

General Dental Services Regulations (Northern Ireland) 1993 (S.R. No. 326)**List of Amending Provisions**

Name	Number	Provisions Amended
General Dental Services (Amendment) Regulations (Northern Ireland) 1993	S.R. 1993 No. 401	Regs. 2, 5, 5A, 5B, 5C, 5D, 5E, 7 and 36 and Sch.1 para. 5A and Sch. 10
General Dental Services (Amendment) Regulations (Northern Ireland) 1995	S.R. 1995 No. 488	Regs. 2, 5, 8, 13, and 25, Part VA, Reg. 29A, Sch. 2 paras. 8, 9, 10A and 35 and Sch. 3 Para. 14.
General Dental Services (Amendment) Regulations (Northern Ireland) 1996	S.R. 1996 No. 114	Sch. 2 paras.27, 31, 31A, 31B and 31C
General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 1996	S.R. 1996 No. 382	Sch. 2 paras. 4, 5, 8 and 9
General Dental Services (Amendment) Regulations (Northern Ireland) 1998	S.R. 1998 No. 245	Regs. 4, 5 and 5A Sch. 2 paras. 11, 11A and 31D and Sch. 3 paras. 15 and 16 and Sch. 5 paras. 1 and 2
The Health Services (Choice of Dental Practitioner) Regulations (Northern Ireland) 1998 (regulation 4)	S.R. 1998 No. 404	Part III
The Health Services (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999 (regulation 5)	S.R. 1999 No. 100	Regs. 2, 5A, 8 and 20 and Sch. 2 paras. 7, 11, 12 and 14
General Dental Services (Amendment) Regulations (Northern Ireland) 2001	S.R. 2001 No. 2	Regs. 8, 14, 19, and 20. Sch. 2 paras. 25, 27A, and 37A and Sch. 3 Para.17
General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2001	S.R. 2001 No. 89	Regs. 2, 4, 5, 5F and 5G and Sch. 2 paras. 16, 21 and 33A and Sch. 5 paras. 1 and 2
General Dental Services (Amendment No. 3) Regulations (Northern Ireland) 2001	S.R. 2001 No. 309	Regs. 19 and 20 and Sch. 2 paras. 17, 31E, 31F and 31G
General Dental Services (Amendment) Regulations (Northern Ireland) 2002	S.R. 2002 No. 2	Regs. 2, 4, 5F and 5G and Sch. 2 paras. 4, 16, 21, 33 and 40
General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2002	S.R. 2002 No. 171	Sch. 5 paras. 1 and 2
General Dental Services (Amendment) Regulations (Northern Ireland) 2003	S.R. 2003 No. 135	Reg. 9
General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2003	S.R. 2003 No. 325	Reg. 19 and Sch. 5 paras. 1 and 2
The General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004 (Article 7)	S.R. 2004 No.156	Reg. 2
General Dental Services (Amendment) Regulations (Northern Ireland) 2005	S.R 2005 No. 311	Regs. 19 and 20 and Sch. 2 para. 33A
General Dental Services (Amendment) Regulations (Northern Ireland) 2007	S.R 2007 No. 292	Regs. 2, 9, 10, 23 and 29 and Sch. 2 paras. 2, 26 and 28

General Dental Services (Amendment) Regulations (Northern Ireland) 2008	S.R. 2008 No. 395	Regs. 23 and 29 and Sch. 2 paras. 2, 25, 28 and 35
General Dental Services (Amendment) Regulations (Northern Ireland) 2009	S.R. 2009 No. 263	Reg. 2 and Sch. 2 paras. 8 and 9
General Dental Services (Amendment) Regulations (Northern Ireland) 2013	S.R. 2013 No. 300	Reg. 2 and Sch. 2 paras. 3, 23A and 24
General Dental Services (Amendment) Regulations (Northern Ireland) 2014	S.R. 2014 No. 3	Regs. 2 and 20 and Sch. 5 para. 2
The Health Care and Associated Professions (Indemnity Arrangements) Order 2014 (Art. 2(2) and para. 6 of Sch. 2)	S.I. 2014 No. 1887	Sch. 2 para. 31D
The Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2014	S.R. 2014 No. 267	Reg. 23 and 29
General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 2014	S.R. 2014 No. 319	Reg. 13A and Sch. 2 paras. 4 and 5
The Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016	S.R. 2016 No. 104	Reg. 2 and 23(1)(b) and Sch. 2 Paras 2(b) and 28(6)(b)(ii)
General Dental Services (Amendment) Regulations (Northern Ireland) 2016	S.R. 2016 No. 334	Reg.19 and Sch. 2 para. 25(4)

1993 No. 326

HEALTH AND PERSONAL SOCIAL SERVICES

General Dental Services Regulations (Northern Ireland) 1993

Made - - - - - *22nd July 1993*

Coming into operation - *1st September 1993*

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The Department of Health and Social Services, in exercise of the powers set out in Schedule 1 and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the Dental and Pharmaceutical professions as required by Articles 61(4) and 63(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(a), hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993 and shall come into operation on 1st September 1993.

Interpretation

2. In these regulations—

“the Agency” means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

➤¹“appeal body” means a body prescribed in regulation 5D; ◀

➤²“approved trainer” means a dentist on a dental list ➤³or pilot performers list ◀ approved by a postgraduate dental dean or a Director of postgraduate dental education as being a dentist who has the requisite skills and suitable practice facilities to enable him to act as a trainer; ◀

“assistant” means any dentist employed either whole-time or part-time under a contract of service by another dentist for the purpose of providing general dental services on behalf of that other dentist;

“associateship agreement” means an agreement between dentists practising as principals—

- (a) to which there are two parties, not being partners of each other, and
- (b) whereby one party is liable to provide, for financial consideration, the use of some or all premises and of some or all facilities for the provision of general dental services by the other party;

“Board” means a Health and Social Services Board;

“capitation arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 5 of Schedule 2;

“care and treatment” means—

- (a) all proper and necessary care which a dentist usually undertakes for a patient and which the patient is willing to undergo, including advice, planning of treatment and preventive care, and
- (b) treatment;

“charge” means the charge, authorised under the Dental Charges Regulations to the patient within the meaning of those regulations;

(a) S.I. 1972/1265 (N.I. 14)

“Committee” means the Dental Committee constituted under regulation 30;

“continuing care arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 4 of Schedule 2;

➤⁴“the Council” means the Northern Ireland Council for Postgraduate Medical and Dental education; ◀

“the Dental Charges Regulations” means the Health and Personal Social Services Dental Charges Regulations (Northern Ireland) 1989(a);

➤⁵“dental list” shall be construed in accordance with regulation 4(1); ◀

“dental payment claim form” means a form provided by the Agency on which a dentist may claim payment for treatment provided;

“dental officer” means a dentist in the employment of the Agency;

“dental surgery” means any part of the practice premises where care and treatment is provided;

“dentist” means a registered dental practitioner; “the Dentists Act” means the Dentists Act 1984(b);

“deputy” means a dentist acting on behalf of another dentist, otherwise than in the capacity of an assistant, for the purpose of providing general dental services;

➤⁶“the Directive” means the Directive 2011/24/EU of the European Parliament and of the Council on the application of patients’ rights in cross-border healthcare(c); ◀

➤⁷“the Disciplinary Procedures Regulations” means the Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016; ◀

“doctor” means a registered medical practitioner;

“Drug Tariff” means the statement prepared by the Department under regulation 40 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(d);

“an emergency” means the circumstances set out in paragraph 6(2) of Schedule 2 in which a patient requires prompt care and treatment;

“emergency dental services” means treatment which is provided pursuant to arrangements made under regulation 14;

“estimate” means a form supplied by the Agency, completed by the dentist and submitted to the Agency in accordance with paragraph 26 of Schedule 2 for the purpose of obtaining prior approval under that paragraph;

➤⁸ ◀

“health premises” means any facility made available by a Board for the provision of general dental services;

“listed drugs” means such drugs and medicines as are included in a list for the time being approved by the Department for the purposes of Article 63 of the Order(e);

“Local Dental Committee” ➤⁹ ◀ and “Local Pharmaceutical Committee” mean the committees of those names which are recognised by a Board in relation to its area under Article 55 of the Order(f);

➤¹⁰“Local Medical Committee” means a committee recognised by the Board under Article 55B of the Order(g); ◀

“medical card” means a card issued to a person by the Agency in a form approved by the Department for the purpose of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services;

(a) S.R. 1989 No. 111

(b) 1984 c. 24

(c) OJ No. L88, 4.4.2011, p. 45

(d) S.R. & O. (N71.) 1973 No. 421 as amended by S.R. 1987 No. 247, S.R. 1988 No. 395, S.R. 1991 No. 97 and S.R. 1992 No. 200

(e) Article 63 was amended by Article 5 of S.I. 1986/2023 (N.I. 20) and Article 31(I) of S.I. 1991/194 (N.I. 1)

(f) Article 55 was amended by Article 5 of S.I. 1991/194 (N.I. 1)

(g) Article 55B was inserted into the Order by paragraph 9 of Schedule 1 to the 2004 Order.

“mobile surgery” means any vehicle in which care and treatment is provided;

“occasional treatment” means such treatment as is mentioned in paragraph 17 of Schedule 2;

“oral health” means such a standard of health of the teeth, their supporting structures and other tissues of the mouth, and of dental efficiency, as in the case of any patient is reasonable having regard to the need to safeguard his general health;

“the Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

- ¹¹“the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997; ◀
- “patient” means a person for whom a dentist agrees to provide general dental services;
- “patient record” means a form supplied by the Agency for the purpose of maintaining a record of treatment;
- ¹²“personal dental services” has the meaning assigned to it in Article 3(7) of the 1997 Order; ◀
- ¹³“pilot dentist” means a dentist who performs personal dental services in connection with a pilot scheme; ◀
- ¹⁴“pilot performers list” means a list, prepared and maintained by the Board in accordance with Directions given by the Department under Article 8(1) of the 1997 Order, of dentists who perform personal dental services under a pilot scheme;
- ¹⁵“pilot scheme” has the meaning assigned to it in Article 3(1) of the 1997 Order; ◀
- ¹⁶“pilot scheme agreement” means an agreement which constitutes, or is one of the agreements which constitute, a pilot scheme; ◀
- “practice premises” means in relation to any dentist, any premises at which he provides general dental services, or any mobile surgery of his;
- “practice record form” means a form supplied by the Agency and completed in accordance with paragraph 27 of Schedule 2 for the purpose of obtaining general dental services in circumstances where the dentist intends to use a computer to send an estimate to the Agency;
- “prescription form” means a form provided by the Agency and issued by a dentist to enable a person to obtain pharmaceutical services;
- “prior approval treatment” means any item of treatment referred to in Part I of Schedule 5 or any care and treatment specified in paragraph 1 or 2 in Part II of that Schedule;
- “private”, in the context of care and treatment, means otherwise than under general dental services or Part VI of the Order and “privately” shall be construed accordingly;
- ¹⁷“referral dental officer” means a dental officer in the employment of the Regional Health and Social Care Board established by section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(a); ◀
- “salaried dentist” means a dentist employed by a Board who undertakes to provide general dental services at health premises;
- “Scale of Fees” means the Scale of Fees set out in Determination I of the Statement of Dental Remuneration;
- ¹⁸ ◀
- “Statement of Dental Remuneration” means the Statement published by the Department pursuant to the provisions of regulation 19;
- “supply”, in relation to an appliance, includes replacement;
- ¹⁹“suspended by direction of the Tribunal” means suspended as respects the provision of general dental services to patients by a direction of the Tribunal made pursuant to paragraph 8A(2) or 8B(1) of Part I of Schedule 11 to the Order or to any provisions in force in England and Wales or Scotland corresponding to those provisions; ◀

(a) 2009 c.1 (N.I.)

“terms of service” means the terms of service contained, or referred to, in Schedule 2;

“trauma” means damage to teeth, gingival tissues or alveoli caused by a force arising outside the mouth, resulting in mobility, luxation, subluxation or fracture of the hard tissues or injury to the soft tissues;

“treatment” means all proper and necessary dental treatment which a dentist usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, preventive treatment, periodontal treatment, conservative treatment, surgical treatment, the supply and repair of dental appliances, orthodontic treatment and the taking of radiographs and the provision of ²⁰sedation in connection with such treatment and the supply of listed drugs and the issue of prescriptions in accordance with paragraphs 22 and 23 of Schedule 2; and

“treatment on referral” means any care and treatment provided by a dentist under paragraph 13 of Schedule 2;

- ²¹“visiting patient” means an individual for whom a Member State other than the United Kingdom is the Member State of Affiliation within the meaning of Article 3(c) of the Directive; ↵
- ²²“vocational training” means a period of one year’s full time employment (or an equivalent period of part-time employment) during which a dentist is employed under a contract of service by an approved trainer to provide a wide range of dental care and treatment and to attend such study days as that contract requires with the aim and objectives set out in Schedule 10; ↵
- ²³“vocational training certificate” means a certificate confirming that a dentist has completed vocational training, signed in Northern Ireland, England or Wales by a postgraduate dental dean or Director of postgraduate dental education or by a Director of the Royal Dental Naval Service or the Director of the Royal Army Dental Corps or the Director of the Dental branch of the Royal Air Force, and in Scotland by the Chairman of the Scottish Dental vocational Training Committee or by a Regional General Dental practice Vocational Training Adviser; ↵
- ²⁴“vocational training number” means the number allocated to a dentist by the Council in accordance with regulation 5A, or by a Family Health Services Authority in England and Wales, or by a Health Board in Scotland; ↵
- ²⁵“voluntary vocational training certificate” means a vocational training certificate or a letter confirming that a dentist had completed vocational training on or before the 30th September 1994 and signed in Northern Ireland by the Adviser in Vocational Training, or in either case, in England and Wales, by a postgraduate dental dean or Director of postgraduate education, or in Scotland by the Chairman of the Scottish Dental Vocational Training Committee or an officer of a Regional Committee for Postgraduate Dental Education. ↵

PART II

GENERAL ARRANGEMENTS FOR PROVISION OF GENERAL DENTAL SERVICES

Terms of service

3. The arrangements with dentists for the provision of general dental services which it is the duty of a Board under Article 61 of the Order (a) to make, and under Article 17(1)(a) of the Order to administer, shall incorporate—

- (a) in the case of a dentist undertaking to provide general dental services (other than emergency dental services), otherwise than as a salaried dentist, the terms of service contained in Parts I, II, III, IV and V of Schedule 2;

(a) Article 61 of the Order was amended by Article 13 of S.I. 1978/1907 (N.I. 26); Article 5(2) of S.I. 1981/432; Article 8 of S.I. 1986/2229 (N.I. 24); Article 4(5) of S.I. 1988/2249 (N.I. 24); Articles 30, 34 and 35 of, Part I of Schedule 5 to, and Part I of Schedule 6 to, S.I. 1991/194 (N.I. 1)

- (b) in the case of a dentist undertaking to provide general dental services (other than emergency dental services), as a salaried dentist, the terms of service contained in Parts I, II, III, IV and VI of Schedule 2;
- (c) in the case of the provision of emergency dental services by a dentist undertaking to provide emergency dental services, the terms of service contained in Parts I and III, paragraphs 19, 20, 21, 22, 23 and 25 of Part IV and paragraphs 39, 40, 41 and 42 of Part VI, of Schedule 2.

Dental list

4.—(1) The Agency shall, from information obtained from Boards, prepare a list, to be called the dental list, of dentists who, pursuant to the provisions of regulation 5, have undertaken to provide general dental services and who are not disqualified for inclusion by virtue of the provisions of—

- (a) Article 61(2A) or Article 65 of, and Schedule 11(a) to the Order; or
- (b) Article 4 of the Health and Medicines (Northern Ireland) Order 1988(b); or
- (c) regulation 7 (restrictions on the right to be included in the dental list).

(2) The dental list shall, in addition to containing the name of a dentist,—

(a) contain—

- (i) the addresses of all his practice premises and, where he provides general dental services at a mobile surgery only, the address at which correspondence in connection with such provision may be sent to him,
- (ii) particulars of the days and hours when he is or will usually be in attendance at the practice premises for the provision of general dental services and, in the case of any mobile surgery, particulars of the places visited regularly by him and the times of those visits,
- (iii) the name of any other dentist in association with whom he provides general dental services at his practice premises,
- (iv) the date of his registration as a dental practitioner in the register kept under section 14 of the Dentists Act, particulars of the dental qualification which entitled him to be so registered, including the date on which the qualification was awarded, and particulars of any other dental qualification held by him which is registrable pursuant to section 19(1)(c) of the Dentists Act; and

(b) indicate—

- (i) whether the dentist provides only orthodontic treatment, ²⁶
- (ii) whether there is access to the dental surgery without the use of stairs²⁷; ²⁸ and
- (iii) whether the dentist is indemnified against claims relating to the practice of dentistry in relation to dentistry performed by the dentist himself, and by any assistant, deputy and dental auxiliary whose work he directs. ²⁹

(3) The dental list may, provided that the dentist consents to their inclusion, also give particulars of any languages, other than English, spoken by the dentist.

(4) The dental list may, if the Agency thinks fit, be so arranged as to show the area in which each dentist has undertaken to provide general dental services.

(5) A dentist whose name is included in the dental list shall notify the Board of any occurrence requiring an alteration to the information recorded in relation to him in the dental list within 14 days of the date of such occurrence.

(6) The Agency shall—

- (a) send to the Department, each Board and each Local Dental Committee a copy of the dental list; and

(a) Schedule 11 was amended by Article 17 of, and Part I of Schedule 6 to, S.I. 1984/1158 (N.I. 8)
 (b) S.I. 1988/2249 (N.I. 24)

- (b) notify the Department, each Board and each Local Dental Committee of any alteration to the dental list within 7 days of the date on which the alteration is made.
- (7) Subject to paragraph (9), the Agency shall—
- (a) send, if requested to do so, a copy of the dental list to—
- (i) a Local Medical Committee,
 - (ii) a Local Pharmaceutical Committee,
 - (iii) a hospital or HSS trust,
 - (iv) any organisation representative of the dental profession,
 - (v) a person whose name is included in the list maintained by the Agency pursuant to Article 63(2A) of the Order(a); and
- (b) in that event, notify them, at intervals of not less than 3 months, of any alterations made to the dental list.
- (8) The Agency shall prepare an updated dental list each year and send a copy—
- (a) to the Department, to each Board and to each Local Dental Committee; and
- (b) subject to paragraph (9), to any person mentioned in paragraph (7)(a) who under that paragraph requested a copy of the dental list.
- (9) Where the Agency considers that only parts of, or only some of the alterations to, the dental list are likely to concern any person mentioned in paragraph (7)(a), the Agency may instead of sending him a copy of the list or notifying him of all those alterations send that person a copy only of those parts or, as the case may be, notify him only of those alterations.

