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STATUTORY INSTRUMENTS

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**2000 No. 2459**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (General Dental Services) Amendment Regulations 2000**

*Made - - - - 11th September 2000*

*Laid before Parliament 12th September 2000*

*Coming into force*

*except regulations 5(2)(a)  
(ii), 5(2)(b), 5(2)(d) and 5(3) 3rd October 2000*

*regulations 5(2)(a)(ii), 5(2)  
(b), 5(2)(d) and 5(3) 13th November 2000*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 15(1), 35(1), 36(1), 37(1)(a) and (1A)(a) and 126(4) of the National Health Service Act 1977(1) hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) Amendment Regulations 2000 and shall come into force on 3rd October 2000, except for regulations 5(2)(a)(ii), 5(2)(b), 5(2)(d) and 5(3) which shall come into force on 13th November 2000.

(2) These Regulations, other than regulation 4 which extends to England and Wales, extend to England only.

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(1) 1977 c. 49; see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i); and by the Health Act 1999 (c. 8) (“the 1999 Act”). Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 5(2); by the 1990 Act, section 12(1) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 6. Section 35(1) was substituted by S.I. 1985/39, article 7(9), and amended by the 1995 Act, Schedule 1, paragraph 24. Section 36(1) was so numbered by the 1984 Act, Schedule 3, paragraph 5(1) and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(10); by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, Schedule 1, paragraph 25(A). Section 37(1) (so numbered by the 1988 Act, section 12(2)) was amended by the Health Services Act 1980 (c. 53), section 1 and Schedule 1, paragraph 50; modified by section 12(1) of the 1988 Act and amended by that Act, Schedule 3; and amended by the 1995 Act, Schedule 1, paragraph 26. Section 37(1A) was inserted by the 1988 Act, section 12(3)(a). Section 126(4) was amended by the 1990 Act, section 65(2); and by the 1999 Act, Schedule 4, paragraph 37(6). As regards Wales, the functions of the Secretary of State under sections 15, 35 (other than the regulation-making functions in section 37(1)), 36 and 126(4) of the 1977 Act were transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1; these Regulations therefore extend only to England, with the exception of regulation 4 which extends to England and Wales.

## **Amendment of the National Health Service (General Dental Services) Regulations 1992**

2. The National Health Service (General Dental Services) Regulations 1992(2) shall be amended in accordance with the following provisions of these Regulations.

### **Amendment of regulation 19**

3. In regulation 19 (Statement and Dental Remuneration), in paragraph (1), for the entry “Incentive scheme allowances” in column (2) of the Table, substitute “Commitment payments”.

### **Amendment of regulation 20**

4. In regulation 20 (approval of payments)—

- (a) in paragraph (4), after “IV,” insert “V”; and
- (b) for paragraph (5), substitute—

“(5) The Health Authority shall pay to a salaried dentist and a dentist providing emergency dental service remuneration in accordance with Determination II of the Statement of Dental Remuneration.”.

### **Amendment of Schedule 1**

5.—(1) Schedule 1 (terms of service for dentists) is amended as follows.

(2) In paragraph 25 (records)—

(a) in sub-paragraph (1)—

- (i) before “record” the first time it appears, insert “full, accurate and contemporaneous”, and
- (ii) after “any practice record form” insert “or form recording recalled attendance in accordance with paragraph 27B”;

(b) in sub-paragraph (2) after “records,” insert “forms,”;

(c) for sub-paragraph (3) substitute—

“(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, the Health Authority or the Secretary of State, or
- (ii) send them to the Board, Health Authority or the Secretary of State within 14 days of being required to do so by one of those persons.”; and

(d) in sub-paragraph (4), after “other than the practice record form” insert “and the form recording recalled attendance in accordance with paragraph 27B”.

(3) After paragraph 27 insert—

#### **“Completion 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 National Health Service (Dental Charges) Regulations 1989(3) by virtue of either—

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(2) S.I. 1992/661, to which there are amendments not relevant to these Regulations.

(3) S.I. 1989/394, amended by S.I. 1992/369, 1993/419, 1994/530, 1995/444, 1996/389, 1997/558, 1998/490 and 2221, 1999/544 and 2000/596.

- (a) entitlement to exemption under sub-paragraph (4) of paragraph (2) or sub-paragraph (4) of paragraph (3) of Schedule 12 to the Act; or
- (b) entitlement to remission of such charges under regulation 3 or 5 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(4), 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 or the 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.

#### **Recalled attendance**

**27B.** Where a dentist is recalled to his practice premises at a time when he does not normally provide general dental services in order to provide treatment in an emergency he shall, on each occasion he does so, at the time of that recalled attendance—

- (a) complete a form supplied by the Health Authority for the purpose of supporting his claim to an allowance for that recalled attendance; and
- (b) obtain the signature on that form of the patient whom he has been recalled to treat, or of a person acting on behalf of that patient.”.

(4) After paragraph 37 insert—

“**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; and
- (b) identifies the assistant by whom the care and treatment was given and his status as an assistant.”.

Signed by the authority of the Secretary of State for Health

*Yvette Cooper*  
Parliamentary Under Secretary of State for  
Public Health,  
Department of Health

11th September 2000

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(4) S.I. 1988/551, amended by S.I. 1989/394, 517, and 614, 1990/548, 918 and 1661, 1991/557, 1993/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/2417, 1999/767 and 2507 and 2000/621.

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

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## EXPLANATORY NOTE

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

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 (S.I. 1992/661) (“the 1992 Regulations”) which regulate the terms on which general dental services are provided under the National Health Service Act 1977. The Regulations, other than regulation 4 which extends to England and Wales, extend to England only.

Regulation 3 amends regulation 19 of the 1992 Regulations so that Determination V of the Statement of Dental Remuneration relates to the subject matter “commitment payments”, Regulation 4 amends regulation 20 so that dentists' remuneration under that Determination is to be paid by the Dental Practice Board rather than Health Authorities.

Regulation 5 amends Schedule 1 to the 1992 Regulations, which contains dentists' terms of service, with regard to forms and records. Regulation 5(2) amends the circumstances in which records must be produced for inspection. Regulation 5(3) inserts a new requirement for a dentist to ask to see evidence in support of a patient's claim that he is entitled to exemption from, or remission of, dental charges and to record in his claim for remuneration when he does not see such evidence. He is also to be required to complete a form and obtain a signature from the patient when he makes a claim for remuneration following his recall to his practice for an emergency outside usual practice hours. Regulation 5(4) inserts a requirement for separate claim forms to be completed for treatment given by assistants.