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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

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

**Making and recovery of charges**

**8.—(1)** Where any charge is payable under regulation 4(4) in respect of the supply of a dental appliance under the Act otherwise than as part of relevant primary dental services, a Primary Care Trust, NHS trust or NHS foundation trust —

- (a) may, on arranging to supply it, make the appropriate charge;
- (b) may, on supplying it or having it available for supply, recover the appropriate charge from the patient (if it has not previously been paid); and
- (c) shall, on receiving a sum for payment (in full or in part) of the charge payable under these Regulations, give a receipt for it on—
  - (i) a paper form provided for that purpose by the relevant Primary Care Trust; or
  - (ii) an electronic form which identifies the person who supplied the dental appliance, the patient, the amount of the charge paid and the date on which it is paid.

(2) A provider of relevant primary dental services, in providing relevant primary dental services for which a charge may be made under regulations 4(1) to (3) or (5)—

- (a) may, on arranging to provide a course of treatment or urgent course of treatment, make the appropriate charge;
- (b) shall require the patient to acknowledge, on the appropriate part of the form supplied for that purpose by the relevant Primary Care Trust, and before that form is sent to the Secretary of State, his obligation to pay a charge which is made;
- (c) may, on completing the course of treatment or urgent course of treatment, recover the charge from the patient (if it has not previously been paid);
- (d) shall, on receiving a sum for payment (in full or in part) of the charge payable under these Regulations, give a receipt for it on—
  - (i) a paper form provided for that purpose by the relevant Primary Care Trust; or
  - (ii) an electronic form which identifies the provider of the relevant primary dental services, the patient, the amount of the charge paid and the date on which it is paid.

(3) Where a provider of relevant primary dental services has commenced a course of treatment or urgent course of treatment with regard to a patient and refers the patient to—

- (a) an alternative provider of relevant primary dental services for part of the course of treatment or urgent course of treatment; or
- (b) a hospital or other service provider under Part 1 of the Act for the supply of a dental appliance as part of that course of treatment,

only the original provider of the relevant primary dental services may make and recover the charge set out in regulation 4 and shall comply with sub-paragraphs (b) and (d) of paragraph (2) above.

(4) Where a declaration has been made under regulation 7(1)(a), but the person about whom the declaration has been made is not at the relevant date within one of the specified categories, and in consequence of the declaration, a charge has not been recovered—

- (a) in respect of relevant primary dental services; or
- (b) in respect of a dental appliance supplied under the Act otherwise than as part of relevant primary dental services,

the Secretary of State may recover the charge from the person who made the declaration (whether or not the obligation to pay has been acknowledged).

(5) In this regulation, “relevant date” and “the specified categories” have the same meaning as in regulation 7.