Application for inclusion in the dental list

5.—(1) ³⁰ Subject to paragraph (3) ³¹ A dentist who wishes to have his name included in the dental list shall make an application to the Board in writing which—

(a) shall include—

(i) in the case of a salaried dentist ³¹, the information specified in paragraphs 1, 2, 3, 4, 5 ³², 5A, ³³ 11, 14 and 15 ³⁴ of Part I of Schedule 3 and the undertaking specified in that Part of that Schedule, ³⁴

³⁵(ii) in the case of a dentist undertaking to provide only emergency dental services, the information specified in paragraphs 1, 2, 3, 4, 5, 5A, 11, 14, 15, and 16 of Part I of Schedule 3 and the undertaking specified in that Part of that Schedule; and

(iii) in any other case, all the information and the undertaking specified in Part I of Schedule 3; and ³⁴

(b) may include the information specified in Part II of that Schedule.

(2) ³⁶ Subject to paragraph (4) ³⁶ the Board shall determine an application made by a dentist under paragraph (1) within 14 days of the date of its receipt of the application or, where the Board considers the proposed practice premises should be inspected, within 14 days of the date of that inspection.

³⁷(2A) Where the Board determines in accordance with paragraph (2) that a dentist's name should not be included in the dental list because the Board is dissatisfied with the proposed practice premises following its inspection of them, the dentist may, within 28 days following the day he received notice of such determination, appeal in writing to the Department against it.

(2B) Where a dentist appeals in accordance with paragraph (2A), the Department shall make arrangements with the dentist to carry out an inspection of the proposed practice premises within 28 days following receipt of the dentist's notice of appeal, or such longer period as may be mutually agreed.

(2C) The inspection shall be carried out in the company of the dentist and a representative of the Board.

(a) Paragraph (2A) was inserted by Article 5(1) of S.I. 1986/2023 (N.I. 20)

(2D) The Department shall, following the inspection, determine whether the proposed practice premises are proper and sufficient for the provision of general dental services.

(2E) Where the Department determines, in accordance with paragraphs (2B) to (2D), that the proposed practice premises are proper and sufficient for the provision of general dental services, it shall notify the Board forthwith and the Board shall, on receiving such notification, include the dentist's name in the dental list forthwith and inform the dentist accordingly. ↩

➤³⁸(3) Where a dentist who wishes to have his name included in the dental list does not have a vocational training number—

- (a) paragraph (1) shall apply as if "5A" were omitted from sub-paragraph (a)(i) of that paragraph; and
- (b) in addition to his application under paragraph (1) as so modified he shall also apply to the Council for a vocational training number;

and his application for a vocational training number shall be dealt with in accordance with regulation 5A before the Board determines his application under paragraph (1).

(4) Paragraph (2) shall not apply to the application under paragraph (1) of a dentist who does not have a vocational training number until such a number has been allocated to him. ↩

➤³⁹Applications for vocational training numbers

5A.—(1) An application for a vocational training number shall be in writing and shall—

- (a) state that the dentist has also made an application under regulation 5(1); and
 - (i) specify the Board to which that application has been made; and
 - (ii) state the date on which it was made; and
- (b) state that the dentist has completed vocational training and be accompanied by his vocational training certificate; or
- (c) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to vocational training and be accompanied by written details of that experience or training; or
- (d) state that the dentist is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (4) and be accompanied by written details in support of that statement.

(2) All applications under paragraph (1) shall be considered and determined without an oral hearing and without the attendance of the applicant.

(3) For the purposes of paragraph (1)(c) experience or training shall not be prevented from being equivalent to vocational training merely because the structure of the experience or training does not comply exactly with the definition of vocational training.

(4) The grounds upon which a dentist is exempt from the requirement to have completed vocational training are—

- (a) he is registered as a dentist by virtue of section 15(1)(b) of the Dentists Act (registration of nationals of member States who hold appropriate European diplomas) or is in any other way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement; or
- (b) his name has been included in a dental list in the United Kingdom within the period of five years ending on the date of his application to be included in the dental list; or
- (c) he holds a voluntary vocational training certificate dated on or after—
 - (i) 1st August 1989 in the case of a certificate issued in Northern Ireland;
 - (ii) 1st January 1988 in the case of a certificate issued in England and Wales; or
 - (iii) 1st July 1988 in the case of a certificate issued in Scotland; or
- ⁴⁰(d) he has practised in primary dental care in either the community dental service or the armed forces of the Crown ➤⁴¹or has performed personal dental services in connection with a pilot scheme, ↩

for a period amounting in aggregate to not less than four years full-time employment (or part-time employment of equivalent duration), and has so practised for not less than four months in full-time employment (or part-time employment of equivalent duration) within the period of four years ending with the date of his application under regulation 5(1); or

- (e) in the case of any application made before 1st October 1998, he was on 1st October 1993, employed as a Senior House Officer or Registrar in a hospital in the United Kingdom or enrolled on a course intended to lead to a Master's degree in dentistry or Membership Diploma in dentistry of any of the Royal Colleges of Surgeons in the United Kingdom.

(5) In paragraph (4)—

- (a) in sub-paragraph (d), "primary dental care" means care and treatment delivered by the dentist at the first point of contact with the patient, and the "community dental service" means the dental service provided in Northern Ireland under Articles 5(1)(c), 9(1)(a) and (1A) of the Order^(a) and administered by Health and Social Services Boards and Health and Social Services Trusts, and in England and Wales, under sections 3(1)(c), 5(1)(a) and (1A) of the National Health Service Act 1977 ^(b) and administered by District Health Authorities or National Health Service Trusts, and in Scotland under section 1 and 39(2) of the National Health Service (Scotland) Act 1978 ^(c) and administered by Health Boards or National Health Service Trusts, and
- (b) in sub-paragraph (e), "Membership Diploma" means any postgraduate dental qualification which is registrable with the General Dental Council.

(6) An application for a vocational training number shall be granted if the applicant—

- (a) has had a vocational training certificate issued to him; or
- (b) has acquired experience or completed training which ought to be regarded as equivalent to vocational training; or
- (c) is exempt from the requirement to have completed vocational training on one of the grounds set out in paragraph (4) above.

(7) The Council shall determine whether an applicant for a vocational training number comes within one of sub-paragraphs (b) to (d) of paragraph (1) and, if the Council determines that he does, it shall allocate to him a vocational training number, notify him of that number, and enter the number against the name of the applicant in a register which it shall keep for that purpose.

(8) If the Council does not allocate a vocational training number to the applicant, it shall send him a notice to that effect together with a statement setting out the reasons why it has not done so and telling him about his right to appeal to the appeal body and giving particulars of the address to which an appeal, if made, must be sent.

Additional information

5B.—(1) The Council may request of any applicant additional information and documents in respect of any application, and where any such request is made—

- (a) it shall be in writing;
- (b) it shall specify a reasonable date by which the information or documents are to be provided; and
- (c) the applicant shall provide the additional information and documents requested within such reasonable time.

(2) If the applicant fails to provide the additional information and documents requested within the time specified by the Council, the Council may proceed to determine the application on the basis of the information and documents which it has before it.

(a) Article 9(1)(a) was amended by Article 6(2) of S.I. 1988/2249 (N.I. 24) and Article 9(1A) was inserted by Article 6(3) of that order
(b) 1977 c. 49
(c) 1978 c. 29

Time for the determination of an application

5C.—(1) Subject to paragraph 2(b) an application under 5A(1)(b) or (d) may be considered by and may be determined by an officer designated for the purpose by the Council.

(2) The designated officer shall either—

- (a) grant the application within fourteen days of receipt and allocate a vocational training number to the applicant; or
- (b) if it sees fit, refer the application for consideration and determination in accordance with paragraph (3).

(3) Any application under regulation 5A(1)(c), and any application referred in accordance with paragraph (2)(b), shall be considered and determined by a panel, formed for the purpose, by the Council.

(4) An application under paragraph (3) shall be determined—

- (a) where no additional information or documents are requested pursuant to regulation 5B within the period of 12 weeks beginning with the date on which the application is received, or
- (b) where such additional information or documents are requested—
 - (i) within the period of 12 weeks beginning with the date on which such information or documents are received, or
 - (ii) where the applicant has failed to provide the additional information or documents requested, within the period of 12 weeks beginning with the date on which the period provided for in regulation 5B(1)(b) expired.

(5) The Council shall notify the applicant within 10 days of making its decision.

Appeal body for appeals against the refusal of a vocational training number

5D.—(1) The body prescribed for the purposes of Article 61(2AA) of the Order, to which appeals may be made in respect of a refusal to include a dental practitioner in a dental list because he has been refused a vocational training number, shall be appointed by the Department and shall consist of three persons of whom—

- (a) one shall be a legally qualified person who shall be so appointed to be the Chairman; and
- (b) two shall be dentists nominated by such organisation as appears to the Department to represent the dental profession.

(2) Any nomination for the purposes of paragraph (1) may be made either specially or generally.

(3) The Department shall appoint a person to act as secretary of the appeal body and, may also appoint such other officers as may be deemed necessary.

Procedure on appeal

5E.—(1) A dentist whose application for a vocational training number has been refused by the Council may appeal against the refusal by giving to the appeal body, within 28 days after he has received notice of the Council's decision pursuant to regulation 5A(8) (or such extended period as the appeal body may allow pursuant to paragraph (2)), a written notice of appeal setting out a concise statement of the facts and contentions on which he intends to rely.

(2) The appeal body may agree to an extension or further extension of the period of 28 days for lodging an appeal (either before or after that period has expired).

(3) In connection with an appeal, the appeal body may require such further particulars from an appellant and such documents in support of his appeal, and may make such inquiries of such persons as it thinks fit.

(4) The appeal body shall send to the appellant a copy of any comments made by such persons in reply to those inquiries and shall give the appellant a period of 28 days beginning with the date on which the comments are sent to him in which to reply to such comments.

(5) The appeal body shall give notice to the appellant that he may, within such period as is specified in the notice, require the appeal body to give him an opportunity of appearing before and being heard by the appeal body.

(6) The appeal body shall appoint a date, time and place for the consideration of the appeal, and may, or shall if so required by the appellant, hold a hearing for that purpose.

(7) If a hearing is to be held, the appeal body shall appoint a date, time and place for the hearing, and, not less than 28 days before that date, shall send notice to the appellant and to the Council informing them of the date, time and place.

(8) At a hearing by the appeal body, the appellant may appear and be heard in person or be represented by Counsel or Solicitor or by any other person on his behalf, and the Council may appear and be represented by Counsel or Solicitor or by any duly authorised member or officer.

(9) The appellant may withdraw his appeal at any time.

(10) Where the appellant does not appear at the hearing and is not represented, the appeal body may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat any request for a hearing as having been withdrawn.

(11) The proceedings of the appeal body shall be in private.

(12) The appeal body shall determine the appeal and shall, within 10 days of that determination, notify the appellant and the Council in writing of their decision and the reasons for it.

(13) In arriving at their decision in the appeal the decision of the appeal body shall be the decision of a majority and shall be final.

(14) The provisions of Schedule 8 to the 1972 Order (which relate to the summoning of witnesses and the production of documents in connection with an inquiry held by the Department) shall apply for the purposes of any appeal held under this regulation as if it was an inquiry caused to be held by the Department and as if, in paragraphs 2, 3 and 4 of that Schedule, for the words "the person appointed to hold the inquiry" there were substituted the words "the Chairman of an appeal body appointed for the purposes of the General Dental Services (Amendment) Regulations (Northern Ireland) 1993".

(15) Where the Council receives notice that a dentist's appeal has been allowed, it shall allocate a vocational training number to the dentist, notify him of that number, and enter that number in its register of vocational training numbers.

(16) Subject to the foregoing paragraphs the procedure of the appeal body shall be such as that body thinks fit. ↩

➤⁴² ↩

Local directory of dentists

6.—(1) A Board may prepare, and thereafter maintain, a list to be known as the local directory of dentists, which may contain, in respect of each dentist whose name is included in the dental list—

- (a) any information included in the dental list in respect of the dentist; and
- (b) any other information related to the provision of general dental services which the Board has agreed with the Local Dental Committee to be appropriate.

(2) Where the Board has agreed with the Local Dental Committee that certain information is appropriate for inclusion in the local directory of dentists, it may request in writing any dentist whose name is included in the dental list to furnish the Board with such information as it relates to him, and the dentist shall furnish that information to the Board within 28 days of the date of the Board's request.

Restrictions on the right to be included in the dental list

7.—(1) A dentist shall not be entitled to have his name included in the dental list if he has previously withdrawn his name from a list in circumstances where—

- (a) the Department has certified for the purposes of regulation 7(7) of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984(a); or

(a) S.R. 1984 No. 336

- (b) the Secretary of State has certified for the purposes of regulation 8(7) of the National Health Service (Superannuation) Regulations 1980(a); or
- (c) the Secretary of State for Scotland has certified for the purposes of regulation 10(4) of the National Health Service (Superannuation) (Scotland) Regulations 1980(b);

that, in the interests of the efficiency of general dental services, he should cease to provide such services.

➤⁴³(1A) A dentist shall not be entitled to have his name included in the dental list if he does not have a vocational training number. ◀

(2) Where the Board is not satisfied (following an inspection) that the proposed practice premises meet the requirements of paragraph 33 of Schedule 2 it may refuse to include a dentist's name in the dental list.

Removal from dental list

8.—(1) Subject to sub-paragraph (2), where a Board determines that a dentist whose name is included in the dental list—

- (a) has died; ➤⁴⁴ ◀
- (b) subject to section 35(3) of the Dentists Act, is no longer a dentist;
- ⁴⁵ (c) has been convicted in the United kingdom of murder; or
- (d) has been convicted in the United kingdom of a criminal offence and sentenced to a term of imprisonment of at least six months. ◀

the Board shall remove his name from the dental list with effect from the date of its determination.

(2) Where a dentist has died and—

- (a) for so long as his practice is carried on by his personal representatives in accordance with the provisions of the Dentists Act, and
- (b) the personal representatives have appointed for that purpose a dentist whose name is included in the dental list,

the Board shall not remove the dentist's name from the dental list.

(3) Subject to paragraph (5), where a Board determines, in accordance with paragraph (4), that a dentist whose name has been included for the preceding 6 months in the dental list has not during that period provided general dental services, the Board may remove the dentist's name from the dental list.

(4) Before making any determination under paragraph (3) the Board shall—

- (a) give the dentist 28 days' notice of its intention to do so;
- (b) afford the dentist an opportunity of making representations to the Board in writing or, if he so wishes, in person; and
- (c) except where the dentist is a salaried dentist, consult the Local Dental Committee.

(5) In calculating the period of 6 months referred to in paragraph (3) there shall be disregarded any period during which—

- (a) the dentist was performing relevant service;
- (b) the dentist was on maternity leave; ➤⁴⁶ ◀
- (c) the dentist was unable to provide general dental services because of sickness ➤⁴⁷; ➤⁴⁸ ◀
- (d) the dentist was suspended by direction of the Tribunal ◀ ➤⁴⁹; or
- (e) the dentist was performing personal dental services in connection with a pilot scheme.* ◀

[*Full stop omitted from original addition in S.R. 1999 No 100]

(6) In this regulation—

- (a) “relevant service” means—

(a) S.I. 1980/362; the relevant amending instrument is S.I. 1981/1205
 (b) S.I. 1980/1177 to which there are amendments not relevant to these regulations

- (i) whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise; or
- (ii) compulsory whole-time service in those forces, including service resulting from any reserve liability; or
- (iii) any equivalent service by a person liable for compulsory whole-time service in those forces; and

(b) “maternity leave” means the period of one year beginning with the date of confinement.

(7) Nothing in this regulation shall prejudice any right of a dentist to have his name included again in the dental list.

➤⁵⁰↙

Withdrawal from dental list

10.—(1) Where a dentist wishes to withdraw his name from the dental list—

- (a) he shall give 3 months' notice in writing to the Board, or such shorter period as he may agree with the Board, before the date on which he wishes his name to be removed from the dental list; and
- (b) subject to paragraph (2), the Board shall remove the dentist's name from the dental list on the expiry of the period of notice given under sub-paragraph (a).

(2) Where, in relation to any dentist, representations are made to the Tribunal under Schedule 11 to the Order (disqualification of persons providing certain services) that the continued inclusion of his name in the dental list would be prejudicial to the efficiency of general dental services, the name of the dentist shall not, except with the consent of the Department, be removed from the dental list until the proceedings in relation to those representations have been determined.

➤⁵¹↙

Information about assistants

11.A Board shall send to the Agency any information it receives under paragraph 35(5) of Schedule 2 (employment of assistants) within 7 days of the date of its receipt of the information.

Information about associateship agreements

12.—(1) Where an associateship agreement is made, written notice of the parties to that agreement and of the date on which the agreement was made shall be given to the Board within 7 days of the date on which the agreement was made.

(2) Written notice of any change in the parties to, or of the termination of, any associateship agreement shall be given to the Board within 7 days of the date of such change or termination.

(3) Any notice required by this regulation shall be given by the person or, if more than one, one of the persons, liable by virtue of the associateship agreement to provide the use of premises and facilities.

(4) A Board shall supply to the Agency the information it receives under paragraphs (1) and (2) within 7 days of the date of its receipt of the information.

Transfer of continuing care and capitation arrangements

13.—(1) Subject to ➤⁵²paragraphs (2) and (3)↙, where a dentist who is providing care and treatment for patients under continuing care arrangements or capitation arrangements ceases to have his name included in the dental list ➤⁵³or is suspended by direction of the Tribunal↙, the Board may, after consultation with the Local Dental Committee and with the agreement of the patients concerned, make arrangements with one or more dentists (whose names are included in the dental list) for the continuing care arrangements or capitation arrangements to be transferred to that or those dentists.

(2) Where a dentist has died and his name remains on the dental list in accordance with regulation 8(2), the Board shall, subject to the agreement of the patients concerned, make arrangements with the dentist

appointed by the personal representatives of the deceased dentist for the care and treatment under any continuing care arrangements or capitation arrangements entered into by the deceased dentist to be provided by that dentist.

➤⁵⁴(3) Where a suspension by direction of the Tribunal ceases to have effect and the suspended dentist continues to be included in the dental list, the Board shall make arrangements for any continuing care arrangements or capitation arrangements transferred under paragraph (1) which are still in force (including any such arrangement which has been extended under paragraph 8 or 9 of Schedule 2) to be transferred back to the original dentist, subject to the agreement of the patients concerned. ⚡

➤⁵⁵***Transfers at the end of the pilot scheme into continuing care and capitation arrangements**

13A.—(1) At the termination of a pilot scheme, the Board may, after consultation with the Local Dental Committee and with the agreement of the patients concerned, make arrangements with one or more dentists (whose names are included in the dental list) for the transfer of persons, formerly receiving personal dental services under a pilot scheme, into continuing care arrangements or capitation arrangements.

(2) An arrangement under paragraph (1) may transfer a person to the dentist who had treated that patient while a performer of personal dental services under the pilot scheme. ⚡

*[*heading and reg. number conflated and consequential incorrect style for paragraph (1) in insertion made by S.R. 2014 No.319]*

Emergency dental services

14.—(1) A Board may make arrangements, with any dentist ➤⁵⁶⚡, for the provision of treatment for urgent cases at health premises when dentists in its area or part of its area are not normally available to provide general dental services.

