8. GENERAL DENTAL SERVICES

The National Health Service (General Dental Services) (Scotland) Regulations, 1948

1948 No. 1257 (S. 94)

Made - - - -	*12th June*, 1948
Laid before Parliament	*15th June*, 1948
Coming into Operation	*21st June*, 1948

In exercise of the powers conferred upon me by sections 33, 39, 40, 41, 43, 45, 46, and 72 of, and the Sixth Schedule to, the National Health Service (Scotland) Act, 1947, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

10 & 11 Geo. 6. c. 27.

PART I

General

Short title and commencement.

1. These regulations may be cited as the National Health Service (General Dental Services) (Scotland) Regulations, 1948, and shall come into operation on the 21st day of June, 1948.

Interpretation.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

" the Act " means the National Health Service (Scotland) Act, 1947;

" the Board " means the Scottish Dental Estimates Board constituted under Part IV of these regulations;

" Council " means the Executive Council constituted for any area;

" dental estimate form " means the form set out in Part III of the Fifth Schedule to these regulations, or a form to the like effect;

" dental fitness " means such a reasonable standard of dental efficiency and oral health as is necessary to safeguard general health and " dentally fit " has a corresponding meaning;

" dental officer " means any dental officer appointed by the Secretary of State for the purpose of advising the Secretary of State, the Board, Councils, Local Dental Committees, and practitioners on questions arising in connection with general dental services;

" dental treatment " means all proper and necessary treatment which a practitioner usually undertakes for a patient, including examination and advice, the obtaining of radiographs, scaling, treatment of the gums, fillings, extractions, crowning, provision of artificial dentures and their repair, and the administration of anaesthetics in connection with any such treatment, and includes the giving of orders on the appropriate form for drugs or the supply of drugs in accordance with these regulations;

" drugs " means such drugs and medicines as are specified in the Third Schedule to these regulations;

" emergency treatment " means any treatment immediately required for the relief of pain or other urgent symptoms;

" health centre " means premises provided by the Secretary of State in accordance with the provisions of section 15 of the Act;

" practitioner " means a registered dental practitioner;

" supply " in relation to an appliance includes replacement.

" the Tribunal " means the Tribunal constituted under section 43 of the Act.

(2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

PART II

General Arrangements for Provision of General Dental Services

Terms of service for practitioners.

3.—(1) The arrangements which a Council is required by section 39 of the Act to make with practitioners for the provision of general dental services shall incorporate—

(*a*) in the case of a practitioner undertaking to provide general dental services elsewhere than at a health centre the terms of service contained in Part I of the First Schedule to these regulations, and

(*b*) in the case of a practitioner undertaking to provide general dental services at a health centre the terms of service contained in Part II of the said Schedule.

(2) Where a practitioner provides general dental services both elsewhere than at a health centre and at a health centre, the arrangements shall incorporate the provisions contained in sub-paragraphs (*a*) and (*b*) of the last preceding paragraph and whichever provisions are applicable shall apply.

(3) A Council may, after consultation with the Local Dental Committee and with the approval of the Secretary of State, make special arrangements with a practitioner whereby the practitioner undertakes to provide general dental services throughout a district specified in the arrangements, at suitable centres in the district or at the homes of persons requiring such services.

Dental list.

4.—(1) The Council shall prepare a list, to be called " the dental list ", of the practitioners who, having applied, are entitled to be included in the list.

(2) Application by a practitioner for inclusion in the dental list shall be made by delivering or sending the application by post to the Council in the form set out in Part I of the Fifth Schedule to these regulations, or in a form to the like effect.

(3) The dental list shall contain, in addition to the names of practitioners—

(*a*) the address of any surgery or health centre at which the practitioner undertakes to provide general dental services;

(*b*) particulars of the days and hours at which he is or will be normally in attendance;

(*c*) where two or more practitioners whose names are included in the list practise in partnership, particulars of the partnership; and

(*d*) where the practitioner is acting as an assistant to another practitioner whose name is included in the list, the name and address of the principal.

(4) Copies of the dental list shall be available for inspection at the office of the Council and at such other places as appear to the Council to be convenient for informing all persons interested and shall be kept revised up-to-date.

(5) The Council shall send a copy of the dental list to the Secretary of State, to the Board and the Local Dental Committee and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Council shall also send a copy of the list to the Local Medical and Local Pharmaceutical Committees, the local health authority, the Regional Hospital Board, the Boards of Management of hospitals serving the area, and any person on the pharmaceutical list of the Council, and at intervals of not more than three months shall notify them of any alteration made in the dental list.

Arrangements for supply by practitioners of drugs.

5.—(1) Where the Council after consultation with the Local Pharmaceutical Committee are satisfied that a person, by reason of distance or inadequacy of means of communication or other exceptional circumstances, would otherwise have serious difficulty in obtaining any drugs required for his treatment under these regulations, the Council shall require the practitioner who is responsible for the treatment of the person to supply such drugs to that person:

Provided that notwithstanding such requirement the practitioner may if so requested by any such person instead of supplying such drug give a prescription for the same to be supplied by a person on the pharmaceutical list of a Council.

(2) Notwithstanding anything contained in this regulation—

(*a*) a practitioner shall not be required to undertake the supply of drugs under this regulation if he satisfies the Council, or on appeal the Secretary of State, that he is not in the habit of supplying drugs or that the person to be supplied can with at least equal facility obtain a supply of drugs otherwise; and

(*b*) a practitioner shall be entitled to receive reasonable notice from the Council that he is required to undertake the supply of drugs or that such supply is to be discontinued.

Publication of particulars.

6. The Council shall cause to be published, in such manner as appears to them best calculated to inform all persons interested, particulars of the arrangements made by the Council, including a statement of the places where copies of the terms of service for practitioners and copies of the dental list may be seen, the places at which any necessary forms of application are available, and any other particulars which the Council think proper.

PART III

Method of Obtaining General Dental Services

Elsewhere than at a health centre.

7. A person requiring general dental services may apply to a practitioner practising elsewhere than at a health centre whose name appears on any dental list.

At a health centre.

8. A person requiring general dental services may apply to a practitioner practising at a health centre whose name appears on the dental list of the area in which the centre is situated.

Exercise of choice of practitioner in certain cases.

9. The right to choose the practitioner by whom general dental services are to be provided shall be exercised—

(*a*) on behalf of any child under the age of sixteen by the mother, or in her absence, the father, or in the absence of both parents, the guardian or other person who has the care of the child; and

(*b*) on behalf of any other person who on account of sickness or other infirmity is incapable of choosing a practitioner to provide any of the services by a relative or any person who has the care of such person.

Examination by dental officer.

10. It shall be a condition of obtaining general dental services that a person shall, if required by the Board, submit himself for examination by a dental officer.

PART IV

Scottish Dental Estimates Board

Constitution.

11.—(1) There shall be constituted a Board, to be called the Scottish Dental Estimates Board, for the purpose of the approval of estimates for dental treatment and of carrying out the duties imposed on them by these regulations.

(2) The Board shall consist of a chairman who shall be a practitioner and five other members of whom three shall be practitioners.

(3) The chairman and other members shall be appointed by the Secretary of State after consultation with such organisations as he may recognise as representative of practitioners.

(4) If for any period the chairman is unable to act, the Secretary of State may also appoint another practitioner as deputy chairman, who shall act in place of the chairman and shall be deemed to be a member of the Board for so long as he holds office; and any reference to the chairman in regulations 12, 15, 17 and 18 hereof shall include a reference to any deputy chairman appointed as aforesaid.

(5) The Board shall be a body corporate.

(6) The Board shall not acquire land except with the consent of the Secretary of State.

Term of office.

12.—(1) The chairman of the Board shall hold office during the Secretary of State's pleasure.

(2) Of the original members of the Board other than the chairman, one shall be appointed for a period ending on the 31st day of December, 1949, two for a period ending on the 31st day of December, 1950, and two for a period ending on the 31st day of December, 1951.

(3) A member appointed to fill a vacancy occurring by reason that a member has died or has ceased to hold office in accordance with the next succeeding regulation shall hold office for the remainder of the term of office of the person in whose place he is appointed.

