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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 168**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Dental Charges)  
(Scotland) Amendment Regulations 2011**

*Made* - - - - 28th February 2011  
*Laid before the Scottish  
Parliament* - - - - 1st March 2011  
*Coming into force* - - 23rd March 2011

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 70(1A), 71(1), 71A, 73(b), 74(b), 75, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and sections 20(1) and (3) and 39(1) and (2) and 40(2) of the National Health Service (Primary Care) Act 1997(2) and of all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Dental Charges) (Scotland) Amendment Regulations 2011 and come into force on 23rd March 2011.

**Amendment of the National Health Service (Dental Charges) (Scotland) Regulations 2003**

2.—(1) The National Health Service (Dental Charges) (Scotland) Regulations 2003(3) are amended in accordance with the following paragraphs.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) for the definition of “the 1996 Regulations”, substitute—

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- (1) 1978 c.29; section 70(1A) was inserted by the Health and Medicines Act 1988 (c.49) (“the 1988 Act”), section 11(4); section 71(1) was amended by the 1988 Act, section 11(5) and Schedule 3 and by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) (“the 2005 Act”), section 12(2); section 71A was inserted by the 1988 Act, section 11(6); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part 1, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 73(b) was amended by the Health and Social Security Act 1984 (c. 48), Schedule 8, Part I and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 47; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) (“the 1998 Act”).
- (2) 1997 c.46; section 20(1) was amended by the 2005 Act, section 12(3); section 40(2) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (3) S.S.I. 2003/158 as amended by S.S.I. 2004/101, 2005/121 and 2006/131.

- “the 2010 Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 2010(4).”;
- (b) in the definitions of “capitation arrangement”, “continuing care arrangement”, “emergency”, “estimate”, “Statement of Dental Remuneration”, “treatment” and “treatment on referral” respectively, for “the 1996 Regulations”, substitute “the 2010 Regulations”.
- (c) after the definition of “the Board” insert—
- ““body corporate” has the same meaning as in the 2010 Regulations;”.
- (3) In regulation 3(2)(e) (charges for supply of dental appliances) for “13(2) (treatment on referral)” to the end, substitute “14(5) (treatment on referral) or 18(4) (occasional treatment) of Schedule 1 (terms of service) to the 2010 Regulations”.
- (4) In regulation 4(2)(a) (calculation of charges) after “dental practitioner” insert “or a body corporate”.
- (5) For regulation 4(2)(b) substitute—
- “(b) in relation to the provision of services described in regulation 3(1), the total amount provided for by the Statement of Dental Remuneration as that payable to the dental practitioner or body corporate (as the case may be) for the provision of those services but where a patient has been accepted by a dental practitioner or a body corporate 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 dental practitioner or body corporate in respect of such an arrangement or referral.”.
- (6) In regulations 4(4) and 6(2) and (3) (making and recovery of charges) after “dental practitioner” in each case insert “or (in the case of general dental services) a body corporate”.
- (7) In regulation 9(1) (charges for replacement – dental services)—
- (a) for “Where a dental practitioner” to “under a pilot scheme”, substitute “Where a dental practitioner or a body corporate providing general dental services, or a dental practitioner providing services under a pilot scheme”;
- (b) after “the dental practitioner” insert “or body corporate, as the case may be”.
- (8) In regulation 10 (discontinuation of treatment – dental services)—
- (a) for “A dental practitioner providing” to “under a pilot scheme”, substitute “A dental practitioner or a body corporate providing general dental services, or a dental practitioner providing services under a pilot scheme”; and
- (b) after “the practitioner” in both places it appears, insert “or body corporate”.
- (9) In regulation 11(1) and (3) (reduction of remuneration and accounting for charges – general dental services) after “dental practitioner” insert “or a body corporate”.
- (10) In paragraphs 1 and 2 of Schedule 1 (calculation of charge for supply of appliance on referral) after “dental practitioner” in each place it appears insert “or body corporate”.
- (11) In paragraph 4(b) of Schedule 3 (manner of determining charge for replacement) after “dental practitioner” insert “or body corporate”.

St Andrew's House,  
Edinburgh  
28th February 2011

*S ROBISON*  
Authorised to sign by the Scottish Ministers

**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 amend the National Health Service (Dental Charges) (Scotland) Regulations 2003 (“the Regulations”) which provide for the making and recovery of charges in respect of the supply of dental appliances under the National Health Service and in respect of the provision of dental treatment under general dental services or in accordance with pilot schemes. The amendments are consequential on the revocation and consolidation of the National Health Service (General Dental Services) (Scotland) Regulations 1996 by the National Health Service (General Dental Services) (Scotland) Regulations 2010.