
STATUTORY INSTRUMENTS

2013 No. 364

The National Health Service (Primary Dental Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013

PART 4

Miscellaneous amendments of the National Health Service (Dental Charges) Regulations 2005

43. The National Health Service (Dental Charges) Regulations 2005⁽¹⁾ are amended in accordance with this Part.

Commencement Information

II [Reg. 43](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Amendment of regulation 2

44.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “the Act” insert—

““the 2006 Act” means the National Health Service Act 2006⁽²⁾;

“the 2012 Act” means the Health and Social Care Act 2012⁽³⁾”;

(b) after the definition of “the 2012 Act” insert ““the Board” means the National Health Service Commissioning Board”;

(c) after the definition of “bridge” insert—

““Capitation and Quality Scheme 2” means the scheme of that name, introduced by the Secretary of State on 1st April 2013, following the termination of the Capitation and Quality Scheme on 31st March 2013, that the Secretary of State has developed to assist in continuing to promote and secure improvement in the provision of dental services in accordance with the 2006 Act”;

“Capitation and Quality Scheme 2 Agreement” means an Agreement which forms a temporary part of a GDS contract or a PDS agreement and which is entered into as part of the Capitation and Quality Scheme 2 and in accordance with Directions made under section 114A of the 2006 Act”;

(d) in the definition of “course of treatment”—

⁽¹⁾ [S.I.2005/3477](#), as amended by [S.I. 2006/1837](#), [2007/544](#), [2008/547](#), [2009/407](#), [2011/519](#) and [2012/502](#).

⁽²⁾ [2006 c.41](#).

⁽³⁾ [2012 c.7](#).

- (i) in paragraph (a), before “an examination of a patient”, insert “subject to paragraph (c)”; and
- (ii) after (b) insert—
 - “(c) but where the course of treatment is an interim care course of treatment provided under a Capitation and Quality Scheme 2 Agreement in the context of regulation 13A, it does not include the treatment mentioned in paragraph (a);”;
- (e) after the definition of “dental public health services” insert—
 - ““GDS Contract” is a contract within the meaning of section 100 of the 2006 Act (general dental services contracts: introductory)(4);”;
- (f) in the definition of “patient record” for “a Primary Care Trust” substitute “the Board”;
- (g) after the definition of “patient record” insert—
 - ““Primary Care Trust” means the body which until the date section 34 (abolition of Primary Care Trusts) of the 2012 Act comes into force, was—
 - (a) where the Primary Care Trust was a party to the GDS contract or the PDS agreement, that Primary Care Trust;
 - (b) where the Primary Care Trust was providing primary dental services under section 99(2) of the 2006 Act(5), the Primary Care Trust in whose area those services were provided; or
 - (c) where the Primary Care Trust, NHS Trust, or NHS foundation trust supplied dental appliances other 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, were situated;”
- (h) after the definition of “Primary Care Trust” insert—
 - ““PDS Agreement means an agreement within the meaning of section 107 of the 2006 Act(6);”;
- (i) in the definition of “prisoner” for “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)” substitute “under arrangements made by the Board”;
- (j) omit the definition of “relevant Primary Care Trust”;
- (k) in the definition of “relevant primary dental services”—
 - (i) for sub-paragraph (i), substitute “(i) under section 56(2) of the National Health Service (Wales) Act 2006 provided by a Local Health Board”, and
 - (ii) for sub-paragraph (iii), substitute “(iii) under arrangements made under section 107 of the 2006 Act”; and
- (3) for paragraph (2), substitute—

“A reference to the Secretary of State includes a reference to a Special Health Authority or the Board exercising functions on the Secretary of State’s behalf.”.

(4) Section 100 is amended by section 55(1) of, and paragraph 43 of Schedule 4 to, the 2012 Act.

(5) Section 99(2) of the 2006 Act is being repealed also on the date that section 34 comes into force, by section 55(1) of, and paragraphs (1) and (3) of Schedule 4 to, the 2012 Act.

(6) Section 107 is amended by section 55(1) of, and paragraphs 48(1) to (5) of, Schedule 4 to, the 2012 Act.

Commencement Information

I2 [Reg. 44](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Amendment of regulation 3

- 45.** In regulation 3 (charges for the provision of dental services)—
- (a) in paragraph (1), for “regulation 4”, substitute “regulations 4 or 13A(2)”; and
 - (b) in paragraph (2), after “Schedule 1,”, insert “1A,”.

Commencement Information

I3 [Reg. 45](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Amendment of regulation 4

- 46.** In regulation 4 (calculation of charges)—
- ^{F1}(a)
 - (b) in paragraph (2), after “Schedule 1”, insert “or 1A”; and
 - (c) in paragraph (3), after “Schedule 1”, insert “, 1A”.

Textual Amendments

F1 [Reg. 46\(a\)](#) omitted (31.3.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments to Charges\) Regulations 2013 \(S.I. 2013/711\)](#), [regs. 1\(2\)](#), [2\(2\)](#)

Commencement Information

I4 [Reg. 46](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Amendment of regulation 5

- 47.** In regulation 5 (effect of referral to another provider of dental services on the calculation of charges), for “regulation 4”, substitute “regulation 4 or 13A(2)”.

Commencement Information

I5 [Reg. 47](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Amendment of regulation 7

- 48.** In regulation 7 (conditions for exemption under the Act)—
- (a) in paragraph (1)(a), for “the relevant Primary Care Trust” substitute “the Board”; and
 - (b) in paragraphs (1)(b), and (4), for “a Primary Care Trust” substitute “the Board”.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Primary Dental Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013, PART 4. (See end of Document for details)

Commencement Information

I6 [Reg. 48](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Amendment of regulation 8

49. In regulation 8 (making and recovery of charges)—

- (a) in paragraph (1), for “a Primary Care Trust” substitute “the Board”; and
- (b) in paragraph (2), for “or (5)”, substitute “, (5) or 13A(2)”; and
- (c) in paragraph (3), for “regulation 4”, substitute “regulation 4 or 13A(2)”; and
- (d) in paragraphs (1)(c) and (2)(b) and (d)(i), for “the relevant Primary Care Trust” substitute “the Board”.

Commencement Information

I7 [Reg. 49](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Amendment of regulation 12

50. For regulation 12 (reduction of remuneration and accounting for charges in relation to providers of relevant primary dental services), substitute—

“Reduction of remuneration and accounting for charges in relation to providers of relevant primary dental services

12. Where a provider of relevant primary dental services has provided relevant primary dental services for which a charge is payable under these Regulations, the remuneration which would otherwise be payable by the Board to that provider shall be reduced by the amount of that charge, irrespective of whether or not that charge has been recovered by the provider.”.

Commencement Information

I8 [Reg. 50](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

New Regulation 13A

^{F2}**51.**

Textual Amendments

F2 [Reg. 51](#) omitted (31.3.2013) by virtue of [The National Health Service \(Primary Dental Services\) \(Miscellaneous Amendments to Charges\) Regulations 2013 \(S.I. 2013/711\)](#), regs. 1(2), **2(3)**

New Schedule 1A

52. After Schedule 1 (Band 1 Charges – diagnosis, treatment planning and maintenance) insert the Schedule set out in Schedule 3 to these Regulations.

Commencement Information

I9 [Reg. 52](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Schedule 6

53. In Schedule 6 (manner of determining charge for replacement), in paragraph 4(c), for “the relevant Primary Care Trust” substitute “the Board”.

Commencement Information

I10 [Reg. 53](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Primary Dental Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013, PART 4.