

1979 No. 705 (S. 64)
NATIONAL HEALTH SERVICE, SCOTLAND
**The National Health Service (Dental and Optical Charges)
(Scotland) Regulations 1979**

<i>Made</i> - - - -	21st June 1979
<i>Laid before Parliament</i>	25th June 1979
<i>Coming into Operation</i>	16th July 1979

In exercise of the powers conferred on me by sections 70(1), 71, 106(a) and 108(1) of, and paragraphs 2 and 3 of Schedule 11 to the National Health Service (Scotland) Act 1978(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I
GENERAL

Citation, commencement and application

1.—(1) These regulations may be cited as the National Health Service (Dental and Optical Charges) (Scotland) Regulations 1979 and shall come into operation on 16th July 1979.

(2) The charges prescribed by regulations 5 to 8 and Schedule 1 shall only apply in relation to—

- (a) the supply of a dental appliance otherwise than under Part II of the Act where the examination or first examination leading to the supply of that appliance takes place after 15th July 1979; and
- (b) the provision of general dental services where the contract or arrangement leading to the supply as part of those services of a dental appliance or to the provision other than such supply of services takes place after that date.

Interpretation

2.—(1) In these regulations unless the context otherwise requires—

“the Act” means the National Health Service (Scotland) Act 1978;

“appropriate charge”, in relation to any relevant appliance or relevant service, means the charge payable for the supply of that appliance or the provision of that service under or by virtue of section 70 (dental and optical appliances) or subsection (1) (dental treatment) or (2) (special dental treatment) of section 71 of the Act;

“Board” means a Health Board constituted under section 2 of the Act;

“current authorised fee” has the meaning assigned to it in paragraph 3(1) of Schedule 11 to the Act;

“dentist” means a registered dental practitioner;

“Dental Estimates Board” means the Scottish Dental Estimates Board constituted under Part III of the National Health Service (General Dental Services) (Scotland) Regulations 1974(a);

“optician” means an ophthalmic optician or a dispensing optician;

“patient”, in relation to the making and recovery or the payment of a charge, includes a person who pays or undertakes to pay the charge on behalf of a person to whom an appliance is supplied or any treatment or other service under the Act is given;

“relevant appliance” means any such dental or optical appliance as is referred to in regulation 3(a) or (b);

“relevant service” means any such general dental services as is referred to in regulation 3(c) and any special dental treatment;

“special dental treatment”, means such dental treatment as is prescribed by regulation 7(1);

and any other expression used in these regulations to which a meaning is assigned by the Act (either generally for the purposes of the Act or specially for the purposes of section 70 or 71 of, or paragraph 2 or 3 of Schedule 11 to, the Act) shall have the same meaning in these regulations.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation or Schedule is a reference to the regulation in, or, as the case may be, the Schedule to, these regulations which bears that number and any reference in a regulation to a numbered paragraph is a reference to a paragraph bearing that number in that regulation.

PART II

MAKING AND RECOVERY OF CHARGES

Authorisation of charges

3. Charges in respect of—

- (a) the supply of such dental or optical appliances as are mentioned in paragraph 2(1) of Schedule 11 to the Act and which are described in column (1) of Schedule 1 or 2 respectively;
 - (b) the supply of the frames mentioned in paragraph 2(1) of Schedule 11 to the Act, being frames for glasses (other than children’s glasses);
 - (c) the provision of such general dental services as are subject to a charge under section 71(1) of the Act but not including the provision of special dental treatment; and
 - (d) the provision of special dental treatment,
- may be made and recovered in accordance with the provisions of these regulations.

Making and recovery of charges

4.—(1) Where—

- (a) a dentist, as part of general dental services, supplies or is to supply a relevant appliance or provides or is to provide a relevant service;

- (b) an optician, as part of general ophthalmic services, supplies or is to supply a relevant appliance; or
- (c) a Board supplies or is to supply a relevant appliance, he or, as the case may be and subject to paragraph (2), the Board shall—
 - (i) on arranging to supply that appliance or provide that service, make the appropriate charge; and
 - (ii) on supplying or having available for supply that appliance or on providing that service, recover the appropriate charge from the patient (if it has not previously been paid).

(2) Before supplying a relevant appliance, a Board shall obtain an undertaking, signed either by the patient or by some person competent to sign the undertaking on his behalf, to pay the appropriate charge, if it has not previously been paid.

(3) The provisions of this regulation are without prejudice to the provisions of regulation 22(2) of the National Health Service (General Dental Services) (Scotland) Regulations 1974 or regulation 19 of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974(a).