(2) In this regulation an "urgent case" means any circumstances in which, in the opinion of the dentist, a patient needs immediate treatment for an acute condition.

Arrangements for emergency cover

15.It shall be the responsibility of a Board to make any arrangements that may be necessary to enable a salaried dentist whose name is included in the dental list to comply with his obligation under paragraph 6 of Schedule 2.

Board patient information leaflets

16.A Board shall compile and make available to any person who may reasonably require one, a document about the provision of general dental services by salaried dentists at any health premises in its area (in this regulation called a "Board patient information leaflet") which shall include the information specified in Schedule 7.

➤⁵⁷⚡

PART IV

REMUNERATION OF DENTISTS

Statement of Dental Remuneration

19.—(1) The Department shall after consultation with such organisations as appear to it to be representative of persons providing general dental services make provision for each of the matters set out

in column (2) of the Table below in a determination and each determination shall bear the number in column (1) of that Table which corresponds to the subject matter of the determination.

TABLE

➤ ⁵⁸ (1) <i>Determination</i>	(2) <i>Subject Matter of Determination</i>
I	A Scale of Fees which shall prescribe the remuneration to be paid to a dentist, other than a salaried dentist, for care and treatment under a continuing care arrangement or a capitation arrangement, treatment on referral and occasional treatment and the conditions of payment of remuneration;
II	Rates of remuneration for a salaried dentist and for the provision of emergency dental;
III	Seniority payments;
IV	Vocational training allowances/General Professional training allowance;
V	Maternity, paternity and adoption leave payments;
VI	Long term sickness payments;
VII	Continuing professional development allowances;
VIII	Reimbursement of non-domestic rates;
IX	Clinical audit allowances;
X	Practice allowance. ↙

(2) The Department shall publish the determinations in a statement called the Statement of Dental Remuneration.

(3) The Department—

- (a) may amend the determinations, in whole or in part, after consultation with the organisations referred to in paragraph (1); and
- (b) shall publish any such amendment in the Statement of Dental Remuneration.

Approval of payments

20.—(1) The Agency shall, where it is satisfied—

- (a) that a patient has been accepted by a dentist, other than a salaried dentist, under a continuing care arrangement or a capitation arrangement or for treatment on referral, make the payments which, in accordance with the Scale of Fees, fall to be made by it to the dentist in respect of such an arrangement or referral; or
- (b) that a continuing care arrangement or a capitation arrangement has terminated or treatment on referral has terminated or has been completed, cease such payments to the dentist.

(2) The Agency shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in respect of—

- (a) care and treatment under a continuing care arrangement or a capitation arrangement; or
- (b) treatment on referral; or
- (c) occasional treatment;

completed by the dentist, pay, in accordance with the Scale of Fees, the remuneration due to the dentist in respect of such care and treatment, treatment on referral, or occasional treatment.

(3) The Agency shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in any case falling within paragraph 14 or 17(4) of Schedule 2 (inability of dentist to complete treatment), pay, in accordance with the Scale of Fees, and without prejudice to the provisions of the Dental

Charges Regulations, the remuneration due to that dentist, in respect of such care and treatment or occasional treatment as he has provided.

(4) The Agency may, before deciding whether to approve a claim for fees payable to a dentist in respect of his provision of general dental services refer the claim to the Dental Committee for advice.

(5) The remuneration which it is the function of the Agency to pay shall be paid in accordance with Determinations I, III, IV, ⁵⁹V, * VI, VII, ⁶⁰VIII, ⁶¹IX, X and XI of the Statement of Dental Remuneration.

[* A coma was not included after V in the insertion in reg. 5 of S.R. 2001 No. 2]

(6) The Board shall pay to a salaried dentist and a dentist providing emergency dental services remuneration in accordance with Determination II of the Statement of Dental Remuneration.

⁶²(6A) Subject to paragraphs (6B) and (7), in the case of orthodontic care and treatment the RBSO shall make the payments which, in accordance with the Scale of Fees, fall to be made by it for the provision of orthodontic treatment where it is satisfied—

(a) orthodontic care and treatment has been provided to a patient who has been assessed as having a treatment need—

(i) in grade 4 or 5 of the Dental Health Component of the Index of Orthodontic Treatment Need(a).

(ii) in grade 3 of the Dental Health Component of that Index with an Aesthetic Component of 6 or above; or

(b) prior approval has been granted for the orthodontic care and treatment as required by virtue of paragraph 2 of Schedule 5.

(6B) In the case of orthodontic treatment no payments shall be made by the RBSO unless the diagnosed Index of Orthodontic Treatment Need is recorded and reported including the sub-classification of the Dental Health Component.

(7) In the case of orthodontic care and treatment the Agency may make such payments on account as it considers appropriate pending completion of that care and treatment.

⁶³(8) Where the Agency has made a payment to a pilot scheme provider for providing personal dental services to a patient, it shall not make any payment under these Regulations in relation to the same patient to the same pilot scheme provider, or to any dentist performing personal dental services in connection with a pilot scheme, unless the patient has been referred under these Regulations for treatment by way of personal dental services under a pilot scheme.

Appeals against decisions of the Agency

21.—(1) Where any dentist is aggrieved by a decision of the Agency concerning fees payable to him in respect of his provision of general dental services, that dentist may, in accordance with paragraph (2), appeal against the Agency's decision to the Department.

(2) An appeal under paragraph (1) shall be brought by giving notice of appeal in writing to the Department within 30 days of the date on which the dentist was informed of the decision of the Agency, or within such longer period as the Department may, for reasonable cause, allow.

(3) A notice of appeal under paragraph (2) shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(4) The Department shall, within 30 days of receiving a notice of appeal, request from the Agency a written statement of the reasons for its decision, and the Agency shall within 30 days of receiving the request send such a statement to the Department.

(5) The Department shall consider the notice of appeal and the Agency's statement and—

(a) where the Department is of the opinion that the notice discloses no reasonable grounds of appeal, or that the appeal is otherwise vexatious or frivolous, it may dismiss it forthwith;

(a) Information on the Index of Orthodontic Treatment Need is available from the British Orthodontic Society at www.bos.org.uk

- (b) where the appeal is against a refusal of the Agency to approve a claim for remuneration on grounds that the services to which the claim relates cannot be provided as part of general dental services, the Department shall determine it in such manner as it thinks fit and shall give notice of its decision and of the reason for it to the appellant and the Agency;
- (c) where—
 - (i) the appeal is brought under paragraph (1) against a decision of the Agency concerning a dentist's fees, and
 - (ii) the Agency has certified in its statement under paragraph (4) that it has authorised those fees and that they were the fees or maximum fees prescribed by Determination I of the Statement of Dental Remuneration for the services provided or to be provided,
 the Department shall dismiss the appeal forthwith unless it is of the opinion that it involves a dispute as to the item or sub-item of treatment in that Determination applicable to the services provided or intended to be provided;
- (d) except where an appeal is dismissed in accordance with the preceding provisions of this paragraph, the Department shall, within 30 days of receiving the Agency's statement under paragraph (4), appoint 2 dentists, who are or have been engaged in the provision of general dental services, as referees to hear the representations of the appellant and the Agency and determine the appeal. One such dentist shall be appointed after consultation with such organisation as represents the dental profession;
- (e) for the purposes of any appeal, the dentists so appointed may, if satisfied that the appeal can properly be determined without an oral hearing and with the agreement of the appellant and the Agency, dispense with an oral hearing in which case the appellant and the Agency shall be given an opportunity to amplify their statements.

(6) Where the Department dismisses an appeal under paragraph (5) it shall give notice in writing to the person who brought the appeal and to the Agency that the appeal has been dismissed, and, where the appeal is dismissed under sub-paragraph (c) of that paragraph, they shall include with the notice to the appellant a copy of the Agency's statement under paragraph (4) and a statement of its reasons for dismissing the appeal.

(7) A party to an appeal which is to be determined by referees following a hearing shall not be entitled to rely upon any facts or contentions not contained in the notice of appeal or the statement of the Agency unless that party gives notice in writing of those facts or contentions to the referees and to the other party to the appeal at least 7 days before the date of the hearing.

(8) The referees shall within 7 days after determining an appeal give notice in writing to the Department of their decision and of the reasons for it, and the Department shall within 14 days of receiving the notice send copies of it to the parties.

Drugs

22. The fees payable by the Agency to a dentist in respect of listed drugs supplied by him under paragraph 22(1) of Schedule 2 for use before a supply can otherwise be obtained under paragraph 23 of that Schedule shall be calculated in accordance with the provisions of the Drug Tariff.

Recovery of overpayments

23.—(1) Where the Agency or the Board considers it has made a payment to a dentist owing to an error or in circumstances when it was not due, the Agency or the Board shall, except to the extent that the Department on the application of the Agency or the Board directs otherwise, draw that overpayment to the attention of the dentist and—

- (a) where he admits the overpayment; or
- ⁶⁴ (b) where he does not admit the overpayment but, the matter having been investigated under regulation 2(5) of ➤⁶⁵ the Disciplinary Procedures Regulations ↙, the Regional Board or the Department on appeal, decides that there has been an overpayment, ↙

the amount overpaid shall be recoverable either by deduction from the remuneration of the dentist or in some other manner.

(2) Recovery of an overpayment under this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

PART V

PAYMENTS IN CONSEQUENCE OF SUSPENSION

Interpretation

24.In this Part—

- (a) “claimant” means a person claiming to be entitled to, or receiving, payments;
“erasure” means the erasure of a person's name from the register;
“fees” does not include remuneration by way of salary;
“immediate suspension” means suspension by virtue of an order under section 30(3) of the Dentists Act except suspension which is terminated by the court under section 30(6) of that Act;
“interim suspension order” means an order under section 32 of the Dentists Act;
“payment” means a payment under this Part;
“register” means the register kept under section 14 of the Dentists Act and “registration” means registration in that register;
“suspension date” means the date on which suspension of a person's registration takes effect;
- (b) a reference to a direction or an order of the Health Committee is to a direction or an order of that Committee under the Dentists Act.

Entitlement to payments

25.—(1) Payments shall be made as provided for by this Part to a person whose registration is suspended by an interim suspension order or by a direction or an order of the Health Committee.

(2) Subject to paragraph (3), no payment shall be made to a person—

- (a) whose registration has been suspended by a direction or an order of the Health Committee once he has received payments in respect of 12 months' such suspension, whether in respect of the same or a previous period of such suspension and whether or not those 12 months formed a continuous period;
- (b) in respect of any part of a period of suspension where in the period of 2 years immediately preceding the suspension date he received no fees for the provision of general dental services.

(3) In calculating whether a person has received payments in respect of 12 months' suspension under paragraph (2)(a), no account shall be taken of any payment made in consequence of the suspension of his registration by a direction or order of the Health Committee more than 5 years previously.

(4) No payment shall be made to a person for a period (whether the whole or part of a period of suspension)—

- (a) earlier than 8 weeks before the date on which an application for payments is received by the Board, unless the Board is satisfied that the lateness of the application is due to illness or some other reasonable cause;
- (b) during which his name is not included in the dental list;
- (c) during which he is absent from the United Kingdom;
- (d) for which he is entitled to any benefit under a contract of insurance against the risk of the suspension of his registration or of the circumstances which led to it or for which the Board is satisfied he could have been so entitled but for his failure to enter into such a contract or to pay any premium due under such a contract;

- (e) during which he is serving a term of imprisonment;
- (f) during which he is remanded in custody in connection with a criminal offence for which he is (then or later) convicted; ➤⁶⁶↩
- (g) during which he is in breach of any condition of bail in connection with a criminal offence for which he is (then or later) convicted ➤⁶⁷; or
- (h) during which he is suspended by direction of the Tribunal. ↩

Application for payments

26. An application for payment shall be made to the Board and shall—

- (a) be made in writing;
- (b) be made by the claimant or, where he is incapable of applying, on his behalf; and
- (c) contain or be supported by such information as the Board may reasonably require for the purpose of establishing the claimant's entitlement to payments.

Amount and time of payments

27.—(1) A Board to whom an application for payments is made in accordance with regulation 26 shall, having made such enquiries as it considers relevant, if satisfied that the claimant is entitled to payments by virtue of regulation 25, determine that he shall, in respect of any period for which he is so entitled, receive payments which, subject to paragraphs (2) to (6), shall be of the following amounts—

- (a) where his registration is suspended by a direction or an order of the Health Committee—
 - (i) £2,984 per month for each of the first 6 months for which payments are made to him, whether in respect of that or a previous period of such suspension and whether or not those 6 months form a continuous period, and
 - (ii) £1,492 per month thereafter;
- (b) where his registration is suspended by an interim suspension order—
 - (i) where the period of interim suspension ends with an order for erasure or immediate suspension, £1,492 per month, and
 - (ii) in any other case, £2,984 per month.

(2) Where in the period of 2 years immediately preceding the suspension date the total amount of a claimant's gross fees received for the provision of general dental services was less than £142,242, the amount of payments made to him shall (subject to any further reduction under paragraph (3)) be the same proportion of the amount otherwise payable in accordance with paragraph (1) as that total amount of fees is of £142,242.

(3) Where a claimant's name was included in the dental list for a period of less than 2 years immediately preceding the suspension date the amount of payments made to him shall be the same proportion of the amount otherwise payable in accordance with paragraph (1) or paragraph (2) as the number of complete months in that lesser period is of 24.

(4) Where a claimant's registration has been suspended by an interim suspension order or by a direction or an order of the Health Committee within a period of 2 years after the expiry of a previous period of any such suspension, the references in paragraphs (2) and (3) to the suspension date shall be taken as references to the suspension date as respects that previous period.

(5) Where the Board has to make a determination as to payments at a time when it does not know whether or not the period of a person's interim suspension will end with an order for erasure or immediate suspension, or whether or not he will be convicted of a criminal offence, it shall make that determination as though his period of interim suspension did so end or he was convicted of the offence; but it shall review that determination and determine that a claimant is entitled to an appropriate payment of any arrears if subsequently that period does not so end or he is not convicted of the offence.

(6) Where the Board determines that a claimant is entitled to a payment, it shall inform the Agency of the amount of that payment and authorise the Agency to make the payment to the claimant.

(7) The Agency shall make to the claimant any payments authorised by the Board.

(8) Payments under paragraph (7) shall be made monthly in arrears, and an appropriate proportion of the amount for a full month shall be paid where the claimant is entitled to a payment for part only of a month.

Changes of circumstances

28.—(1) A claimant shall notify the Board in writing immediately of any changes in his circumstances which he might reasonably be expected to know might affect his entitlement to, or the amount of, any payment made or to be made to him, and in particular of any erasure, immediate suspension, or termination of suspension, of his registration.

(2) Where the Board considers, whether or not following a notification under paragraph (1), that there has been a change of circumstances affecting a claimant's payments it shall determine the adjustment as respects those payments which is appropriate to take account of that change and notify the Agency accordingly.

Overpayments

29. Where the Agency considers that a payment has been made to a person owing to an error, or in circumstances where it was not due, it shall, except to the extent that the Department on the Agency's application directs otherwise, draw the overpayment to the attention of that person and—

- (a) where he admits the overpayment; or
- ⁶⁸ (b) where he does not admit the overpayment but, the matter having been investigated under regulation 2(5) of the Health and Social Care (Disciplinary Procedures) Regulations 2014, the Regional Board or the Department on appeal, decides that there has been an overpayment, ↵

the overpayment shall be recoverable either by deduction from that person's remuneration or payments or in some other manner.

➤⁶⁹ PART VA

PAYMENTS IN CONSEQUENCE OF SUSPENSION BY THE TRIBUNAL

Payments to dentists suspended by the direction of the Tribunal

29A.—(1) The Agency shall make payments to any dentist who is suspended by direction of the Tribunal in accordance with the Department's determination for the time being in force in relation to such payments.

(2) The Department shall make the determination in accordance with paragraphs (3) and (4) after consultation with the organisation referred to in regulation 19(1) and it shall be published with the Statement referred to in regulation 19(2).

(3) Subject to paragraph (4), the Department's determination shall be such as to secure that, as far as reasonably practicable, and after making adjustments for any reduction in expenses, the suspended dentist receives payments at a rate corresponding to his remuneration by virtue of regulation 19 during the 12 months ending with the direction for suspension by the Tribunal.

(4) The Department's determination may include provision that payments in accordance with the determination are not to exceed a specified amount in any specified period.

(5) In a case to which paragraph 8B(3) of Part I of Schedule 11 to the Order applies, the determination shall be reduced to take account of any payments which the suspended dentist receives for providing general dental services other than as a principal.

(6) Regulation 19(3) shall apply to determinations under this regulation as it applies to determinations under that regulation.

(7) Regulation 29 shall apply to payments made under this Part as it applies to payments made under Part V. ↵

PART VI

DENTAL COMMITTEE, PRIOR APPROVAL (PATTERNS OF TREATMENT) AND SURVEYS

Constitution of the Dental Committee

30. The provisions set out in Schedule 8 shall apply in relation to the Committee which shall be constituted by the Agency for the purpose of carrying out the duties assigned to it by these regulations.

Delegation of duties to Dental Officer

31. The Committee may delegate to a Dental Officer such of its duties with respect to the approval of estimates for dental treatment and appliances under these regulations as it thinks fit.

Prior approval — patterns of treatment

32.—(1) Where it appears to the Committee that a dentist's pattern of treatment in respect of all or any particular description of treatment, provided as part of general dental services in the area of a Board, differs so substantially from the area or regional pattern of treatment of other dentists as to warrant, in the opinion of the Committee, further investigations, the Committee may write to the dentist—

- (a) giving details of his pattern of treatment in respect of all or any particular description of treatment and stating the extent to which it differs from the area or regional pattern of treatment of other dentists;
- (b) inviting him to submit to the Committee in writing the reasons why his pattern of treatment differs to the extent identified by the Committee under sub-paragraph (a), from that area or regional pattern; and
- (c) giving notice to him that if—
 - (i) he fails to reply within 28 days; or
 - (ii) his reply discloses no reasonable grounds, in the opinion of the Committee, for his pattern of treatment to differ, to the extent identified by the Committee under sub-paragraph (a), from that area or regional pattern of treatment,

the Committee may give a direction as mentioned in paragraph (2).

(2) Where the dentist fails—

- (a) to reply within 28 days; or
- (b) to disclose the reasonable grounds as mentioned in paragraph (1)(c)(ii),

the Committee may direct the dentist that he may not, for a period of not less than 3 months nor more than 9 months specified in the direction, carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Committee, but nothing in any such direction shall prevent the dentist, without such approval, from giving treatment following trauma or in an emergency, any private treatment or, in the course of any single consultation, treatment of a patient consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres.

(3) Where the Committee gives a direction under paragraph (2), the direction shall inform the dentist of his right of appeal under regulation 33 and shall have no effect until the expiry of the period allowed under that regulation for the bringing of an appeal and, if such an appeal is brought, until the determination of the appeal.

(4) The Committee shall not give a direction to a dentist under paragraph (2) in consequence of having written to him under paragraph (1) more than 12 months previously.

