STATUTORY INSTRUMENTS

1977 No. 279

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Charges) Amendment Regulations 1977

Made - - - -	23*rd February* 1977
Laid before Parliament	3*rd March* 1977
Coming into Operation	1*st April* 1977

The Secretary of State for Social Services in exercise of powers conferred by the provisions set out in column 1 of the Schedule to these regulations as respectively amended by the provisions set out in column 2 of the said Schedule, and now vested in him(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Charges) Amendment Regulations 1977 and shall come into operation on 1st April 1977.

Amendments to regulations

2. The National Health Service (Charges) Regulations 1971(b) (as amended)(c) shall be further amended as follows:—

(1) For regulation 3 there shall be substituted the following regulation—

"*Dental Treatment and Appliances*

3.—(1) Subject to paragraphs (3) and (4) below, the amount of the charge authorised by section 2 of the Act of 1952 for such general dental services as are subject to a charge under the said section 2 shall be the current authorised fee, or £5.00 whichever is the less.

(2) Subject to paragraphs (4) and (7) below, the authorised charges specified in the Schedule to the Act of 1951, in respect of the supply of dentures (including bridges)(d) and the descriptions of appliances to which those charges relate, shall be as set out in Schedule 4 to these regulations.

(3) (*a*) The provision as part of general dental services, of crowns, inlays, pinlays and gold fillings and the provision of one or more fillings other than root fillings, in a material other than gold in a tooth for which one or more of such first mentioned treatments is provided as part of the same course of treatment, is prescribed as special dental treatment.

(a) *See* Secretary of State for Social Services Order 1968 (S.I. 1968/1699 (1968 III, p. 4585) Article 2.

(b) S.I. 1971/340 (1971 I, p. 1067).

(c) The relevant amending instruments are S.I. 1974/307, 1975/1945 (1974 I, p. 1066; 1975 III, p. 7235).

(d) *See* Section 5(1) of the National Health Service Act 1952 (c. 25).

(*b*) Subject to paragraph (4) below, the charge for such prescribed special dental treatment shall be £10.00 for each tooth restored by such treatment.

(4) (*a*) The maximum charge specified by section 2(2) of the Act of 1952 (maximum charge for services which include some chargeable under the Act of 1951) shall be £30.00;

(*b*) the maximum charge for services provided in pursuance of any contract or arrangement in respect of which charges are payable by virtue of paragraph (3)(*b*) or of paragraph (3)(*b*) and one or both of paragraphs (1) and (2) above, shall be £30.00.

(5) For the purpose of this regulation "the current authorised fee" has, subject to the exemptions contained in section 2(1) and (4) of the Act of 1952 and to paragraph (6) below, the meaning assigned to it in section 2(5) of the Act of 1952, that is to say, in relation to any services, the fee authorised in accordance with regulations for the time being in force under the Act of 1946 as the fee payable to the practitioner in respect of those services, but does not include any fee or part of a fee mentioned in section 2(5)(*a*) or (*b*) (exemptions from charges) of the Act of 1952.

(6) Where the current authorised fee payable in respect of the provision of general dental services is such amount as the Dental Estimates Board may in their discretion approve, whether or not subject to a maximum, the current authorised fee shall be—

(*a*) if the Board have approved a fee for the services to be provided, the amount of that fee so approved, notwithstanding any subsequent increase of the amount of that fee on appeal; or

(*b*) if the Board have not approved a fee for the services to be provided, the amount of the fee authorised on appeal for the provision of those services.

(7) Where a denture to which paragraph (2) above refers is supplied otherwise than under Part IV of the Act of 1946 as part of a course of treatment begun under general dental services and a person has already become liable to pay a charge to the dentist who began that course of treatment, the maximum amount chargeable by the Authority under this regulation shall be less than £30.00 by the amount of charge payable to the dentist who began the course of treatment; and, if a dentist, after beginning as part of general dental services a course of treatment for a person refers that person for treatment otherwise than under Part IV of the Act of 1946, he shall give to that Authority, to whom he has referred the patient, a statement of the amount paid or payable to him by that person under these regulations."

