to insert a requirement for certain bodies to be notified by a Health Board when a dentist who is listed provisionally is removed from its dental list. Regulation 14 amends regulation 15(2) of the 2010 Regulations to exclude a dentist who is listed provisionally from its terms.

Regulation 15 amends paragraph 1(2) of schedule B1 of the 2010 Regulations, to provide that a dentist who is listed provisionally is not eligible to become a domiciliary care dentist. Regulation 16 makes amendments to schedule 1 of the 2010 Regulations (terms of service for dentists): paragraph 40 is amended to provide that a dentist who is listed provisionally does not require to undertake quality improvement activities, and paragraph 44 is amended to provide that a dentist who is listed provisionally may not arrange for care and treatment to be provided by an assistant.

Part 3 makes the following changes of substance in relation to prior approval, from 1 November 2026.

In terms of paragraph 1 of schedule 4 of the 2010 Regulations prior approval is required where the cost of the care and treatment exceeds or is likely to exceed the amount set out in Determination I of the Statement of Dental Remuneration. Regulation 21 substitutes a new paragraph 1 in terms of which prior approval will instead be required where the treatment plan for the course of care and treatment includes items of treatment in sufficient number to trigger the requirement. The items, and where relevant types, of treatment and relevant numbers will be specified in Determination I. Regulation 21 of the 2010 Regulations provides that Determination I may prescribe conditions of payment of remuneration for care and treatment.

Regulations 19 and 20 amend regulation 27(2) and paragraph 28(8)(b) and (9)(b) of schedule 1 of the 2010 Regulations to remove the size limits on radiographs which may be taken in specified

circumstances. Regulation 20 also omits paragraph 28(7) of schedule 1 which makes provision in relation to care and treatment of those working at sea or on oil rigs.

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