(5) Where the Committee gives a direction to a dentist under paragraph (2), the Committee shall not give a further direction under that paragraph in relation to that dentist in respect of any treatment specified in the earlier direction for a period of 9 months beginning with the expiry of the period specified in the earlier

direction or, where the dentist appeals that earlier direction and the appeal is allowed, the date on which the appeal is allowed.

(6) Paragraphs (1) and (2) shall not apply to any treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which he receives no remuneration other than a capitation payment.

(7) Where, on the date on which the Committee gives a direction under paragraph (2), the name of the dentist in respect of whom the direction is given is not included in any dental list the period specified in the direction shall not begin until the next day on which his name is again included in the dental list.

(8) For the purpose of computing the date on which the period specified in any direction given under paragraph (2) comes to an end, no account shall be taken of any day on which the dentist's name is not included in the dental list.

(9) In this regulation—

(a) “pattern of treatment” means—

- (i) the number of instances in which an item or items of treatment are provided by or on behalf of a dentist, or
- (ii) the ratio which the number of instances relating to one such item bears to the number of instances relating to another such item;

(b) “area”, in relation to pattern of treatment, means throughout the area of a Board; and

(c) “regional”, in relation to pattern of treatment, means throughout Northern Ireland.

Appeals against the Dental Committee

33.—(1) Any person aggrieved by a decision of the Committee shall be entitled to appeal by sending to the Department a notice of appeal within 30 days from the date on which the decision of the Committee was received by that person.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(3) The Department shall, within 30 days of receiving a notice of appeal, request from the Committee a written statement of the reasons for its decision, and the Committee shall within 30 days of receiving the request send such a statement to the Department.

(4) The Department shall consider the notice of appeal and the Committee's statement and, where the Department is of the opinion that the notice discloses no reasonable grounds of appeal, or that the appeal is otherwise vexatious or frivolous, it may dismiss it forthwith.

(5) Except where an appeal is dismissed under paragraph (4) the Department shall, within 30 days of receiving the Committee's statement under paragraph (3), appoint, after consultation with such organisation as represents the dental profession—

- (a) where the appeal is made under regulation 32, 3 dentists who are or have been engaged in the provision of general dental services;
- (b) in any other case, 2 such dentists;

as referees who shall hear the representations of the appellant and the Committee and determine the appeal.

(6) For the purposes of any appeal relating to paragraph (5)(b), the dentists so appointed may, if satisfied that the appeal can properly be determined without an oral hearing and with the agreement of the appellant and the Committee, dispense with an oral hearing, in which case the appellant and the Committee shall be given an opportunity to amplify their statements.

(7) Where the Department dismisses an appeal under paragraph (4) it shall give notice in writing to the person who brought the appeal and to the Committee that the appeal has been dismissed and shall include with the notice to the appellant a copy of the Committee's statement under paragraph (3) and a statement of its reasons for dismissing the appeal.

(8) A party to an appeal which is to be determined by referees following a hearing shall not be entitled to rely upon any facts or contentions contained in the notice of appeal or the statement of the Committee

unless that party gives notice in writing of those facts or contentions to the referees and to the other party to the appeal at least 7 days before the date of the hearing.

(9) The referees shall within 7 days after determining an appeal give notice in writing to the Department of their decision and of the reasons for it, and the Department shall within 14 days of receiving the notice send copies of it to the parties.

Surveys

34.A Board or the Agency may conduct or commission surveys or other research relating to the provision of general dental services.

PART VII MISCELLANEOUS

Publication of documents

35.—(1) A Board shall make available for inspection at its offices copies of—

- (a) the dental list;
- (b) the local directory of dentists;
- (c) these regulations including the terms of service;
- (d) the Statement of Dental Remuneration; and
- (e) the list of listed drugs,

and keep them up-to-date.

(2) A Board shall make the documents referred to in paragraph (1) available for inspection at such other places in its area as appear to it to be convenient for informing all persons interested.

Service of documents

36.⁷⁰—(1) Any notice or other document which a Board or the Agency⁷¹ or the appeal body is required or authorised by these regulations (including the terms of service) to give or send to a dentist may be given or sent by delivering it to the dentist or by sending it by post to the dentist at his usual or last-known address.

⁷²(2) Any notice or other document which is required or authorised by these regulations to be given or sent to the appeal body for the purposes of an appeal against a refusal to allocate a vocational training number may be given or sent by delivering it to the secretary of the appeal body.

Signatures

37.Any signature by a dentist required by these regulations (including* the terms of service) shall be handwritten in ink with his initials, or forenames, and surname in his own handwriting, and not by means of a stamp.

*[*Typographical error in original regulations]*

Revocations

38.The Regulations specified in column (1) of Schedule 9 are hereby revoked to the extent specified in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd July 1993.
(L.S.)

D. A. Baker

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd July 1993.
(L.S.)

Doreen Brown
Assistant Secretary

SCHEDULE 1

Provisions Conferring Powers Exercised in Making these Regulations

<i>Column (1)</i> <i>Provision</i>	<i>Column (2)</i> <i>Relevant Amendments</i>
The Health and Personal Social Services (Northern Ireland) Order 1972(a)	Article 61 The Health and Personal Social Services (Northern Ireland) Order 1978(b) Article 13; the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981(c) Article 5(2); the Health and Personal Social Services and Public Health (Northern Ireland) Order 1986(d) Article 8; the Health and Medicines (Northern Ireland) Order 1988(e) Article 4(5); the Health and Personal Social Services (Northern Ireland) Order 1991(f) Articles 30, 34 and 35, Part I of Schedule 5, and Part I of Schedule 6
Article 63	The Health and Personal Social Services (Northern Ireland) Order 1978 Article 14; the Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986(g) Article 5(1); the Pharmaceutical Qualifications (EEC Recognition) Regulations (Northern Ireland) 1987(h) regulation 4; the Health and Personal Social Services (Northern Ireland) Order 1991 Article 31
Article 64	The Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986 Article 5(2); the Health and Personal Social Services (Northern Ireland) Order 1991 Article 31(2)
Article 95	None
Article 106	None
Article 107(6)	None
Schedule 3 paragraph 7(5)	None
The Health and Medicines (Northern Ireland) Order 1988	Article 4 None
Article 10	None

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- (a) S.I. 1972/1265 (N.I. 14)
 (b) S.I. 1978/1907 (N.I. 26)
 (c) S.I. 1981/432
 (d) S.I. 1986/2229 (N.I. 24)
 (e) S.I. 1988/2249 (N.I. 24)
 (f) S.I. 1991/194 (N.I. 1)
 (g) S.I. 1986/2023 (N.I. 20)
 (h) S.R. 1987 No. 457

SCHEDULE 2
Terms of Service for Dentists

Regulation 3

ARRANGEMENT OF PARAGRAPHS

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PART I

GENERAL

Interpretation

1.In these terms of service—

“the Regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993.

Incorporation of provisions of Regulations

2.Any provisions of the following affecting the rights and obligations of dentists shall be deemed to form part of the terms of service—

- (a) the Regulations;
- ⁷³ (b) so much of the Disciplinary Procedures Regulations as relates to—
 - (i) the investigation of questions arising between dentists and their patients, and other investigations to be made by the Regional Board, and the action which may be taken by the Regional Board as a result of any such investigation,
 - (ii) any decision of the Department (whether on appeal or otherwise) in connection with any investigation referred to in head (i) or with any decision of the Regional Board, and
 - (iii) the investigation of record keeping; ◀
- (c) regulation 4(4) and 7(2) of the Dental Charges Regulations(a).

General dental services

3.—(1) In providing general dental services for any person under the Regulations, a dentist shall provide—

- (a) for a person aged 18 or over with whom he has entered into a continuing care arrangement, care and treatment under that arrangement; or
- (b) for a person under the age of 18 with whom he has entered into a capitation arrangement, care and treatment under that arrangement.

(2) A dentist may provide general dental services under the Regulations by way of—

- (a) treatment on referral for a person who is receiving dental services from another dentist (whether or not pursuant to the Order); or
- (b) occasional treatment for any person—
 - (i) who is receiving care and treatment with another dentist under an arrangement mentioned in sub-paragraph (1)(a) or (b), or
 - (ii) who does not wish to enter into an arrangement mentioned in sub-paragraph (1)(a) or (b), or
 - (iii) with whom he is not prepared to enter into an arrangement mentioned in sub-paragraph (1)(a) or (b), or
 - (iv) who is referred to him under paragraph 18(1)➤⁷⁴, or ◀
 - ⁷⁵(v) who is a visiting patient. ◀

➤⁷⁶(3) Nothing in sub-paragraph (2) obliges a dentist to prioritise a visiting patient to the detriment of other persons. ◀

PART II

CONTINUING CARE ARRANGEMENT, CAPITATION ARRANGEMENT AND TREATMENT ON REFERRAL

A continuing care arrangement

4.—(1) A dentist who accepts a person for care and treatment under a continuing care arrangement shall—

- (a) at the time at which he accepts the patient, provide him with the information about care and treatment under general dental services which is set out in Schedule 4 and with a form of acceptance supplied for that purpose by the Agency which shall specify—
 - (i) the name of the patient,
 - (ii) the name of the dentist,
 - (iii) particulars of the places where the patient will receive care and treatment, and

(a) S.R. 1989 No. 111; relevant amending regulations are S.R. 1990 No. 342 and S.R. 1993 No. 139

- (iv) the telephone number at which the dentist or a deputy may be contacted during normal surgery hours, or at other times in an emergency if different;
- (b) at the time of his first examination of the patient, provide the patient with a plan for treatment on a form supplied for that purpose by the Agency which shall specify—
 - (i) details of the care and treatment (if any) which in the opinion of the dentist, at the date of that examination, is necessary to secure and maintain the oral health of the patient,
 - (ii) the approximate period following which a further examination is recommended by the dentist,
 - (iii) his estimate of the charge, if any, in respect of that care and treatment, and
 - (iv) any proposals he may have for private care and treatment as an alternative to the care and treatment proposed under general dental services, including particulars of the cost to the patient;
- (c) where at any time during the currency of a continuing care arrangement—
 - (i) the circumstances specified in sub-paragraph (2) apply, or
 - (ii) in the opinion of the dentist, the care and treatment included in a plan for treatment provided under head (b) or this head needs to be varied;
 provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (b);
- (d) complete the care and treatment (if any)—
 - (i) which is referred to in head (b)(i), and
 - (ii) where sub-paragraph (2)(a) to (c) do not apply, any care and treatment which is, in the opinion of the dentist at the date of any examination of the patient, necessary to secure and maintain his oral health;
- (e) provide the patient with emergency cover in accordance with paragraph 6; and
- (f) repair or replace, in accordance with paragraph 7, any restoration which requires repair or replacement.
- (2) The circumstances referred to in sub-paragraph (1)(c)(i) are that—
 - (a) the patient requests a new plan for treatment; or
 - (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
 - (c) the care and treatment which is to be provided includes any of the items of treatment mentioned in sub-paragraph (3).
- (3) The items of treatment referred to in sub-paragraph (2)(c) ⁷⁷(and also in paragraph 5(2)(c)) ⁷⁸are—
 - (a) non-surgical treatment of chronic periodontal diseases which is likely to involve 3 or more visits;
 - (b) provision of 3 or more permanent fillings;
 - (c) endodontic treatment;
 - (d) provision of a veneer, inlay, pinlay, crown or bridge;
 - (e) any surgical treatment, other than the extraction of teeth;
 - (f) the extraction of—
 - (i) more than 2 teeth, or
 - (ii) any tooth which, in the opinion of the dentist, is likely to present special difficulty;
 - (g) provision of ⁷⁸sedation in connection with any item of treatment;
 - (h) provision of a prosthetic appliance;
 - (i) orthodontic care and treatment.

(4) Where a dentist accepts the transfer of a continuing care arrangement, in accordance with regulation 13 ⁷⁹ or 13A ⁸⁰, he shall provide the patient with the information specified in sub-paragraph (1)(a)(ii) to (iv) and assume the obligations set out in sub-paragraph (1)(c) to (f).

(5) Where a dentist is informed that the dentist to whom a patient has been referred under paragraph 12 has died and is aware that the particular care and treatment for which the patient was referred has not been completed, he shall inform the patient and refer him to another dentist in accordance with paragraph 12 for the completion of that care and treatment.

A capitation arrangement

5.—(1) A dentist who accepts a person for care and treatment under a capitation arrangement shall—

- (a) at the time at which he accepts the patient, examine him and chart the patient's decayed, missing or filled teeth on the form supplied for that purpose by the Agency;
 - (b) at the time of his first examination of the patient, provide the patient with the information about care and treatment under general dental services which is set out in Schedule 4 and with a form of acceptance supplied for that purpose by the Agency which shall specify—
 - (i) the name of the patient,
 - (ii) the name of the dentist,
 - (iii) particulars of the places where the patient will receive care and treatment, and
 - (iv) the telephone number at which the dentist or deputy may be contacted during normal surgery hours, or at other times in an emergency if different;
 - (c) at the time of his first examination of the patient, provide the patient with a plan for treatment on a form supplied for that purpose by the Agency which shall specify—
 - (i) details of the care and treatment (if any) which in the opinion of the dentist, at the date of that examination, is necessary to secure and maintain the oral health of the patient,
 - (ii) the approximate period following which a further examination is recommended by the dentist, and
 - (iii) any proposals he may have for private care and treatment as an alternative to the care and treatment proposed under general dental services, including particulars of the cost to the patient;
 - (d) where at any time during the currency of a capitation arrangement—
 - (i) the circumstances specified in sub-paragraph (2) apply, or
 - (ii) in the opinion of the dentist, the care and treatment included in a plan for treatment provided under head (c) or this head needs to be varied;
 provide the patient with a new plan for treatment, or as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (c);
 - (e) complete the care and treatment (if any)—
 - (i) which is referred to in head (c)(i), and
 - (ii) where sub-paragraph (2)(a) to (c) do not apply, any care and treatment which is, in the opinion of the dentist at the date of any examination of the patient, necessary to secure and maintain his oral health; and
 - (f) provide the patient with emergency cover in accordance with paragraph 6.
- (2) The circumstances referred to in sub-paragraph (1)(d)(i) are that—
- (a) the patient requests a new plan for treatment; or
 - (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
 - ⁸⁰(c) the care and treatment which is to be provided includes any of the items of treatment mentioned in paragraph 4(3). ⁸¹

(3) Where a dentist accepts the transfer of a capitation arrangement in accordance with regulation 13 ➤⁸¹ or 13A ◀ he shall provide the patient with the information specified in sub-paragraph (1)(b)(ii) to (iv) and assume the obligations set out in sub-paragraph (1)(d) to (f).

(4) Where the dentist is informed that the dentist to whom a patient has been referred under paragraph 12 has died and is aware that the particular care and treatment for which the patient was referred has not been completed, he shall inform the patient and refer him to another dentist in accordance with paragraph 12 for completion of that care and treatment.

Emergency cover

6.—(1) Subject to regulation 15, in providing emergency cover under a continuing care arrangement or a capitation arrangement, a dentist shall make reasonable arrangements to secure that a patient requiring prompt care and treatment will receive such care and treatment as soon as appropriate either from himself or from another dentist.

(2) For the purposes of sub-paragraph (1) a patient requires prompt care and treatment where, in the opinion of a dentist—

- (a) the patient's oral health is likely to deteriorate significantly without such care and treatment; or
- (b) he patient is in severe pain by reason of his oral condition;

but the provision of emergency cover does not include any obligation to repair or replace dentures.

(3) The obligation to provide emergency cover begins on the date on which the patient and the dentist enter into the continuing care arrangement or the capitation arrangement and ceases when that arrangement lapses or is terminated.

Repair or replacement of restorations

7.—(1) Subject to sub-paragraph (3), in repairing or replacing a restoration in the course of a continuing care arrangement, a dentist shall repair or replace at no charge to the patient any restoration specified in sub-paragraph (2) which he or another dentist, acting on his behalf or from whom the continuing care arrangement was transferred, ➤⁸² has provided by way of personal dental services in connection with a pilot scheme or ◀ has provided under general dental services—

- (a) under that continuing care arrangement; or
- (b) under a capitation arrangement with or transferred to the dentist, where on termination of that arrangement the patient has immediately entered into the continuing care arrangement.

(2) The restorations referred to in sub-paragraph (1) are any filling, root filling, inlay, pinlay or crown which, within 12 months of the date on which it was provided, has to be repaired or replaced to secure oral health.

(3) A dentist shall not be under an obligation to repair or replace any restoration under sub-paragraph (1) where—

- (a) within 12 months of the date on which the restoration was provided—
 - (i) a dentist has provided private treatment, or
 - (ii) another dentist has provided occasional treatment otherwise than of a temporary nature, on the tooth in respect of which the restoration was provided;
- (b) the dentist advised the patient at the time of the restoration and indicated on any plan for treatment provided to the patient in accordance with paragraph 4(1)(b) or (c) or 5(1)(c) or (d) and on the patient record—
 - (i) that the restoration was intended to be temporary in nature, or
 - (ii) that, in his opinion, a different form of restoration was more appropriate to secure oral health but, notwithstanding that advice, the patient insisted on the restoration which was provided;
- (c) in the opinion of the dentist, the condition of the tooth in respect of which the restoration was provided is such that the restoration cannot satisfactorily be repaired or replaced and different treatment is now required; or

(d) the repair or replacement is required as a result of trauma.

(4) The obligation to repair or replace any restoration under sub-paragraph (1) begins on the date on which the patient and the dentist enter into the continuing care arrangement and ceases when that arrangement lapses or is terminated.

Duration and extension of a continuing care arrangement

8. ⁸³—(1) ⁸⁴ A continuing care arrangement shall lapse at the end of the 25th month beginning with the month in which—

- (a) the patient was first accepted by the dentist under the continuing care arrangement; or
- (b) it was extended, or was last extended, in accordance with sub-paragraph (3).

(2) A continuing care arrangement—

- (a) may be terminated by the dentist or the Agency in accordance with paragraph 11;
- (b) shall terminate where—

- (i) the patient enters into a continuing care arrangement with another dentist,
- (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might otherwise be provided under the continuing care arrangement is to be provided privately or
- (iii) the dentist is suspended by direction of the Tribunal and the Board does not within the period of 1 month beginning with the date of the Tribunal's direction arrange for it to be transferred to another dentist under regulation 13.

(3) A continuing care arrangement may be extended, with the agreement of the patient and the dentist, at any time when the dentist is providing care and treatment during the currency of the continuing care arrangement.

(4) Where a continuing care arrangement is extended, the dentist shall assume the obligations set out in paragraph 4(1)(c) to (f).

Duration and extension of a capitation arrangement

9. ⁸⁷—(1) ⁸⁸ A capitation arrangement shall lapse at the end of the 25th month beginning with the month in which—

- (a) the patient is first accepted by the dentist under the capitation arrangement; or
- (b) it was extended, or was last extended, in accordance with sub-paragraph (3).

