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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 101**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Dental Charges)  
(Scotland) Amendment Regulations 2004**

<i>Made</i>	- - - -	<i>8th March 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th March 2004</i>
<i>Coming into force</i>	- -	<i>1st April 2004</i>

The Scottish Ministers, in exercise of the powers conferred by sections 70(1A), 71(1), 71A, 74, 105(7) and 108(1) of, and paragraph 3 of Schedule 11 to, the National Health Service (Scotland) Act 1978(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Dental Charges) (Scotland) Amendment Regulations 2004 and shall come into force on 1st April 2004.

(2) In these Regulations “the principal Regulations” means the National Health Service (Dental Charges) (Scotland) Regulations 2003(2).

**Amendment of the principal Regulations**

2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (8) below.

(2) In regulation 1(2) (interpretation), omit the definition of “NHS trust”.

(3) Subject to regulation 3 below, in regulation 4(5) (calculation of charges), for “£372” in both places where it occurs substitute “£378”.

(4) In regulation 4(4) (calculation of charges)—

(a) in sub paragraph (b), omit “or NHS trust”; and

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(1) 1978 (c. 29); section 70(1A) and 71A were inserted by, and section 71(1) was amended by the Health and Medicines Act 1988 (c. 49), section 11; section 74 was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(12); section 105(7), which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), Schedule 6, paragraph 5 and Schedule 7, paragraph 24 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 and the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.S.I. 2003/158.

- (b) in the full-out, omit “NHS trust.”
- (5) In regulation 5 (conditions for exemption under the Act)—
  - (a) in paragraph (1)(b), for “an NHS trust” substitute “the Agency”;
  - (b) in paragraph (2)(b) after “Board”, insert “or the Agency”; and
  - (c) in paragraph (4), for “NHS trust” substitute “Agency”.
- (6) In regulation 6(1) (making and recovery of charges), for “, a Health Board or NHS trust” substitute “or a Health Board”.
- (7) In regulation 8 (charges for more expensive supplies and repairs), omit—
  - (a) “or a NHS trust”; and
  - (b) “or, as the case may be, the NHS trust”.
- (8) In Schedule 3 (manner of determining charge for replacement)—
  - (a) in paragraph 2(b), for “he” substitute “the person”;
  - (b) in paragraph 3(a), omit “of the person supplied or” in the second place where it appears.

**Transitional provision**

**3.** Where, on or after 1st April 2004, appliances are supplied, or other general dental services are provided, in pursuance of a contract or arrangement for the provision of general dental services made before that date, regulation 4(5) of the principal Regulations shall have effect in respect of that supply, or that other provision, as if regulation 2(3) of these Regulations had not come into force.

St Andrew’s House, Edinburgh  
8th March 2004

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Dental Charges) (Scotland) Regulations 2003 (“the principal Regulations”), which provide for the making and recovery of charges for dental appliances supplied or repaired under the National Health Service, and for other dental treatment provided as part of NHS general dental services. They also remove references to NHS trusts the last of which are to be dissolved on 1st April 2004 (regulation 2(2), (4), (5), (6) and (7)).

Regulation 2(3) increases from £372 to £378 the maximum contribution which a patient may be required to make towards the aggregate costs of dental appliances and other services provided in pursuance of one contract or arrangement.

Regulation 2(5) replaces two references to NHS trusts in regulation 5 of the principal Regulations, giving the Common Services Agency powers in relation to the obtaining of evidence of entitlement to exemption from NHS charges.

Regulation 2(8) makes two technical amendments to Schedule 3 of the principal Regulations.

Regulation 3 is a transitional provision which ensures that the increased maximum contribution under regulation 2(3) of these Regulations applies only where the contract or arrangement leading to the supply of such appliances and the provision of such treatment is made on or after 1st April 2004. Where the contract or arrangement was made before that date but the supply was made on or after that date then the previous rate applies.