

2001 No. 1678

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Functions of Health
Authorities) (General Dental Services Incentive Schemes)
Regulations 2001**

<i>Made</i> - - - -	<i>2nd May 2001</i>
<i>Laid before Parliament</i>	<i>3rd May 2001</i>
<i>Coming into force</i>	<i>21st June 2001</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 15(1)(b) and 126(4) of the National Health Service Act 1977(a) hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001 and shall come into force on 21st June 2001.

(2) In these Regulations—

“dental list” has the same meaning as in regulation 4 of the National Health Service (General Dental Services) Regulations 1992(b); and

“incentive scheme” means a scheme the purpose of which is to increase the availability or to improve the quality of general dental services in a Health Authority’s area.

(3) These Regulations extend to England only.

Prescribed function of Health Authorities

2.—(1) For the purposes of section 15(1)(b) of the National Health Service Act 1977, the function set out in paragraph (2) is a prescribed function of Health Authorities and each such Authority shall exercise that function in accordance with directions given by the Secretary of State under section 17 of the National Health Service Act 1977(c).

(2) The function referred to in paragraph (1) is that of—

(a) 1977 c.49; see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 26(2)(g) and (i); and by the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c.48) (“the 1984 Act”), section 5(2); by the 1990 Act, section 12(1) and by the Health Authorities Act 1995 (c.17) (“the 1995 Act”), Schedule 1, paragraph 6. Section 126(4) was amended by the 1990 Act, section 65(2); and by the 1999 Act, Schedule 4, paragraph 37(6). As regards Wales, the functions of the Secretary of State under sections 15 and 126(4) of the 1977 Act were transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1; these Regulations therefore extend only to England.

(b) S.I. 1992/661; relevant amending instruments are S.I. 1995/3092, 1998/1648 and 2001/289.

(c) Section 17 was substituted by the Health Act 1999 (c.8), section 12(1).

- (a) setting up an incentive scheme to make payments to dentists whose names are included in the Health Authority's dental list,
- (b) making payments in accordance with that scheme, and
- (c) monitoring the operation of that scheme.

(3) Each Health Authority shall, when requested to do so, provide to the Secretary of State information relating to the operation of any scheme established in accordance with paragraph (2) and to the use of sums paid in accordance with that scheme.

Revocation

3. The National Health Service (Functions of Health Authorities in England) (General Dental Services Incentive Schemes) Regulations 1996^(a) are revoked.

Signed by authority of the Secretary of State for Health

2nd May 2001

Hunt
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give Health Authorities an additional function in relation to general dental services and provide for that function to be carried out in accordance with directions given by the Secretary of State under section 17 of the National Health Service Act 1977.

The function is that of setting up, operating and monitoring an incentive scheme for making payments to dentists who are on a Health Authority's dental list, for the purpose of increasing the availability or to improve the quality of general dental services in the Health Authority's area. Health Authorities are also required to provide information to the Secretary of State about the operation of any scheme in their area.

^(a) S.I. 1996/2069.

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