(4) Subject to the provisions of these regulations a member shall hold office until the 31st day of December in the second year following the year in which he is appointed:

Provided that at the expiration of his term of office a member of the Board shall be eligible for reappointment.

Resignation or removal of members.

13.—(1) A member of the Board who desires to resign his membership shall give notice in writing to the Secretary of State.

(2) A member shall, unless the Secretary of State otherwise directs, cease to be a member—

(*a*) if he has not attended a meeting of the Board for six months;

(*b*) if he is a person whose estates have been sequestrated by a competent court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland;

(*c*) if he is convicted of a criminal offence.

(3) A member, being either—

(*a*) a person who holds any paid appointment or office, or other place of profit, in the disposal of a Regional Hospital Board, Board of Management, or local health authority and who is dismissed from such appointment, office or place of profit; or

(*b*) a person whose name is removed under the provisions of section 43 of the Act from any list prepared under Part IV of the Act;

shall forthwith cease to be a member.

Officers.

14.—(1) The Board shall appoint a clerk and such other officers as may be necessary. The resolution appointing the clerk shall embody the terms on which the appointment is made and the appointment shall be subject to the approval of the Secretary of State.

(2) The Board shall pay to the clerk and to their other officers remuneration in accordance with scales from time to time approved by the Secretary of State, or such remuneration as the Secretary of State may in the special circumstances of any individual case authorise.

Chairman.

15.—(1) At every meeting of the Board the chairman if present, shall preside.

(2) If the chairman is absent from any meeting the members present at the meeting shall elect from among themselves a person to act as chairman for that meeting.

Proceedings.

16. The proceedings of the Board shall not be invalidated by any vacancy in the membership of the Board, or by any defect in the appointment or qualification of any member thereof.

Standing orders.

17. The Board may make, vary and revoke standing orders for the regulation of the proceedings and business of the Board, and in particular—

(*a*) for providing that such number of members of the Board, not being less than three, as the standing order may specify shall form a quorum; and

(*b*) for providing that, subject to such exceptions and qualifications as may be specified in the standing orders, if a member of the Board has any pecuniary interest, direct or indirect, in any estimate or other matter relating to general dental services, he shall, as soon as practicable, disclose the fact to the chairman and shall not take part in the consideration or discussion of any question with respect to the estimate or other matter.

Voting.

18. Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in case of an equal division of votes the chairman shall have a second or casting vote.

19. Minutes of the proceedings at every meeting of the Board and a record of the attendance at such meeting shall be kept by the clerk or other officer appointed for the purpose. Minutes.

20. The Board shall submit to the Secretary of State as soon as may be after the 31st day of December in each year a report of the Board's proceedings for the year ending on that day and shall also furnish him from time to time with such information in regard to their work as he may require. Reports.

PART V

Special treatment and treatment necessitated by lack of care

21.—(1) Where a practitioner agrees at a person's request to provide special dental treatment, being Expensive dental appliances and special dental treatment.

(*a*) the supply, as part of general dental services, of any denture which is of a more expensive type than the corresponding type made of plastic or vulcanite, or

(*b*) the repair of such a denture at a cost in excess of the cost of repair of the said corresponding type, or

(*c*) the provision, as part of such services, of treatment consisting of gold fillings, inlays or crowns,

he shall submit to the Board particulars of the corresponding normal treatment on a dental estimate form, together with particulars of the special treatment and of the proposed additional charge on the form set out in Part IV of the Fifth Schedule to these regulations or on a form to the like effect. Before submitting the forms the practitioner shall obtain the signature of the person concerned to the latter form and shall not until approval is given proceed with any treatment other than emergency treatment or treatment specified in column A of the Second Schedule to these regulations.

(2) In approving an estimate under the last preceding paragraph the Board shall indicate in Part 3 of the dental estimate form the amount determined by them to be payable by the person supplied or treated and shall inform that person of the amount.

(3) The Council shall be liable for such part only of the cost of services to which this regulation applies as is not by this regulation made the responsibility of the person supplied or treated.

(4) Without prejudice to the provisions of the next succeeding regulation, any special dental treatment such as is mentioned in paragraph (1) of this regulation which, in the opinion of the Board, is required by the person concerned owing solely to his clinical condition, or any repair of a denture supplied as part of such treatment so required, shall be provided free of charge to that person and the Council shall be liable for the whole of the cost thereof.

22.—(1) Where on the receipt of an estimate for the replacement of a dental appliance to any person (in this regulation called "the patient") as part of general dental services, the Board consider that there are grounds for believing that the replacement may have been necessitated by lack of care on the part of the patient, they shall refer the matter to the Council for investigation. Replacements necessitated by lack of care.

(2) On receipt of such reference the Council shall make such inquiry into the matter as they think fit and if in their opinion the circumstances so require, or if the patient so demands, the inquiry shall take the

form of an oral hearing by a committee of the Council constituted for this purpose.

(3) After the completion of such inquiry the Council shall determine whether the replacement is necessitated by lack of care on the part of the patient and whether the whole or a proportion of the cost of the replacement shall be borne by the patient and shall communicate their decision to the patient, 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 the patient:

Provided that if subsequently it appears to the Council that the payment of the sum so determined to be payable by the patient would involve undue hardship they may make such contribution thereto as they think fit.

Payment of charge by person supplied.

23. The practitioner shall be entitled to recover from any person who receives services under this part of these regulations the appropriate fees payable by the person in accordance with these regulations, and the practitioner may decline to commence or proceed with treatment until he has received payment thereof.

Provisions applicable to services at health centres.

24. In their application to general dental services provided at a health centre the provisions of this Part of the regulations shall be subject to the following modifications:—

(*a*) Where at the request of a person a practitioner agrees to provide special dental treatment of a kind mentioned in regulation 21, the practitioner shall not be required to submit an estimate to the Board, but, in lieu thereof, he shall give notice to the Board on a form to be supplied by the Council and shall not proceed with any such treatment other than emergency treatment until the approval of the Board is received. In giving such approval the Board shall determine the amount payable by the person supplied or treated and shall inform the person and the practitioner of that amount.

(*b*) Any service provided under the last preceding paragraph which in the opinion of the Board is required by the person concerned owing solely to his clinical condition shall be provided free of charge to that person.

(*c*) Where in connection with the replacement of a dental appliance supplied to any person as part of general dental services it appears to the practitioner that there is reason to suppose that such replacement is necessitated by lack of care on the part of the person supplied, he shall report the matter to the Council. The Council shall thereupon investigate the case in the manner provided by paragraph (2) of regulation 22. If on such investigation the Council are satisfied that the replacement is not necessitated by such lack of care as aforesaid they shall so inform the person supplied and the practitioner. If such lack of care is admitted or determined as aforesaid, the practitioner shall be entitled to recover from the person such sum as the Council may determine in accordance with paragraph (3) of the said regulation.

PART VI

Provisions relating to investigations, disputes, appeals, etc.

Constitution of dental service committee.

25.—(1) Every Council shall establish a dental service committee, consisting of a chairman and six other persons of whom three shall be appointed by and from the lay members of the Council and three shall be appointed by the Local Dental Committee.

(2) A corresponding number of persons shall, unless in special circumstances the Secretary of State otherwise agrees, be appointed in the same manner to act as deputies for the members (other than the chairman) of the dental service committee and in the absence of a member a deputy having the same qualification shall be entitled to act in his place.

(3) (*a*) The chairman of the dental service committee shall be appointed at a meeting of the members of the committee to be specially summoned for the purpose. The chairman of the Council or, if he is a member of the committee or is unable to attend, the vice-chairman or some other member of the Council (not being a member of the committee) to be nominated by the chairman (or in his absence the vice-chairman) shall preside at the meeting but shall not be entitled to vote. The appointment shall be made by a majority of the votes cast at the meeting.

(*b*) The persons eligible for appointment shall be the lay members of the Council and any person appointed as chairman by the Council under the following provisions of this regulation whose term of office has expired.

(*c*) If no appointment is made at the said meeting, the Council shall appoint a person to be chairman.

(*d*) Where an appointment of the chairman of the committee falls to be made by the Council, a person who is not a member of the Council shall be eligible for appointment provided that he is neither a medical practitioner nor a dental practitioner nor a registered pharmacist, and any person not being a member of the Council who is appointed chairman shall be entitled to attend and take part in the proceedings of the meetings of the Council but not to vote.

