
STATUTORY INSTRUMENTS

1998 No. 2224

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Pilot Schemes for
Personal Dental Services: Miscellaneous Provisions
and Consequential Amendments) Regulations 1998**

Made - - - - *10th September 1998*
Laid before Parliament *10th September 1998*
Coming into force - - *1st October 1998*

The Secretary of State, in exercise of powers conferred on him by sections 15(1)(b), 15(1ZA), 35(1), 36(1), 41, 43, 77 and 126(4) of the National Health Service Act 1977(1) and sections 2, 25(1) and (2), 27, 28 and 105(7) of the National Health Service (Scotland) Act 1978(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

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- (1) 1977 c. 49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 5(2); by the 1990 Act, section 12(1); and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 6. Section 15(1ZA) was inserted by the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), Schedule 2, paragraph 4(2). Section 35(1) was substituted by S.I. 1985/39, article 7(9), and amended by the 1995 Act, Schedule 1, paragraph 24. Section 36(1) was so numbered by the 1984 Act, Schedule 3, paragraph 5(1) and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(10); by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), Schedule 2, paragraph 4; by the 1990 Act, section 24; and by the 1995 Act, Schedule 1, paragraph 25(a). Section 41 was amended by the Health Services Act 1980 (c. 53), sections 1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7; by S.I. 1985/39, article 7(13); by the 1990 Act, Schedule 9, paragraph 18(1) and Schedule 10; by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 2; by the 1995 Act, Schedule 1, paragraph 29; and by the 1997 Act, Schedule 2, paragraph 13. Section 43 was amended by the 1980 Act, sections 1 and 21(2) and Schedule 1, paragraph 55; by S.I. 1985/39, article 7(15); by the 1990 Act, Schedule 9, paragraph 18(2); by the 1995 Act, Schedule 1, paragraph 31; and by the 1997 Act, section 29 and Schedule 2, paragraph 14. Section 126(4) was amended by the 1990 Act, section 65(2).
- (2) 1978 c. 29. Section 2 was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 28 and Schedule 9, paragraph 19. Section 25(2) was amended by the 1990 Act, Schedule 9, paragraph 19. Section 27 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66) (“the 1986 Act”), section 3(3), by S.I. 1987/2202 and by the 1990 Act, Schedule 9, paragraph 19. Section 28 was amended by the 1986 Act, section 3(4) and by the 1990 Act, section 66 and Schedule 9, paragraph 19. Section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24.

Citation and commencement

1. These Regulations may be cited as the National Health Service (Pilot Schemes for Personal Dental Services: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 and shall come into force on 1st October 1998.

Prescribed function of Health Authorities and Health Boards

2. For the purposes of section 15(1ZA) of the National Health Service Act 1977(3) (“the 1977 Act”) and section 2 of the National Health Service (Scotland) Act 1978(4) (“the 1978 Act”) it shall be a prescribed function of each Health Authority and Health Board which is a party to a pilot scheme under section 1(1) of the National Health Service (Primary Care) Act 1997(5) (“the 1997 Act”) to establish and operate, in accordance with directions given by the Secretary of State under section 9(2) of the 1997 Act and section 17 of the 1977 Act or, as the case may be, section 10(2) of the 1997 Act and section 2 of the 1978 Act, procedures for dealing with complaints about the provision of personal dental services under such a pilot scheme.

Amendment of the National Health Service (General Dental Services) Regulations 1992

3.—(1) The National Health Service (General Dental Services) Regulations 1992(6) are amended as follows.

(2) In regulation 5A (applications for vocational training numbers)(7), in paragraph (3)(d), after “Crown” insert “, or has performed personal dental services in connection with a pilot scheme.”.

(3) In regulation 8 (removal from a dental list), in paragraph (5)—

(a) omit “or” at the end of sub-paragraph (iii)(8); and

(b) at the end of sub-paragraph (iv) add—

“; or

(v) the dentist was performing personal dental services in connection with a pilot scheme.”.

(4) In regulation 20 (approval of payments), after paragraph (6) add—

“(7) Where the Board has made a payment to a pilot scheme provider for providing personal dental services to a patient, it shall not make any payment under these Regulations in relation to the same patient to the same pilot scheme provider, or to any dentist performing personal dental services in connection with that pilot scheme, unless the patient has been referred under these Regulations for treatment by way of personal dental services under that pilot scheme.”.

(5) In Schedule 1 (terms of service for dentists)—

(a) in paragraph 7 (repair or replacement of restorations), after “transferred,” insert “has provided by way of personal dental services in connection with a pilot scheme or”;

(b) in each of paragraph 12 (referral to another dentist or to a hospital or other service) and paragraph 18 (referral for occasional treatment), in sub-paragraph (1), after “general dental services” insert “or personal dental services”; and

(3) Section 15(1ZA) was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 4.