(2) A capitation arrangement—

- (a) may be terminated by the dentist or the Agency in accordance with paragraph 11;
- (b) shall terminate where—

- (i) the patient enters into a capitation arrangement with another dentist, or
- (ii) the patient enters into an arrangement with the dentist or another dentist whereby the whole of the care and treatment which might otherwise be provided under the capitation arrangement is to be provided privately,
- (iii) the patient attains the age of 18; or
- (iv) the dentist is suspended by direction of the Tribunal and the Board does not within the period of 1 month beginning with the date of the Tribunal's direction arrange for it to be transferred to another dentist under regulation 13.

(3) A capitation arrangement may be extended, with the agreement of the patient and the dentist, at any time during the currency of the capitation arrangement before the patient attains the age of 18.

(4) Where a capitation arrangement is extended, the dentist—

- (a) shall at the time examine the patient and assume the obligations set out in paragraph 5(1)(d) to (f); and
- (b) shall—
 - (i) provide details of the care and treatment provided to the patient under the capitation arrangement, and
 - (ii) chart the patient's decayed, missing or filled teeth, on a form supplied for that purpose by the Agency, and send it to the Agency.

Lapse of continuing care or capitation arrangement

10. Where a dentist does not agree to the extension of a continuing care arrangement or a capitation arrangement (under paragraph 8 or 9), he shall—

- (a) give notice in writing to the patient not later than 3 months, or such shorter period as may be reasonable in the circumstances, before the date on which the arrangement is due to lapse; and
- (b) use his best endeavours to complete satisfactorily before that date any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

Termination of a continuing care arrangement or capitation arrangement

11.—(1) Subject to ⁹² ⁹³ sub-paragraphs (4) and (7) ⁹⁴ and paragraph 11A ⁹⁵, a dentist who wishes to terminate a continuing care arrangement or a capitation arrangement shall give to the patient 3 months' notice in writing of the termination of the arrangement.

(2) Where a dentist gives notice under sub-paragraph (1), he shall use his best endeavours to complete satisfactorily before the termination of the arrangement any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

(3) Where a dentist gives notice under sub-paragraph (1), he shall notify the Agency accordingly and give details to the Agency of any care and treatment which he has agreed to provide to the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(4) ⁹⁴ Subject to sub-paragraph (7) and paragraph 11A, ⁹⁵ where a dentist wishes a continuing care arrangement or a capitation arrangement to be terminated on less than 3 months' notice, he shall apply in writing to the Agency—

- (a) asking that it terminate the arrangement;
- (b) setting out the reasons why he wishes the arrangement to be terminated; and
- (c) giving details of any care and treatment which he has agreed to provide for the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(5) Where a dentist applies to the Agency under sub-paragraph (4), the Agency may, after considering any representations made by the patient, terminate the arrangement on such date and on such terms as to completion of any outstanding care and treatment mentioned in sub-paragraph (4)(c) as it thinks fit, save that, where an arrangement is terminated because the patient has refused to pay the charge, the dentist shall not be obliged to complete that care and treatment.

(6) The Agency when it terminates an arrangement under sub-paragraph (5) shall so inform the patient and the dentist in writing.

⁹⁵ (7) Where—

- (a) under Article 7 of the 1997 Order the Department has approved a proposal for a pilot scheme under which personal dental services are to be provided, or such a proposal has been subsequently varied with the agreement of the Department or, as the case may be, in a manner authorised by directions given by the Department under Article 8 of the 1997 Order(a); and

(a) See the directions to Health and Social Services Boards concerning variations to pilot schemes (personal services), given by the Department of Health and Social Services on 21st August 1998

- (b) under the proposal (or the varied proposal) a dentist named in it as a performer of personal dental services would treat a patient under the pilot scheme and not under a continuing care arrangement or a capitation arrangement,

the dentist shall give to him such notice of the termination of the arrangement as is required under the pilot scheme. ↩

➤⁹⁶Violent patients

11A.—(1) Where—

- (i) a person, with whom a dentist has a continuing care arrangement, or a capitation arrangement, has committed an act of violence against the dentist or an employee of the dentist or has behaved in such a way that such dentist or employee has feared for his safety; and
- (ii) the dentist has reported the incident to the police,

the dentist may notify the Agency that he wishes the arrangement to be terminated immediately.

(2) Notification under sub-paragraph (1) may be given by any means including telephone or fax, but if not given in writing shall subsequently be confirmed in writing before the end of the period of seven days beginning with the date of the notification under sub-paragraph (1) (and for this purpose a faxed notification is not a written one).

(3) The time at which the dentist notified the Agency shall be the time at which he makes the telephone call or sends or delivers the notification to the Agency.

(4) Where pursuant to this paragraph a dentist has notified the Agency that he wishes a continuing arrangement or a capitation arrangement to be terminated immediately, the Agency shall take all reasonable steps to inform the person concerned. ↩

Referral to another dentist or to a hospital or other service

12.—(1) Where a patient requires particular care and treatment under a continuing care arrangement or a capitation arrangement and the dentist with whom the patient has made the arrangement does not have the necessary facilities, experience or expertise to provide that care and treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that care and treatment by another dentist under general dental services ➤⁹⁷ or personal dental services ↩ or by a hospital or other service provided under Part II of the Order.

(2) In referring a patient under sub-paragraph (1) to another dentist or to a hospital or other service for that care and treatment, the dentist shall—

- (a) give—
 - (i) details of the oral condition of the patient and the reason for the referral, and
 - (ii) if relevant to the referral, details of the care and treatment he has provided or intends to provide in order to secure and maintain the patient's oral health, to that other dentist or, as the case may be, that hospital or other service, either at the time of referral or as soon as practicable afterwards;
- (b) include with those details a statement of the amount paid to him by the patient under the Dental Charges Regulations in respect of any care and treatment already provided in the course of the care and treatment during which the referral is made; and
- (c) indicate in his claim for remuneration in respect of that course of care and treatment that the patient has been referred for the required care and treatment.

Treatment on referral

13.—(1) Subject to sub-paragraph (5), a dentist who accepts a patient referred to him by another dentist who is providing dental services to that patient (whether or not pursuant to the Order) otherwise than under Part III for particular care and treatment shall—

- (a) at the time at which he accepts the patient, provide him with a form of acceptance supplied for that purpose by the Agency which shall specify—
 - (i) the name of the patient,
 - (ii) the name of the dentist,
 - (iii) particulars of the places where the patient will receive care and treatment, and
 - (iv) the telephone number at which the dentist or a deputy may be contacted during normal surgery hours, or at other times in an emergency if different;
- (b) at the time of his first examination of the patient, provide the patient with a plan for treatment on a form supplied for that purpose by the Agency which shall specify—
 - (i) details of the care and treatment which, in the opinion of the dentist, at the date of that examination, is necessary for him to provide having regard to the reason for the referral,
 - (ii) his estimate of the charge, if any, in respect of that care and treatment,
 - (iii) any proposals he may have for private care and treatment proposed under general dental services, including particulars of the cost to the patient;
- (c) where, in the opinion of the dentist, the care and treatment included in the plan for treatment under head (b) needs to be varied, provide the patient with a revised plan for treatment in accordance (except as to the time of its provision) with head (b);
- (d) complete the care and treatment, which is referred to in head (b)(i);
- (e) until such time as the treatment on referral has been completed, provide the patient with emergency cover in accordance with paragraph 6(1) and (2), but only to the extent that the patient requires prompt care and treatment in relation to the particular care and treatment for which he has been referred; and
- (f) repair or replace, in accordance with sub-paragraph (2), any restoration which requires repair or replacement.

(2) Subject to sub-paragraphs (3) and (4), in repairing or replacing a restoration in the course of treatment on referral, a dentist shall repair or replace at no charge to the patient any of the following restorations, namely a filling, root filling, inlay, pinlay or crown which has to be repaired or replaced and which was provided by him in the course of the treatment on referral.

(3) A dentist shall not be under an obligation to repair or replace any restoration under sub-paragraph (2) where—

- (a) within 12 months of the date on which the restoration was provided—
 - (i) a dentist has provided private treatment, or
 - (ii) another dentist has provided occasional treatment otherwise than of a temporary nature, on the tooth in respect of which the restoration was provided;
- (b) the dentist advised the patient at the time of the restoration and indicated on any plan for treatment provided to the patient in accordance with sub-paragraph (1)(b) or (c) and on the patient record—
 - (i) that the restoration was intended to be temporary in nature, or
 - (ii) that, in his opinion, a different form of restoration was more appropriate but, notwithstanding that advice, the patient insisted on the restoration which was provided;
- (c) in the opinion of the dentist, the condition of the tooth in respect of which the restoration was provided is such that the restoration cannot satisfactorily be repaired or replaced and different treatment is now required; or
- (d) the repair or replacement is required as a result of trauma.

(4) The obligation to repair or replace any restoration under sub-paragraph (2) shall cease 12 months after the date on which the restoration was provided or when the treatment on referral has been completed, whichever is the sooner.

(5) Sub-paragraph (1) shall not apply where the dentist refers a patient for examination and advice only.

Inability of dentist to complete care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral

14.If, owing to any cause beyond his control, ⁹⁸ or to his taking up the performance of personal dental services in connection with a pilot scheme ⁹⁸ the dentist is unable to complete any care and treatment which has been commenced under a continuing care arrangement or a capitation arrangement or treatment on referral, he shall forthwith notify the Agency in writing of the extent of the care and treatment or treatment on referral provided and of the reason for his inability to complete the remainder.

Care and treatment summaries

15.Where a patient who has been receiving care and treatment under a continuing care arrangement or a capitation arrangement requests the dentist to provide him with a summary of the care and treatment he has received from the dentist under that arrangement because he intends to enter into such an arrangement with another dentist, the dentist shall provide such a summary as he considers appropriate (including details of any care and treatment which could not be easily observed on a visual examination) to the patient on a form supplied for that purpose by the Agency within 28 days of the request.

Mixing of general dental services and private care and treatment

16.—(1) Subject to sub-paragraph (3), a dentist may, with the consent of the patient, provide privately any part of the care and treatment—

- (a) necessary under a continuing care arrangement or a capitation arrangement to secure and maintain the oral health of a patient; or
- (b) to be provided as part of treatment on referral.

(2) A dentist shall not, with a view to obtaining the agreement of a patient to undergo care and treatment privately—

- (a) advise a patient that the care and treatment which is necessary in his case—
 - (i) under the continuing care arrangement or the capitation arrangement to secure and maintain oral health, or
 - (ii) having regard to the reason given for referral, is not available from that dentist under general dental services; or
- (b) seek to mislead the patient about the quality of care and treatment available under general dental services.

(3) Sub-paragraph (1) shall not apply—

- (a) where the treatment necessary to secure oral health relates to a single tooth, in which case the treatment shall be provided wholly under general dental services or wholly privately; ⁹⁹
- (b) in respect of orthodontic care and treatment in which case—
 - (i) the assessment, diagnosis and planning of treatment in connection with the orthodontic care and treatment shall be provided wholly under general dental services or wholly privately, and
 - (ii) the orthodontic treatment shall be provided ¹⁰⁰ or wholly privately ¹⁰¹; or
- (c) where the treatment involves the administration of general anaesthesia, in which case the treatment shall be provided wholly privately.

PART III

OCCASIONAL TREATMENT

Occasional treatment

➤¹⁰² 17.—(1) Whether or not a patient has entered into a continuing care arrangement or capitation arrangement with another dentist, a dentist who is not acting on behalf of that dentist may provide any of the items listed in sub-paragraph (2) as occasional treatment.

(2) For the purposes of sub-paragraph (1) the listed items are—

- (a) the assessment of, and the giving of advice to, a patient;
- (b) the issuing of a prescription;
- (c) a radiographic examination and radiological report;
- (d) the dressing of a deciduous or permanent teeth and other palliative treatment;
- (e) the repair and fixing of inlays, crowns and bridges;
- (f) the extraction of deciduous or permanent teeth;
- (g) the provision of post-operative care;
- (h) the provision of sedation;
- (i) the provision, replacement, repair or alteration of dentures or other dental appliances;
- (j) urgent treatment for acute conditions of the gingivae or oral mucosa, including treatment for pericoronitis or for ulcers and herpetic lesions, and any necessary oral hygiene instruction in connection with such treatment;
- (k) and treatment immediately necessary as a result of trauma;
- (l) domiciliary visits and recalled attendance;
- (m) conservative treatment of permanent or retained deciduous teeth by way of fillings or root fillings; and
- (n) in respect of patients aged under 18, conservative treatment of deciduous teeth.

(3) Where the dentist, due to any cause beyond his control, is unable to complete any course of occasional treatment which he has commenced, he shall forthwith notify the Agency in writing of the extent of the occasional treatment he has provided and the reason he is unable to complete the remainder of the treatment. ↙

Referral for occasional treatment

18.—(1) Where a patient requires any occasional treatment and the dentist does not have the necessary facilities, experience or expertise to provide that occasional treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that occasional treatment by another dentist under general dental services ➤¹⁰³ or personal dental services ↙ or by a hospital or other service provided under Part II of the Order.

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

- (a) give details of the oral condition of the patient and the reason for the referral to that other dentist or, as the case may be, that hospital or other service, either at the time of referral or as soon as practicable afterwards;
- (b) include with those details a statement of the amount paid to him by the patient under the Dental Charges Regulations in respect of any occasional treatment already provided in the course of the occasional treatment during which the referral is made; and
- (c) indicate in his claim for remuneration in respect of that course of occasional treatment that the patient has been referred for the required occasional treatment.

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

PART IV

ADDITIONAL TERMS OF SERVICE FOR ALL DENTISTS

Remuneration

19. Except as otherwise provided in the Regulations (including the terms of service) or the Dental Charges Regulations, a dentist shall not claim or accept the payment of any fee or other remuneration in respect of any treatment—

- (a) which he has provided under general dental services; or
- (b) which has not been provided or for which another claim has already been submitted to the Agency.

Standards of care

20.—(1) In providing general dental services, a dentist shall—

- (a) employ a proper degree of skill and attention;
- (b) save as is provided in paragraphs 12, 18, 21, 29, 35 and 38, give all treatment personally;
- (c) use only materials which are suitable for the purpose for which they are used;
- (d) except in the case of occasional treatment and treatment on referral, provide, subject to sub-paragraph (2), care and treatment, to such extent, and at such intervals, as may be necessary to secure and maintain the oral health of the patient.

(2) When providing general dental services a dentist shall not provide care and treatment in excess of that which is necessary to secure and maintain oral health.

¹⁰⁴Sedation

21.—¹⁰⁵(1) Where a dentist undertakes, in the course of providing general dental services, any procedure for which sedation of the patient is necessary he shall remain with the patient, and arrange for another person with suitable training and experience to remain with the patient, throughout the procedure.

(2) In this paragraph “a person with suitable training and experience” means a person who has received such training and experience as to be capable of assisting the dentist in monitoring the clinical condition of the patient and in the event of an emergency. 

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Supply of drugs

22.—(1) A dentist may supply to a patient such listed drugs as are required for immediate use before a supply can otherwise be obtained under paragraph 23.

(2) A dentist may personally administer to a patient any drug required for the treatment of that patient.

Issue of prescription forms

23.—(1) A dentist shall order such listed drugs (other than those supplied under paragraph 22) as are needed for the treatment of any patient for whom he is providing general dental services by issuing to the patient a prescription form.

(2) The prescription form—

- (a) shall be signed by the dentist;

- (b) shall not refer to any previous prescription; and
- (c) shall not be issued to persons other than patients; and a separate prescription form shall be issued for each patient.

➤¹⁰⁷ Restrictions on prescribing by dentists

23A. Notwithstanding anything in paragraph 23, in the course of treating a visiting patient in accordance with paragraph 3(2)(b)(v), a dentist shall not supply or order on a prescription form listed drugs but may supply such drugs for that patient under a private arrangement. ◀

Domiciliary visits

24. ➤¹⁰⁸—(1) ◀ A dentist shall visit and treat a patient whose condition so requires at the place at which the patient normally resides or is temporarily resident provided that such place is not more than 5 miles from his practice premises, or in the case of a dentist who provides general dental services at a mobile surgery only, from any of the places regularly visited by him.

➤¹⁰⁹(2) Notwithstanding anything in sub-paragraph (1), a dentist shall not be required to attend on a patient at a place outside Northern Ireland. ◀

Records

25.—(1) A dentist shall keep a ➤¹¹⁰ full, accurate and contemporaneous ◀ record in respect of—

- (a) the care and treatment given to each patient under a continuing care arrangement or a capitation arrangement and the fact of referral under such an arrangement under paragraph 12;
- (b) treatment on referral; or
- (c) occasional treatment,

in the patient record and shall include with that record details of any private care and treatment (to the extent that it is provided with care and treatment under general dental services for the purpose of securing and maintaining oral health), any practice record form and all radiographs, photographs and study models (being models in respect of orthodontic treatment) taken or obtained by him as part of the care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral or occasional treatment.

(2) The records, ➤¹¹¹ forms, ◀ radiographs, photographs and study models referred to in sub-paragraph (1) shall be ➤¹¹² retained for a period of 6 years ◀ after completion of any course of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral or occasional treatment to which they relate.

➤¹¹³(3) The dentist shall, during the period in which he holds any records, forms, radiographs, photographs and study models referred to in sub-paragraph (1)—

- (i) produce them on request to a dental officer of the relevant Board or a referral dental officer for inspection; or
- (ii) produce them to a referral dental officer, the Committee, the Agency or the Board within 14 days of being required to do so by a referral dental officer, the Committee, the Agency or the Board. ◀

(4) A dentist may keep the records ➤¹¹⁴ ◀ referred to in sub-paragraph (1) in computerised form.

(5) Nothing in sub-paragraph (1) shall be taken as removing any rights of property which the dentist may have in relation to the records, radiographs, photographs and study models referred to in that sub-paragraph.

Prior approval of treatment

26.—(1) Subject to sub-paragraphs (6), (7) and (10), where care and treatment is or includes prior approval treatment, the dentist—

- (a) shall submit, without unreasonable delay, to the Committee for approval an estimate of the whole of the care and treatment, including details of any part of that care and treatment to be provided privately; and
- (b) otherwise than in an emergency, shall not, until he receives approval from the Committee, proceed—
 - (i) where prior approval is required by virtue of Part I of Schedule 5, with any item of treatment referred to in that Part, or
 - (ii) where prior approval is required by virtue of Part II of Schedule 5, with any care and treatment mentioned in the estimate.

(2) Subject to sub-paragraphs (6), (7) and (10), where in the course of providing any care and treatment to which, at its outset, sub-paragraph (1) does not apply, a dentist is of the opinion that a variation of or addition to such care and treatment is necessary, and by reason of the variation or addition the care and treatment includes or becomes prior approval treatment, the dentist—

- (a) shall submit, without unreasonable delay, to the Committee for approval an estimate of the whole of the care and treatment (including that which the dentist has commenced) together with details of any part of that care and treatment provided or to be provided privately; and
- (b) otherwise than in an emergency, shall not, until he receives approval from the Committee, proceed—
 - (i) where prior approval is required by virtue of Part I of Schedule 5, with any item of treatment referred to in that Part, or
 - (ii) where prior approval is required by virtue of Part II of Schedule 5, with any care and treatment mentioned in the estimate.

