
DRAFT STATUTORY INSTRUMENTS

2005 No.

The National Health Service (Dental Charges) Regulations 2005

Interpretation

2.—(1) In these Regulations—

“the Act” means the National Health Service Act 1977;

“bridge” means a fixed or a removable bridge which takes the place of any teeth;

“course of treatment” means—

- (a) an examination of a patient, an assessment of his oral health, and the planning of any treatment to be provided to that patient as a result of that examination and assessment, and
- (b) the provision of any planned treatment (including any treatment planned at a time other than at the time of the initial examination) to that patient up to the date on which—
 - (i) each and every component of the planned treatment has been provided to the patient, or
 - (ii) the patient either voluntarily withdraws from, or is withdrawn by the provider from, treatment,

by one or more providers of relevant primary dental services;

“dental appliance” means a denture or bridge and for the purposes of this definition, a denture includes an obturator;

“Dental Charges Regulations 1989” means the National Health Service (Dental Charges) Regulations 1989(1);

“dental public health services” means services provided under section 16CB(4)(c) of the Act;

“General Dental Services Regulations 1992” means the National Health Service (General Dental Services) Regulations 1992(2);

“orthodontic appliance” means a device used in the mouth to move or immobilise the teeth in order to correct or prevent malocclusion;

“orthodontic treatment” means treatment of, or treatment to prevent, malocclusion of the teeth and jaws, and irregularities of the teeth;

“patient” includes (when the context requires) a person who pays or undertakes to pay a charge on behalf of a person to whom a dental appliance is supplied or to whom some other relevant primary dental service is provided;

“patient record” means a form supplied by a Primary Care Trust for the purpose of maintaining a record of treatment, and may include an electronic form;

“prison” includes a young offender institution but not a secure training centre or a naval, military or air force prison, and for the purposes of this definition—

(1) S.I. 1989/394. This has been amended by S.I. 1990/1638, S.I. 1991/581, S.I. 1992/369, S.I. 1993/419, S.I. 1994/530, S.I. 1995/444, S.I. 1996/389, S.I. 1997/558, S.I. 1998/490, S.I. 1998/2221, S.I. 1999/544, S.I. 2000/596, S.I. 2001/707, S.I. 2001/2807, S.I. 2002/544, S.I. 2002/2353, S.I. 2003/586, S.I. 2003/2382, S.I. 2004/696, S.I. 2004/1091 and S.I. 2005/576

(2) S.I. 1992/661. Relevant amendments are to paragraph 4 of Schedule 1 to S.I. 1992/661. Paragraph 4 of Schedule 1 was amended by S.I. 1996/2051, S.I. 2001/2421, S.I. 2001/3963 and S.I. 2002/2469,

(a) “secure training centre” means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)(3) may be detained and given training and education and prepared for their release, and

(b) “young offender institution” means a place for the detention of offenders sentenced to detention in a young offender institution or to detention in a young offender institution as part of a longer custodial sentence, including custody for life;

“prisoner” means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the Act by, or under arrangements made by, a Primary Care Trust otherwise than by virtue of section 18A(5) of the Act (provision of services etc);

“relevant primary dental services” means dental treatment (including urgent treatment and orthodontic treatment) provided and dental appliances and orthodontic appliances supplied—

- (i) under section 16CA(2) of the Act (dental services provided by a Primary Care Trust or Local Health Board);
- (ii) under a general dental services contract; or
- (iii) in accordance with arrangements under section 28C of the Act (personal medical and dental services);

“relevant Primary Care Trust” means in relation to a person providing relevant primary dental services—

- (i) where a Primary Care Trust is a party to a general dental services contract or an agreement under section 28C of the Act (personal medical or dental services) for the provision of relevant primary dental services with that person, that Primary Care Trust;
- (ii) where a Primary Care Trust is providing relevant primary dental services itself under section 16CA(2) of the Act (dental services provided by a Primary Care Trust or Local Health Board) or pursuant to an agreement under section 28C of the Act (personal medical or dental services), that Primary Care Trust;
- (iii) where an NHS trust or NHS foundation trust is providing relevant primary dental services pursuant to an agreement under section 28C of the Act (personal medical or dental services) for the provision of relevant primary dental services, the Primary Care Trust in whose area all or most of the hospitals, establishments and facilities of the NHS trust or NHS foundation trust are situated; or
- (iv) where a Primary Care Trust, NHS trust or NHS foundation trust supplies dental appliances under the Act otherwise than as part of relevant primary dental services, that Primary Care Trust or the Primary Care Trust in whose area all or most of the hospitals, establishments and facilities of the NHS trust or NHS foundation trust are situated;

“restoration” means a filling, root filling, inlay, porcelain veneer or crown;

“trauma” means damage to teeth, gingival tissues or alveoli caused by a force arising outside the mouth, resulting in mobility, luxation, subluxation or fracture of the hard tissues or injury to the soft tissues;

“treatment” means all proper and necessary dental treatment which a provider of relevant primary dental services usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, advice on and planning of treatment, preventive care and treatment, periodontal treatment, conservative treatment, surgical treatment, the supply and repair of dental appliances and orthodontic appliances, orthodontic treatment, the taking of radiographs, the provision of sedation in connection with such treatment, the supply

(3) 2000 c.6.

of listed drugs and the issue of prescriptions whether or not provided on referral to the provider of relevant primary dental services;

“urgent treatment” means one or more of the treatments listed in Schedule 4 that are provided to a person in circumstances where—

- (a) prompt care and treatment is provided because, in the opinion of the dental practitioner, that person’s oral health is likely to deteriorate significantly, or the person is in severe pain by reason of his oral condition; and
- (b) care and treatment is provided only to the extent that is necessary to prevent that significant deterioration or address that severe pain,

and “urgent course of treatment” shall be construed accordingly;

(2) A reference to the Secretary of State includes a reference to a Special Health Authority or Primary Care Trust exercising functions on her behalf.