

1973. No. 418

[C]

**HEALTH AND PERSONAL SOCIAL SERVICES**

**General Dental Services**

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") on behalf of the Secretary of State, and in exercise of the powers conferred on it by Articles 61, 64, 95, 98, 106 and 107 of and paragraph 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 Ministry of Finance, 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) 1973 and shall come into operation on 1st October 1973.

#### *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 dental practitioner employed either whole-time or part-time, under a contract of service, by another dental practitioner for the purpose of providing general dental services on behalf of that dental practitioner;

"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 10;

"current authorised fee" in relation to any service means the fee set out in Schedule 4 as the fee payable to the dental practitioner in respect of those services but does not include—

(a) any fee in respect of a visit to a patient by a dental practitioner, or

(b) any additional charge payable by the patient in pursuance of regulation 14 being a charge for treatment not clinically necessary;

"dental estimate form" means the form approved by the Ministry and available from the Agency for completion by the dentist and the patient in connection with the provision of general dental services;

"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;

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

"dental treatment" means all proper and necessary treatment which a dentist usually undertakes for a patient, including examination and report, the provision of dentures and their repair and remaking, and the administration of anaesthetics in connection with any such treatment, and includes the giving of orders on the appropriate form for the listed drugs and medicines or the supply of such drugs and medicines in accordance with these regulations;

“dentist” means a person registered in the dentists’ register under the Dentists Act 1957<sup>(b)</sup> and for the purposes of Regulation 21 means a dentist on the dental list compiled by the Agency and providing general dental services otherwise than as a salaried practitioner or as an assistant, notwithstanding that he is also a salaried practitioner or an assistant;

“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;

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

“Executive Council” means an Executive Council constituted under the provisions of section 31 of the National Health Service Act 1946<sup>(c)</sup> or section 32 of the National Health Service (Scotland) Act 1947<sup>(d)</sup>;

“full-time school education” means full-time instruction in a school within the meaning of the Education and Libraries (Northern Ireland) Order 1972<sup>(e)</sup>, 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 and for the purposes of regulation 21 includes dental services under the corresponding provisions of the law in force in Great Britain or the Isle of Man;

“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 Ministry;

“medical card” means a card issued to a person, in a form approved by the Ministry, 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<sup>(f)</sup>;

“modified estimate form” means the form approved by the Ministry and available from the Agency for completion by the dentist and the patient in connection with the provision of emergency treatment referred to in paragraphs 8(1) and (2) of Part I of Schedule 1.

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

“patient” means a person who is accepted by a dentist for the provision of general dental services and includes a person who is receiving general dental services;

“quarter” means a period of 3 months ending on 31st March, 30th June, 30th September or 31st December;

(b) 5 & 6 Eliz. 2 c. 28.

(c) 9 & 10 Geo. 6. c. 81.

(d) 10 & 11 Geo. 6. c. 27.

(e) S.I. 1972, No. 1263 (N.I. 12).

(f) S.R. & O. (N.I.) 1938, No. 141.

“reckonable remuneration” means such remuneration as defined—

- (a) in regulation 54(2) of the Health Services (Superannuation) Regulations (Northern Ireland) 1962(g); or
- (b) in corresponding legislation in Great Britain or the Isle of Man as is paid to a dentist in respect of the provision of general dental services whether or not such dentist is entitled to participate in the benefits provided under those regulations as if that definition—
  - (i) excluded payments made under those regulations and remuneration as a salaried practitioner;
  - (ii) disregarded any limit on remuneration of which account shall be taken under those regulations;

“salaried practitioner” means a dentist employed under a contract of service by a Board to provide general dental services at a health centre and for the purposes of regulation 21 includes a dentist employed under a contract of service by an Executive Council in Great Britain;

“seniority payment” has the meaning assigned to it in regulation 21;

“superannuation benefit” means any payment, other than a return of contributions, made to a dentist by virtue of the application of—

- (a) the Health Services (Superannuation) Regulations (Northern Ireland) 1962; or
- (b) the corresponding legislation in Great Britain or the Isle of Man consequent upon the provision by him of general dental services;

“supply” in relation to an appliance includes replacement.

(2) In these regulations, the expression “chemist” means a person, firm or body corporate entitled to carry on the business of a pharmaceutical chemist under the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967, who provides pharmaceutical services. The regulations shall also apply (except so far as the context may otherwise require) to a person, firm or body corporate whose name is included in the pharmaceutical list for the purpose of supplying appliances only.

## PART II

### GENERAL ARRANGEMENTS FOR DENTISTS

#### *Terms of service for dentists*

3.—(1) 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 practitioner, the terms of service contained in Part I of Schedule 1; and
- (b) in the case of a salaried practitioner, the terms of service contained in Part II 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 practitioner has been refused may appeal to the Ministry, and the Board shall give effect to any direction of the Ministry on that appeal.

(2) Where a dentist who provides general dental services as a salaried practitioner also provides general dental services otherwise, the arrangements shall incorporate the provisions referred to in paragraph (1)(a) and (b) and whichever provisions are applicable shall apply.