
STATUTORY INSTRUMENTS

1998 No. 2221

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Dental
Charges) Amendment Regulations 1998**

Made - - - - *10th September 1998*
Laid before Parliament *10th September 1998*
Coming into force - - *1st October 1998*

The Secretary of State for Health, in exercise of powers conferred on him by sections 78(1A), 79(1), 79A, 81, 82(b), 83(a) and 126(4) of the National Health Service Act 1977⁽¹⁾, sections 17(1) and (5) and 20(1), (3) and (5) of the National Health Service (Primary Care) Act 1997⁽²⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Dental Charges) Amendment Regulations 1998 and shall come into force on 1st October 1998.

(2) In these Regulations “the Dental Charges Regulations” means the National Health Service (Dental Charges) Regulations 1989⁽³⁾.

Amendment of the Dental Charges Regulations

2.—(1) Regulation 1(2)(a) of the Dental Charges Regulations is amended as follows—

(a) after the definition of “the Act” there is inserted the following definition—

(1) 1977 c. 49; sections 78(1A) and 79A were inserted by, and section 79 was amended by, the Health and Medicines Act 1988 (c. 49), section 11; sections 81 and 82 were amended by the Health and Social Security Act 1984 (c. 48), section 24 and Schedule 8 Part I and by the National Health Service and Community Care Act 1990 (c. 19), section 5 and Schedule 2, paragraph 22 and are amended prospectively by the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, paragraphs 16 and 17; section 83 was amended by the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, paragraph 39 and by the Health and Social Security Act 1984 (c. 48), section 24 and Schedule 8 Part I and is amended prospectively by the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, paragraph 18.

(2) 1997 c. 46.

(3) S.I.1989/394 as amended by S.I. 1990/1638, 1991/581, 1992/369, 1993/419, 1994/530, 1995/444, 1996/389, 1997/558 and 1998/490.

““the Primary Care Act” means the National Health Service (Primary Care) Act 1997;”;

- (b) in the definitions of “capitation arrangement”, “continuing care arrangement”, “emergency”, “estimate”, “treatment” and “treatment on referral”, for each reference to the National Health Service (General Dental Services) Regulations 1973 there is substituted a reference to the National Health Service (General Dental Services) Regulations 1992(4);
 - (c) after the definition of “patient” there are inserted the following definitions–
 - ““pilot scheme” means a pilot scheme under Part I of the Primary Care Act under which personal dental services are provided;”;
 - ““relevant Health Authority” means the Health Authority with whom the arrangements for providing the dental services in question are made;”
 - (d) in the definition of “Statement of Dental Remuneration”, for the reference to regulation 23 of the National Health Service (General Dental Services) Regulations 1973 there is substituted a reference to regulation 19 of the National Health Service (General Dental Services) Regulations 1992;
 - (e) in the definition of “Statement remuneration” there are added at the end the following words, “and in relation to a service provided under a pilot scheme, means the amount that would be payable if the service were provided as part of general dental services”.
- (2) For regulation 2 of the Dental Charges Regulations there is substituted the following–

“Charges for supply of dental appliances

2.—(1) Subject to paragraph 2(3), (4) and (8) of Schedule 12 to the Act (which provides for circumstances in which no charges may be made) and to paragraph (2), a charge of the amount provided for by regulation 4 may be made and recovered in respect of the supply under the Act of dentures and bridges.

(2) No charge shall be made and recovered under paragraph (1) in respect of a supply, otherwise than as part of general dental services, to a person who has undergone operative procedures affecting the mandible, the maxilla or the soft tissues of the mouth as part of treatment for invasive tumours.”.

- (3) For regulation 3 of the Dental Charges Regulations there is substituted the following–

“Charges for other dental services

3.—(1) Subject to section 79(1)(b) and (c) of, and paragraph 3(4) of Schedule 12 to, the Act and to section 20(6) of the Primary Care Act (which provide for circumstances in which no charge may be made) and to paragraph (2), a charge of the amount provided for by regulation 4 may be made and recovered in respect of the provision of services as part of general dental services or under a pilot scheme.

