1989 No. 111

HEALTH AND PERSONAL SOCIAL SERVICES

Dental Charges Regulations (Northern Ireland) 1989

Made . . . . . *29th March 1989*

Coming into operation . . . *1st April 1989*

ARRANGEMENT OF REGULATIONS

1. Citation, commencement and interpretation.
2. Charges for supply of dental appliances.
3. Charges for other general dental services.
4. Calculation of charges.
5. Exemption.
6. Conditions for exemption.
7. Making and recovery of charges.
8. Remission and repayment.
9. Charges for more expensive supplies and repairs.
10. Charges for replacement — general dental services.
11. Discontinuation of treatment — general dental services.
12. Reduction of remuneration and accounting for charges — general dental services.
13. Revocations, amendment, savings and application of regulations.

Schedule 1 Calculation of charge for supply of appliance on referral to a Health and Social Services Board.
Schedule 2 Exemptions — categories and evidence.
Schedule 3 Charges for more expensive supplies and repairs—
Part I — Amount of charge
Part II — Procedure
Schedule 4 Manner of determining charge for replacement.
Schedule 5 Revocations.

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 61, 98, 106 and 107 of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(a) and with the approval of the Department of Finance and Personnel(b) in so far as

(a) S.I. 1972/1265 (N.I. 14). As amended by S.I. 1988/594 (N.I. 2) and S.I. 1988/2249 (N.I. 24)
(b) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

they relate to Schedule 15 of that Order and in conjunction with the Department of Finance and Personnel in so far as they relate to Article 61 of that Order and of every other power enabling it in that behalf, and after consultation, in accordance with Article 61(4) of that Order with such organisations as appeared to the Department to be representative of the dental profession, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Dental Charges Regulations (Northern Ireland) 1989 and shall come into operation on 1st April 1989.

(2) In these regulations—

"basic type" means, in relation to a dental appliance, a type no more expensive than that which would normally be supplied for such a reasonable standard of dental efficiency and oral health as is necessary to safeguard general health;

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"bridge" means a fixed or a removable bridge which takes the place of any teeth;

"Committee" means the Dental Committee constituted under regulation 8 of the General Dental Services Regulations;

"dental estimate form" has the same meaning as in the General Dental Services Regulations;

"General Dental Services Regulations" means the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975(a);

"denture" does not include an obturator;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"patient" includes a person who pays or undertakes to pay a charge on behalf of a person to whom a dental appliance is supplied or to whom some other service is provided;

"Statement of Dental Remuneration" means the Statement published under regulation 18 of the General Dental Services Regulations;

"Statement remuneration" has the meaning assigned to it by regulataion 4(2) and (3);

"supply", in relation to an appliance, includes its replacement.

Charges for supply of dental appliances

2.—(1) Subject to paragraph (2) and to regulation 5(1), a charge of the amount provided for by regulation 4 may be made and recovered under paragraph 1(*a*)(*iaa*) of Schedule 15 to the Order in accordance with these regulations in respect of the supply under the Order of dentures and bridges.

(2) No charge shall be made and recovered under paragraph 1(*a*)(*iaa*) of Schedule 15 to the Order in respect of—

(a) S.R. 1975 No. 227. The relevant amending regulations are S.R. 1980 No. 285, S.R. 1987 No. 190 and S.R. 1988 No. 53

(*a*) a supply, otherwise than as part of general dental services, to a person who has undergone operative procedures affecting the mandible, the maxilla or the soft tissues of the mouth as part of treatment for invasive tumours;

(*b*) a supply, otherwise than as part of general dental services, to a patient for the time being resident in a hospital; or

(*c*) a supply as part of general dental services for which a charge may be made under regulation 9(2).

Charges for other general dental services

3.—(1) Subject to paragraph (2) and to regulation 5(2), the amount of the charge which may be made and recovered under paragraph 1(*a*)(*ia*) of Schedule 15 to the Order in respect of services provided as part of general dental services is that provided for by regulation 4.

(2) No charge shall be made and recovered under paragraph 1(*a*)(*ia*) of Schedule 15 to the Order in respect of:—

(*a*) the supply of a dental appliance described in regulation 2(1);

(*b*) a visit by a dental practitioner to a patient;

(*c*) the opening by a dental practitioner of his surgery outside his normal opening hours in order to provide emergency treatment; or

(*d*) the attendance of a medical practitioner or of another dental practitioner, specifically with a view to the administration of a general anaesthetic in connection with emergency treatment at the surgery of a dental practitioner providing emergency treatment.

Calculation of charges

4.—(1) Subject to paragraphs (4) and (5), the amount of the charge which may be made and recovered under Schedule 15 to the Order for the supply of an appliance described in regulation 2(1) and for the provision of services other than those described in regulation 3(2) is 75% of the Statement remuneration (rounded down, where necessary, to the nearest whole penny), being an amount not exceeding that which the Department considers to be the cost to the health service (within the meaning of paragraph 1A(5) of Schedule 15 to the Order) of the supply or provision.