(*e*) The foregoing provisions with respect to the appointment of a chairman shall apply to the appointment of a deputy chairman.

(*f*) If a person appointed as chairman or deputy chairman of the committee is already a member of the committee, he shall thereupon cease to be a member other than as chairman or deputy chairman, and a new member shall be appointed by and from the lay members of the Council to take his place.

(4) If in the opinion of the chairman any member of the committee is interested, or is partner, principal, or assistant to a practitioner who is interested, in a question referred to the committee, that member shall take no part in the hearing of the question, but a deputy having the same qualifications shall act in his place.

(5) If the chairman is absent the deputy chairman shall exercise and perform the powers and duties of the chairman; on all other occasions he shall be entitled to be present at, and take part in, the proceedings of the committee, but not to vote.

(6) The Council may make standing orders with respect to the term of office of the chairman, deputy chairman, members and deputy members of the committee: Provided that the term of office of the chairman shall not exceed one year, without prejudice to his eligibility for re-appointment.

(7) In this regulation the expression " lay members of the Council " means the members appointed by a local health authority or the Secretary of State, not being medical or dental practitioners or registered pharmacists.

Additional members and procedure of joint services committee.

26.—(1) The dental service committee shall appoint two persons from their members or deputies who are practitioners to be additional members of the joint services committee established in accordance with regulation 3 of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948(**a**).

(2) The dental service committee shall, unless in special circumstances the Secretary of State otherwise agrees, appoint two other persons with the same qualifications to act as deputies for the members so appointed to the joint services committee and in the absence of any such member a deputy so appointed shall be entitled to act in his place.

(3) Notwithstanding anything in the said regulations—

(*a*) the persons so appointed shall be entitled to act as members of the joint services committee for all purposes, save that they shall not take part in the hearing of a matter referred to the committee under paragraph (6) of regulation 4 of the said regulations unless the matter involves a question relating to a practitioner.

(*b*) The members of the joint services committee appointed by the medical service committee or by the pharmaceutical service committee shall not take part in the hearing of a matter referred to the committee under paragraphs (4) or (5) of regulation 27 of these regulations unless the matter involves a question relating respectively to a medical practitioner or to a person on the pharmaceutical list.

(*c*) The secretary or other officer of the Local Dental Committee shall be entitled to be admitted to any proceedings of the joint services committee involving a question relating to a practitioner.

(*d*) Where under paragraph (5) of regulation 5 of the aforesaid regulations the joint services committee delegate to certain of their members an investigation involving any question relating to a practitioner, a member selected from those appointed by the dental service committee shall be included among the members to whom the investigation is delegated; and no member selected from those appointed by the medical service committee or by the pharmaceutical service committee shall be so included unless the investigation involves a question relating to a medical practitioner or to a person on the pharmaceutical list respectively.

(4) Where a matter is referred to the joint services committee under paragraph (4) or paragraph (5) of regulation 27 hereof, the provisions of the said regulations, as modified by this regulation, shall apply as if the matter had been referred to that committee under paragraph (6) or paragraph (7) respectively of regulation 4 of the said regulations.

(**a**) S.I. 1948 No. 1259, p. 2455 below.

(5) Where any question involving a practitioner is referred to the joint services committee, paragraph (2) of the First Schedule to the said regulations (which prescribes the procedure to be adopted) shall have effect subject to the following modifications:—

(*a*) the clerk of the Council shall send a copy of the complainer's statement and any ensuing correspondence on the matter to the practitioner, as well as to the chairman and to any medical practitioner or person on the pharmaceutical list concerned;

(*b*) a quorum shall not be formed without a member appointed by the dental service committee, but may be formed without a medical member or a pharmaceutical member if the question does not involve a medical practitioner or a person on the pharmaceutical list respectively.

Investigations involving practitioners.

27.—(1) Subject as hereinafter provided any complaint made against a practitioner in respect of an alleged failure to comply with the terms of service shall be investigated by the dental service committee.

(2) (*a*) Any person desiring to make a complaint under this regulation shall within six months after completion of the treatment or within six weeks after the matter which gave rise to the complaint came to the complainer's notice, whichever is the sooner, give written notice to the clerk of the Council stating the substance of the matter which it is desired to have investigated.

(*b*) Notwithstanding failure to give notice within the period specified in the preceding sub-paragraph, the committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause and either—

(i) the complaint is made within six months after the completion of the treatment or within two months after the matter came to the complainer's notice, whichever is the sooner; or

(ii) the practitioner consents to the investigation taking place, notwithstanding the failure to give notice in time; or

(iii) the consent of the Secretary of State to the investigation has been obtained. In applying for such consent the committee shall furnish the Secretary of State and the practitioner with a copy of the said notice, a statement of the reasons for the failure to give notice in time and with any further information which the Secretary of State may require, and the practitioner shall be entitled within fourteen days after the receipt by him of such statement or further information to forward to the Secretary of State a statement of the grounds on which he contends that the investigation should not take place.

(3) Subject as hereinafter provided the dental service committee shall in relation to practitioners investigate any matters referred to them by the Council (or any committee of the Council duly authorised in that behalf by the Council) or the Board relating to the administration of general dental services, whether or not any such matter has been raised on complaint under the foregoing provisions of this regulation:

Provided that no question which involves an allegation against a practitioner of a breach of the terms of service shall, except with the consent of the Secretary of State, or of the practitioner concerned, be referred for investigation under this paragraph, except within the period specified in sub-paragraph (*a*) of the last preceding paragraph; and the provisions of sub-paragraph (*b*) of that paragraph with reference to

the procedure to be adopted on application for the consent of the Secretary of State shall with the necessary adaptations apply to any application for his consent under this paragraph.

(4) (*a*) If in the opinion of the dental service committee any matter referred to that committee involves a question relating to a medical practitioner or a person on the pharmaceutical list the committee shall, instead of dealing with the matter themselves, refer it to the joint services committee.

(*b*) If in the opinion of the medical service committee or the pharmaceutical service committee any matter referred to that committee involves a question relating to a practitioner the committee shall, instead of dealing with the matter themselves, in accordance with the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, refer it to the joint services committee.

(5) Any matter which would otherwise be referred by the Council or any committee duly authorised in that behalf by the Council to the dental service committee for investigation may, if the Council or committee are satisfied that it is appropriate to the joint services committee, be referred by them to that committee.

Procedure of dental service committee.

28.—(1) A party to an investigation may be assisted in the presentation of his case by some other person: Provided that no person shall be entitled in the capacity of counsel, solicitor or other paid advocate to conduct the case for any party by addressing the committee or examining or cross-examining witnesses.

(2) The proceedings at the hearing before a dental service committee shall be private and no person shall be admitted to those proceedings except—

(*a*) the parties to the investigation and any persons assisting them;

(*b*) the secretary or other officer of the Local Dental Committee;

(*c*) persons attending for the purpose of giving evidence, who shall, unless the committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and

(*d*) such officers of the Council as they may appoint for the purpose.

(3) The Fourth Schedule to these regulations shall apply with respect to the investigation of complaints, and the procedure of the committee.

(4) The committee shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences which in their opinion may properly be drawn from the facts, together with a recommendation as to the action, if any, which should be taken and shall present the report to the Council and the Council shall accept as conclusive any finding of fact contained in the report. In presenting such report to the Council the committee may, if they think fit, draw the attention of the Council to any previous reports made in connection with the practitioner and to any action taken by the Secretary of State on such reports and may recommend that account should be taken thereof by the Council in reaching their decision.

(5) Notwithstanding anything herein contained, the committee may, where a hearing is required and where in consequence of difficulties of securing the attendance of witnesses owing to distance or inadequacy

of means of communication or other special circumstances they are of opinion that such hearing should be held at a place outwith the town in which the office of the Council is situated, delegate to three of their number, of whom one shall be the chairman or the deputy chairman, one shall be selected from the lay members of the committee, and one shall be selected from the members of the committee appointed by the Local Dental Committee to take the hearing and to draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences which in their opinion may properly be drawn from the facts:

Provided that instead of delegating as aforesaid the committee may, if owing to special circumstances they consider such a course to be justified, and subject to the consent of the Secretary of State, delegate to their chairman or deputy chairman to take the hearing and to draw up the report.

