

SCHEDULE 6

Regulation 11

Manner of determining Charge for Replacement

1. Where the Secretary of State, on considering a claim submitted for the approval of a free replacement of a dental appliance or an orthodontic appliance supplied in the course of the provision of relevant primary dental services, considers that there are grounds for believing that—

- (a) the replacement is necessitated by such an act or omission as is referred to in regulation 11(1); or
- (b) the replacement, although necessitated by such an act or omission as is referred to in regulation 11(1), was not wholly necessitated by a lack of reasonable care as is referred to in regulation 11(3),

she may investigate the matter.

2. The Secretary of State may make such inquiry into any matter falling within paragraph 1 as she thinks fit and if either—

- (a) in her opinion the circumstances so require; or
- (b) the person supplied or (if he is under 16 years of age) the person in charge of him so requires,

the inquiry shall take the form of an oral hearing by a committee appointed by the Secretary of State for the purpose.

3. The Secretary of State, having considered any report made by the committee under paragraph 2—

- (a) shall determine whether the replacement is necessitated by an act or omission on the part of the person supplied or (if the act or omission occurred when the person supplied was under 16 years of age) of the person supplied or of the person having charge of him when the act or omission occurred;
- (b) if it is so necessitated, shall determine whether the replacement was not wholly necessitated by a lack of reasonable care as referred to in regulation 11(3); and
- (c) if it is so necessitated, shall determine, in accordance with regulation 11(2) and (3), the amount of the charge to be made and recovered.

4. The Secretary of State shall communicate her determination to—

- (a) the relevant person (within the meaning of regulation 11(4));
- (b) the provider of relevant primary dental services replacing the dental appliance or orthodontic appliance; and
- (c) the relevant Primary Care Trust.