(3) Subject to sub-paragraphs (6), (7) and (10), where a dentist has obtained approval from the Committee required by sub-paragraph (1) because the care and treatment is or includes an item of treatment referred to in Part I of Schedule 5, and in the opinion of the dentist a variation of or addition to such care and treatment is necessary, which variation or addition—

- (a) is or includes an item of treatment referred to in Part I of Schedule 5; or
- (b) has the effect that the care and treatment then falls within Part II of Schedule 5,

the dentist shall re-submit, without unreasonable delay, the estimate to the Committee for approval, including details of any part of that care and treatment provided or to be provided privately.

(4) Subject to sub-paragraphs (6), (7) and (10), where a dentist has obtained approval from the Committee in accordance with sub-paragraph (1) because prior approval is required by virtue of Part II of Schedule 5 and in the opinion of the dentist a variation of or addition to such care and treatment is necessary, the dentist shall re-submit, without unreasonable delay, the estimate to the Committee for approval together with details of any part of that care and treatment provided or to be provided privately.

(5) Where the Committee receives an estimate under sub-paragraphs (3) or (4) it may withdraw or vary its original approval in so far as the care and treatment has not yet been carried out in accordance with such approval, or add to its original approval, and, otherwise than in an emergency, the dentist shall not, until he receives approval from the Committee, proceed—

- (a) in any case falling within sub-paragraph (3)(a), with any item of treatment referred to in Part I of Schedule 5; or
- (b) in any other case, with any of the care and treatment mentioned in the estimate.

(6) Sub-paragraphs (1), (2), (3) and (4) shall not apply where the care and treatment to be provided under a capitation arrangement is care and treatment for which the dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration for which he receives no remuneration other than a capitation payment.

(7) The dentist may proceed immediately with the care and treatment of merchant seamen, deep sea fishermen, or oil rig workers, about to go to sea for a period in excess of 4 weeks, or persons about to go abroad for a period in excess of 4 weeks, and in such event shall send an estimate to the Committee for approval within 7 days of the commencement of the care and treatment.

(8) Where, in consequence of any proceedings under the ¹¹⁵Disciplinary Procedures Regulations in respect of general dental services provided in the area of any Board, a dentist is required for any period to submit all estimates to the Committee for approval, in respect of all treatment or any specified description of treatment, the dentist—

- (a) shall submit, without unreasonable delay, all such estimates (whether relating to treatment to be provided in that or any other area) to the Committee for approval; and
- (b) shall not proceed with such treatment until he receives approval from the Committee, except that he may in the course of any single consultation, proceed with treatment consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres, or treatment in an emergency.

(9) Where in consequence of a direction given by the Committee under regulation 32 a dentist is directed, for any period, to submit all estimates to the Committee for approval in respect of treatment or a description of treatment specified in the direction, the dentist—

- (a) shall submit, without unreasonable delay, all such estimates (relating to treatment in the area of any Board) to the Committee for approval; and
- (b) shall not proceed with such treatment until he receives approval from the Committee, except that he may in the course of any single consultation, proceed with treatment consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres, or treatment following trauma or in an emergency.

(10) Nothing in this paragraph shall prevent a dentist carrying out any care and treatment privately.

Completion of an estimate

27.—(1) Subject to sub-paragraphs ¹¹⁶(2) and (4), when submitting an estimate to the Committee for approval in accordance with paragraph 26(1), (2), (3), (4), (8) or (9), a dentist shall in all cases, in addition to the information specified in those paragraphs, provide to the Committee the following information—

- (a) his name and address and the number by which his arrangement with the Agency is identified;
- (b) the patient's name and address, sex, date of birth and health service number as shown on the patient's medical card; and
- (c) details of the care and treatment proposed and the reasons why the dentist considers such care and treatment is necessary.

(2) Subject to sub-paragraph (3), a dentist who is required as mentioned in sub-paragraph (1) to send an estimate to the Committee may, by arrangement with the Agency use a computer to send that estimate to the Committee.

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(4) A dentist who, in accordance with sub-paragraph (2), uses a computer to send an estimate—

- (a) shall at the appropriate time secure the completion, so far as applicable, by the patient or by any person acting on behalf of the patient, of the practice record form;
- (b) shall use only such a computer programme as the Agency has approved as suitable for the purpose; and
- (c) shall include with that estimate—
 - (i) all the information specified in sub-paragraph (1)(a), (b) and (c) except his name and address, and
 - (ii) the personal identification number allocated to him by the Agency for that purpose.

¹¹⁸Completion of claim forms

27A.—(1) Subject to sub-paragraph (2), where a person declares that he or a person for whom he is responsible does not have to pay the charges prescribed by the Health and Personal Social Services Dental Charges regulations (Northern Ireland) 1989 by virtue of either—

- (a) entitlement to exemption under sub-paragraph (6) of paragraph 1AA of Schedule 15 to the Order; or
- (b) entitlement to remission of such charges under regulation 3 or 5 of the Health and Personal Social Services Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989

the dentist shall ask that person to produce to him satisfactory evidence in support of that declaration and where that person does not produce such evidence the dentist shall record that fact in his form claiming remuneration for the treatment of that person for whom that person is responsible.

(2) Where, at the time of the declaration there is already available to the dentist satisfactory evidence of an entitlement to exemption from the charges on the grounds that the person in respect of whom the declaration is made is under 18 years of age, the obligations on the dentist specified in sub-paragraph (1) shall not apply.

(3) The dentist may appoint a member of his staff to undertake the task set out in sub-paragraph (1) on his behalf, and where he does so he shall ensure that that staff member is given sufficient instruction to enable him to perform that task. ↩

Completion of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral

28.—(1) Subject to sub-paragraphs (2) and (4), the dentist shall complete within a reasonable time any course of care and treatment under a continuing care arrangement or a capitation arrangement or treatment on referral.

(2) Where the dentist and the patient agree that the patient requires dentures, or new dentures, in consequence of treatment provided by that dentist involving the extraction of one or more teeth, the dentist shall provide such dentures within 12 months of the date of the relevant extraction or, as the case may be, the later or last such extraction.

(3) In so far as any treatment relates to the provision of dentures, it shall not be regarded as completed unless the dentures have been delivered to, and remain in the possession of, the patient.

(4) A dentist shall not be regarded as having failed to comply with sub-paragraphs (1) and (2) by reason of any delay in completing treatment where the Committee is satisfied that the delay is due to the failure of the patient to attend for treatment or that there is some other sufficient reason for the delay.

(5) Where a dentist—

- (a) has been notified that a patient has been requested to submit himself for examination by a dental officer or referral dental officer; and
- (b) has not been notified that the examination has been carried out or cancelled,

he shall not, otherwise than in an emergency, provide any care and treatment to that patient and shall take all reasonable steps to facilitate the examination.

(6) Where a dentist—

- (a) has been notified that the Services Committee set up under the Services Committee Regulations will investigate a complaint or reference relating to the provision of general dental services by him to a patient; and
- (b) has not been notified—
 - (i) that the investigation has been completed, or

➤¹¹⁹(ii) that the Regional Board has no objection, ↩

he shall not, otherwise than in an emergency, provide any care and treatment to that patient and shall take all reasonable steps to facilitate the investigation.

(7) Nothing in this paragraph shall prevent a dentist carrying out any care and treatment privately.

Dental auxiliaries

29. A dentist may in the provision of general dental services arrange for care and treatment to be given in accordance with the provisions of regulations having effect under section 45 of the Dentists Act(a) by a dental auxiliary to whom those regulations apply, and shall ensure that such care and treatment is properly completed.

Postgraduate education

30. A dentist shall in the provision of general dental services take reasonable steps to develop professional knowledge and skills through activities undertaken with a view to maintaining an up-to-date knowledge of dental science and practice.

➤¹²⁰ Information about HS charges

31. A dentist shall display in a prominent position at the practice premises information, in a form supplied or approved by the Agency, about charges for general dental services. ◀

➤¹²¹ Complaints

31A.—(1) Subject to sub-paragraph (2), a dentist shall establish, and operate in accordance with this paragraph, a procedure (in this paragraph and in paragraph 31B referred to as a "practice based complaints procedure") to deal with any complaints made by or on behalf of his patients and former patients.

(2) The practice based complaints procedure to be established by a dentist may be such that it also deals with complaints made in relation to one or more other dentists.

(3) A practice based complaints procedure shall apply to complaints made in relation to any matter reasonably connected with the dentist's provision of general dental services and within the responsibility or control of—

- (a) the dentist;
- (b) any other dentists either employed by him or engaged as a deputy;
- (c) a former partner of the dentist;
- (d) an employee of the dentist other than one falling within head (b),

and in this paragraph and paragraph 31B, references to complaints are to complaints falling within this sub-paragraph.

(4) A complaint may be made on behalf of a patient or former patient with his consent, or—

- (a) where the patient is a child under 16—
 - (i) by either parent, or in the absence of both parents, the guardian or other adult person who has care of the child, or
 - (ii) where the child is in the care of a Board or HSS trust to whose care he has been committed under the provisions of the Children and Young Persons Act (Northern Ireland) 1968 (a) or in the care of a voluntary organisation, by that Board or HSS trust or voluntary organisation;
- or
- (b) where the patient is incapable of making a complaint, by a relative or other adult person who has an interest in his welfare.

(5) Where a patient has died a complaint may be made by a relative or other adult person who had an interest in his welfare or, where the patient was as described in head (a)(ii) of sub-paragraph (4), by the Board or HSS trust or voluntary organisation.

(6) A practice based complaints procedure shall comply with the following requirements—

(a) Section 45 was amended by Order in Council S.I. 1991/1705 and see S.I. 1986/887 amended by S.I. 1991/1706

- (a) the dentist shall specify a person (who need not be connected with the dentist's practice and who in the case of an individual, may be specified by his job title) to be responsible for receiving and investigating all complaints;
 - * (b) all complaints shall be—
 - (i) recorded in writing,
 - (ii) acknowledged, either orally or in writing, within the period of three days (excluding Saturdays, Sundays and Bank and Public Holidays) beginning with and including the day on which the complaint was received by the person specified under head (a), or where that is not possible as soon as reasonably practicable, and
 - (iii) properly investigated;
 - * (b) within the period of 10 days (excluding Saturdays, Sundays and Bank and Public Holidays) beginning with and including the day on which the complaint was received by the person specified under head (a) or, where that is not possible as soon as reasonably practicable, the complainant shall be given a written summary of the investigation and its conclusions;
- [*Unreliable reference - there are two head (b)s in sub-paragraph (6) in the original insertion of paragraph 31A in regulation 2 of S.R. 1996 No. 114]*
- (d) where the investigation of the complaint requires consideration of the patient's dental records, the person specified under head (a) shall inform the patient or person acting on his behalf if the investigation will involve disclosure of information contained in those records to a person other than the dentist or a partner, a deputy or an employee of the dentist; and
 - (e) the dentist shall keep a record of all complaints and copies of all correspondence relating to complaints, but such records shall be kept separate from patients' dental records.
- (7) A dentist shall inform his patients about the practice based complaints procedure which operates and give the name (or title) and address of the person specified under sub-paragraph (6)(a).

31B.—(1) A dentist shall co-operate with any investigation of a complaint by the Board in accordance with the procedures which it operates, whether the investigation follows one under the practice based complaints procedure or not.

(2) The co-operation required by sub-paragraph (1) includes—

- (a) answering questions reasonably put to the dentist by the Board;
- (b) providing any information relating to the complaint reasonably required by the Board; and
- (c) attending any meeting to consider the complaint (if held at a reasonably accessible place and at a reasonable hour, and due notice has been given), if the dentist's presence at the meeting is reasonably required by the Board.

Return

31C.—(1) A dentist whose name is included in the dental list shall provide to the Board by 30th June each year a return stating the number of complaints received in accordance with paragraph 31A in respect of the period of 12 months ending on 31st March of that year.

(2) In the case of a dentist who practises in partnership with one or more other dentists whose names are included in the dental list, the information referred to in sub-paragraph (1) shall be provided in respect of the partnership as a whole instead of by each dentist in the partnership individually. ↩

➤¹²² Professional indemnity

31D.—(1) A dentist shall, if asked to do so by a Board provide evidence that there is in relation to him, and in relation to any assistant, deputy and dental auxiliary he directs, appropriate cover provided under an indemnity arrangement.

(2) In this paragraph—

- (a) “appropriate cover” means cover against liabilities that may be incurred by a dentist, and any assistant, deputy and dental auxiliary under his direction in the performance of clinical services which is appropriate, having regard to the nature and extent of the risks in the performance of such services; and
- (b) “an indemnity arrangement” may comprise—
 - (i) a policy of insurance, .
 - (ii) an arrangement made for the purposes of indemnifying a person, or .
 - (iii) a combination of the two.”.◀

➤¹²³ Clinical audit activities

31E.—(1) In the relevant period a dentist shall—

- (a) undertake at least 15 hours of clinical audit activities; and
- (b) take reasonable steps to ensure that any assistant of his also undertakes such activities.

(2) In this paragraph—

“clinical audit activities” means activities which involve the systematic and critical analysis of the quality of dental care provided by the dentist, including the processes used by him for diagnosis, intervention and treatment and his use of resources, and may include peer review by means of participation in meetings of a group of not less than 4 dentists where such a group considers the quality and performance of specific treatments and approaches to treatment; and

“the relevant period” means—

- (a) subject to head (b), where a dentist’s name is included in the dental list and he is providing dental services—
 - (i) on 1st October 2001, the period of three years commencing on that date,
 - (ii) from a date after 1st October 2001, the period of three years commencing with that later date,
 and each successive period of three years thereafter;
- (b) where a dentist’s name remains included in the dental list but he does not provide dental services during any continuous period in excess of thirteen weeks, the period specified in head (a), to which is added any such continuous period during which he is not providing dental services.

Quality assurance system

31F.—(1) A dentist shall establish, and operate in accordance with this paragraph, a practice based quality assurance system which is applicable to all the persons specified in sub-paragraph (2).

(2) The specified persons are—

- (a) the dentist;
- (b) any other dentist either employed by him or engaged as a deputy; and
- (c) any employee of the dentist other than one falling within head (b).

(3) A dentist shall ensure that in respect of his practice based quality assurance system, he has specified a person (who need not be connected with the dentist’s practice) to be responsible for operating that system.

(4) A dentist shall ensure that in respect of his practice based quality assurance system, there is displayed in a prominent position in his practice premises, in a part to which patients have access, a written statement relating to his commitment to the matters referred to in sub-paragraph (5).

(5) In this paragraph and in the paragraph 31G “a practice based quality assurance system” means one which comprises-

- (a) a system to ensure that all dental care provided is of a consistent quality;
- (b) a system to ensure that effective measures of infection control are used;

- (c) a system to ensure that all legal requirements relating to health and safety in the workplace are satisfied;
- (d) a system to ensure that all legal requirements relating to radiological protection are satisfied; and
- (e) a system to ensure that any requirements of the General Dental Council in respect of the continuing professional development of dentist's are satisfied.

Quality assurance system return

31G.—(1) Subject to sub-paragraph (3), a dentist whose name is included in the dental list shall provide to the Board by 30th June each year a written return which states—

- (a) whether there has been compliance with all the systems specified in paragraph 31F(5) in respect of the period of 12 months ending 31st March each year; and
- (b) whether any changes to his practice or procedures have occurred as a result of the operation of the practice based quality assurance system and if so, the nature of those changes.

(2) Where a dentist practices in partnership with one or more other dentists whose names are included in the dental list, the information referred to in sub-paragraph (1) shall be provided in respect of the partnership as a whole instead of by each dentist individually.

(3) The return to be provided by 30th June 2002 shall relate to the period from 1st October 2001 to 31st March 2002. ↩

PART V

ADDITIONAL TERMS OF SERVICE FOR DENTISTS OTHER THAN SALARIED DENTISTS

Patient information leaflets

32.—(1) A dentist shall compile and make available, to the Board (if it requires one) and to any person who may reasonably require one, a document about the provision of general dental services at his practice premises (in this paragraph called a "patient information leaflet") which shall include the information specified in Schedule 6.

(2) A dentist shall make any amendments to his patient information leaflet which he considers to be necessary to maintain its accuracy.

(3) A dentist who practises in partnership or under an associateship agreement with other dentists whose names are included in the dental list shall satisfy the requirements of this paragraph if he makes available a patient information leaflet, compiled and, where appropriate, amended in accordance with sub-paragraphs (1) and (2), which relates to the partnership or associateship as a whole.

Premises etc

33.—(1) Unless he provides general dental services from a mobile surgery only, a dentist shall provide proper and sufficient dental surgery and waiting-room accommodation for his patients.

(2) A dentist who provides general dental services at a mobile surgery shall provide proper and sufficient mobile surgery and waiting-room accommodation.

(3) A dental surgery and a mobile surgery shall be furnished with suitable equipment and a dentist shall provide treatment with suitable instruments.

(4) A dentist, on receipt of reasonable notice in writing, shall at all reasonable times admit a dental officer, referral dental officer, or a person authorised by the Board for the purpose of inspecting any dental surgery, mobile surgery or waiting-room under the dentist's control.

➤¹²⁴◀➤¹²⁵ **Telephone services**

33A.—(1) A dentist shall not be a party to any contract or other arrangement under which the number for telephone services to be used by—

- (a) patients to contact the dentist for any purpose related to the provision of general dental services; or
- (b) any other person to contact the dentist in relation to services provided as part of the health service, starts with the digits 087, 090 or 091 or consists of a personal number, unless the service is provided free to the caller.

(2) In this paragraph, “personal number” means a telephone number which starts with the number 070 followed by a further 8 digits. ◀

Remuneration

34. The provisions of paragraph 19 shall not have effect in relation to any claim made by a dentist in respect of loss of remuneration resulting from the failure of a patient to keep an appointment for general dental services.

Deputies and assistants

35.—(1) Where a dentist is prevented from providing care and treatment by reason of temporary absence through illness or other reasonable cause, such care and treatment may be given by a deputy or assistant.

(2) In the case of 2 or more dentists practising in partnership or as a principal and assistant, care and treatment may at any time be given by a partner or an assistant of the dentist who is responsible for the patient's care and treatment, if reasonable steps are taken to secure continuity of care and treatment.

(3) A dentist shall not employ more than ➤¹²⁶ 2 assistants at any one time in a board area ◀ for the provision of general dental services without the consent of the Board, or on appeal the Department.

(4) Before giving any consent under sub-paragraph (3) the Board shall consult the Local Dental Committee, and any consent given under that sub-paragraph shall be reviewed by the Board in consultation with the Local Dental Committee at least once a year and may be confirmed or withdrawn by the Board.

(5) A dentist shall—

- (a) notify the Board of the employment of an assistant within 7 days of the first day of such employment;
- (b) forward to the Board such particulars concerning the assistant as the Board may reasonably require; and
- (c) on ceasing to employ an assistant, notify the Board within 7 days of the cessation of that employment.

(6) A dentist shall not employ as an assistant any dentist who has the same address in the dental list as any of his own practice premises.