On such report being presented to the committee they shall accept as conclusive any findings of fact and shall otherwise deal with the case as if they themselves had conducted the hearing.

The provisions of this paragraph shall apply with the necessary modifications to enable the committee to delegate to the chairman or the deputy chairman or others to take the evidence of one or more witnesses who for medical or other sufficient reasons cannot attend a hearing and whose evidence the committee consider essential.

(6) In this regulation the expression " lay members " in relation to a dental service committee means members of the committee appointed by the lay members of the Council in accordance with regulation 25 hereof.

Action by Council.

29.—(1) The Council shall furnish the Secretary of State with a copy of the report of the dental service committee and a statement of the Council's decision thereon, which may include action in any one or more of the following ways:—

(*a*) The Council may recover from the practitioner by deduction from his remuneration or otherwise any expenses (other than expenses incurred in connection with an investigation by the committee) which have been reasonably and necessarily incurred by any person owing to the failure of the practitioner to comply with the terms of service, and any sum so recovered shall be paid to that person: Provided that the maximum amount which may be recovered in respect of treatment obtained, in consequence of such failure, otherwise than as part of general dental services, shall not exceed the cost of such treatment calculated in accordance with regulations made under the Act.

(*b*) The Council may make representations to the Secretary of State that owing to the failure of the practitioner to comply with the terms of service, an amount should be withheld from his remuneration.

(*c*) The Council may require the practitioner until further notice to submit to the Board for prior approval estimates in respect of any treatment other than an examination or emergency treatment.

(*d*) If the Council are of the opinion that the continued inclusion of the practitioner on the dental list would be prejudicial to the efficiency of the general dental services, they may make representations to that effect to the Tribunal.

(2) Where a report relating to a practitioner has been received from the joint services committee, the provisions of the foregoing paragraph of this regulation and the subsequent provisions of these regulations shall have effect as if any reference to the dental service committee included a reference to the joint services committee.

Appeal to Secretary of State from decision of council.

30.—(1) The Council shall furnish the parties to an investigation with a copy of the dental service committee's report and of their decision, and shall inform them of their right to appeal to the Secretary of State in terms of the next following paragraph of this regulation, and of the power of the Secretary of State on such an appeal to award expenses.

(2) Any party aggrieved by such decision shall be entitled to appeal to the Secretary of State by sending to him notice of appeal within one month from the date on which notification of the decision was received: Provided that no appeal shall lie against a decision to take action under sub-paragraph (*d*) of paragraph (1) of the last preceding regulation.

(3) The appellant shall furnish within such period as the Secretary of State may allow a concise statement of the facts and contentions upon which he intends to rely.

(4) The Secretary of State may, on the application of any person desiring to appeal, extend the time for giving notice of appeal and may do so although the application is not made until after the expiration of one month from the date on which notice of the council's decision was received.

(5) An application for an extension of the time for giving notice of appeal must be made in writing to the Secretary of State stating the grounds for the application.

Representation by council to Tribunal.

31. If a council decide to make a representation with regard to the continued inclusion of the name of any practitioner in the dental list and an appeal to the Secretary of State is made against their decision on other matters, the Secretary of State may treat as conclusive for the purpose of the appeal any relevant findings of the Tribunal.

Procedure on appeal.

32.—(1) If the Secretary of State, after considering the notice of appeal and the statement of facts and contentions furnished by the appellant, is of opinion that the said notice and statement disclose no reasonable grounds of appeal or that the appeal is otherwise vexatious or frivolous, he may dismiss the appeal forthwith: Provided that an appeal against a decision of the council to take action under paragraphs (*a*), (*b*) or (*c*) of regulation 29 of these regulations shall not be dismissed without a hearing unless the appellant does not desire a hearing.

(2) The Secretary of State shall, unless he dismisses the appeal on the ground aforesaid, send a copy of the notice of appeal and of the statement furnished by the appellant to the Council and to the person or persons, if any, who were parties to the proceedings before the dental service committee and who appear to him to be interested in the appeal, and in the event of a hearing the Council and any such person or persons may appear and take such part in the proceedings as the persons holding the hearing think proper. The Council shall be entitled to submit a

statement to the Secretary of State in answer to the notice of appeal and statement furnished by the appellant, and the Secretary of State shall send to the appellant a copy of any statement so submitted.

(3) Subject to the proviso to paragraph (1) of this regulation, the Secretary of State may, if he is of opinion that the case is of such a nature that it can properly be determined without a hearing, dispense with a hearing and determine the appeal summarily.

(4) If the Secretary of State decides that the appeal shall be heard he shall fix a time and place for the hearing and shall give not less than fourteen days' notice thereof to the appellant, the Council and any other parties concerned.

(5) For the purpose of a hearing the Secretary of State shall appoint a person or persons, not exceeding three in number, and whether officers of the Secretary of State or not, to hold the hearing and report to him, and shall also appoint a fit person to act as clerk: Provided that where one of the parties to an appeal is a practitioner, and the decision of the Council involves a finding that the practitioner has failed to complete dental treatment satisfactorily, or has failed to exercise reasonable care and skill, the persons appointed to hear the appeal shall include a practitioner selected by the Secretary of State from the panel of practitioners referred to in regulation 34 of these regulations.

(6) The Secretary of State, after taking into consideration the report of the persons who have heard the appeal, shall give his decision, which shall be final and conclusive.

(7) At any hearing—

(*a*) A party to the appeal shall be entitled to appear and be heard in person or by counsel or solicitor, or by any officer or member of any organisation of which he is a member, or by any member of his family, or by any friend; and

(*b*) A Council or other body being a party to the appeal shall be entitled to appear and be heard by a member or by their clerk or other officer duly appointed for the purpose or by counsel or solicitor.

(8) A party to any appeal shall not, except with the consent of the Secretary of State or, in the case of a hearing, of the person or persons before whom the hearing takes place, be entitled to rely upon any facts or contentions which do not appear to the Secretary of State or to the person or persons holding the hearing to have been raised before the committee in the course of the proceedings in respect of which the appeal is brought: Provided that this paragraph shall not apply in the case of a hearing if at least seven days before the hearing notice is given in writing to the Secretary of State or to the person or persons holding the hearing of any new facts or contentions upon which the party intends to rely.

(9) The Council may with the consent of the Secretary of State make such contribution as they think fit, and shall if directed by the Secretary of State make such contribution as he may determine, towards the cost of the appeal incurred by the complainer or by the practitioner.

Provisions as to hearing.

33. The provisions of the Tenth Schedule to the Act (which relate to the attendance of witnesses, orders as to expenses and other matters) shall apply to any hearing held under the last foregoing regulation as they apply to an inquiry held under the Act, with the omission of paragraphs 1, 2 and 6 of the said Schedule.

Procedure on withholding money.

34.—(1) If the Secretary of State is satisfied:—

(*a*) after considering any report made by a dental service committee under paragraph (4) of regulation 28 of these regulations and the decision of the Council thereon, or the report of a person or persons appointed under paragraph (5) of regulation 32 of these regulations or any report of the Tribunal after an inquiry under Part III of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, as applied by regulation 38 of these regulations, that a practitioner has failed or neglected to comply with the terms of service applicable to him; or

(*b*) after considering the report of a dental officer that a practitioner has failed to keep records as required by the terms of service applicable to him;

he may direct the Council to recover such amount as he thinks fit either by deduction from the remuneration of the practitioner or otherwise, and such sum shall be a debt due by the practitioner to the Council:

Provided that, except in cases in which the facts have already been the subject of an investigation in the course of an appeal made to the Secretary of State, the Secretary of State shall, before directing that any such amount shall be withheld, afford the practitioner a reasonable opportunity of making representations to him on the matter.

(2) Before directing the Council to withhold money in respect of an alleged breach of the terms of service applicable to practitioners the Secretary of State shall, where such breach consists of failure to complete dental treatment satisfactorily, or failure to exercise reasonable care and skill, and may, in any other case, refer the matter to a dental advisory committee constituted in accordance with the following paragraph, and shall consider any report which they may make to him thereon.

