1988 No. 81

HEALTH AND PERSONAL SOCIAL SERVICES

Dental Charges Regulations (Northern Ireland) 1988

Made	*16th March 1988*
Coming into operation . .	*1st April 1988*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 98, 106 and 107 of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel(**b**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Dental Charges Regulations (Northern Ireland) 1988 and shall come into operation on 1st April 1988.

(2) In these regulations—

"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 Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975(**c**);

"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 a service is provided;

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

Charges for supply of dental appliances

2.—(1) Charges may be made and recovered in accordance with these regulations in respect of the chargeable supply of a dental appliance described in column (1) of Part I of Schedule 1.

(2) Subject to paragraph (3), to regulation 4 and to Part II of Schedule 1, the amount of the charge which may be made and recovered pursuant to paragraph (1) in respect of a dental appliance described in column (1) of Part I of Schedule 1 is the amount set out in relation to it in column (2) of that Part.

(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3
(**c**) S.R. 1975 No. 227

(3) Where a dental practitioner—

(*a*) has begun for a patient, as part of general dental services, a course of treatment which includes the supply of an appliance described in Schedule 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 a hospital with which a Board has made arrangements for the provision of services under the Order,

the amount of the charge for the supply of that appliance by or on behalf of the Board shall be determined in accordance with Schedule 2.

(4) In this regulation "chargeable supply" means supply under the Order other than—

(*a*) a supply in respect of which no charge may be made by virtue of regulation 14(3) and (4) and regulation 16 of the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975;

(*b*) 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;

(*c*) a supply, otherwise than as part of general dental services, of any obturator which is a denture.

Charges for dental treatment as part of general dental services

3.—(1) Subject to regulation 4, the amount of the charge for any dental treatment in respect of chargeable services under a contract or arrangement is 75% of the current authorised fees for those services, rounded down, where necessary, to the nearest whole penny.

(2) In this regulation "current authorised fee" has the meaning assigned to it by Regulation 2 of the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975(**a**) and for the purposes of this regulation the amount of the current authorised fee for any service, where it is such amount as the Committee may in its discretion approve, whether or not subject to a maximum, 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;

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

(3) In this regulation "chargeable services" means services provided in pursuance of any contract or arrangement for the provision of general dental services, other than—

(*a*) the supply, replacement or repair of dentures or dental bridges;

(*b*) the repair of orthodontic appliances, obturators, splints, radium applicators or other special dental appliances;

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

(*c*) the arrest of bleeding;

(*d*) the clinical examination of a patient or any report thereon;

(*e*) the restoration of crowns, inlays, pinlays or gold fillings;

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

(*g*) the attendance at the surgery of a dental practitioner providing emergency treatment 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.

Maximum charge for general dental services

4. The amount of the charges payable pursuant to these regulations 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.

Making and recovery of charges

5. Where any charge is payable under Schedule 15 of the Order in respect of the supply of a dental appliance the dental practitioner who, as part of general dental services, or the Board which, under the Order, supplies or is to supply the appliance 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).

More expensive supplies, remission and repayment

6. The charges which may be made and recovered by virtue of these regulations are—

(*a*) in addition to any charge payable under Article 61(2)(*d*)(i) of the Order;

(*b*) subject to the provisions of regulations made under the Order providing for remission or repayment.

Revocations, savings and transitional

7.—(1) The regulations specified in column (1) of Schedule 3 are revoked to the extent specified in column (3) of that Schedule.

(2) These regulations apply to the supply of a dental appliance otherwise than as part of general dental services only where the examination, or first examination, leading to the supply takes place on or after 1st April 1988; and where the examination or first examination leading to the supply takes place before 1st April 1988 the charge which may be made and recovered in respect of the supply shall be that authorised at the time of that examination or first examination.

(3) These regulations apply to the provision of general dental services only where the contract or arrangement leading to the supply, as part of those services, of a dental appliance or to some other provision of general dental services is made on or after 1st April 1988; and where the contract or

arrangement is made before that date, the charge which may be made and recovered in respect of the supply or the other provision of general dental services shall be that authorised at the time when that contract or arrangement was made.

Sealed with the Official Seal of the Department of Health and Social Services on 16th March 1988.

(L.S.) *R. W. McQuiston*
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 16th March 1988.

(L.S.) *J. A. Mills*
Assistant Secretary