(7) Where a dentist employs an assistant who to the dentist's knowledge is subject to a requirement under paragraph 26(8) or (9) to submit estimates to the Committee for prior approval in respect of treatment, he shall not allow the assistant to carry out the treatment unless the prior approval of the Board has first been obtained.

(8) If a dentist intends to absent himself from his practice premises for more than 28 consecutive days he shall notify the Board of—

- (a) his intended absence; and
- (b) the name and address, if different to the practice premises, of the deputy or assistant (if any) responsible for providing general dental services during his absence.

(9) A dentist who intends to be or is absent from his practice premises for more than 2 months—

- (a) shall notify the Board in writing; and
- (b) shall not employ an assistant for any period of absence in excess of 2 months without the consent of the Board.

(10) A dentist shall not, without the consent of the Department, employ as a deputy or assistant for the purpose of the provision of general dental services any dentist who is disqualified for inclusion in the dental list by virtue of the provisions of Article 61(2A)(a) or Article 65 of, ¹²⁷ the Order.

¹²⁸ (10A) A dentist shall not employ as a deputy or assistant for the purpose of the provision of general dental services any dentist—

- (a) who, having been disqualified under paragraph 3(b) of Part 1 of Schedule 11 to the Order (or under any corresponding provision in force in England and Wales or Scotland) from inclusion in the dental list (or in England and Wales, the dental list of a Family Health Services Authority or in Scotland the dental list of a Health Board) is also the subject of a declaration under paragraph 3(c) of Part 1 of Schedule 11 to the Order (b) (or any corresponding provision in force in England and Wales or Scotland) that he is not fit to be engaged in any capacity in the provision of general dental services; or
- (b) who is suspended by direction of the Tribunal, other than in a case falling within paragraph 8B(3) of Part 1 of Schedule 11 to the Order. ¹²⁹

(11) Except as provided in sub-paragraph (12), a dentist shall be responsible for all acts and omissions of any dentist acting as his deputy or assistant.

(12) A dentist, whose name is included in the dental list, when acting as a deputy to another dentist whose name is also included in that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the dentist for whom he acts as deputy and for the acts and omissions of any person employed by him or acting on his behalf.

(13) A deputy may provide general dental services at places or at times other than those arranged by the dentist for whom he is acting, due regard being had to the convenience of patients.

36. A deputy or assistant who issues a prescription form for listed drugs under paragraph 23, shall, in addition to signing his own name on the prescription form, insert on the form the name of the dentist for whom he is acting.

37. A deputy or assistant who signs a claim for remuneration or an estimate or part thereof on behalf of the dentist for whom he is acting shall do so in his own name and, except where the person who signs is a partner whose name is included in the dental list, shall also insert the name of the dentist for whom he is acting.

¹²⁹ **37A.** Where care and treatment is given by an assistant, the dentist or assistant shall complete a claim for remuneration in respect of that care and treatment which—

- (a) is separate from any claim form in respect of care and treatment given by the dentist personally;
- (b) identifies the assistant by whom the care and treatment was given and his status as an assistant. ¹³⁰

Dentists suspended under section 28 or 32 of the Dentists Act 1984

38. Where a dentist's registration in the register kept under section 14 of the Dentists Act is suspended by a direction or order of the Health Committee under section 28 of that Act (health cases) or by an order under section 32 of that Act (interim suspension order), he shall secure that any dentist appointed by him to provide general dental services on his behalf during that period of suspension shall be a dentist whose name is included in the dental list.

(a) Paragraph (2A) was inserted by Article 5(2)(b) of S.I. 1981/432

(b) Paragraph 3 of Schedule 11 was substituted by Article 3 of S.I. 1995/2704 (N.I. 14)

PART VI

ADDITIONAL TERMS OF SERVICE FOR SALARIED DENTISTS

Attendance

39.—(1) A dentist shall attend at such premises (being health premises) on such days and at such hours as he may agree with the Board.

(2) Except where paragraph 16 applies, a dentist may not, without the permission of the Board, provide at such premises any care and treatment which is not part of general dental services.

➤¹³⁰◀

Records

41.—(1) The records, radiographs, photographs and study models referred to in paragraph 25(1) shall be the property of the Board.

(2) The dentist shall supply to the Committee or a dental officer or a referral dental officer such information with regard to the care and treatment of patients as they may request within 14 days of the date of the request.

Drugs

42. Any drugs supplied under paragraph 22 shall be obtained by the dentist in such a manner as the Board may require.

Provision of Board patient information leaflets

43. A salaried dentist shall make available to any person who may reasonably require one the Board patient information leaflet compiled, and provided to him, by the Board pursuant to regulation 16.

Termination of services

44.—(1) Subject to sub-paragraph (2), any arrangement between the Board and a salaried dentist for the provision of general dental services may be terminated by either party giving to the other 3 months' notice in writing.

(2) If a dentist fails to comply with any of the terms of service that apply to a salaried dentist the Board may terminate the arrangement by giving him one month's notice in writing.

(3) The Board may at any time suspend a salaried dentist from the discharge of his duties but such suspension shall not affect the right of the salaried dentist to receive remuneration during the period of suspension.

SCHEDULE 3

Regulation 5(1)

PART I

Information and undertaking to be included in an application for inclusion in the dental list

1. Full name.

2. Sex.

3. Date of birth.

4. Private address.

5. Date of registration as a dental practitioner in the register kept under section 14 of the Dentists Act and registration number, dental qualifications registrable under that Act and when obtained.

➤¹³¹5A. His vocational training number. ◀

6. Address of proposed practice premises and in the case of any mobile surgery, the address to which correspondence may be sent.

7. Proposed days and hours of attendance and whether patients will be seen by appointment only and in the case of any mobile surgery, particulars of places to be visited regularly by the dentist and the times of those visits.

8. Undertaking to provide general dental services in the area of the Board.

9. Whether intending to practise—

(a) as a single-handed practitioner; or

(b) as a partner and if so the name and address of each intended partner and whether or not his name is included in the dental list; or

(c) as an associate and if so the name and address of each intended associate and whether or not his name is included in the dental list.

10. The names of any assistants he or any person referred to in paragraph 9(b) or (c) intends to employ or already employs at the proposed practice premises.

11. Present or most recent appointment and whether any previous experience in the provision of general dental services.

12. Whether the general dental services to be provided are restricted to orthodontic treatment.

13. Whether there is access to the proposed dental surgery without the use of stairs.

➤¹³²14. Whether he has been suspended by the Tribunal. ◀

➤¹³³15. Whether he is indemnified against claims relating to the practice of dentistry in relation to dentistry performed by himself, and by any assistant, deputy and dental auxiliary whose work the dentist intends to direct, and if he is so indemnified documentary evidence to that effect.

16. Details of any limitations imposed by the Secretary of State which limit his ability to work in any specific capacity. ◀

➤¹³⁴17. Declaration as to whether—

- (a) he has been convicted of a criminal offence, bound over or cautioned in the United Kingdom or elsewhere, or is currently the subject of any proceedings which might lead to a conviction, order or to bind over or caution;
- (b) he has been, or is currently subject to any action by his professional body or by licensing or regulatory body in the United Kingdom or elsewhere,

and if so, details, including approximate dates of where the action or proceedings were or are to be brought, the nature of that action or proceedings and any outcome.

PART II

Information which may be included in an application for inclusion in the dental list

Details of any languages, other than English, spoken by the dentist.

SCHEDULE 4

Regulation 3
Schedule 2,
paragraphs 4 and 5

Information to be provided about care and treatment under general dental services

1. Details of arrangements in an emergency.
2. Details of repairs and replacements free of charge.
3. Explanation of care and treatment to be provided.
4. Details of arrangements if the dentist with whom the patient has entered into a continuing care arrangement or a capitation arrangement is not available.
5. Details of care and treatment available under general dental services.
6. Explanation of charges for general dental services and of entitlement to exemptions from and remission of these charges.
7. Explanation of the arrangements for cancelling appointments.
8. Explanation of the importance of regular care.
9. The consequences of the termination of a continuing care arrangement or a capitation arrangement.

SCHEDULE 5

Regulation 3
Schedule 2,
paragraph 26

PRIOR APPROVAL TREATMENT

PART I

ITEMS OF TREATMENT

Any item of treatment specified in Determination I of the Statement of Dental Remuneration as being an item of treatment for which the prior approval of the Committee is required.

PART II

CARE AND TREATMENT

1. A course of care and treatment under a continuing care arrangement or a capitation arrangement or any treatment on referral, the cost of which exceeds or is likely to exceed $\text{£}280$.

2. Any orthodontic care and treatment to be provided by that dentist, to a person who is assessed by the dentists as having a treatment need which is not in—

- (a) grade 4 or 5 of the Dental Health Component of the Index of Orthodontic Treatment need; or
- (b) grade 3 of the Dental Health Component with an Aesthetic Component of 6 or above,

but the dentist is of the opinion that orthodontic care and treatment should be provided to that person because of the exceptional circumstances of the dental and oral condition of that person.

*[*Substituted paragraph 2 uses incorrect (2) format in printed S.R. 2014 No. 3]*

3. A reference in this Part to the cost of care and treatment means the cost of such care and treatment calculated in accordance with the Scale of Fees, but does not include the cost of—

- (a) any care and treatment under a capitation arrangement for which the dentist is remunerated in accordance with Section X (treatment under capitation) in Determination I of the Statement of Dental Remuneration for which he receives no remuneration other than a capitation payment;
- (b) In the case of orthodontic care and treatment, fees for diagnosis, study models, retention and the extraction of any tooth for orthodontic purposes; and
- (c) any part of the care and treatment to be provided privately

SCHEDULE 6Regulation 3
Schedule 2,
paragraph 32**Information to be included in patient information leaflets****1.**The following personal and professional details of the dentist—

- (a) Name.
- (b) Sex.
- (c) Date of registration as a dental practitioner in the register kept under section 14 of the Dentists Act and details of dental qualifications registrable under that Act.

2.The following additional information about the provision of general dental services at practice premises—

- (a) The addresses of all the practice premises and, where he provides general dental services at a mobile surgery only, the address to which correspondence may be sent.
- (b) Particulars of the days and hours when the dentist is or will be usually in attendance at the practice premises, and in the case of any mobile surgery, particulars of the places visited regularly by him and the times of those visits.
- (c) The names of all dentists at the practice premises including partners, associates and assistants and details of them as specified in paragraph 1.
- (d) Whether a dental hygienist is employed at the practice premises.
- (e) Whether there is access to the dental surgery without the use of stairs.
- (f) Whether the practice premises (including the dental surgery and toilets) are accessible to wheelchairs.
- (g) Whether the dentist or any person referred to in sub-paragraph (c) provides only orthodontic treatment.
- (h) Provided the dentist consents to their inclusion, details of any languages, other than English, spoken by the dentist.

SCHEDULE 7

Regulation 16

Information to be included in Board patient information leaflets

1.The following personal and professional details of any salaried dentist providing general dental services at health premises—

- (a) Name.
- (b) Sex.
- (c) Date of registration as a dental practitioner in the register kept under section 14 of the Dentists Act and details of dental qualifications registrable under that Act.

2.The following additional information about the provision of general dental services at health premises

- (a) The addresses of all the health premises within its area at which general dental services are provided.
- (b) Particulars of the days and hours when general dental services are provided at the health premises and, where a Board makes arrangements for a salaried dentist to provide general dental services at a mobile surgery, particulars of the places visited regularly by the salaried dentist and the times of those visits.
- (c) Whether a dental hygienist is employed at the health premises.
- (d) Whether there is access to the dental surgery at the health premises without the use of stairs.
- (e) Whether the health premises (including the dental surgery and toilets) is accessible to wheelchairs.
- (f) Provided the salaried dentist consents to their inclusion, details of any languages, other than English, spoken by the salaried dentist.

SCHEDULE 8

Regulation 30

Dental Committee

1. The Dental Committee constituted by the Agency after consultation* with the Boards and such organisations* as appear to it to be representative of the dental profession and such other bodies as appear to it to be concerned, shall consist of a chairman and such number of other members as the Agency thinks fit.

*[*Typographical error in original regulations]*

2. The chairman shall be appointed by the Department and shall be a dentist who is engaged in the provision of general dental services.

3. The term of office of members of the Committee shall be determined by the Agency.

4. Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by the Agency after consultation with the organisations or bodies referred to in paragraph 1 and if necessary with the Committee and any person so appointed shall hold office for the remainder of the term of office of the former member.

5. A member of the Committee may resign his membership by giving to the Agency notice in writing.

6. Where any member of the Committee—

- (a) is absent from the meetings of the Committee for more than 6 months consecutively (except for a reason approved by the Agency);
- (b) has become bankrupt or has made a composition with his creditors; or
- (c) is convicted of an indictable offence;

the Agency shall forthwith by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit and thereupon the office shall become vacant.

7. Where a person who provides any dental or other professional services under the Order is a member of the Committee he may vote upon any matter which touches the interests of members of his profession (himself included) but shall not vote upon any matter touching only his individual professional interests.

8. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment of any of its members .

9. A member of the Committee who is appointed on the nomination of a Board, shall if he is a member of that Board, cease to be a member of the Committee if he ceases to be a member of that Board.

SCHEDULE 9

Regulation 38

Revocations

<i>Column (1)</i> <i>Citation</i>	<i>Column (2)</i> <i>Reference</i>	<i>Column (3)</i> <i>Extent of revocation</i>
Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975	S.R. 1975 No. 227	The whole regulations
Health and Personal Social Services (General Dental Services) (Amendment) Regulations (Northern Ireland) 1977	S.R. 1977 No. 81	The whole regulations in so far as they have not been revoked
Health and Personal Social Services General Dental Services (Amendment) (No. 2) Regulations (Northern Ireland) 1980	S.R. 1980 No. 285	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 61	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985 No. 56	The whole regulations in so far as they have not been revoked
Health and Personal Social Services General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 1985	S.R. 1985 No. 135	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1987	S.R. 1987 No. 190	The whole regulations
Health and Personal Social Services General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 1987	S.R. 1987 No. 346	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1988	S.R. 1988 No. 53	The whole regulations
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1989	S.R. 1989 No. 228	The whole regulations

Health and Personal Social Services General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1990	S.R. 1990 No. 342	The whole regulations except regulations 13 and 14
Health and Personal Social Services General Dental Services (Miscellaneous Amendments) (No. 2) Regulations (Northern Ireland) 1990	S.R. 1990 No. 381	The whole regulations except regulation 3
Health and Personal Social Services General Dental Services (Amendment) Regulations (Northern Ireland) 1990	S.R. 1990 No. 439	The whole regulations
Health and Personal Social Services General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1991	S.R. 1991 No. 130	The whole regulations
Health and Personal Social Services General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 1991	S R. 1991 No. 277	The whole regulations
Health and Personal Social Services General Dental Services (Miscellaneous Amendants*) Regulations (Northern Ireland) 1992 <i>[*Typographical error in original regs.]</i>	S R. 1992 No. 37	The whole regulations except regulation 4
Health and Personal Social Services General Dental Services (Amendment No. 2) Regulations (Northern Ireland) 1992	S.R. 1992 No. 299	The whole regulations

➤¹³⁷SCHEDULE 10

Regulation 2

CONSTITUENT ELEMENTS IN VOCATIONAL TRAINING

Overall Aim

To enhance clinical and administrative competence and promote high standards through relevant postgraduate training to meet the needs of unsupervised general dental practice, and:

1. To enable trainees to practise and improve their skills.
2. To introduce trainees to all aspects of general dental practice.
3. To identify a dentist's personal strengths and weaknesses and balance these through a planned programme of training.
4. To promote oral health and quality dental care for patients.
5. To further develop and implement peer and self review, and promote awareness of the need for continuing professional education.

Objectives

To enable the trainee:

1. To make competent professional decisions including referrals to other services.
2. To demonstrate a satisfactory approach to the ethics of general dental practice and the guidelines for confidentiality.
3. To implement regulations and guidelines for the delivery of safe practice.
4. To know how to obtain appropriate advice on, and practical experience of, legal and financial aspects of practice.
5. To demonstrate that he has acquired skill and knowledge in the psychology of patient care and can work successfully as a member of a practice team. ↙

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations provide for the arrangements under which general dental services are provided under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972 ("the Order"). They supersede the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975 ("the 1975 Regulations").

The provisions made by these regulations differ from those made in the 1975 regulations in a number of respects.

The Central Services Agency shall prepare, from information supplied by the Health and Social Services Boards, each year, an updated list ("the dental list") of dentists providing general dental services (regulation 4(8)). Boards are to determine applications for inclusion in the dental list within 14 days, unless the dentist's proposed practice premises are to be inspected by the Board, in which case the application is to be determined within 14 days of such inspection (regulation 5(2)). Regulation 7(2) prevents the inclusion of a dentist's name in the dental list if the Board is not satisfied, following an inspection, that his proposed practice premises are of a satisfactory standard. A Board may remove a dentist's name from the dental list on the grounds that he has not for the preceding 6 months provided general dental services, but in the calculation of that period any absence because of the dentist's service in the armed forces or maternity leave or sickness is to be disregarded (regulation 8(5)). Provision is made for Boards to make arrangements with dentists to provide general dental services in urgent cases at times when general dental services are not normally available (regulation 14).

Boards are required to prepare patient information leaflets ("Board patient information leaflets") about the provision of general dental services by salaried dentists at any health premises in their areas (regulation 16 and Schedule 7). Regulation 21 establishes a right of appeal to the Department in circumstances where a dentist is dissatisfied with a decision of the Central Services Agency with regard to fees payable to him. The Regulations provide for payments to dentists during periods where their registration is suspended under the Dentists Act 1984 (by an interim suspension order or a direction of the Health Committee) and specifies the amounts payable to them (regulation 27). Regulation 33 introduces revised procedures for handling appeals against decisions of the Dental Committee. Provision is also made for the Central Services Agency or a Board to conduct or commission surveys or other research relating to the provision of general dental services (regulation 34).

The terms of service under which dentists provide general dental services to their patients are set out in Schedule 2. The principal changes to these terms of service are as follows.

The provision relating to the mixing of general dental services and private care and treatment is extended to salaried dentists (paragraph 16). Paragraph imposes special obligations on dentists in connection with the administration of sedation. Provision is also made regarding dental records, which must be retained for a period of 2 years but may be kept on computer (paragraph 25). A dentist must allow the Board to inspect his practice premises provided that he has been given reasonable notice of its intention to do so (paragraph 33).

Other provisions of these regulations (including the terms of service) differ from those of the 1975 Regulations in minor respects, or in consequence of other changes which are mentioned above.