(3) A dental advisory committee shall consist of a practitioner in the service of the Secretary of State who shall act as chairman and a practitioner selected by the Secretary of State from a panel of practitioners nominated by organisations which are in his opinion representative of the dental profession.

Appeals from Board.

35.—(1) Any person aggrieved by a decision of the Board shall be entitled to appeal by sending to the Secretary of State a notice of appeal within one month from the date on which notice of the decision of the Board was received by that person.

(2) The appellant shall furnish within such period as the Secretary of State may allow a concise statement of the facts and contentions upon which he intends to rely.

(3) The Secretary of State shall appoint two practitioners, of whom one shall be selected from the panel referred to in paragraph (3) of regulation 34 of these regulations, who shall hear the representations of the appellant and the Board and determine the appeal: Provided that if the two practitioners do not agree as to the determination the appeal shall be dismissed.

Service of notices, etc.

36.—(1) Any notice or document which is required or authorised by these regulations to be given to or served on any person or body may be given or served as follows:—

(*a*) in the case of the Secretary of State, by delivering it to him or sending it by registered post addressed to him at St. Andrew's House, Edinburgh;

(*b*) in the case of the Board or any Council or Committee, by delivering it to their clerk or secretary, or sending it by registered post addressed to them at their office, or if they have no office, at the usual or last known address of their clerk or secretary;

(*c*) in the case of a practitioner, by delivering it to him or sending it by registered post addressed to him at any address set opposite his name in the dental list of the Executive Council concerned;

(*d*) in the case of any other person, by delivering it to him or sending it by registered post addressed to him at his usual or last known address.

(2) Where a party to any investigation, appeal or inquiry is represented by a solicitor it shall be a sufficient compliance with this regulation if the notice or document is sent by post addressed to the solicitor at his professional address.

(3) Until the contrary is proved, any notice or document sent as aforesaid shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

Part VII

Inquiries relating to practitioners

Application of Service Committees and Tribunal Regulations.

37. For the purpose of dealing with representations made to the Tribunal that the continued inclusion of a practitioner in any dental list would be prejudicial to the efficiency of the general dental services, the provisions of Parts III and IV of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, shall apply subject to the following modifications:—

(*a*) references to a medical practitioner or to a practitioner within the meaning of the said regulations shall be construed as references to a practitioner within the meaning of these regulations;

(*b*) references to the medical list shall be construed as references to a dental list;

(*c*) references to general medical services shall be construed as references to general dental services;

(*d*) references to the panel of practitioners referred to in, and the medical advisory committee constituted under, regulation 11 of the said regulations shall be construed as references respectively to the panel of practitioners referred to in, and a dental advisory committee constituted under, regulation 34 of these regulations.

PART VIII

Transitional Provisions

38.—(1) Where before the appointed day a practitioner has undertaken in accordance with an approved estimate to give dental treatment in pursuance of the provisions of the National Health Insurance (Dental Benefit) Regulations, 1938(**a**), as amended, or has under such regulations commenced to give treatment which did not require prior approval of an estimate, the practitioner shall, on completing such treatment on or after that date send the relative dental letter to the Board and shall be entitled to receive from the Council payment for such treatment in accordance with—

(*a*) the above-mentioned regulations, including the scale of fees then in force under them, in respect of such part of the treatment as has been carried out before the appointed day;

(*b*) these regulations, including the scale of fees in force on the appointed day, in respect of the remainder of the treatment.

(2) If payment has already been made by any person in respect of such treatment the Council may require as a condition of any payment by them that the practitioner shall refund to the person any excess over the amount payable by the patient in accordance with the National Health Insurance (Dental Benefit) Regulations, 1938, as amended.

(3) The Board shall determine any question arising under the foregoing paragraphs of this regulation as to whether treatment has been carried out on or after the appointed day.

(4) Nothing in this regulation shall be construed as affecting any liability to which the National Insurance Fund is subject by virtue of section 66 of the National Insurance Act, 1946(**b**), (which relates to the transfer of assets and liabilities) in respect of such part of any treatment as has been carried out before the appointed day.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.

12th June, 1948.

(**a**) S.R. & O. 1938 (No. 1466) II, p. 2453. (**b**) 9 & 10 Geo. 6. c. 67.

FIRST SCHEDULE

PART I

TERMS OF SERVICE FOR DENTAL PRACTITIONERS PRACTISING ELSEWHERE THAN AT A HEALTH CENTRE

Interpretation.

1. In these terms of service, except so far as the context otherwise requires, the expression "the regulations" means the National Health Service (General Dental Services) (Scotland) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations etc.

2. Any provisions of the regulations affecting the rights and obligations of practitioners shall be deemed to form part of these terms of service.

Standard of service.

3.—(1) In providing general dental services a practitioner shall employ a proper degree of skill and attention and shall, subject to the provisions of paragraph 8 hereof, provide the treatment necessary to secure dental fitness that the person concerned is willing to undergo, and shall satisfactorily complete that treatment.

(2) A practitioner shall provide proper and sufficient surgery and waiting-room accommodation for persons to whom he is providing general dental services.

(3) A practitioner's surgery shall be furnished with suitable equipment and a practitioner shall provide treatment with suitable instruments.

(4) A practitioner on receipt of reasonable notice in writing shall admit a dental officer at all reasonable times to any surgery or waiting-room under the practitioner's control for the purpose of inspecting the same, and shall furnish him with all necessary information with regard to the treatment of patients.

(5) Without prejudice to any special arrangements made under paragraph (3) of regulation 3, a practitioner shall visit and treat a person for whom he has undertaken to provide general dental services whose condition so requires at any place where that person may be at the time, within five miles of his surgery or such other limits as the Council and the practitioner may agree.

Anaesthetics.

(6) A practitioner shall be responsible for providing the services of a medical or dental practitioner when necessary for the administration of an anaesthetic in connection with any operation undertaken by him under these terms of service.

Reference to another practitioner or hospital or specialist services.

4. If the condition of a person requiring general dental services is such as to require treatment which the practitioner is unable to carry out, but such treatment to the knowledge of the practitioner can be provided by another practitioner whose name appears on any dental list, or is available as part of the hospital and specialist services provided under Part II of the Act, the practitioner shall inform the said person of the fact and if the person so wishes, the practitioner shall take all necessary steps to enable him to receive such treatment. When referring a person to another practitioner or to the hospital and specialist services, the practitioner shall give adequate particulars in writing either beforehand or as soon as possible afterwards.

Records.

5.—(1) In each case in which a practitioner provides treatment under the regulations, he shall keep a record of the dental needs of the patient and of the treatment provided in such form as the Secretary of State may from time to time determine after consultation with any organisation which is in the opinion of the Secretary of State representative of practitioners engaged in the provision of general dental services.

(2) A practitioner shall if required to do so produce such records to the Board, the Council, or a dental officer.

Fees.

6.—(1) A practitioner shall be entitled to be paid such fees and other remuneration in respect of any treatment which he is required to give under these terms of service as the Secretary of State may from time to time determine by regulations made under section 39 of the Act.

(2) Except as otherwise provided in the regulations, a practitioner shall not suggest, demand or accept from any person for whom he is providing general dental services or from any other person the payment of any fee or remuneration in respect of any treatment which he is required to give under these terms of service:

Provided that nothing in this sub-paragraph shall deprive the practitioner of any right to recover a reasonable charge from any person in respect of loss of remunerative time resulting from the failure of that person without sufficient excuse to keep an appointment.

Preparation and submission of estimates.

7.—(1) In accepting an application for treatment, the practitioner shall—

(*a*) complete an acceptance card (being the form set out in Part II of the Fifth Schedule to the regulations, or a form to the like effect) and give it to the applicant;

(*b*) examine the applicant and advise him as to the whole of the treatment necessary for dental fitness.

(2) Where the extent of the treatment which the person is willing to undergo is not beyond that specified in column A of the Second Schedule to the regulations, the practitioner may proceed with and complete the treatment.