(2) For regulation 6 there shall be substituted the following regulation—

"*Supply of Lenses*

6.—(1) The description of lenses (not forming part of children's glasses as described in the Schedule to the Act of 1951) for which charges are authorised under section 1(1) of, and the Schedule to,

that Act as amended by section 57 of and paragraphs 58 and 59 of Schedule 4 to, the National Health Service Reorganisation Act 1973(a) shall be varied so as to consist of the descriptions of lenses shown in column 1 of Schedule 3 to these regulations.

(2) (*a*) Subject to paragraph (2)(*b*) the charge authorised in respect of the supply under the National Health Service Acts 1946 to 1976 of a lens of any description mentioned in column 1 of Schedule 3 to these regulations shall be the amount specified in column 2 of that Schedule opposite the description of that lens, but, where more than one pair of glasses is supplied following a new prescription or a change of prescription, the charge for each lens supplied after the first two shall be reduced by 75p;

(*b*) paragraph (2)(*a*) shall not apply to the supply otherwise than under Part IV of the Act of 1946 or pursuant to the provisions of section 3 of the National Health Service Reorganisation Act 1973 of a contact lens to a person to whom children's glasses may be supplied and for whom a contact lens is clinically necessary."

(3) For Schedule 3 there shall be substituted—

"SCHEDULE 3 Regulation 6

LENSES

Column 1 *Description of Lens*	Column 2 *Charge*
1. Single vision lens (including single vision lenticular, frosted and chavasse lenses)—	£2.90
2. Fused glass bifocal lens—	£5.50
3. Lens of any other description—	£6.15"

(4) After Schedule 3 there shall be inserted the following Schedule—

"SCHEDULE 4 Regulation 3(2)

DENTAL APPLIANCE

Description of Appliance	*Charge*
A metal or porcelain based denture	
bearing 1 to 3 teeth	£15.00
bearing 4 to 8 teeth	£16.00
bearing more than 8 teeth	£17.00
More than one metal or porcelain based denture	£30.00
A denture base in materials other than metal or porcelain	
bearing 1 to 3 teeth	£10.00
bearing 4 to 8 teeth	£11.00
bearing more than 8 teeth	£12.00
More than one denture base in materials other than metal or porcelain	£20.00"

(a) 1973 c. 32.

Transitional

3. These regulations shall apply to the supply under the provisions of the National Health Service Acts 1946 to 1976 of a dental or optical appliance, and to the provision of general dental services other than the supply of appliances under Part IV of the Act of 1946 where the examination or testing of sight or the first examination or testing of sight leading to the supply of that appliance or the making of the contract or arrangements in pursuance of which the appliance is supplied or the services are provided as the case may require, takes place after 31st March 1977.

David Ennals,
Secretary of State for Social Services.

23rd February 1977.

SCHEDULE

PROVISIONS CONFERRING POWERS
EXERCISED IN MAKING THESE REGULATIONS

Column 1		Column 2
National Health Service Act 1946(a)	Section 44(2)	—
National Health Service Act 1951(b)	Section 1(1) and Schedule	National Health Service Act 1961(c) section 1; National Health Service Reorganisation Act 1973(d) section 57 and paragraphs 58 and 59 of Schedule 4;
National Health Service Act 1952(e)	Section 2	—
National Health Service Act 1961	Section 2(1)	—

(a) 1946 c. 81. (b) 1951 c. 31. (c) 1961 c. 19.
(d) 1973 c. 32. (e) 1952 c. 25.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (Charges) Regulations 1971 by replacing regulations 3 and 6 of those regulations.

The main alterations made by the new regulations are:—

(*a*) to provide for an increase in the charge for dental treatment provided under the general dental services from the current authorised fee payable to the dentist or £3.50 whichever is the less to the current authorised fee or £5.00 whichever is the less;

(*b*) to provide for an increase in the charge for dentures to a maximum of £30.00 and to vary the charge according to whether the denture (including a bridge) is made of metal or porcelain or of other materials;

(*c*) to prescribe as special dental treatment, the provision as part of general dental services of crowns, inlays, pinlays and gold fillings together with certain other fillings in a tooth treated with one of the first four treatments;

(*d*) to provide for a charge of £10 for the restoration of a tooth by special dental treatment;

(*e*) to provide for a maximum charge of £30 in respect of any combination of general dental services;

(*f*) to provide for an increase in the charges for lenses supplied under the National Health Service;

(*g*) to provide for the increases to take effect only in respect of transactions commencing after 31st March 1977.

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