STATUTORY INSTRUMENTS

1988 No. 473

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Dental Charges) Regulations 1988

Made - - - -	*11th March 1988*
Laid before Parliament	*11th March 1988*
Coming into force	*1st April 1988*

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 78(1) and 79(1) of, and paragraphs 2(1) and (2) and 3(1), (2) and (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 and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Dental Charges) Regulations 1988 and shall come into force on 1st April 1988.

(2) In these Regulations, unless the context otherwise requires–

(a) "the Act" means the National Health Service Act 1977;

"bridge" means a fixed or a removable bridge which takes the place of any teeth;

"patient" includes a person who pays or undertakes to pay a charge on behalf of a person to whom a dental appliance is supplied or to whom a service is provided;

"supply", in relation to an appliance, includes its replacement;

(b) a reference to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number and a reference in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

Charges for supply of dental appliances

2.—(1) Charges may be made and recovered in accordance with these Regulations in respect of the chargeable supply of a dental appliance described in column (1) of Part I of Schedule 1.

(2) Subject to paragraph (3), to regulation 4 and to Part II of Schedule 1, the amount of the charge which may be made and recovered pursuant to paragraph (1) in respect of a dental appliance described in column (1) of Part I of Schedule 1 is the amount set out in relation to it in column (2) of that Part.

(**a**) 1977 c.49; for the definitions of "prescribed" and "regulations", see section 128(1); Schedule 12 was amended by the Health Services Act 1980 (c.53), Schedule 5, paragraphs 1 to 4 and by the Health and Social Security Act 1984 (c.48), Schedule 1, paragraphs 2 and 3.

[H88/1814]

(3) Where a dental practitioner–

(a) has begun for a patient, as part of general dental services, a course of treatment which includes the supply of an appliance described in Schedule 1; and

(b) has referred that patient, for the supply of that appliance otherwise than as part of general dental services, to a health authority or to a hospital with which a health authority has made arrangements for the provision of services under the Act,

the amount of the charge for the supply of that appliance by or on behalf of the health authority shall be determined in accordance with Schedule 2.

(4) In this regulation "chargeable supply" means supply under the Act other than–

(a) a supply in respect of which no charge may be made by virtue of paragraph 2(3), (4) or (8) of Schedule 12 to the Act;

(b) a supply, otherwise than as part of general dental services, to a person who has undergone operative procedures affecting the mandible, the maxilla or the soft tissues of the mouth as part of treatment for invasive tumours;

(c) a supply, otherwise than as part of general dental services, of any obturator which is a denture.

Charges for dental treatment as part of general dental services

3.—(1) Subject to regulation 4, the amount of the charge authorised by and payable under section 79(1) of the Act in respect of chargeable services under a contract or arrangement is 75% of the current authorised fees for those services, rounded down, where necessary, to the nearest whole penny.

(2) In this regulation "current authorised fee" has the meaning assigned to it by paragraph 3(1) of Schedule 12 to the Act and for the purposes of this regulation the amount of the current authorised fee for any service, where it is such amount as the Dental Estimates Board may in its discretion approve, whether or not subject to a maximum, is–

(a) if the Board has approved a fee for the service, the amount of the fee so approved, notwithstanding any subsequent variation of that amount on appeal(**a**);

(b) if the Board has refused to approve a fee for the service, the amount of any fee authorised for it on appeal.

(3) In this regulation "chargeable services" means services provided in pursuance of any contract or arrangement for the provision of general dental services, other than–

(a) services for which no charge may be made by virtue of section 79(1)(a) to (d) of the Act or paragraph 3(4) of Schedule 12 to the Act;

(b) the opening by a dental practitioner of his surgery outside his normal opening hours in order to provide emergency treatment;

(c) the attendance at the surgery of a dental practitioner providing emergency treatment of a medical practitioner or of another dental practitioner, specifically with a view to the administration of a general anaesthetic in connection with emergency treatment.

Maximum charge for general dental services

4. The amount of the charges payable pursuant to these Regulations in respect of all dental appliances supplied and other services provided in pursuance of any one contract or arrangement for the provision of general dental services shall not exceed £150 in the aggregate.

Making and recovery of charges

5.—(1) Where any charge is payable under section 78 of the Act in respect of the supply of a dental appliance the dental practitioner who, as part of general dental services, or the health authority which, under the Act, supplies or is to supply the appliance may–

(a) on arranging to supply it, make the appropriate charge; and

(**a**) *See* S.I. 1974/455, regulation 21; the relevant amending instrument is S.I. 1987/445.

(b) on supplying it or having it available for supply, recover the appropriate charge from the patient (if it has not previously been paid).

(2) Where any charge is payable under section 79 of the Act in respect of a service the dental practitioner who provides or is to provide the service may–

(a) on arranging to provide it, make the appropriate charge; and

(b) on providing it, recover the appropriate charge from the patient (if it has not previously been paid).

More expensive supplies, remission and repayment

6. The charges which may be made and recovered by virtue of these Regulations are–

(a) in addition to any charge payable under section 81 of the Act (charges for more expensive supplies)(**a**);

(b) subject to the provisions of regulations made under the Act providing for remission or repayment.

Revocation, savings and transitional

7.—(1) The regulations specified in column (1) of Schedule 3 are revoked to the extent specified in column (3) of that Schedule.

(2) These Regulations apply to the supply of a dental appliance otherwise than as part of general dental services only where the examination, or first examination, leading to the supply takes place on or after 1st April 1988; and where the examination or first examination leading to the supply takes place before 1st April 1988 the charge which may be made and recovered in respect of the supply shall be that authorised by section 78(1) of the Act at the time of that examination or first examination.