(3) Where the treatment which the person is willing to undergo includes treatment in column B of the Second Schedule, the practitioner shall as soon as may be, and in any case within ten days after making his examination, send the dental estimate form to the Board for approval, and shall not proceed with any treatment other than treatment specified in column A of the said Schedule or such emergency treatment as is referred to in the footnote to the Schedule, until such approval is received.

(4) (*a*) If during the course of treatment in respect of which prior approval of an estimate is not required any variation or addition such as would have made the treatment subject to prior approval is found to be necessary, the practitioner shall immediately notify the Board in writing of the circumstances and shall as soon as reasonably practicable submit an estimate of the whole of the treatment necessary (including that which has been begun) and thereafter the provisions of the last preceding sub-paragraph shall apply to such part of the treatment as has not been commenced.

(*b*) If during the course of treatment in respect of which prior approval of an estimate is required any variation or addition is found to be necessary, the practitioner shall without delay submit a revised estimate and any such estimate shall be subject to the provisions of sub-paragraph (3) of this paragraph.

(5) A practitioner shall complete treatment with reasonable expedition and shall—

(*a*) in the case of treatment to which sub-paragraph (2) of this paragraph applies, not take longer than six months from the date upon which the person is accepted by him for treatment;

(*b*) in other cases not take longer than six months, or in the case of treatment including extractions and the provision of dentures twelve months, from the date on which the approval of an estimate is received by him:

Provided that these time limits may be extended by the Council when any delay is due to failure on the part of the person concerned to attend for treatment or where the Council is satisfied that there is other sufficient reason.

(6) Upon completing treatment for a person a practitioner shall give a certificate to that effect in Part 4 of the dental estimate form and shall obtain in Part 5 of that form a certificate from the person concerned that treatment has been completed to the best of his belief. Treatment in so far as it relates to dentures shall not be regarded as complete unless the dentures have been delivered to and remain in the possession of the person concerned. The practitioner shall within one month of the completion of the treatment send to the Board the dental estimate form.

Inability or unwillingness of practitioner to complete treatment.

8.—(1) If owing to any cause beyond the control of the practitioner, a practitioner is unable to complete any treatment which has been commenced, he shall forthwith notify the Board in writing of the amount of treatment completed, and of the reason for his inability to complete the remainder, and shall be entitled to such payment as may be approved by the Board in respect of such treatment as has already been provided.

(2) The Council may, on the application of a practitioner, authorise him on such terms as they think just to discontinue any treatment which he has commenced, but before doing so they shall consider any representations which the patient may wish to make with respect to the application. If the application is granted the patient and the Board shall be so informed and the practitioner shall be entitled to such payment as may be approved by the Board in respect of such treatment as has already been provided.

Supply of drugs.

9.—(1) A practitioner may supply to a person for whom he is providing general dental services such drugs (being drugs specified in the Third Schedule to the regulations) as are required for immediate administration or application or for use before a supply can be obtained under the next following paragraph;

(2) A practitioner may supply any other drug which is administered by him in person;

(3) A practitioner shall supply all requisite drugs which under regulation 5 of the regulations he is required by the Council to supply.

Duty to prescribe.

10. A practitioner shall order, on a form to be provided by the Council for the purpose, such drugs specified in the Third Schedule to the regulations (other than those supplied under the preceding paragraph) as are requisite for the treatment of any person for whom he is providing general dental services. The order shall be signed by the practitioner or by his deputy or assistant with his own hand 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.

The form shall not be used for persons other than those for whom the practitioner is providing general dental services and a separate form shall be used for each person.

Deputies, assistants and partners.

11.—(1) If a practitioner intends to absent himself from his practice for more than twenty-one consecutive days, he shall notify the Council, and any persons for whom he is in course of providing treatment under the regulations who are likely to require treatment during his absence, of his intended absence and of the practitioner or practitioners, if any, responsible for conducting his practice.

(2) A practitioner shall not employ an assistant practitioner for the purpose of the provision of general dental services for a continuous period of three months or more without notifying the Council.

(3) A practitioner shall not without the consent of the Secretary of State employ as a deputy or assistant for the purpose of the provision of general dental services any practitioner who is disqualified for inclusion in the dental list of a Council under section 43 of the Act.

(4) A practitioner acting as deputy shall be entitled to provide treatment at places or at times other than those arranged by the practitioner for whom he is acting: Provided that the deputy shall have regard to the convenience of the persons for whom the treatment is provided.

(5) A practitioner shall be responsible for all acts and omissions of any practitioner acting as his deputy or assistant in relation to his obligations under these terms of service.

(6) A deputy or assistant (other than a partner or assistant whose name is included in the dental list) shall, in addition to signing with his own name any dental estimate form or prescription, insert therein the name of the practitioner for whom he is acting as deputy or assistant.

(7) In the case of two or more practitioners practising in partnership or as principal and assistant, treatment may at any time be given by a partner or assistant of the practitioner who accepted an application for treatment, instead of by the practitioner in person, if reasonable steps are taken to secure continuity of treatment.

Provided that the applicant will be entitled to the personal services of the practitioner who accepted his application, except when treatment is urgently required and that practitioner is unable to provide it by reason of other professional duties, temporary absence from home, or other reasonable cause.

Withdrawal from dental list.

12. A practitioner shall be entitled at any time to give notice in writing to the Council that he desires to withdraw his name from the dental list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Council may agree:

Provided that—

(*a*) If representations are made to the Tribunal under section 43 of the Act that the continued inclusion of a practitioner in the dental list would be prejudicial to the efficiency of the general dental services, he shall not, except with the consent of the Secretary of State and subject to such conditions, if any, as the Secretary of State may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations, and

(*b*) Where any treatment has been commenced the practitioner shall make satisfactory arrangements for the treatment to be completed.

PART II

TERMS OF SERVICE FOR DENTAL PRACTITIONERS UNDERTAKING TO PROVIDE GENERAL DENTAL SERVICES AT A HEALTH CENTRE

Interpretation.

1. In these terms of service, except so far as the context otherwise requires, the expression "the regulations" means the National Health Service (General Dental Services) (Scotland) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations affecting the rights and obligations of practitioners shall so far as they are applicable be deemed to form part of these terms of service.

Attendance.

3.—(1) A practitioner shall attend at the health centre on such days and at such hours as may be agreed between the Council and the practitioner.

(2) The practitioner shall not, without the permission of the Council, be entitled during the hours agreed upon under the preceding sub-paragraph to provide at the health centre any dental treatment other than general dental services provided under the regulations.

Standard of service.

4. In providing general dental services a practitioner shall employ a proper degree of skill and attention and shall provide the treatment

necessary to secure the dental fitness which the person concerned is willing to undergo and shall, subject to the provisions of paragraph 13 hereof, satisfactorily complete that treatment.

Acceptance of applicant for treatment.

5. On accepting an application for treatment the practitioner shall request the applicant to sign such form as may be provided by the Council for the purpose.

Admission of dental officers.

6. A practitioner shall admit a dental officer at all reasonable times to any surgery or waiting room used by the practitioner at the health centre for the purpose of examining the services provided, and shall furnish him with all necessary information with regard to the treatment of patients.

Visiting.

7. Without prejudice to any special arrangements made under paragraph (3) of regulation 3, a practitioner who has undertaken to provide general dental services for any person shall if that person's condition so requires visit and treat him at any place where he may be at the time: Provided that such place is not more distant than five miles, or such other distance as may be agreed by the Council and the practitioner, from the health centre.

Anaesthetics.

8. A practitioner shall be responsible for providing the services of a medical or dental practitioner when necessary for the administration of an anaesthetic in connection with any operation undertaken by him under these terms of service.

Reference to another practitioner or hospital or specialist services.

9. If the condition of a person requiring general dental services is such as to require treatment which the practitioner is unable to carry out but such treatment to the knowledge of the practitioner can be provided by another practitioner whose name appears on any dental list, or is available as part of the hospital and specialist services provided under Part II of the Act, the practitioner shall inform the said person of the fact and if the person so wishes the practitioner shall take all necessary steps to enable him to receive such treatment. When referring a person to another practitioner or to the hospital and specialist services the practitioner shall give adequate particulars in writing either beforehand or as soon as possible afterwards.

Records.