PART III

AMOUNTS OF CHARGES FOR DENTAL SERVICES

Charges for dental appliances

5.—(1) Subject to paragraphs (2) and (3) and to regulation 8, the amount of the charge in respect of the supply of any dental appliance described in column (1) of Schedule 1 shall be the amount set out in column (2) of that Schedule in relation thereto.

(2) Where a dentist—

- (a) has begun for a patient, as part of general dental services, a course of treatment which includes the supply of an appliance described in Schedule 1, and
- (b) has referred that patient to a Board for the supply of that appliance otherwise than as part of those services,

the charge in respect of the supply of that appliance shall be determined in accordance with paragraph (3).

(3) (a) The dentist shall give to the Board a statement of the amount of charges under or by virtue of section 70 and 71 of the Act—

- (i) which have been paid to him by the patient in respect of that course of treatment, or
- (ii) which would be so payable (including any already paid), if no charge fell to be made in respect of the supply of that appliance,

whichever is the greater.

(b) The charge in respect of the supply of that appliance by the Board shall be either the sum which that amount falls short of the full amount of the charges payable by the patient in respect of that course of treatment or the amount set out in column (2) of Schedule 1 in relation to that appliance, whichever is the less; but, if there is no such shortfall, no charge shall be payable in that respect.

(4) No charge shall be payable in respect of the supply of a dental appliance otherwise than under Part II of the Act, to a person who has undergone operative procedures affecting the mandible, the maxilla or the soft tissues of the mouth as part of a treatment for invasive tumours.

Charges for dental treatment

6.—(1) Subject to paragraph (2), and to regulations 7 and 8, the amount of the charge authorised by subsection (1) of section 71 of the Act for any item of service provided as part of general dental services which is subject to a charge under that subsection shall be the current authorised fee for the provision of that item of service or £7, whichever is the less.

(2) Subject to regulation 11, where the current authorised fee for any such item of service is such amount as the Dental Estimates Board may in its discretion approve, whether or not subject to a maximum, the amount of the charge authorised by section 71(1), for that item of service shall be £7 or either—

(a) if the Board has approved a fee for the item of service, the amount of the fee so approved, notwithstanding any subsequent variation of the amount of that fee on appeal (a); or

(b) if the Board has refused to approve a fee for the item of service, the amount of any fee authorised for it on appeal (a)

whichever is the less.

Charges for special dental treatment

7.—(1) The provision, as part of general dental services, of any one or more of the following, namely—

(a) crowns, inlays, pinlays, or gold fillings, and

(b) fillings other than root fillings, of any material in a tooth for which treatment mentioned in sub-paragraph (a) above is provided as part of the same course of treatment,

is prescribed as special dental treatment.

(2) Subject to paragraph (3) and to regulation 8, the amount of the charge for such a special dental treatment shall be £12 for each tooth restored by such treatment.

(3) No charge shall be payable for special dental treatment which forms part of a course of treatment given to a person who on the date of the dental examination leading to the provision of that course of treatment or the first examination—

(a) is under 21 years of age;

(b) is an expectant mother, or

(c) had borne a child within the previous 12 months.

(a) See S.I. 1974/504, Regulation 19.

Maximum charges

8.—(1) Where, in pursuance of any contract or arrangement, any dental appliance is supplied for which a charge is payable under section 70 of the Act and any services are provided for which a charge is payable under section 71(1) of the Act, the aggregate of the charges payable under those provisions in respect of all services provided in pursuance of that contract or arrangement shall not exceed £36 for each course of treatment so provided.

(2) In respect of any course of treatment involving the provision of services for which a charge is payable under or by virtue of section 70 (dental appliances), section 71(1) (dental treatment) or section 71(2) (special dental treatment) of the Act, alone or in combination,—

- (a) the charges payable by virtue of section 70 shall not exceed £36;
- (b) the charges authorised by section 71(1) shall exceed neither—
 - (i) £7, nor
 - (ii) the amount by which any charges in respect of that course of treatment payable by virtue of section 70 fall short of £36;
- (c) the charges payable by virtue of section 71(2) shall exceed neither—
 - (i) £36, nor
 - (ii) the amount by which any charges in respect of that course of treatment payable by virtue of section 70 and any such charges authorised by section 71(1) together fall short of £36;

and, in any case in which two or more of the above sub-paragraphs apply but there is no shortfall under sub-paragraph (b)(ii) or (c)(ii), no charge shall be payable under or by virtue of sub-section (1) or sub-section (2) of section 71, or both of those sub-sections, as the case may require.

PART IV

AMOUNTS OF CHARGES FOR OPTICAL APPLIANCES

Charges for lenses

9.—(1) Subject to paragraphs (2) and (3) below, the amount of the charge in respect of the supply of any lens (not forming part of children's glasses) described in column (1) of Schedule 2 shall be the amount set out in column (2) of that Schedule in relation thereto.

