THIRD SCHEDULE.

NATIONAL HEALTH INSURANCE ACT, 1936.

MEMORANDUM OF DECISION OF THE MINISTRY OF LABOUR FOR NORTHERN IRELAND ON APPLICATION UNDER SECTION 161 (1) OF THE NATIONAL INSURANCE ACT, 1936.

The decision of the Ministry of Labour for Northern Ireland on the question raised on the application dated the.....day of..... made by.....of.....is as follows:—

Signed (on behalf of the Ministry).....

Dated.....

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 7th day of July, nineteen hundred and thirty-nine.

(L.S.) *W. A. B. Iliff,*

Assistant Secretary to the Ministry of Labour for Northern Ireland.

Dental Benefit.

REGULATIONS, DATED 12TH DAY OF SEPTEMBER, 1939, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER THE NATIONAL HEALTH INSURANCE ACT, 1936.

1939. No. 131.

The National Health Insurance Joint Committee, acting jointly with the Ministry of Labour for Northern Ireland in exercise of the powers conferred on them by the National Health Insurance Act, 1936, and of all other powers enabling them in that behalf, hereby make the following Regulations :—

PART I.

General.

1.—(1) These Regulations may be cited as the National Health Insurance (Dental Benefit) Regulations (Northern Ireland), 1939, and shall, except as otherwise provided, come into operation forthwith. **Short title, commencement and construction.**

(2) These Regulations shall be construed as one with the Additional Benefits Regulations.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them ;— **Interpretation.**

" The Act " means the National Health Insurance Act, 1936, as amended by any subsequent enactment;

" The Additional Benefits Regulations " means the National Health Insurance (Additional Benefits) Regulations, 1930, or any Regulations superseding or amending those Regulations;

" The Joint Committee " means the National Health Insurance Joint Committee;

" The Ministry " means the Ministry of Labour for Northern Ireland;

" Society " means an Approved Society and includes any branch thereof which is a branch for the purposes of the Act;

" Dental Benefit " means the additional benefit numbered 9 in the Third Schedule to the Act;

" Dental treatment " or " treatment " means all proper and necessary treatment of a kind which a dentist usually undertakes for a patient, including scaling, treatment of the gums, fillings, extractions, crowning, provision of artificial dentures and their repair and remodelling, and examination and advice, the obtaining of radiographs where necessary and the administration of anæsthetics in connection with any such treatment;

" Operative treatment " means any treatment other than that in respect of crowning and the provision, repair and remodelling of artificial dentures;

" Emergency treatment " means any treatment immediately required for the relief of pain, or other sufficient reason;

" Dentist " means a person who is duly registered in the Dentists' Register kept under the Dentists Acts, 1878 to 1923, or any Act amending those Acts;

" Dental Referee " means an officer appointed by the Ministry, whether or not for whole time service, in connection with the provision of dental treatment under these Regulations;

" Year " means calendar year.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Repeal of existing Regulations.

3.—The National Health Insurance (Dental Benefit) Regulations (Northern Ireland), 1933, the National Health Insurance (Dental Benefit) Amendment Regulations (Northern Ireland), 1936, and the National Health Insurance (Dental Benefit) Amendment Regulations (Northern Ireland), 1938, are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

PART II.

Dental Benefit Council.

Dental Benefit Council

4.—There shall be a Dental Benefit Council for Northern Ireland (in these Regulations referred to as "the Council") with the following powers and duties :—

(1) they shall give general advice to the Ministry with regard to the administration of dental benefit; and

(2) they shall have such powers and duties as are hereinafter set out in relation to questions which may arise between dentists and Societies.

Constitution of Council.

5.—The Council shall consist of the following members :—

(*a*) A Chairman appointed by the Ministry;

(*b*) Six persons representing dentists to be appointed by the Ministry after consultation with the organisations representing dentists in Northern Ireland;

(*c*) Six persons representing Societies to be appointed by the Ministry after consultation with the organisations representing Societies.

Term of Office.

6.—(1) The members of the Council representing respectively dentists and Societies shall hold office for three years and shall then go out of office provided that any casual vacancy occurring among such members shall be filled in the same manner as that in which the original appointment was made, and any person appointed to fill the vacancy shall hold office until the time when the person in whose place he is appointed would have gone out of office.

(2) A member of the Council representing dentists or Societies may, on the expiration of his term of office, be re-appointed.

