

1985 No. 1336

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (General Dental Services)
Amendment Regulations 1985**

<i>Made - - - -</i>	<i>23rd August 1985</i>
<i>Laid before Parliament</i>	<i>2nd September 1985</i>
<i>Coming into Operation</i>	<i>1st October 1985</i>

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 35(1), 36 and 37 of the National Health Service Act 1977^(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Dental Services) Amendment Regulations 1985 and shall come into operation on 1st October 1985.

(2) In these regulations “the principal regulations” means the National Health Service (General Dental Services) Regulations 1973^(b).

Amendment of principal regulations

2.—(1) The principal regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation), for the definition of “dental estimate form” the following definition is substituted:—

“dental estimate form” means—

- (a) in respect of treatment other than that described in paragraph 1(b) or (c), the dental estimate form set out in Determination VI of the Statement of Dental Remuneration or a form to the like effect;
- (b) in respect of orthodontic treatment where the contract or arrangement leading to the provision of the treatment is made after 28th February 1986, the estimate form for orthodontic treatment set out in that Determination or a form to the like effect;
- (c) in respect of examination of one or more patients (none of whom is an expectant mother or a woman who has borne a child in the twelve

^(a) 1977 c. 49; section 35(1) was modified by the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39), article 7.

^(b) S.I. 1973/1468; the relevant amending instrument is S.I. 1980/986.

months ending on the date of the examination) for whom no further treatment is necessary to secure dental fitness, the summary form for dental examination and report set out in that Determination;

and “appropriate dental estimate form” shall be construed accordingly.”.

(3) In regulation 15 (reports), for the words from “as soon as” to “that day” there are substituted the words “in each year a report of the Board’s proceedings since the end of the period to which the report last submitted by the Board related”.

(4) In regulation 26 (recovery of overpayments), for paragraph (1) there is substituted the following paragraph:—

“(1) Where the Committee considers that a payment has been made to a dentist owing to an error or in circumstances when it was not due the Committee, except to the extent that the Secretary of State on application of the Committee directs otherwise, shall draw that overpayment to the attention of the dentist and—

- (a) where the overpayment is admitted by him; or
- (b) where the overpayment is not so admitted but, the matter having been referred under regulation 6(6)(a) of the National Health Service (Service Committees and Tribunal) Regulations 1974(a) for investigation, the Committee, or the Secretary of State on appeal, decides that there has been an overpayment,

the amount overpaid shall be recoverable either by deduction from the remuneration of the dentist or in some other manner.”.

(5) In Schedule 1 (terms of service)—

- (a) in paragraph 6(2) (records), after the words “all films” the words “and dental models (being dental models in respect of orthodontic treatment)” are inserted;
- (b) in paragraph 8 (use of dental estimate form)—
 - (i) for the words “dental estimate form” wherever they appear there are substituted the words “the appropriate dental estimate form”;
 - (ii) in sub-paragraph (1), the words “other than occasional treatment” are omitted;
 - (iii) in sub-paragraph (1)(a), after the word “shall” there are inserted the words “except in respect of occasional treatment”;
 - (iv) in sub-paragraph (1)(c), for the words from the beginning to “treatment necessary” there are substituted the words “shall, at the appropriate time, complete each relevant part of the appropriate dental estimate form in accordance with instructions for the completion of such forms and in particular shall, except in the case of occasional treatment, set out in the form in accordance with such instructions the whole of the treatment, or as the case may be, of the orthodontic treatment, necessary”;

(a) S.I. 1974/455.

- (v) after sub-paragraph (1)(d) the following sub-paragraph is inserted:—

“(e) may, where the appropriate dental estimate form is the summary form for dental examination and report, use instead, in respect of each patient, the dental estimate form set out in Determination VI of the Statement of Dental Remuneration or a form to the like effect.”;

- (vi) after sub-paragraph (2) the following sub-paragraph is inserted:—

“(3) A dentist shall not submit a dental estimate form which—

(a) in the case of occasional treatment, relates to any other treatment, or

(b) being an estimate form for orthodontic treatment, relates to any treatment other than orthodontic treatment.”;

- (c) in paragraph 10 (occasional treatment)—

(i) in sub-paragraph (1), for the words from “submit” to the end there are substituted the words “shall submit in respect thereof the appropriate dental estimate form.”,

- (ii) for sub-paragraph (3) there is substituted the following paragraph:—

“(3) A dentist shall not submit a dental estimate form in respect of occasional treatment—

(a) where he has, prior to the provision of occasional treatment, accepted the patient for other treatment (not being orthodontic treatment only) which has not been completed, or

(b) where on any day on which he provides the patient with occasional treatment he also accepts him for other treatment (not being orthodontic treatment only).”.

Application

3. These regulations apply only in relation to dental estimate forms where the contract or arrangement leading to the provision of treatment to which the form relates is made after 30th September 1985.

Signed by authority of the Secretary of State for Social Services.

John Patten,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

23rd August 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Health Service (General Dental Services) Regulations 1973 (“the principal regulations”).

They introduce a new definition of “dental estimate form” and amend paragraphs 8 and 10 of the terms of service for dentists, which provide for use of the dental estimate form and for occasional treatment.

Paragraph 6(2) of those terms of service (which contains requirements for dentists to retain films and to submit them to the Dental Estimates Board) is amended to include orthodontic dental models.

Regulation 15 of the principal regulations is amended in respect of the time at which in each year the Dental Estimates Board is required to submit a report to the Secretary of State, and regulation 26, which relates to overpayments to dentists, is amended so as to enable a Committee to apply to the Secretary of State for directions as to recovery.

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