(2) Where more than one pair of glasses is supplied in consequence of a new prescription or a change of prescription, the charge for each lens supplied after the first two shall be reduced by 75p.

(3) Where a contact lens is supplied, pursuant to the provisions of section 39 of the Act or otherwise than under Part II of the Act, to a patient to whom children's glasses may be supplied and for whom a contact lens is clinically necessary, no charge shall be payable for it.

Charges for frames

10. The amount of the charge for frames for glasses (other than children's glasses) shall be as specified in paragraph 2(1) of Schedule 11 to the Act, namely the current specified cost.

PART V
SUPPLEMENTARY

Conditions of exemption

11.—(1) It shall be a condition of an exemption to which this paragraph applies that the person claiming exemption has sent to the Board—

- (a) a declaration in writing stating the ground upon which such exemption is claimed; and
- (b) documentary evidence sufficient to establish that ground, including where appropriate, the age of the claimant, the fact that the claimant was receiving full time education in a school or was an expectant mother or had borne a child within the previous 12 months.

(2) Paragraph (1) applies to any exemption under—

- (a) paragraphs 2(4) or (5) of Schedule 11 to the Act from a charge made under or by virtue of section 70(1) of the Act (charges for dental or optical appliances); and
- (b) paragraph 3(5) of Schedule 11 to the Act from a charge made under or by virtue of section 71(1) of the Act (charges for dental treatment).

(3) Any declaration made by a person claiming exemption under paragraph 3(4) of Schedule 11 to the Act shall be sent in writing to the Board and shall specify the ground upon which the exemption is claimed.

Amendment of regulations

12. In regulation 22(2) of the National Health Service (General Dental Services) (Scotland) Regulations 1974, for the words “under this regulation”, there shall be substituted the words “under the National Health Service (Scotland) Act 1978”.

Revocation of regulations

13. The regulations specified in Schedule 3 are hereby revoked to the extent specified in the third column of that Schedule.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
21st June 1979.

Regulation 5(1)

SCHEDULE 1
CHARGES FOR DENTAL APPLIANCES

<i>Description of Appliance</i>	<i>Column 1</i>	<i>Column 2 Charge £</i>
1. A metal or porcelain based denture		
having 1 to 3 teeth	18·00
having 4 to 8 teeth	19·00
having more than 8 teeth	20·00
2. More than one metal or porcelain based denture	36·00
3. A denture based in materials other than metal or porcelain		
having 1 to 3 teeth	12·00
having 4 to 8 teeth	13·00
having more than 8 teeth	14·00
4. More than one denture based in materials other than metal or porcelain		24·00

NOTE: A bridge, whether fixed or removable, which takes the place of any teeth is deemed to be a denture having that number of teeth (a).

Regulation 9

SCHEDULE 2
CHARGES FOR LENSES

<i>Description of Lens</i>	<i>Column 1</i>	<i>Column 2 Charge £</i>
1. Single vision lens (including single vision lenticular, frosted and chavasse lenses)	2·90
2. Fused glass bifocal lens	5·50
3. Lens of any other description	6·15

(a) See paragraph 6 of Schedule 11 to the National Health Service (Scotland) Act 1978.

SCHEDULE 3
REGULATIONS REVOKED

Regulation 13

(1) <i>S.I. Number</i>	(2) <i>Title</i>	(3) <i>Extent of Revocation</i>
1974/505	The National Health Service (General Dental Services) (Scotland) Regulations 1974	Regulation 22(1)
1974/522	The National Health Service (Charges) (Scotland) Regulations 1974	The whole regulations, except Regulation 7 and Schedule 2
1974/1910	The National Health Service (Charges for Appliances) (Scotland) Regulations 1974	Regulation 4(2)
1975/1987	The National Health Service (Charges) (Scotland) Amendment Regulations 1975	The whole regulations
1977/471	The National Health Service (Charges and Remission) (Scotland) Amendment Regulations 1977	Regulation 2, other than paragraph (e)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations put into consolidated form provisions relating to charges for dental and optical appliances and for dental treatment formerly contained in the National Health Service (Charges) (Scotland) Regulations 1974 and in other Regulations including ones amending those Regulations, which they revoke and supersede.

Part III of and Schedule 1 to these Regulations increase the charges for the supply of certain dental appliances and for the provision of dental treatment under the National Health Service (Scotland) Act 1978. The charges payable for the supply of optical appliances under Part IV of and Schedule 2 to these Regulations remain unchanged.

The Regulations also incorporate certain other changes required for clarification and in consequence of the passing of the National Health Service (Scotland) Act 1978.

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