STATUTORY INSTRUMENTS

2004 No. 1091

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Dental Charges) Amendment Regulations 2004

Made - - - -	*7th April 2004*
Laid before Parliament	*8th April 2004*
Coming into force - -	*1st May 2004*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 78A(4), 79A and 126(4) of, and paragraph 3(2) and 3(3) of Schedule 12 to, the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Dental Charges) Amendment Regulations 2004 and shall come into force on 1st May 2004.

(2) These Regulations apply to England only.

(3) In these Regulations, the "Dental Charges Regulations" means the National Health Service (Dental Charges) Regulations 1989(**b**).

Amendment of the Dental Charges Regulations to increase charges

2. In regulation 4 of the Dental Charges Regulations (calculation of charges)(**c**), in paragraph (5), for "£372" in both places where it occurs, there is substituted "£378".

Amendment of the Dental Charges Regulations concerning prisoners

3.—(1) In regulation 1(2) (interpretation) of the Dental Charges Regulations, the following definitions are inserted at the appropriate alphabetical place—

> **"**"prison" includes a young offender institution but not a secure training centre or a naval, military or air force prison, and for the purposes of this definition—
>
> "secure training centre" means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000(**d**) (offenders under 18:detention and training orders) may be detained and given training and education and prepared for their release; and

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(**a**) 1977 (c.49). Section 79A was inserted by section 11(3) of the Health and Medicines Act 1988 (c.49).
(**b**) S.I. 1989.394.
(**c**) Regulation 4 has been amended by S.I. 1991/581, S.I. 1992/369, S.I. 1993/419, S.I. 1994/530, S.I. 1995/444, S.I. 1996/389, S.I. 1997/558, S.I. 1998/490, S.I. 1998/2221, S.I. 1999/544, S.I. 2000/596, S.I. 2001/707, S.I. 2002/544, S.I. 2002/2353 and S.I. 2003/586.
(**d**) 2000 c.6.

"young offender institution" means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life; and

"prisoner" means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the Act by, or under arrangements made by, a Primary Care Trust otherwise than by virtue of section 18A(5) of the Act (provision of services etc.)(**a**).".

(2) After regulation 2(2) (charges for supply of dental appliances) there is inserted—

"(3) No charge shall be made and recovered under paragraph (1) in respect of a prisoner.".

(3) After regulation 3(2)(f) (charges for other dental services) there is inserted—

"(g) a prisoner.".

Revocation

4. The National Health Service (Dental Charges) Amendment Regulations 2003(**b**) are revoked.

Transitional provision

5. Where, on or after 1st May 2004, appliances are supplied, or other general dental services are provided, in pursuance of a contract or arrangement for the provision of general dental services made before that date, regulation 4(5) of the Dental Charges Regulations shall have effect in respect of that supply or other provision as if these Regulations had not come into force.

Signed by authority of the Secretary of State for Health

Warner
Parliamentary Under Secretary of State,
Department of Health

7th April 2004

(**a**) Section 18A was inserted in the National Health Service Act 1977 by section 5 of the Health Act 1999(c.8).
(**b**) S.I. 2003/586.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Dental Charges) Regulations 1989 ("the Dental Charges Regulations").

Regulation 2 increases from £372 to £378 the maximum charge payable by the patient for dental treatment and appliances, where the contract or arrangement leading to the provision of such treatment or appliances is made on or after 1st May 2004.

Regulation 3 provides that prisoners in certain prisons will not be charged for appliances and treatment under the Dental Charges Regulations. Prisoners will only obtain free treatment and appliances while actually in prison and therefore will not be required to prove entitlement to exemption from paying the charges. This change is a result of the transfer of responsibility for prison health care provision from the Home Office to Primary Care Trusts.

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