STATUTORY RULES OF NORTHERN IRELAND

1998 No. 404

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Choice of Dental Practitioner) Regulations (Northern Ireland) 1998

Made - - - -	*10th November 1998*
Coming into operation	*1st April 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 15F(1) and (2), 95 and 106(*b*) of the Health and Personal Social Services (Northern Ireland) Order 1972(**1**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Services (Choice of Dental Practitioner) Regulations (Northern Ireland) 1998 and shall come into operation on 1st April 1999.

(2) In these Regulations–

"the 1997 Order" means the Health Services (Primary Care) (Northern Ireland) Order 1997(**2**);

"capitation arrangement" has the meaning assigned to it in regulation 2 of the GDS Regulations;

"care and treatment" has the meaning assigned to it in regulation 2 of the GDS Regulations;

"continuing care arrangement" has the meaning assigned to it in regulation 2 of the GDS Regulations;

"dentist" means a dental practitioner;

"general dental services" has the meaning given in Article 61(1) of the Health and Personal Social Services (Northern Ireland) Order 1972;

"the GDS Regulations" means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(**3**);

"personal dental services" has the meaning assigned to it in Article 3(7) of the 1997 Order;

"pilot scheme" has the meaning assigned to it in Article 3(1) of the 1997 Order;

(**1**) S.I. 1972/1265 (N.I. 14). Article 15F was inserted by Article 24 of S.I. 1997/1177 (N.I. 7)
(**2**) S.I. 1997/1177 (N.I. 7)
(**3**) S.R. 1993 No. 326; as amended by S.R. 1993 No. 401, S.R. 1995 No. 488, S.Rs. 1996 Nos. 114 and 382 and S.R. 1998 No. 245

"practice premises" means any premises, including any mobile surgery, at which primary dental services are provided; and

"primary dental services" has the meaning assigned to it in Article 15F(3) of the Health and Personal Social Services (Northern Ireland) Order 1972.

Procedure for choosing a dentist

2.—(1) Subject to the provisions of this regulation and regulation 3, any person who wishes to receive primary dental services may choose the dentist from whom he is to receive those services (being a dentist who provides general dental services or who performs personal dental services under a pilot scheme) and make an application to that dentist.

(2) A dentist may decline an application which is made under paragraph (1).

(3) A dentist who provides general dental services may not–

(a) provide care and treatment under a continuing care arrangement for a person under the age of 18, although such a person may apply to a dentist for treatment under such an arrangement with that dentist, to commence from the date on which he attains the age of 18,–

(i) at any time during the month before he attains the age of 18 provided that he is not immediately before that date receiving care and treatment under a capitation arrangement with that dentist, or

(ii) where he is receiving care and treatment under a capitation arrangement with a dentist, at any time after he attains the age of 17;

(b) provide care and treatment under a capitation arrangement for a person who has attained the age of 18;

(c) enter into a capitation arrangement with a person during the month before he attains the age of 18.

(4) An application which is made under paragraph (1) shall be made–

(a) in person by the person wishing to receive primary dental services, or on his behalf in any of the circumstance set out in regulation 3; and

(b) at the dentist's practice premises, unless the person making the application is unable to attend those premises owing to illness or any other reasonable cause.

Exercise of choice of dentists in certain cases

3. An application may be made (otherwise than by the dentist concerned) under regulation 2(1)–

(a) on behalf of any person under the age of 16, by either parent or, in the absence of both parents, the guardian or other adult person who has the care of the child; or

(b) on behalf of any person under 18 years of age who is—

(i) in the care of an authority in whose care he has been placed under the provisions of the Children (Northern Ireland) Order 1995(**4**), by a person duly authorised by that authority; or

(ii) in the care of a voluntary organisation, by that voluntary organisation or a person duly authorised by it; or

(iii) in a training school, by the manager of that training school; or

(c) on behalf of any person who is incapable of making such an application, by a relative or other adult person who has an interest in the welfare of that person.

(**4**) S.I. 1995/755 (N.I. 2)