1975 No. 227

HEALTH AND PERSONAL SOCIAL SERVICES

Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975

Made . . . . . 12*th August* 1975

Coming into operation . . . 1*st October* 1975

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The Department of Health and Social Services (hereinafter referred to as "the Department") in exercise of the powers conferred on it by Articles 61, 64, 95, 98, 106 and 107 of and paragraphs 7(1) and 7(5) of Schedule 3 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 and in conjunction with the Department of Finance, and after consultation with such organisations as appeared to the Department to be representative of the dental profession as required by Article 61(4) of the said Order hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975 and shall come into operation on 1st October 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

"assistant" means any dentist employed either whole-time or part-time, under a contract of service, by another dentist for the purpose of providing general dental services on behalf of that dentist;

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

"Committee" means the Dental Committee constituted under regulation 8;

"current authorised fee" in relation to any service means the fee set out in Parts I—VII of Determination 1 of the Statement of Dental Remuneration as the fee payable to the dentist in respect of those services but does not include—

(*a*) any fee in respect of a visit to a patient by a salaried dentist, or

(*b*) any additional charge payable by the patient in pursuance of regulation 15 being a charge for treatment not clinically necessary;

(*c*) any additional fee specified in Part VIII of Determination 1 of the Statement of Dental Remuneration.

"dental estimate form" means where any treatment in respect of which the form is required is occasional treatment, the occasional estimate form set out in Determination VI of the Statement of Dental Remuneration or a form to the like effect and, in any other case, the dental estimate form set out in that Determination or a form to the like effect;

"dental fitness" means such a reasonable standard of dental efficiency and oral health as is necessary to safeguard general health and "dentally fit" has a corresponding meaning;

(a) S.I. 1972/1265 (N.I. 14)

"Dental Officer" means a dental officer in the employment of the Agency;

"dentist" means a person registered in the dentists' register under the Dentists Act 1957(**b**);

"deputy" means a dentist (including a partner) acting on behalf of another dentist, otherwise than in the capacity of an assistant, for the purpose of providing general dental services;

"doctor" means a fully registered medical practitioner;

"Drug Tariff" means the statement prepared by the Department under Regulation 40 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**c**);

"emergency treatment" means any treatment immediately required for the relief of pain or other urgent symptoms;

"estimate" means a dental estimate form duly completed in the manner provided by these regulations and in accordance with instructions for the completion of such form setting out a course of treatment for a patient;

"full-time school education" means full-time instruction in a school within the meaning of the Education and Libraries (Northern Ireland) Order 1972(**d**), or in corresponding establishments elsewhere;

"general dental services" means services provided by a dentist by virtue of arrangements made under Article 61 of the Order;

"health centre" means premises provided under Article 5(1)(*b*) of the Order at which facilities are available for the provision of any of the services referred to in Part VI of the Order;

"health service number" means a number allotted to a person by the Agency for use in connection with the provision of general health services under the Order;

"listed drugs" means such drugs and medicines as are included in a list for the time being approved by the Department;

"medical card" means a card issued to a person, in a form approved by the Department for the purpose of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services and shall include any card provided for a like purpose under the National Health Insurance (Medical Benefit) Regulations (Northern Ireland) 1938(**e**);

"occasional treatment" means such treatment as is mentioned in Schedule 1 Part I paragraph 10 to these regulations;

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

"patient" means a person for whom a dentist agrees to provide general dental services;

"salaried dentist" means a dentist who is remunerated in accordance with Determination IV of the Statement of Dental Remuneration;

"Scale of Fees" means the scale of fees set out in Determination 1 of the Statement of Dental Remuneration;

(**b**) 1957 c. 28 (5 & 6 Eliz. 2)
(**c**) S.R. & O. (N.I.) 1973 No. 421 (II, p. 2528)
(**d**) S.I. 1972/1263 (N.I. 12)
(**e**) S.R. & O. (N.I.) 1938 No. 141 (p. 265)

"Statement of Dental Remuneration" means the statement published by the Department pursuant to the provisions of Regulation 18;

"supply" in relation to an appliance includes replacement;

"terms of service" means the provisions of Schedule 1 to these regulations as applicable by virtue of the provisions of Regulation 3;

"treatment" means all proper and necessary dental treatment which a dentist usually undertakes for a patient, including examination and advice, the making of reports for the purposes of these regulations, the obtaining of radiographs, scaling, treatment of gums, fittings, extractions, crowning, provision of dentures and their repair and remaking, the administration of anaesthetics in connection with any such treatment, and the giving of orders on the appropriate form for drugs or the supply of drugs in accordance with these regulations.

PART II

GENERAL ARRANGEMENTS FOR PROVISION OF GENERAL DENTAL SERVICES

Terms of service

3. The arrangements which a Board is required by Article 61 of the Order to make with dentists for the provision of general dental services shall incorporate—

(*a*) in the case of a dentist undertaking to provide general dental services other than as a salaried dentist, the terms of service contained in Parts I and II of Schedule 1; and

(*b*) in the case of a salaried dentist, the terms of service contained in Parts I and III of Schedule 1;

Provided that a dentist whose application to a Board to provide general dental services at a health centre otherwise than as a salaried dentist has been refused may appeal to the Department, and the Board shall give effect to any decision of the Department on that appeal.

Dental list

4.—(1) The Agency shall from information obtained from the Boards prepare a list, to be called "the dental list", which shall contain—

(*a*) the names of the dentists who pursuant to the provisions of paragraph (2) have undertaken to provide general dental services;

(*b*) the address of any surgery or health centre at which the dentist undertakes to provide general dental services;

(*c*) particulars of the days and hours at which he is or will be usually in attendance;

(*d*) where two or more dentists practice in partnership, the names of the partners;

and which may be so arranged as to show the area in which each dentist will provide treatment.

(2) A dentist who wishes to be included in the dental list shall apply, to the Board for the area in which his surgery is situated, in the form set out in Determination VI of the Statement of Dental Remuneration or in a form to the like effect which shall include the matters required by paragraph (1) to be contained in the dental list in relation to him.

(3) Any dentist resident in Northern Ireland, not disqualified under the provisions of Schedule II to the Order who applies to be included in the dental list, shall be so included.