(2) In these regulations "Statement remuneration" means—

(*a*) in relation to the supply (whether or not as part of general dental services) of an appliance described in regulation 2(1), the remuneration provided for by the Statement of Dental Remuneration as that payable to a dental practitioner for the supply of an appliance of that type;

(*b*) in relation to other services provided in pursuance of a contract or arrangement for the provision of general dental services, the total amount provided for by that Statement as that payable to the dental practitioner for the provision of those services under that contract or arrangement.

(3) For the purposes of paragraph (2), where the Statement remuneration for any service is a fee of such amount as the Committee may in its discretion approve, whether or not subject to a maximum, the amount is—

(*a*) if the Committee has approved a fee for the service, the amount of the fee so approved, notwithstanding any subsequent variation of that amount on appeal(a);

(*b*) if the Committee has refused to approve a fee for the service, the amount of any fee authorised for it on appeal.

(4) Where a dental practitioner—

(*a*) has, under a contract or arrangement for the provision of general dental services, begun to provide for a patient services which include the supply of an appliance described in regulation 2(1); and

(*b*) has referred that patient, for the supply of that appliance otherwise than as part of general dental services, to a Board or to a person or body pursuant to arrangements made under Article 71 of the Order;

the amount of the charge for that supply shall be calculated in accordance with Schedule 1, and the dental practitioner shall provide the Board or other person or body with a written statement of the amounts mentioned in sub-paragraphs (*a*) and (*b*) of paragraph 1 of that Schedule.

(5) The amount of the charges payable under Schedule 15 to the Order in respect of all dental appliances supplied and other services provided in pursuance of any one contract or arrangement for the provision of general dental services shall not exceed £150 in the aggregate.

Exemption

5.—(1) No charge shall be made under paragraph 1(*a*)(*iaa*) of Schedule 15 to the Order in respect of the supply of a dental appliance if at the relevant time the person for whom that appliance was supplied—

(*a*) was under 16 years of age or was under 19 years of age and receiving qualifying full time education; or

(*b*) was an expectant mother or had borne a child within the previous twelve months.

(2) No charge shall be made under paragraph 1(*a*)(*ia*) of Schedule 15 to the Order in respect of services provided for any person who on the date of the contract or arrangement for the services—

(*a*) was under 18 years of age or was under 19 years of age and receiving qualifying full time education; or

(*b*) was an expectant mother or had borne a child within the previous twelve months.

Conditions for exemption

6.—(1) It is a condition of the exemption under regulation 5 in respect of the supply of a dental appliance to a person otherwise than as part of general dental services that—

(*a*) a written declaration on a form provided for that purpose by the Department shall be made to the effect that that person is, at the time of the examination leading to the supply of the appliance, within one of the specified categories; and

(a) S.R. 1975 No. 227. The relevant amending regulation is S.R. 1980 No. 285

(*b*) where the Department so requires, the specified evidence shall be supplied by or on behalf of that person.

(2) It is a condition of the exemption under regulation 5 in respect of the supply of a dental appliance, or other services provided, to a person as part of general dental services that—

(*a*) a written declaration on a dental estimate form shall be made to the effect that that person is, on the date of the contract or arrangement for the services, within one of the specified categories; and

(*b*) where the Agency so requires, the specified evidence shall be supplied by or on behalf of that person.

(3) The declarations referred to in paragraphs (1)(*a*) and (2)(*a*) shall be made by the person to whom the services are to be provided, except that where the application for services is made by another person on his behalf(a) it shall be made instead by the person who applies for the services.

(4) Nothing in paragraph (1)(*b*) or (2)(*b*) prevents the Department or the Agency from accepting evidence other than the specified evidence as establishing that a person is within one of the specified categories.

(5) In this regulation "the specified categories" means the categories of person set out in column (1) of Schedule 2 and "the specified evidence", in relation to any of those categories, means the evidence specified in relation to it in column (2) of that Schedule.

Making and recovery of charges

7.—(1) Where any charge is payable under paragraph 1(*a*)(*iaa*) of Schedule 15 to the Order in respect of the supply of a dental appliance under the Order otherwise than as part of general dental services, the Board may—

(*a*) on arranging to supply it, make the appropriate charge; and

(*b*) on supplying it or having it available for supply, recover the appropriate charge from the patient (if it has not previously been paid).

(2) In providing general dental services for which a charge may be made under Schedule 15 to the Order, a dental practitioner—

(*a*) may on arranging to provide the service, make the appropriate charge;

(*b*) shall require the patient to acknowledge, on the appropriate part of the dental estimate form, and before that form is sent to the Agency, his obligation to pay the charge;

(*c*) may, on providing the service, recover the charge from the patient (if it has not previously been paid); and

(*d*) shall, on receiving a sum in payment (in full or in part) of the charge, give a receipt for it on a form provided for that purpose by the Agency or a form to the like effect.

(3) Where a declaration in support of a claim for exemption has been made under regulation 6(2)(*a*) but the claim is not substantiated, and in consequence of the claim a dental practitioner has not recovered a charge in

(a) In the case of general dental services: *see* S.R. 1975 No. 227, regulation 12