

2022 No. 276

HEALTH AND PERSONAL SOCIAL SERVICES

**The General Dental Services (Amendment) Regulations
(Northern Ireland) 2022**

Made - - - - - *27th October 2022*

Coming into operation - *25th November 2022*

The Department of Health(a), in conjunction with the Department of Finance, makes the following Regulations in exercise of the powers conferred by Articles 55A(1)(a), 61(1) and (2), 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(b) and Section 6(2) of the Health and Social Care Act (Northern Ireland) 2022(c).

In accordance with Article 61(4) of that Order, the Department has consulted with such organisations as appear to be representative of the dental profession.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 2022 and shall come into operation on 25th November 2022.

(2) In these Regulations, “the principal Regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(d).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (5)—

(2) In regulation 5A(4)(a)(e) (applications for dental foundation training numbers) for “15(1)(b)” substitute “15(1)(c)”.

(3) In regulation 28 (changes of circumstances), for “Board”, in each place it occurs, substitute “Department”.

(4) In Schedule 2 (terms of service for dentists)—

(a) In paragraph 8(1)(f) (duration and extension of a continuing care arrangement)—

(a) See 2016 c. 5 Section 1(5)

(b) S.I. 1972/1265 (N.I. 14); relevant amending Instruments are Article 13 of S.I. 1978/1907 (N.I. 26), Articles 30, 34, 35 of, and Part 1 of Schedule 5 to, and Part 1 of Schedule 6 to, S.I. 1991/194 (N.I. 1), Schedule 2 to, S.I. 1997/1177 (N.I. 7) and Schedule 1 to, 2022 c. 3 (N.I.)

(c) 2022 c. 3 (N.I.)

(d) S.R. 1993 No. 326: relevant amending Regulations are S.R. 1993 No. 401, 1998 No. 245, 1999 No.100, 2003 No. 325, S.R. 2007 No. 292, 2014 No. 267, 2017 No.10 and 2022 No.104

(e) Regulation 5A was inserted by reg. 4 of S.R. 1993 No. 401 and substituted by reg. 2(4) of S.R. 2017 No. 10. Regulation 5A was previously amended by regulation 4 of S.R. 1998 No. 245 and regulation 5(3) of S.R. 1999 No. 100

(f) Paragraph 8(1) was substituted by regulation 2(4) of S.R. 1996 No. 382 and further amended by regulation 2(3) of S.R. 2009 No. 263

- (i) for “A continuing care arrangement” substitute “Subject to head (c), a continuing care arrangement”;
 - (ii) after head (a) omit “or”; and
 - (iii) in head (b) for the full-stop substitute—
 - “; or
 - (c) a patient whose continuing care arrangement commenced or was last extended between—
 - (i) 1 March 2018 and 29 February 2020 shall have 36 months added to the 25th month referred to in sub-paragraph (1).
 - (ii) 1 March 2020 and 28 February 2021 shall have 24 months added to the 25th month referred to in sub-paragraph (1).
 - (iii) 1 March 2021 and 28 February 2022 shall have 12 months added to the 25th month referred to in sub-paragraph (1).”.
- (b) In paragraph 9(1)(a) (duration and extension of a capitation arrangement)—
- (i) for “A capitation arrangement” substitute “Subject to head (c), a capitation arrangement”;
 - (ii) after head (a) omit “or”; and
 - (iii) in head (b) for the full-stop substitute—
 - “; or
 - (c) a patient whose capitation arrangement commenced or was last extended between—
 - (i) 1 March 2018 and 29 February 2020 shall have 36 months added to the 25th month referred to in sub-paragraph (1).
 - (ii) 1 March 2020 and 28 February 2021 shall have 24 months added to the 25th month referred to in sub-paragraph (1).
 - (iii) 1 March 2021 and 28 February 2022 shall have 12 months added to the 25th month referred to in sub-paragraph (1).”.
- (c) In paragraph 26 (prior approval of treatment) for sub-paragraphs (8)(b) and (9) (prior approval of treatment) substitute—
- “(8) Where, in consequence of any proceedings under the Disciplinary Procedures Regulations in respect of general dental services a dentist is required for any period to submit all estimates to the Committee for approval, in respect of all treatment or any specified description of treatment, the dentist—
- (a) shall submit, without unreasonable delay, all such estimates (whether relating to treatment to be provided in that or any other area) to the Committee for approval; and
 - (b) shall not proceed with such treatment until he receives approval from the Committee, except that he may in the course of any single consultation, proceed with treatment consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres, or treatment in an emergency.
- (9) Where in consequence of a direction given by the Committee under regulation 32 a dentist is directed, for any period, to submit all estimates to the Committee for approval in respect of treatment or a description of treatment specified in the direction, the dentist—

(a) Paragraph 9(1) was substituted by regulation 2(5)(a) of S.R. 1996 No. 382 and further amended by regulation 2(4) of S.R. 2009 No. 263

(b) Previously amended by S.R.s 2007 No. 292 and 2022 No. 104.

- (a) shall submit, without unreasonable delay, all such estimates (relating to treatment) to the Committee for approval; and
 - (b) shall not proceed with such treatment until he receives approval from the Committee, except that he may in the course of any single consultation, proceed with treatment consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres, or treatment following trauma or in an emergency.”.
 - (d) In paragraph 35(3) (deputies and assistants) omit “in a board area”.
- (5) In Schedule 5 (prior approval treatment)—
- (a) In paragraph 1 for “£280”(a) substitute “the amount set out in Determination I of the Statement of Dental Remuneration.”; and
 - (b) for paragraph 3 substitute—
- “3. A reference in this Part to the cost of care and treatment means the cost of such care and treatment calculated in accordance with the Scale of Fees, but does not include the cost of—
- (a) any care and treatment under a capitation arrangement for which the dentist is remunerated in accordance with Section X (treatment under capitation) in Determination I of the Statement of Dental Remuneration for which he receives no remuneration other than a capitation payment;
 - (b) In the case of orthodontic care and treatment, fees for diagnosis, study models, retention and the extraction of any tooth for orthodontic purposes;
 - (c) in the case of care and treatment which is not orthodontic care and treatment, fees for diagnosis and domiciliary visits; and
 - (d) any part of the care and treatment to be provided privately.”.

Sealed with the Official Seal of the Department of Health on 27th October 2022



Robbie Davis
A senior officer of the Department of Health

Sealed with the Official Seal of the Department of Finance on 27th October 2022



Barry Armstrong
A senior officer of the Department of Finance

(a) Amount substituted by regulation 2(3) of S.R. 2003 No. 325

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make various amendments to the General Dental Services Regulations (Northern Ireland) 1993 (“the Principal Regulations”).

Regulation 2(2) makes a minor technical amendment to correct a reference to the Dentist Act

Regulation 2(3) makes minor technical amendments subsequent to the Health and Social Care Act (Northern Ireland) 2022 (c. 3).

Regulation 2(4) makes various amendments to allow the extension of the continuing care and capitation arrangements for those affected by the Covid- 19 pandemic. It also makes minor technical amendment subsequent to Health and Social Care Act (Northern Ireland) 2022.

Regulation 2(5) amends Schedule 5 to the principal Regulations to allow the prior approval limit to be adjusted within the Statement of Dental Remuneration for the purposes of administrative efficiency and timely provision of treatment.

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