EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE (DENTAL CHARGES) AMENDMENT REGULATIONS 2011

2011 No. 519

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the Instrument

2.1. The National Health Service (Dental Charges) Amendment Regulations 2011 ("the Amendment Regulations") amend the National Health Service (Dental Charges) Regulations 2005 (S.I. 2005/3477) ("the Dental Charges Regulations") with effect from 1 April 2011.

2.2. The Dental Charges Regulations provide for charges to be made and recovered from a patient, who is not exempt, for the provision of dental treatment, including urgent treatment and orthodontic treatment, and the supply of dental appliances by a provider of primary dental services.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1. Regulation 2 of the Amendment Regulations amends the Dental Charges Regulations. Regulation 2(1) of the Amendment Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) to increase the applicable charge payable for a banded course of treatment by an overall average increase of 3%, after rounding.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

7.1 Dental charges represent an important contribution to the overall cost of dental services. Dental charges have existed in some shape or form since 1951. Long-standing exemption arrangements mean that patients aged under 18, aged 18 and in full time education, pregnant and nursing mothers, and adults on low incomes do not have to pay charges.

7.2 Regulation 2(1) of the Amendment Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) to increase the applicable charge payable for courses of treatment. The Amendment Regulations are being made to increase the charges payable for courses of dental treatment by an overall average of 3% (after rounding) in order to protect the value of charge income in the light of inflationary trends. The affect of the Amendment Regulations is that the charge for a Band 1 course of treatment increases by 3% to £17, a Band 2 course of treatment increases by 3.1% to £47, and a Band 3 course of treatment increases by 3% to £204.

Consolidation

7.3 The Dental Charges Regulations were made in December 2005 and may be subject to further amendment in the light of experience with the operation of these powers, and to reflect inflationary increases. There are therefore no plans to consolidate the Dental Charges Regulations.

8. Consultation outcome

8.1 The instrument implements inflationary increases only to the cost of a course of NHS dental treatment so have not been the subject of consultation.

9. Guidance

9.1 Primary Care Trusts, the public and NHS dental contractors will be advised of the new charges by way of a patient information leaflet, waiting room notices and through the Department of Health website.

10. Impact

10.1 The dental charge increases made by the Amendment Regulations are in line with inflation and do not therefore require an Impact Assessment.

11. Regulating small business

11.1 The instrument does not apply to small business.

12. Monitoring and review

12.1 The Dental Charges Regulations, as amended, are subject to annual review.

13. Contact

Derek Parris at the Department of Health (telephone 020 7633 7160 or email Derek.Parris@dh.gsi.gov.uk) can answer any queries regarding this instrument.