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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**The National Health Service (Dental Charges) Regulations 2005**

**Transitional provisions**

**13.**—(1) Subject to paragraphs (2) to (8) of this regulation, any charge which is payable under the Dental Charges Regulations 1989 prior to 1 April 2006 but which has not been made and recovered before that date, may be made and recovered in accordance with the provisions of those Regulations as though they remained in force.

(2) Where a person, who is not otherwise exempt from paying a charge under these Regulations, as part of the provision of general dental services or services under a pilot scheme—

- (a) has been accepted by a dentist for care and treatment under a continuing care arrangement or for services under a pilot scheme;
- (b) is provided with a plan for treatment on a form supplied for that purpose by a Primary Care Trust—
  - (i) in relation to a continuing care arrangement, pursuant to paragraph 4(1)(b) of Schedule 1 to the General Dental Services Regulations 1992, on or after 1 January 2006, or
  - (ii) in relation to services under a pilot scheme, in accordance with the Secretary of State's Directions to Health Authorities Concerning the Implementation of Pilot Schemes (Personal Dental Services)(1), on or after 1 January 2006;

(c) has not been provided with all the treatment listed on that form prior to 1 April 2006; and

(d) receives part of the treatment listed on that form on or after 1 April 2006,

a charge in accordance with paragraph (3) may be made and recovered for that treatment.

(3) The charge which may be made and recovered from a person falling within paragraph (2) is the lower of the charges set out in sub-paragraphs (a) and (b)—

- (a) the charge for the treatment listed on the plan referred to in paragraph (2)(b), which has been provided to the patient, calculated in accordance with regulation 4 of the Dental Charges Regulations 1989; or
- (b) the charge for the treatment listed on the plan referred to in paragraph (2)(b), which has been provided to the patient, calculated in accordance with regulation 4 of these Regulations.

(4) The calculation by the provider as to which of the charges referred to in paragraph (3) is the lower shall take place on—

- (a) the date on which the final treatment listed on the plan referred to in paragraph (2)(b) is provided; or
- (b) where a patient voluntarily withdraws from, or is withdrawn by the provider from, treatment before the final treatment listed on the plan referred to in paragraph (2)(b) has been provided, the date on which the withdrawal takes place.

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(1) These Directions were made in August 1998 and are available at [www.dh.gov.uk](http://www.dh.gov.uk).

(5) Regulation 6(4) applies to a person falling within paragraph (2) and the 2 month period referred to in regulation 6(4) shall be deemed to run from—

- (a) the date on which the final treatment listed on the form referred to in paragraph (2)(b) is provided; or
- (b) where a patient voluntarily withdraws from, or is withdrawn by the provider from treatment, before the final treatment listed on the plan referred to in paragraph (2)(b) has been provided, the date on which the withdrawal takes place .

(6) Where—

- (a) an arrangement has been made for a dental appliance to be supplied on or after 1 January 2006 otherwise than as part of general dental services or services under a pilot scheme; and
- (b) the dental appliance is not supplied prior to 1 April 2006,

the charge that may be made and recovered for the supply of that appliance is the lower of—

- (i) the charge for the supply of the appliance calculated in accordance with regulation 4 of the Dental Charges Regulations 1989, or
- (ii) the charge for the supply of the appliance calculated in accordance with regulation 4(4) of these Regulations.

(7) Where a person, who is not otherwise exempt from paying a charge under these Regulations, as part of the provision of general dental services is provided with at least part of a course of occasional treatment within the meaning of paragraph 17 of Schedule 1 to the General Dental Services Regulations 1992 on or after 1 January 2006 but prior to 1 April 2006 where—

- (a) every treatment included in that course of occasional treatment is listed in Schedule 4 to these Regulations and therefore constitutes an urgent course of treatment under these Regulations;
- (b) not all treatment included in that course of occasional treatment has been provided prior to 1 April 2006; and
- (c) part of the course of occasional treatment is provided on or after 1 April 2006,

the charge that may be made and recovered for that treatment is the lower of—

- (i) the charge for the course of occasional treatment, which has been provided to the patient, calculated in accordance with regulation 4 of the Dental Charges Regulations 1989, or
- (ii) the charge for the urgent course of treatment, which has been provided to the patient, calculated in accordance with regulation 4 of these Regulations.

(8) The calculation by the provider as to which of the charges referred to in paragraph (7) is lower shall take place on—

- (a) the date on which the final treatment in the course of occasional treatment referred to in paragraph (7) is provided; or
- (b) where a patient voluntarily withdraws from, or is withdrawn by the provider from treatment, before the final treatment in the course of occasional treatment has been provided, the date on which the withdrawal takes place.

(9) Where a person who falls within paragraph (2), (6) or (7) has paid part or all of a charge prior to 1 April 2006 for treatment provided or appliances supplied and that charge is higher than the charge he is required to pay under paragraph (3), (6) or (7) respectively, he is entitled to have repaid to him the amount of the charge he has paid in excess of the charge he is required to pay.

(10) The repayment to a person in accordance with paragraph (9) shall be made by the provider who has provided treatment or supplied dental appliances to that person under this regulation.

(11) For the purposes of this regulation—

- (a) “continuing care arrangement” means an arrangement between the dentist and the patient whereby the dentist provides care and treatment in accordance with paragraph 4 of Schedule 1 to the General Dental Services Regulations 1992;
- (b) “dentist” means a registered dental practitioner;
- (c) “general dental services” has the meaning given in section 35(1A) of the Act;
- (d) “pilot scheme” means a pilot scheme under Part I of the National Health Service (Primary Care) Act 1997(2).