- (2) No charge shall be made and recovered under paragraph (1) in respect of–
 - (a) the supply of a dental appliance described in regulation 2(1);
 - (b) a visit by a dental practitioner to a patient;
 - (c) the opening by a dental practitioner of his surgery outside his normal opening hours in order to provide treatment in an emergency;
 - (d) the attendance at the surgery of a dental practitioner providing treatment in an emergency of a medical practitioner or of another dental practitioner, specifically

with a view to the administration of a general anaesthetic in connection with treatment in an emergency; or

- (e) treatment (including treatment under a pilot scheme) in the circumstances described in paragraph 7 or 13(2) (repair or replacement of restorations) of Schedule 1 (terms of service) to the National Health Service (General Dental Services) Regulations 1992.”.

(4) For regulation 4 of the Dental Charges Regulations there is substituted the following—

“Calculation of charges

4.—(1) Subject to paragraphs (4) and (5), the amount of the charge which may be made and recovered under regulations 2(1) and 3(1) is 80% of the Statement remuneration (rounded down, where necessary, to the nearest whole penny).

(2) In these Regulations “Statement remuneration” means~~(5)~~—

- (a) in relation to the supply (whether or not as part of general dental services) of an appliance described in regulation 2(1), the remuneration provided for by the Statement of Dental Remuneration as that payable to a dental practitioner for the supply of an appliance of that type;
- (b) in relation to the provision of services described in regulation 3(1), the total amount provided for by that Statement as that payable to the dental practitioner for the provision of those services but where a patient has been accepted by a dental practitioner under a continuing care arrangement or a capitation arrangement or for treatment on referral, does not include the payment which, in accordance with that Statement, falls to be made to the dentist in respect of such an arrangement or referral.

(3) For the purposes of paragraph (2), where the Statement remuneration for any service is a fee of such amount as the Board may in its discretion approve, whether or not subject to a maximum, the amount is—

- (a) if the Board has approved a fee for the service, the amount of the fee so approved, notwithstanding any subsequent variation of that amount on appeal;
- (b) if the Board has refused to approve a fee for the service, the amount of any fee authorised for it on appeal.

(4) Where a dental practitioner—

- (a) has, under an arrangement for the provision of general dental services or services under a pilot scheme, begun to provide for a patient services which include the supply of an appliance described in regulation 2(1); and
- (b) has referred that patient, for the supply of that appliance otherwise than as part of general dental services or services under a pilot scheme, to a health authority or NHS trust or to a person or body pursuant to arrangements under section 23 of the Act,

the amount of the charge for that supply shall be calculated in accordance with Schedule 1, and the dental practitioner shall provide the health authority, NHS trust or other person or body with a written statement of the amounts mentioned in sub-paragraphs (a) and (b) of paragraph 1 of that Schedule.

(5) The amount of the charges payable under regulations 2(1) and 3(1) in respect of all dental appliances supplied and other services provided in pursuance of any one contract or arrangement shall not exceed £340 in the aggregate; and £340 is the sum prescribed for the purposes of paragraph 3(3) of Schedule 12 to the Act and section 20(5) of the Primary Care Act.”.

(5) See section 79A(4) and (5).

- (5) Regulation 5 of the principal Regulations is amended as follows—
- (a) in paragraph (1), after the word “services” there are inserted the words “or under a pilot scheme”;
 - (b) in paragraph (2)—
 - (i) after the words “services” in the second place in which it appears there are inserted the words “and it is a condition of the exemption under section 20(6) of the Primary Care Act in respect of the supply of a dental appliance, or other services provided, to a person under a pilot scheme”;
 - (ii) in sub-paragraph (a), after the words “claim for remuneration or estimate”(6) there are inserted the words “, or in the case of services provided under a pilot scheme on a form to like effect,”.
- (6) Regulation 6 of the Dental Charges Regulations is amended as follows—
- (a) in paragraph (1)—
 - (i) for the words “section 78 of the Act” there are substituted the words “regulation 2(1)”;
 - (ii) after the word “services” there are inserted the words “or services provided under a pilot scheme”;
 - (b) in paragraph (2)—
 - (i) after the words “general dental services” there are inserted the words “or services provided under a pilot scheme”;
 - (ii) for the words “section 78 or section 79 of the Act” there are substituted the words “regulations 2(1) or 3(1)”;
 - (iii) for sub-paragraph (b) there is substituted—

