



2008 CHAPTER 2

Dental services

Charges for dental services

4.—(1) In Article 98 of the Order of 1972 (services free of charge), after paragraph (2) add—

“(3) Schedule 15A, which makes provisions with respect to exemptions from dental charges under paragraph 1A of Schedule 15, shall have effect.”.

(2) In Schedule 15 to the Order of 1972 (charges in respect of certain services), for paragraph (1A) substitute—

“1A.—(1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for relevant dental services.

(2) Regulations under sub-paragraph (1) may in particular include provision—

- (a) specifying the amount, or maximum amount, of any charge (or aggregate charge in respect of the provision for two or more relevant dental services);
- (b) for calculating the amount of any charge;
- (c) for the variation of the amount, or maximum amount, of any charge in cases of a prescribed description;
- (d) for any charge not to be payable in cases of a prescribed description;
- (e) for power to direct that a charge is not payable in any particular case;

(f) for the repayment of any charge (including provision as to the persons by whom, and manner in which, repayments are to be made).

(3) Regulations under sub-paragraph (1) may provide for sums which would otherwise be payable by a Health and Social Services Board to persons providing relevant dental services to be reduced by the amount of the charges authorised by the regulations.

(4) This paragraph is subject to Schedule 15A.

(5) In this Schedule and Schedule 15A “relevant dental services” means—

(a) dental treatment provided—

(i) under Article 60A(2) (dental services provided by a Health and Social Services Board);

(ii) under a general dental services contract;

(iii) in accordance with Article 15B arrangements; and

(b) the supply of dentures and other dental appliances under this Order.

(6) Any reference in this paragraph or Schedule 15A to the supply of an appliance includes a reference to its repair, adjustment, refitting or replacement and, in the case of dentures, to their being relined or having additions made to them.”

(3) After Schedule 15 to that Order insert—

“SCHEDULE 15A

DENTAL CHARGING: EXEMPTIONS

General exemptions

1.—(1) No charge is to be made under regulations under paragraph 1A(1) of Schedule 15 in respect of a relevant dental service provided for any person who at the prescribed time—

(a) was under the age of 18;

(b) was under the age of 19 and receiving qualifying full-time education;

(c) was pregnant; or

(d) had given birth to a child within the previous 12 months.

(2) In sub-paragraph (1)(b), “qualifying full-time education” means full-time instruction at a recognised educational establishment or by other means accepted as comparable by the person or body making the regulations.

(3) For the purposes of sub-paragraph (2)—

Status: This is the original version (as it was originally enacted).

- (a) “recognised educational establishment” means an establishment recognised by the Department as being, or as comparable to, a school, college or university; and
 - (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.
- (4) In sub-paragraph (1)(d), “child” includes a still-born child (within the meaning of the Births and Deaths Registration (Northern Ireland) Order 1976).
- (5) This paragraph is subject to paragraph 3.

Repair and replacement

- 2.—(1) No charge is to be made under regulations under paragraph 1A(1) of Schedule 15 in respect of the repair or replacement of any appliance.
- (2) This paragraph is subject to paragraph 3.

Exceptions to paragraphs 1 and 2

3. Paragraphs 1 and 2 do not apply in relation to—
- (a) the repair or replacement of any appliance of a prescribed description; or
 - (b) the repair or replacement of any appliance where it is determined in the prescribed manner—
 - (i) in any case, that the repair or replacement was necessitated by an act or omission of the person supplied; or
 - (ii) in a case where the person supplied was under the age of 16, that the repair or replacement was necessitated by an act or omission, occurring while that person was under that age, of a person having charge of him.

Hospital patients

4. No charge is to be made under regulations under paragraph 1A(1) of Schedule 15 in respect of any appliance supplied to a patient for the time being resident in a hospital.
5. Paragraph 4 does not apply where an appliance is supplied—
- (a) under Article 60A(2);
 - (b) under a general dental services contract; or
 - (c) in accordance with Article 15B arrangements.

Arrest of bleeding

6. No charge is to be made under regulations under paragraph 1A(1) of Schedule 15 in respect of the arrest of bleeding.

Declarations and evidence

7. Regulations may provide, with respect to any exemption under this Schedule, that it is to be a condition of the exemption that—

- (a) a declaration of the prescribed kind is made in the prescribed form and manner; or
- (b) a certificate or other evidence of the prescribed kind is supplied in the prescribed form and manner.”.

(4) In Article 107 of the Order of 1972 (orders, regulations and directions)—

- (a) in paragraph (1), after “and” (second time) insert “, except as provided in paragraph (1A),”;
- (b) after paragraph (1) insert—

“(1A) The Department may not make a statutory rule containing the first regulations made under paragraph 1A(1) of Schedule 15 unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(5) Article 26 of the [Health Services \(Primary Care\) \(Northern Ireland\) Order 1997 \(NI 7\)](#) is repealed.

(6) In respect of any period after the coming into operation of this section but before the coming into operation of section 6, paragraph 1A(5)(b) of Schedule 15 to the Order of 1972 (as inserted by subsection (2) above) shall have effect as if it included a reference to the supply of dentures and other dental appliances in accordance with a pilot scheme under Part II of the [Health Services \(Primary Care\) \(Northern Ireland\) Order 1997 \(NI 7\)](#).