(3) These Regulations apply to the provision of general dental services only where the contract or arrangement leading to the supply, as part of those services, of a dental appliance or to some other provision of general dental services is made on or after 1st April 1988; and where the contract or arrangement is made before that date, the charge which may be made and recovered in respect of the supply or the other provision of general dental services shall be that authorised by section 78(1) or section 79(1) of the Act at the time when that contract or arrangement was made.

Signed by authority of the Secretary of State for Social Services.

Tony Newton
Minister of State,
Department of Health and Social Security

11th March 1988

(a) *See* S.I. 1973/1468, regulation 20 (the relevant amending instrument is S.I. 1980/986) and S.I. 1974/284, regulation 4.

SCHEDULE 1

Regulation 2

CHARGES FOR SUPPLY OF DENTAL APPLIANCES

PART I
CHARGES

(1) *Description of Appliance*	(2) *Amount of Charge*
1. A metal based denture having–	
(a) 1 to 3 teeth	£ 64
(b) 4 to 8 teeth	£ 69
(c) more than 8 teeth	£ 71
2. A denture based in materials other than metal having–	
(a) 1 to 3 teeth	£ 26
(b) 4 to 8 teeth	£ 34
(c) more than 8 teeth	£ 40
3. An acid etch retained bridge	£ 65
4. A bridge other than an acid etch retained bridge	£150

PART II
MAXIMUM CHARGES

Where more than one denture described in paragraph 2 of column (1) of Part I of this Schedule is supplied as part of the same course of treatment the charge for the supply of the dentures shall not exceed in the aggregate–

(a) £59 in the case of full upper and lower dentures;

(b) £62 in any other case.

SCHEDULE 2

Regulation 2(3)

CALCULATION OF CHARGE FOR SUPPLY OF APPLIANCE ON REFERRAL TO HEALTH AUTHORITY

1. There shall first be taken an amount ("£x") which is the greater of the following–

(a) the amount of the charges authorised by sections 78 and 79 of the Act which have been paid to the dental practitioner by the patient in respect of the course of treatment;

(b) the amount of the charges authorised by those sections, including any amount already paid, which would be payable to the dental practitioner by the patient in respect of that course of treatment if no charge fell to be made in respect of the supply of the appliance.

2. Then £x shall be compared with the full amount of the charges payable to the dental practitioner by the patient in respect of the course of treatment ("£y") and–

(a) if £x equals or exceeds £y, there is no charge for the supply of the appliance;

(b) if £x is less than £y, the charge for the supply of the appliance is–

(i) £y minus £x, or

(ii) the amount specified in relation to the appliance in column (2) of Part I of Schedule 1,

whichever is the lesser amount.

SCHEDULE 3

Regulation 7(1)

REVOCATIONS

(1) *Regulations revoked*	(2) *References*	(3) *Extent of revocation*
The National Health Service (Charges for Appliances) Regulations 1974	S.I. 1974/284	Regulation 9
The National Health Service (Dental and Optical Charges) Regulations 1978	S.I. 1978/950	The whole regulations
The National Health Service (Dental and Optical Charges) Amendment Regulations 1979	S.I. 1979/677	The whole regulations
The National Health Service (Dental and Optical Charges) Amendment Regulations 1980	S.I. 1980/352	The whole regulations
The National Health Service (Dental and Optical Charges) Amendment (No. 2) Regulations 1980	S.I. 1980/987	The whole regulations
The National Health Service (Dental and Optical Charges and Remission of Charges) Regulations 1981	S.I. 1981/307	The whole regulations
The National Health Service (Dental and Optical Charges) Amendment Regulations 1982	S.I. 1982/284	The whole regulations
The National Health Service (Dental and Optical Charges and Remission of Charges) Amendment Regulations 1983	S.I. 1983/309	Regulations 2 and 4
The National Health Service (Dental and Optical Charges) Amendment Regulations 1984	S.I. 1984/299	The whole regulations
The National Health Service (Dental Charges – Variation) Regulations 1985	S.I. 1985/352	The whole regulations
The National Health Service (Payments for Optical Appliances) Regulations 1986	S.I. 1986/976	Regulation 13(1)(b) and Part II of Schedule 3

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the regulations providing for charges in respect of the supply of dental appliances under the National Health Service Act 1977 and in respect of dental treatment as part of general dental services under that Act. In addition to minor and drafting amendments, these Regulations make four changes of substance.

First, the charges for dentures are increased by an average 25% (the charges were last altered in April 1985) and bridges are charged at different amounts to dentures (regulation 2(2) and Schedule 1).

Secondly, the charge for dental treatment is altered (regulation 3(1)) to a basis for all treatment of 75% of the fees authorised by the Dental Estimates Board as payable to the dentist by the Family Practitioner Committee ("the authorised fees"). This supersedes a charge of £33 or £63 (depending on the gold content) for crowns, inlays, pinlays or gold fillings or the authorised fees, whichever was less, and a charge for other treatment of £17 plus 40% of the authorised fees (or a charge of the authorised fees only where £17 or less).

Thirdly, there are exceptions from charging relating to obturators (regulation 2(4)(c)) and to emergency attendance to administer a general anaesthetic (regulation 3(3)(c)).

Fourthly, the maximum fee for a course of treatment (including the supply of appliances) under general dental services is raised from £115 to £150 (regulation 4).

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