(3) The Chairman of the Council shall hold office until his appointment is terminated by the Ministry. It shall be competent for the Ministry to appoint an additional person to act as Deputy Chairman.

Vacancies not to invalidate proceedings

7.—The proceedings of the Council shall not be invalidated by any vacancy in their number.

Committees.

8.—The Council shall have power to appoint Committees, including an Interpretation Committee, and on each Committee the persons representing respectively dentists and Societies shall be in equal numbers.

Standing Orders.

9.—Subject to the approval of the Ministry, the Council may make, vary and revoke standing orders for the regulation of the proceedings and business of the Council and of its Committees.

Officers.

10.—The officers of the Council shall be appointed by the Ministry.

Expenses of Council.

11.—All expenses incurred by the Ministry in connection with the administration of dental benefit, including any expenses of the Council incurred with the approval of the Ministry, shall be payable out of the Funds available for the provision of dental benefit by Societies which provide the benefit, or where a Society so desires may, with the consent of the Ministry, be paid out of the sums available for the administration of benefits by the Society. The amount so payable shall from time to time be apportioned amongst such Societies in proportion to their expenditure on the provision of dental benefit in Northern Ireland.

Travelling and Subsistence Allowances.

12.—The members of the Council and of any of its Committees shall, when engaged on the business of the Council, be entitled to receive travelling expenses and allowances for subsistence at rates approved by the Ministry, and any sums so paid shall be treated as an expense incurred by the Ministry in connection with the administration of dental benefit.

Minutes.

13.—The Minutes of the Proceedings at every Meeting of the Council and of its Committees shall be duly kept by the Secretary or other officer appointed for the purpose.

PART III.

Dental Referee Service.

Dental Referees.

14.—(1) The services of Dental Referees shall be available for :—

(*a*) Advising Societies, dentists and the Council on questions arising in connection with estimates furnished or treatment given by dentists ; and

(*b*) advising the Ministry and the Council on matters arising in connection with the administration of dental benefit.

(2) The cost of the service of Dental Referees shall, so far as is not otherwise defrayed, be treated as an expense incurred by the Ministry in connection with the administration of dental benefit and apportioned from time to time amongst Societies in proportion to their expenditure in Northern Ireland on the provision of dental benefit.

Penalty for failure to submit to Dental Referee's examination.

15.—(1) In addition to the general conditions set out in the Additional Benefits Regulations relating to the receipt of additional benefits, it shall be a condition for the receipt of dental benefit that a member shall, if required by his Society, prior to determination of his application, submit himself for examination by a Dental Referee.

(2) If after an application has been granted the Society require the member to submit himself for examination by a Dental Referee and the member refuses to submit to such examination or, without reasonable cause, fails to attend at the time and place appointed for that purpose, he shall be treated as if he had committed a breach of the rules of the Society and the provisions of the said rules relating to the imposition of penalties shall apply.

PART IV.

General Arrangements for Administration of Dental Benefit.

Proportion of cost of benefit payable by society.

16.—(1) The Committee of Management of every Society administering dental benefit shall fix a proportion of the cost of dental treatment to be paid by the Society, and may vary that proportion from time to time having regard to the funds available for the benefit and the claims and expected claims of members, and the Society shall pay in respect of the treatment of any member an amount determined in accordance with the proportion of the cost as so fixed for the time being.

Provided that—

(i) the proportion shall not in any case be less than one-half of the cost of treatment;

(ii) where the whole cost of the treatment does not exceed ten shillings the Society shall pay the whole cost, and where the whole cost of the treatment exceeds ten shillings the Society's payment shall not be less than that sum;

(iii) The Committee of Management of the Society may, if they think fit, fix a higher proportion in respect of operative treatment than that in respect of treatment other than operative treatment, so, however, that in neither case shall the proportion be less than one-half of the cost;

(iv) in cases where, in accordance with the Conditions of Service set out in the First Schedule to these Regulations, a Society are not liable to make a payment towards the cost of certain work, the Society will have power to make a payment of the whole or part of the cost of such work.

(2) On fixing the proportion of the cost of treatment to be paid by the Society, or on varying such proportion, it shall be the duty of the Committee of Management to inform the Ministry forthwith of the proportion as so fixed or varied.

Conditions of Service.

17.—The Conditions of Service set out in the First Schedule to these Regulations and the Conditions appended to the Scale of Fees set out in the Second Schedule to these Regulations shall apply with respect to the provision of dental treatment under these Regulations.