Amendments

- ¹ Def. “appeal body” ins. by reg. 2 of S.R. 1993 No. 401 as from 1.10.93
- ² Def. “approved trainer” ins. by reg. 2 of S.R. 1993 No. 401 as from 1.10.93
- ³ Words ins. by reg. 2(2)(a) of S.R. 2014 No. 3 as from 31.3.14
- ⁴ Def. “the Council” ins. by reg. 2 of S.R. 1993 No. 401 as from 1.10.93
- ⁵ Def. “dental list” ins. by reg. 2 of S.R. 2001 No. 89 as from 30.4.01
- ⁶ Def. “the Directive” by reg. 2(2) of S.R. 2013 No. 300 as from 27.12.13
- ⁷ Def. “the Disciplinary Procedures Regulations” ins. by reg. 2(2)(b) of S.R. 2007 No. 292 as from 25.6.07 and subst. by reg. 14(1)(a) of S.R. 2016 No. 104 as from 1.4.16
- ⁸ Def. “general anaesthesia list” ins. by reg. 2 of S.R. 2001 No. 89 as from 30.4.01 and omitted by reg. 2(2)(a) of S.R. 2002 No. 2 as from 1.2.02
- ⁹ Words omitted by Art. 7 (b) of S.R. 2004 No. 156 as from 1.4.04
- ¹⁰ Def. “Local Medical Committee” ins. by Art. 7 (b) of S.R. 2004 No. 156 as from 1.4.04
- ¹¹ Def. “the 1997 Order” ins. by reg. 5(2) of S.R. 1999 No. 100 as from 1.4.99
- ¹² Def. “personal dental services” ins. by reg. 5(2) of S.R. 1999 No. 100 as from 1.4.99
- ¹³ Def. “pilot dentist” ins. by reg. 5(2) of S.R. 1999 No. 100 as from 1.4.99
- ¹⁴ Def. “pilot performers list” ins. by reg. 2(2)(b) of S.R. 2014 No. 3 as from 31.3.14
- ¹⁵ Def. “pilot scheme” ins. by reg. 5(2) of S.R. 1999 No. 100 as from 1.4.99
- ¹⁶ Def. “pilot scheme agreement” ins. by reg. 5(2) of S.R. 1999 No. 100 as from 1.4.99
- ¹⁷ Def “referral dental officer” subs. by reg. 2(2) of S.R. 2009 No. 263 as from 1.8.09
- ¹⁸ Def. “the Services Committee Regulations” omitted by reg. 2(2)(a) of S.R. 2007 No. 292 as from 25.6.07
- ¹⁹ Def. “suspended by direction of the Tribunal” ins. by reg. 2 of S.R. 1995 No. 488 as from 21.12.95
- ²⁰ Words omitted by reg. 2(2)(b) of S.R. 2002 No. 2 as from 1.2.02
- ²¹ Def. “visiting patient” ins. by reg. 2(2) of S.R. 2013 No. 300 as from 27.12.13
- ²² Def. “vocational training” ins. by reg. 2 of S.R. 1993 No. 401 as from 1.10.93
- ²³ Def. “vocational training certificate” ins. by reg. 2 of S.R. 1993 No. 401 as from 1.10.93
- ²⁴ Def. “vocational training number” ins. by reg. 2 of S.R. 1993 No. 401 as from 1.10.93
- ²⁵ Def. “voluntary vocational training certificate” ins. by reg. 2 of S.R. 1993 No. 401 as from 1.10.93
- ²⁶ Word omitted by reg. 2(a) of S.R. 1998 No.245 as from 1.8.98
- ²⁷ Word and (iii) ins. by reg. 2(b) of S.R. 1998 No.245 as from 1.8.98
- ²⁸ Word omitted by reg. 3(a) of S.R. 2001 No. 89 as from 30.4.01 and reinserted by reg. 2(3)(a) of S.R. 2002 No. 2 as from 1.2.02
- ²⁹ Word and (iv) added by reg. 3(b) of S.R. 2001 No. 89 as from 30.4.01 and omitted by reg. 2(3)(b) and (c) of S.R. 2002 No. 2 as from 1.2.02
- ³⁰ Words ins. by reg. 3(1)(a) of S.R. 1993 No. 401 as from 1.10.93
- ³¹ Words omitted by reg. 3(a)(i) by reg. 2(a) of S.R. 1998 No.245 as from 1.8.98
- ³² Words subs. by reg. 3 of S.R. 1995 No. 488 as from 21.12.95; *reference to substituted “5A” was first ins. by reg. 3(1)(b) of S.R. 1993 No. 401 as from 1.10.93*
- ³³ Words subs. by reg. 3(a)(ii) of S.R. 1998 No.245 as from 1.8.98
- ³⁴ Word omitted by reg. 3(a)(iii) of S.R. 1998 No.245 as from 1.8.98
- ³⁵ Head (ii) subs. by heads (ii) and (iii) by reg. 3(b) of S.R. 1998 No.245 as from 1.8.98
- ³⁶ Words ins. by reg. 3(2) of S.R. 1993 No. 401 as from 1.10.93
- ³⁷ Paragraphs 2A, 2B, 2C, 2D and 2E ins. by reg. 4 of S.R. 2001 No. 89 as from 30.4.01
- ³⁸ Paragraphs (3) and (4) ins. by reg. 3(3) of S.R. 1993 No. 401 as from 1.10.93
- ³⁹ regulations 5A, 5B, 5C, 5D and 5E ins. by reg. 4 of S.R. 1993 No. 401 as from 1.10.93
- ⁴⁰ Sub-paragraph (d) subs. by reg. 4 of S.R. 1998 No. 245 as from 1.8.98
- ⁴¹ Words ins. by reg. 5(3) of S.R. 1999 No. 100 as from 1.4.99
- ⁴² Regulations 5F and 5G ins. by reg. 5 of S.R. 2001 No. 89 as from 30.4.01 and omitted by reg. 2(4) of S.R. 2002 No. 2 as from 1.2.02
- ⁴³ Paragraph (1A) ins. by reg. 5 of S.R. 1993 No. 401 as from 1.10.93
- ⁴⁴ Word omitted by reg. 2(2)(a) of S.R. 2001 No. 2 as from 5.2.01
- ⁴⁵ Sub-paragraphs (c) and (d) ins. by reg. 2(2)(b) of S.R. 2001 No. 2 as from 2.2.01
- ⁴⁶ Word omitted by reg. 4(a) of S.R. 1995 No. 488 as from 21.12.95
- ⁴⁷ Word and (d) ins. by reg. 4(b) of S.R. 1995 No. 488 as from 21.12.95
- ⁴⁸ Word omitted by reg. 5(4)(a) of S.R. 1999 No. 100 as from 1.4.99
- ⁴⁹ Word and (e) added by reg. 5(4)(b) of S.R. 1999 No. 100 as from 1.4.99
- ⁵⁰ Reg. 9 omitted by by reg. 2(3)(a) of S.R. 2007 No. 292 as from 25.6.07 [*Reg. 9 was previously amended by reg. 2 of S.R. 2003 No. 135 as from 1.4.03*]

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- ⁵¹ Paragraph (3) omitted by reg. 2(3)(b) of S.R. 2007 No. 292 as from 25.6.07
- ⁵² Words subs. by reg. 5(2)(a) of S.R. 1995 No. 488 as from 21.12.95
- ⁵³ Words ins. by reg. 5(2)(b) of S.R. 1995 No. 488 as from 21.12.95
- ⁵⁴ Paragraph (3) ins. by reg. 5(3) of S.R. 1995 No. 488 as from 21.12.95
- ⁵⁵ Regulation 13A ins. by reg. 2(2) of S.R. 2014 No. 319 as from 12.1.15
- ⁵⁶ Words omitted by reg. 3 of S.R. 2001 No. 2 as from 5.2.01
- ⁵⁷ Part III revoked by reg. 4 of S.R. 1998 No. 404 as from 1.4.99 [*Part II contained regs. 17 and 18, provisions for choice of dental practitioner are now contained in S.R. 1998 No. 404*]
- ⁵⁸ Table subst. by reg. 2 of S.R. 2016 No. 334 as from 10.10.16 [Superseded amendments to table in S.R.s 2001 Nos. 2 (there was no row V prior to this) and 309, 2003 No. 325 and 2005 No. 311.]
- ⁵⁹ Word in. by reg. 5 of S.R. 2001 No. 2 as from 5.2.01
- ⁶⁰ Words subs. by reg. 3 of S.R. 2001 No. 309 as from 1.10.01
- ⁶¹ Words subs. by reg. 3 of S.R. 2005 No. 311 as from 18.7.05
- ⁶² Paragraphs (6A) and (6B) ins. by reg. 2(3) of S.R. 2014 No. 3 as from 31.3.14
- ⁶³ Paragraph (8) added by reg. 5(5) of S.R. 1999 No. 100 as from 1.4.99
- ⁶⁴ Sub-paragraph (b) subs. by reg. 14 of S.R. 2014 No. 267 as from 24.11.14 [*previously subs. by reg. 2(4) of S.R. 2007 No. 292 and amended by reg. 2(2) of S.R. 2008 No. 395*]
- ⁶⁵ Words subst. by reg. 14(1)(b) of S.R. 2016 No. 104 as from 1.4.16
- ⁶⁶ Word omitted by reg. 6(a) of S.R. 1995 No. 488 as from 21.12.95
- ⁶⁷ Word and (h) ins. by reg. 6(b) of S.R. 1995 No. 488 as from 21.12.95
- ⁶⁸ Sub-paragraph (b) subs by reg. 14 of S.R. 2014 No. 267 as from 24.11.14 [*previously subs. by reg. 2(5) of S.R. 2007 No. 292 and amended by reg. 2(3) of S.R. 2008 No. 395*]subs. by reg. 2(5) of S.R. 2007 No. 292 as from 25.6.07
- ⁶⁹ Part VA and reg. 29A ins. by reg. 7 of S.R. 1995 No. 488 as from 21.12.95
- ⁷⁰ Renumbered by reg. 6(1) of S.R. 1993 No. 401 as from 1.10.93
- ⁷¹ Words ins. by reg. 6(1)(a) of S.R. 1993 No. 401 as from 1.10.93
- ⁷² Paragraph (2) ins. by reg. 6(1)(b) of S.R. 1993 No. 401 as from 1.10.93
- ⁷³ Sub-paragraph (b) subs. by reg. 14(1)(c)(i) of S.R. 2016 No. 104 as from 1.4.16 previously subs. by reg. 2(6) of S.R. 2007 No. 292 as from 25.6.07
- ⁷⁴ Word ins. by reg. 3(2) of S.R. 2013 No. 300 as from 27.12.13
- ⁷⁵ Sub-para. (v) ins. by reg. 3(3) of S.R. 2013 No. 300 as from 27.12.13
- ⁷⁶ Paragraph (3) ins. by reg. 3(4) of S.R. 2013 No. 300 as from 27.12.13
- ⁷⁷ Words ins. by reg. 2(2) of S.R. 1996 No. 382 as from 1.9.96
- ⁷⁸ Words omitted by reg. 2(5)(a) of S.R. 2002 No. 2 as from 1.2.02
- ⁷⁹ Words ins. by reg. 2(3)(b) of S.R. 2014 No. 319 as from 12.1.15
- ⁸⁰ Head (c) subs. by reg. 2(3) of S.R. 1996 No. 382 as from 1.9.96
- ⁸¹ Words ins. by reg. 2(3)(b) of S.R. 2014 No. 319 as from 12.1.15
- ⁸² Words ins. by reg. 5(6)(a) of S.R. 1999 No. 100 as from 1.4.99
- ⁸³ Sub-paragraph (1) subs. by reg. 2(4) of S.R. 1996 No. 382 as from 1.9.96
- ⁸⁴ Words subs. by reg. 2(3) of S.R. 2009 No. 263 as from 1.8.09
- ⁸⁵ Word omitted by reg. 8(2)(a) of S.R. 1995 No. 488 as from 21.12.95
- ⁸⁶ Word and (iii) ins. by reg. 8(2)(b) of S.R. 1995 No. 488 as from 21.12.95
- ⁸⁷ Sub-paragraph (1) subs. by reg. 2(5)(a) of S.R. 1996 No. 382 as from 1.9.96
- ⁸⁸ Words subs. by reg. 2(4) of S.R. 2009 No. 263 as from 1.8.09
- ⁸⁹ Word omitted by reg. 8(3)(a) of S.R. 1995 No. 488 as from 21.12.95
- ⁹⁰ Word and (iv) ins. by reg. 8(3)(b) of S.R. 1995 No. 488 as from 21.12.95
- ⁹¹ Words omitted by reg. 2(5)(b) of S.R. 1996 No. 382 as from 1.9.96
- ⁹² Words subs. by reg. 5(2)(a) of S.R. 1998 No.245 as from 1.8.98
- ⁹³ Words subs. by reg. 5(6)(b)(iii) of S.R. 1999 No. 100 as from 1.4.99
- ⁹⁴ Words ins. by reg. 5(2)(b) of S.R. 1998 No.245 as from 1.8.98 and subs. by reg. 5(6)(b)(ii) of S.R. 1999 No. 100 as from 1.4.99
- ⁹⁵ Sub Paragraph (7) ins. by reg. 5(6)(b)(i) of S.R. 1999 No. 100 as from 1.4.99
- ⁹⁶ Paragraph 11A ins. by reg. 5(3) of S.R. 1998 No.245 as from 1.8.98
- ⁹⁷ Words ins by reg. 5(6)(c) of S.R. 1999 No. 100 as from 1.4.99
- ⁹⁸ Words ins. by reg. 5(6)(d) of S.R. 1999 No. 100 as from 1.4.99
- ⁹⁹ Word deleted by reg. 6(2)(a) of S.R. 2001 No. 89 as from 30.4.012
- ¹⁰⁰ Words omitted by reg. 2(5)(b) of S.R. 2002 No. 2 as from 1.2.02
- ¹⁰¹ Word and (c) added by reg. 6(2)(b) of S.R. 2001 No. 89 as from 30.4.01
- ¹⁰² Paragraph 17 subs. by reg. 4(a) of S.R. 2001 No. 309 as from 1.10.01

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- ¹⁰³ Words ins by reg. 5(6)(c) of S.R. 1999 No. 100 as from 1.4.99
- ¹⁰⁴ Words omitted by reg. 2(5)(c) of S.R. 2002 No. 2 as from 1.2.02
- ¹⁰⁵ Paragraphs (1) omitted and paragraphs (2) and (3) renumbered as (1) and (2) by reg. 2(5)(c) of S.R. 2002 No. 2 as from 1.2.02 [*omitted paragraph (1) was previously amended by reg. 6(3)(a) and (b) of S.R. 2001 No. 89 as from 30.4.01*]
- ¹⁰⁶ Sub-paragraph (4) added by reg. 6(3)(c) of S.R. 2001 No. 89 as from 30.4.01 and omitted by by reg. 2(5)(c) of S.R. 2002 No. 2 as from 1.2.02
- ¹⁰⁷ Paragraph 23A ins. by reg. 4 of S.R. 2013 No. 300 as from 27.12.13
- ¹⁰⁸ Words amended by reg. 5(1)(a) of S.R. 2013 No. 300 as from 27.12.13
- ¹⁰⁹ Sub-paragraph (2) ins. by reg. 5(1)(b) of S.R. 2013 No. 300 as from 27.12.13
- ¹¹⁰ Words ins. by reg. 6(2)(a) of S.R. 2001 No. 2 as from 5.2.01
- ¹¹¹ Word ins. by reg. 6(2)(b) of S.R. 2001 No. 2 as from 5.2.01
- ¹¹² Words subs. by reg. 2(5) of S.R. 2008 No. 395 as from 17.10.08
- ¹¹³ Sub-paragraph (3) subs. by reg. 6(2)(c) of S.R. 2001 No. 2 as from 5.2.01
- ¹¹⁴ Words omitted by reg. 3 of S.R. 2016 No. 334 as from 10.10.16
- ¹¹⁵ Words subs by reg. 2(7) of S.R. 2007 No. 292 as from 25.6.07
- ¹¹⁶ Words subs. by reg. 3(2)(a) of S.R. 1996 No. 114 as from 1.4.96
- ¹¹⁷ Paragraph (3) omitted by reg. 3(2)(b) of S.R. 1996 No. 114 as from 1.4.96
- ¹¹⁸ Paragraph 27A ins. by reg. 6(3) of S.R. 2001 No. 2 as from 2.4.01
- ¹¹⁹ Para. 28(6)(b)(ii) subs. by reg. 14(1)(c)(ii) of S.R. 2016 No. 104 as from 1.4.16
- ¹²⁰ Paragraph 31 subs. by reg. 3(3) of S.R. 1996 No. 114 as from 1.4.96
- ¹²¹ Paragraphs 31A, 31B and 31C ins. by reg. 2 of S.R. 1996 No. 114 as from 1.4.96
- ¹²² Paragraph 31D ins. by reg. 5(4) of S.R. 1998 No.245 as from 1.8.98 and subs. by Art. 2(2) and paragraph 6 of Schedule 2 to S.I. 2014 No. 1887 as from 17.7.14
- ¹²³ Paragraphs 31E, 31F and 31G ins. by reg. 4(b) of S.R. 2001 No. 309 as from 1.10.01
- ¹²⁴ Paragraph 33A ins. by reg. 6(4) of S.R. 2001 No. 89 as from 30.4.01 and omitted by reg. 2(5)(d) of S.R. 2002 No. 2 as from 1.2.02
- ¹²⁵ New paragraph 33A ins. by reg. 4 of S.R. 2005 No. 311 as from 18.7.05
- ¹²⁶ Words subs. by reg. 2(7) of S.R. 2008 No. 395 as from 17.10.08
- ¹²⁷ Words omitted by reg. 8(4)(a) of S.R. 1995 No. 488 as from 21.12.95
- ¹²⁸ Sub-paragraph 10A ins. by reg. 8(4)(b) of S.R. 1995 No. 488 as from 21.12.95
- ¹²⁹ Paragraph 37A ins. by reg. 6(4) of S.R. 2001 No. 2 as from 5.2.01
- ¹³⁰ Paragraph 40 omitted by reg. 2(5)(e) of S.R. 2002 No. 2 as from 1.2.02 [*paragraph 40 was previously amended by reg. 6(5) of S.R. 2001 No. 89 as from 30.4.01*]
- ¹³¹ Paragraph 5A. ins. by reg. 7 of S.R. 1993 No. 401 as from 1.10.93
- ¹³² Paragraph 14 ins. by reg. 9 of S.R. 1995 No. 488 as from 21.12.95
- ¹³³ Paragraphs 15 and 16 ins. by reg. 6 of S.R. 1998 No.245 as from 1.8.98
- ¹³⁴ Paragraph 17 ins. by reg. 7(2) of S.R. 2001 No. 2 as from 5.2.01
- ¹³⁵ Amount subs. by reg. 2(3) of S.R. 2003 No. 325 as from 1.8.03;by reg. 7 of S.R. 2001 No. 89 as from 1.4.01; *previously subs. by reg. 2 of S.R. 2002 No. 171, reg. 7 of S.R. 2001 No. 89 as from 1.4.001 and reg. 7 of S.R. 1998 No.245 as from 1.8.98*
- ¹³⁶ Paragraph 2 subs. by reg. 2(4) of S.R. 2014 No. 3 as from 31.3.14 [*previously amended by reg. 2 of S.R. 2002 No. 171, reg. 7 of S.R. 2001 No. 89 as from 1.4.001 and reg. 7 of S.R. 1998 No.245 as from 1.8.98*]
- ¹³⁷ Schedule 10 ins. by reg. 8 of, and the Schedule to, S.R. 1993 No. 401 as from 1.10.93