10.—(1) In each case in which a practitioner provides treatment under the regulations, he shall keep a record of the dental needs of the patient and of the treatment provided in such form as the Secretary of State may from time to time determine after consultation with any organisation which is in the opinion of the Secretary of State representative of practitioners engaged in the provision of general dental services.

(2) A practitioner shall if required to do so produce such records to the Board, the Council, or a dental officer.

Fees.

11.—(1) A practitioner shall be entitled to be paid such remuneration in respect of his obligations under these terms of service as the Secretary of State may from time to time determine by regulations made under section 39 of the Act.

(2) Except as otherwise provided in the regulations a practitioner shall not suggest, demand or accept from any person for whom he is providing general dental services or from any other person the payment of any fee or remuneration in respect of any dental treatment which he is required to give under these terms of service. The practitioner shall account for and pay over to the Council, in such manner as they may require, any fees received by him in respect of dental treatment falling within the provisions of Part V of the regulations.

Special treatment required on clinical grounds.

12. Where a practitioner proposes to provide a service of a kind specified in regulation 21 of the regulations solely on account of the clinical condition of the person concerned and not at his request the practitioner shall give notice of the proposal to the Board on a form to be provided by the Council and shall not proceed with any such treatment other than emergency treatment until the Board's approval has been received.

Treatment not completed.

13. If owing to any cause beyond the control of the practitioner he is unable to complete any treatment, he shall forthwith notify the Board in writing of the amount of treatment completed, and of the reason for his inability to complete the remainder, and if the treatment is given under Part V of the regulations, he shall be entitled to claim from the person concerned such fees as may be approved by the Board in respect of such treatment as has already been provided.

Completion of treatment.

14. A practitioner shall complete treatment with reasonable expedition and shall—

(*a*) in the case of treatment which is referred to in column A of the Second Schedule to the regulations, not take longer than six months from the date upon which the person is accepted by him for treatment;

(*b*) in other cases not take longer than six months or in the case of treatment including extractions and the provision of dentures twelve months from the date on which the person is accepted by him for treatment:

Provided that these time limits may be extended by the Council when any delay is due to failure on the part of the person concerned to attend for treatment or where the Council is satisfied that there is other sufficient reason for the delay.

Supply of drugs.

15.—(1) A practitioner may supply to a person for whom he is providing general dental services such drugs (being drugs specified in the Third Schedule to the regulations) as are required for immediate administration or application or for use before a supply can be obtained otherwise under the regulations.

(2) A practitioner may supply any other drug which is administered by him in person.

(3) Any drug supplied under this paragraph shall be obtained by the practitioner in such manner as the Council may require.

Duty to prescribe.

16. A practitioner shall order, on a form to be provided by the Council for the purpose, such drugs specified in the Third Schedule to the regulations (other than those supplied under the last preceding paragraph), as are requisite for the treatment of any person for whom he is providing general dental services. The order shall be signed by the practitioner with his own hand 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 person.

Termination of service.

17.—(1) Any arrangement between the Council and a practitioner for the provision of general dental services at a health centre may be terminated by either party giving to the other 3 months' notice in writing:

Provided that if the practitioner shall fail to comply with any of these terms of service the Council may terminate the arrangement by giving him one month's notice in writing.

(2) The Council may at any time suspend a practitioner from the discharge of his duties, but such suspension shall not affect the right of the practitioner to receive remuneration during the continuance thereof.

Withdrawal or removal from dental list.

18. A practitioner shall be entitled at any time to give notice in writing to the Council that he desires to withdraw his name from the dental list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Council may agree:

Provided that if representations are made to the Tribunal under section 43 of the Act that the continued inclusion of a practitioner in the dental list would be prejudicial to the efficiency of the general dental services, he shall not, except with the consent of the Secretary of State and subject to such conditions if any as the Secretary of State may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

SECOND SCHEDULE

Treatment	A. Treatment which may be completed without obtaining the prior approval of the Board	B. Treatment for which the prior approval of the Board is required
I. Diagnosis ...	1. Clinical examination and report. 2. Tentative treatment, dressings, etc. 3. Radiological examination at a cost not exceeding £2 2s. od. 4. Pathological and bacteriological examinations.	Radiological examination at a cost exceeding £2 2s. od.
II. Prophylaxis and treatment of parodontal conditions.	Normal scaling and treatment of the gums.	1. Extensive or prolonged treatment including scaling. 2. Gingivectomy.
III. Conservative treatment of the teeth.	1. Fillings. 2. Root treatment.	1. Gold fillings.* 2. Inlays.* 3. Crowns.* 4. Apicectomy.
IV. Extractions ...	Extractions not necessitating the supply of dentures.	1. Extractions necessitating the supply of dentures.† 2. Alveolectomy.
V. General anaesthesia.	All forms.	—
VI. Emergency treatment.	Treatment for the immediate relief of pain or other urgent symptoms.	—
VII. Repair of dentures.	Normal repairs.	Repairs under regulation 21 of the regulations.
VIII. Prosthetic treatment.	—	1. Dentures of plastic. 2. Dentures of vulcanite. 3. Dentures of gold or other metal.* 4. Backing and tagging. 5. Obturators. 6. Special appliances.
IX. Orthodontic treatment.	—	All forms.
X. Oral surgery ...	—	Removal of impacted or unerupted teeth, buried roots, cysts, and other operations.

* This service may be provided free of cost to a person only when it is, in the opinion of the Board, required owing to the clinical condition of the person concerned.

† This service, if emergency treatment, may be commenced without prior approval.

THIRD SCHEDULE

List of Drugs which a Practitioner may Order

Acidum Acetylsalicylicum.
Acidum Benzoicum.
Acidum Boricum.
Acidum Tannici.
Alumen.
Aqua Chloroformi.
Aqua Menthae Piperatae.
Borax.
Butylchloralis Hydras.
Caffeinae Citras.
Calcii Lactas.
Glycerinum.
Glycerinum Acidi Tannici.
Glycerinum Boracis.
Glycerinum Phenolis.
Hydrargyri Subchloridum.
Liquor Arsenicalis.
Liquor Azorubri.
Liquor Formaldehydi.
Liquor Hydrogenii Peroxidi.
Liquor Iodi Mitis.
Liquor Sodae Chlorinatae Chirurgicalis (Dakin's Solution).
Magnesii sulphas.
Mistura Magensii Hydroxidi.
Oleum Caryophylli.
Phenacetinum.
Phenol Liquefactum.
Potassii Chloras.
Potassii Permanganas.
Quininae Sulphas.
Sodii Bicarbonas.
Sodii Chloridum.
Sodii Perboras.
Sodii Sulphis.
Tinctura Ipecacuanhae.
Tinctura Pyrethri.
Tinctura Gelsemii.
Zinci Chloridum.
Zinci Sulphas.

Cataplasma

Cataplasma Kaolin, B.P. (Kaolin Poultice).

Mouth Washes

Collutorium Formaldehydi, B.P.C. 1923 (Formaldehyde Mouth Wash).
Glycerinum Thymolis Compositum, B.P.C. (Glycerinum Thymol Alkalinum).
Liquor Phenolis Alkalinus, B.P.C. (Solution of Sodium Phenate).
Liquor Sodii Phenatis Compositus, B.P.C. (Phenol Soda).
Solvellae Antisepticae, B.P.C. (Effervescing Mouth Wash Tablets).

Pigmentum—Paint

Pigmentum Ipecacuanhae et Arsenici (Bowman's Paint).

Solvellae—Solution Tablets

Solvella Boracis et Benzaminae Composita, B.P.C.

Tabellae—Tablets

Tabella Acidi Acetylsalicylici, B.P.
Tabella Acidi Acetylsalicylici Composita, B.P.C. (Aspirin, phenacetin and caffeine).
Tabella Acidi Ascorbici, B.P. 50 mg. (Vitamin C).
Tabella Acidi Nicotinici, B.P. 50 mg. (Nicotinic Acid).
Tabella Butobarbitoni, 1½ gr.
Tabella Calciferolis Composita, B.P.C. (calcium and Vitamin D).
Tabella Calcii Lactatis, B.P.
Tabella Codeinae Composita, B.P.C. (Aspirin, phenacetin, codeine).
Tabella Nicotinamidae, B.P.
Tabella Phenobarbitoni, B.P. ¼, ½, and 1 gr.
Tabella Potassii chloratis et boracis.
Tabella Quininae Sulphas. 2 gr.
Tabella Sulphathiazolis.

