



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### PART II

#### PRIMARY CARE

##### *Personal medical or dental services*

#### 26 Charges for dental treatment

(1) In the 1977 Act, after section 78, insert—

##### **“78A Charges for dental treatment under section 28C**

- (1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for dental treatment provided in accordance with section 28C arrangements.
- (2) “Dental treatment” means personal dental services other than those to which section 78(1A) applies.
- (3) The regulations must secure that the amount charged for a particular treatment (or course of treatment) is the same as the amount that would be charged for that treatment (or course of treatment) if it were provided under Part II.
- (4) The regulations may—
  - (a) provide for the amount or the maximum amount of any charge authorised by the regulations to be varied in prescribed circumstances; or
  - (b) give power to direct that the charge is not to be payable.
- (5) If, under a contract or arrangement, a patient receives—
  - (a) services for which a charge is payable under section 78, and

- (b) treatment for which a charge is payable under the regulations, the total charge for those services and that treatment is not to exceed such sum as may be prescribed.
  - (6) No charge is to be made under the regulations in respect of treatment provided for any person who, at the time of the making of the contract or arrangement under which the treatment is provided—
    - (a) was under 18;
    - (b) was under 19 and receiving qualifying full-time education;
    - (c) was pregnant; or
    - (d) had given birth within the previous twelve months.
  - (7) In subsection (6)(b) “qualifying full-time education” has the same meaning as in Schedule 12.
  - (8) The regulations may provide, with respect to any exemption under subsection (6), that it is to be a condition of the exemption that—
    - (a) a declaration of the prescribed kind is made in the prescribed form or manner; or
    - (b) a certificate of the prescribed kind is supplied in the prescribed form or manner.”
- (2) In the 1978 Act, after section 70, insert—

**“70A Charges for dental treatment under section 17C**

- (1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for dental treatment provided in accordance with section 17C arrangements.
- (2) “Dental treatment” means personal dental services other than those to which section 70(1A) applies.
- (3) The regulations must secure that the amount charged for a particular treatment (or course of treatment) is the same as the amount that would be charged for that treatment (or course of treatment) if it were provided under Part II.
- (4) The regulations may—
  - (a) provide for the amount or the maximum amount of any charge authorised by the regulations to be varied in prescribed circumstances; or
  - (b) give power to direct that the charge is not to be payable.
- (5) If, under a contract or arrangement, a patient receives—
  - (a) services for which a charge is payable under section 70, and
  - (b) treatment for which a charge is payable under the regulations,
 the total charge for those services and that treatment is not to exceed such sum as may be prescribed.
- (6) No charge is to be made under the regulations in respect of treatment provided for any person who, at the time of the making of the contract or arrangement under which the treatment is provided—
  - (a) was under 18;

- (b) was under 19 and receiving qualifying full-time education;
  - (c) was pregnant; or
  - (d) had given birth within the previous twelve months.
- (7) In subsection (6)(b) “qualifying full-time education” has the same meaning as in Schedule 11.
- (8) The regulations may provide, with respect to any exemption under subsection (6), that it is to be a condition of the exemption that—
- (a) a declaration of the prescribed kind is made in the prescribed form or manner; or
  - (b) a certificate of the prescribed kind is supplied in the prescribed form or manner.”