“shall require the patient to acknowledge, on the appropriate part of the claim for remuneration or estimate, or, in the case of services provided under a pilot scheme, on a form to like effect, and before that claim or estimate or form to like effect is sent to the Board, his obligation to pay a charge which is made;”;
 - (iv) for the words, in sub-paragraph (d), “Family Practitioner Committee” there are substituted the words “relevant Health Authority”;
 - (c) in paragraph (3), for the words “Family Practitioner Committee” there are substituted the words “relevant Health Authority”.
- (7) In regulation 8(1) of the Dental Charges Regulations, for the words “authorised by section 78 of the Act” there are substituted the words “under regulation 2(1)”.
- (8) Regulation 9 of the Dental Charges Regulations is amended as follows—
- (a) in paragraph (1), after the word “services” in the first place in which it appears there are inserted the words “or providing services under a pilot scheme”;
 - (b) in paragraph (3), for the words “Family Practitioner Committee” there are substituted the words “relevant Health Authority”.
- (9) In regulation 10 of the Dental Charges Regulations, after the word “services” there are inserted the words “or services under a pilot scheme” and for the words “Family Practitioner Committee” there are substituted the words “relevant Health Authority”.
- (10) In regulation 11(3) of the Dental Charges Regulations for the words “Family Practitioner Committee” there are substituted the words “relevant Health Authority”.
- (11) After regulation 11 of the Dental Charges Regulations there is inserted—

(6) Those words were inserted by regulation 15(5) of S.I. 1990/1638.

“Functions of the Dental Practice Board in relation to pilot schemes

11A. The Board shall have the following powers in relation to pilot schemes–

- (a) to approve, or refuse to approve, the fees referred to in regulation 4(3) and for that purpose to direct a dental practitioner to submit to the Board such information as it may require;
- (b) to require specified evidence to be supplied for the purposes of regulation 5(2)(b);
- (c) to refer a matter mentioned in paragraph 1 of schedule 4 to the relevant Health Authority.”

(12) In regulation 12 of the Dental Charges Regulations, paragraphs (2), (3) and (4) are revoked.

(13) Schedule 1 to the Dental Charges Regulations is amended as follows–

- (a) in paragraph 1(a), for the words “authorised by sections 78 and 79 of the Act” there are substituted the words “payable under regulations 2(1) and 3(1)”;
- (b) in paragraph 1(b), for the words “authorised by those sections” there are substituted the words “payable under those regulations”.

(14) Schedule 4 to the Dental Charges Regulations is amended as follows–

- (a) for the words “Family Practitioner Committee” in each place where they appear there are substituted the words “relevant Health Authority”.
- (b) in paragraph 2, for the words “the matter referred” there are substituted the words “any matter referred to it under paragraph 1 or, in the case of services provided under a pilot scheme, any such matter coming to its attention,”.

Frank Dobson
One of Her Majesty’s Principal Secretaries of
State,
Department of Health

10th September 1998

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Dental Charges) Regulations 1989 (“the Dental Charges Regulations”).

The main purpose of the amendments is to make provision for charges for dental services, provided under a pilot scheme for personal dental services established under the National Health Service (Primary Care) Act 1997, to be made and recovered in like manner as charges may be made and recovered under the Dental Charges Regulations in respect of general dental services provided under part II of the National Health Service Act 1977. The Regulations also make minor miscellaneous amendments.