(4) 1978 c. 29. Section 2 was amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(1).

(5) 1997 c. 46.

(6) S.I. 1992/661; relevant amending instruments are S.I. 1993/2209, 1993/3172, 1995/3092 and 1998/1648.

(7) Regulation 5A was inserted by S.I. 1993/2209 and amended by S.I. 1993/3172 and 1998/1648; the latter substituted a new paragraph (3)(d).

(8) This word, and sub-paragraph (iv), were added by S.I. 1995/3092.

- (c) in paragraph 14 (inability of dentist to complete care and treatment), after “control,” insert “or to his taking up the performance of personal dental services in connection with a pilot scheme”.

Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 1996

4.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1996⁽⁹⁾ are amended as follows.

(2) In regulation 6 (applications for vocational training numbers), in paragraph (3)(d), after “Crown” insert “, or has performed personal dental services in connection with a pilot scheme.”.

(3) In regulation 11 (removal from dental list), in paragraph (5)—

- (a) omit “or” at the end of sub-paragraph (c); and
- (b) at the end of sub-paragraph (d) add—

“, or

(e) the dentist was performing personal dental services in connection with a pilot scheme.”.

(4) In regulation 23 (approval of payments), after paragraph (6) add—

“(7) Where the Board has authorised a payment to a pilot scheme provider for providing personal dental services to a patient, it shall not authorise any payment under these Regulations in relation to the same patient to the same pilot scheme provider, or to any dentist performing personal dental services in connection with that pilot scheme, unless the patient has been referred under these Regulations for treatment by way of personal dental services under that pilot scheme.”.

(5) In Schedule 1 (terms of service for dentists)—

- (a) in paragraph 7(1) (repair or replacement of restorations), after “transferred,” insert “has provided by way of personal dental services in connection with a pilot scheme or”;
- (b) in each of paragraph 12 (referral to another dentist or to a hospital or other service) and paragraph 18 (referral for occasional treatment), in sub-paragraph (1), after “general dental services” insert “or personal dental services”; and
- (c) in paragraph 14 (inability of dentist to complete care and treatment), after “control”, insert “or to his taking up the performance of personal dental services in connection with a pilot scheme”.

Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 1989

5. In the National Health Service (Charges for Drugs and Appliances) Regulations 1989⁽¹⁰⁾, in the definition of “prescription form” in regulation 2(1) (interpretation), after sub-paragraph (d) add—

“(e) a dentist performing personal dental services in connection with a pilot scheme under Part I of the National Health Service (Primary Care) Act 1997.”.

⁽⁹⁾ S.I. 1996/177.

⁽¹⁰⁾ S.I. 1989/419; relevant amending instruments are S.I. 1991/579, 1994/2402, 1998/646.

Amendment of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989

6. In the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(11), in the definition of “prescription form” in regulation 2(1) (interpretation), after “service” insert “, or a dentist performing personal dental services in accordance with a pilot scheme under Part I of the National Health Service (Primary Care) Act 1997.”.

Amendment of the National Health Service (Pharmaceutical Services) Regulations 1992

7. In the National Health Service (Pharmaceutical Services) Regulations 1992(12), after regulation 2(1B) (interpretation), add—

“(1C) In these Regulations the term “pharmaceutical services” includes the provision to persons who are in a Health Authority’s area of listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance by him of the performance of personal dental services within the meaning of section 1(8) of the 1997 Act.”.

Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995

8. In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(13), in regulation 2(1) (interpretation and application), in the definition of “pharmaceutical services” at the end, add—

“and includes the provision to persons who are in a Board’s area of listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance by him of the performance of personal dental services within the meaning of section 1(8) of the National Health Service (Primary Care) Act 1997.”.

10th September 1998

Frank Dobson
One of Her Majesty’s Principal Secretaries of
State (Department of Health)

(11) [S.I. 1989/326](#).

(12) [S.I. 1992/662](#); relevant amending instruments are [S.I. 1994/2402](#), [1995/644](#), [1996/698](#) and [1998/681](#).

(13) [S.I. 1995/414](#) to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations confers on Health Authorities (in England and Wales) and Health Boards (in Scotland) the function of establishing and operating, in accordance with directions given by the Secretary of State, procedures for dealing with complaints about the provision of personal dental services.

These Regulations also make amendments to the National Health Service (General Dental Services) Regulations 1992 (regulation 3), to the National Health Service (General Dental Services) (Scotland) Regulations 1996 (regulation 4), and to other secondary legislation (regulations 5—8), consequential upon the coming into force on 1st October 1998 of certain provisions of the National Health Service (Primary Care) Act 1997 relating to pilot schemes for personal dental services.

These Regulations impose no costs on business.