Trochisci—Lozenges

Trochiscus Formaldehydi (Tabella Formaldehydi, B.P.C.).
Trochiscus Pencillini, B.P.

FOURTH SCHEDULE

Rules of Procedure under Regulation 28

Procedure of dental service committee.

1.—(1) Where under the provisions of the regulations any question or matter is required to be investigated by any dental service committee, the following procedure shall be adopted:—

(*a*) If in the opinion of the chairman the statement made by the complainer discloses no *prima facie* ground of complaint, or is frivolous or vexatious, the clerk of the Council shall so inform the complainer and shall invite him within fourteen days to submit a further statement. If no further statement is submitted by the complainer within that period, or if the statement so submitted does not in the opinion of the chairman render a hearing of the case necessary, the case shall be brought before the committee which shall have power to dispense with a hearing and to report on the matter forthwith.

(*b*) The clerk of the Council shall, as soon as practicable, send to the chairman of the committee and to the practitioner concerned a copy of the complainer's statement and any ensuing correspondence on the matter.

(*c*) Except in cases dealt with under paragraph (*a*) without a hearing the clerk shall give to both parties and to the secretary of the Local Dental Committee, not less than fourteen days' notice of the meeting at which the case will be heard.

(*d*) The chairman may upon the application of either party postpone the hearing if he is satisfied that the attendance of the party or any witness on the date fixed for the hearing is not reasonably practicable. He may also postpone the hearing for any other reason he thinks fit.

(*e*) The clerk shall three clear days before the hearing supply to each member of the committee copies of the statement and the reply, if any, thereto, and of any further correspondence relating to the matter which has taken place between the clerk and either party.

(*f*) Either party shall be entitled to be present at the hearing and to give and call such evidence as the committee may think relevant to the matters at issue, and may put questions relevant to the matter in dispute to the other pary or to any witness called by him, either directly, or, if the committee so direct, through the chairman of the committee. Subject as aforesaid, the procedure at the hearing shall be such as the committee may determine.

(*g*) If either party fails to appear at the hearing, and the committee are satisfied that his absence is due to illness or other reasonable cause, or if for any other reason the committee think fit, they may adjourn the hearing.

(*h*) If in the course of a hearing the complainer introduces any issue which in the opinion of the chairman was not sufficiently disclosed in the written statement or statements sent to the respondent, it shall be within the discretion of the chairman to admit or exclude such issue as he thinks fit, but if the issue is admitted the hearing will be adjourned if the respondent desires an opportunity of producing further evidence, and requests an adjournment for that purpose.

(*i*) The chairman, together with one lay member and one appointed by the Local Dental Committee shall form a quorum.

(2) Where a case has been opened before the committee and the meeting is adjourned for the purpose of hearing further evidence or of preparing or considering the report, a member of the committee who was not present at the meeting shall not be entitled to be present or take part in the proceedings at the adjourned meeting, and it shall not be necessary for the clerk to send him notice of such meeting.

(3) The foregoing provisions of this Schedule shall apply to cases which are referred to any dental service committee by the Council or by any other committee with such modifications as the circumstances may require.

Interpretation.

2. In these rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

" chairman " includes a deputy chairman acting in his place.

" member " includes a deputy member acting in the place of a member.
" lay member " means a member, not being a medical or dental practitioner or a registered pharmacist, appointed to the dental service committee by and from the members of the Council who were appointed by the local health authority or the Secretary of State.

FIFTH SCHEDULE

PART I

FORM OF APPLICATION FOR INCLUSION IN DENTAL LIST

To the Executive Council for.....

I, ... of ..... a registered dental practitioner undertake to provide general dental services under the National Health Service (Scotland) Act, 1947, on the terms in operation in the area of the Council and apply to have my name included in the dental list.

Particulars of my usual surgery hours are given below.

Address of Surgery and/or Health Centre	*Days and hours of attendance*	
	Days	*Hours*
(Surgery).....	.....	.....
.....	.....	.....
.....	.....	.....
(Health Centre)	.....	.....
.....	.....	.....
.....	.....	.....

To be completed where appropriate.

I am practising in partnership with.....
of .....

I am acting as an assistant to.....
of .....

Signed.....

Date.....

PART II

(Front) (Back)

NATIONAL HEALTH SERVICE (SCOTLAND)
Dental Acceptance Card

Mr.
Mrs.....
Miss

Address .....

.....

I accept you as a patient under the National Health Service for the dental treatment decided on when you consulted me on..... 19.....

Signature of Dentist.....

Particulars of appointments :—

Date	*Hour*
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

Place of treatment (rubber stamp)

PART III

NATIONAL HEALTH SERVICE—SCOTLAND

Patient's Surname (Mr., Mrs., Miss) (block letters)	Dentist's name and address at which treatment is to be given
Christian Names	
Address	
Nat. Reg. Identity No.	Dentist's E.C. List No.

PART 1. To be completed by the PATIENT

I desire dental treatment under the National Health Service

Patient's * signature ..... Date.....

PRIOR APPROVAL CASES ONLY

PART 2. To the Dental Estimates Board.

I certify that I have examined this patient, whose dentition is as shown in Part 6, and I propose to carry out the treatment detailed in Part 7 which is in my opinion necessary to promote dental fitness. The patient is prepared to undergo this treatment.

Dentist's signature ..... Date.....

PART 3. To the Dentist.

The treatment detailed in Part 7 is authorised.....

.....

Signed for the Board..... Date.....

PART 4. I certify that treatment as detailed in Part 7 has been completed, and I claim payment accordingly.

Dentist's signature..... Date.....

PART 5. I certify that to the best of my belief treatment has been completed.

Patient's* signature ..... Date.....

FOR
OFFICIAL
USE

* In the case of a child under 16 or an invalid, the parent, guardian or other authorised person should sign.

PART III—*continued*

DENTAL ESTIMATE FORM

PART 6. (To be completed by the dentist in all prior approval cases.)

Strike out missing teeth from chart

R

E D C B A	A B C D E
8 7 6 5 4 3 2 1	1 2 3 4 5 6 7 8
8 7 6 5 4 3 2 1	1 2 3 4 5 6 7 8
E D C B A	A B C D E

L

Patient's year of birth.....

PART 7.	£	s.	d.
Examination and advice			
Report (fee payable only in prior approval cases)			
X-ray and report			
Scaling and treatment of gums			
Fillings			
Root treatment			
Extractions			
General anaesthetic			
Crowns			
Dentures			
Denture repairs			
Special treatment..... required on clinical grounds			

Particulars of any dentures in patient's possession — Material

Dentist's observations

Enclosures No. Description

Dentist's signature (on completion of treatment)..... Date.....

FOR OFFICIAL USE

PART IV

NATIONAL HEALTH SERVICE—SCOTLAND

SPECIAL TREATMENT AND APPLIANCES INVOLVING PAYMENT BY THE PATIENT

This form is to be completed in addition to and submitted with the Dental Estimate Form in respect of any more expensive form of treatment or appliance to be provided at the request of the patient.

In the appropriate space below ENTER ONLY THE AMOUNT PROPOSED TO BE PAID BY THE PATIENT.

Patient's Name	Dentist's Name
Nat. Reg. Identity No.	Dentist's E.C. List No.

DETAILS OF TREATMENT AND ADDITIONAL CHARGES

	£	s.	d.
Fillings	.....	.....	.....
Dentures	.....	.....	.....
Other Treatment	.....	.....	.....
.....	.....	.....	.....

TO BE SIGNED BY THE PATIENT*

I desire the treatment as detailed above and understand that I am responsible for payment to the dentist of such charges as may be fixed by the Dental Estimates Board, not exceeding the amount shown above.

Signed*..... Date.....

* In the case of a child or invalid, the parent, guardian or other authorised person should sign for the patient.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The regulations provide for the arrangements which Executive Councils are required to make under Part IV of the National Health Service (Scotland) Act, 1947, for the provision of general dental services. The regulations also provide for the constitution of the Scottish Dental Estimates Board for the purpose of approving dental estimates.