

THIRD SCHEDULE.

NATIONAL HEALTH INSURANCE ACT, 1936.

MEMORANDUM OF DECISION OF THE MINISTRY OF LABOUR FOR NORTHERN IRELAND ON APPLICATION UNDER SECTION 161 (1) OF THE NATIONAL INSURANCE ACT, 1936.

The decision of the Ministry of Labour for Northern Ireland on the question raised on the application dated the.....day of..... made by.....of.....is as follows:—

Signed (on behalf of the Ministry).....

Dated.....

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 7th day of July, nineteen hundred and thirty-nine.

(L.S.)

W. A. B. Iliff,

Assistant Secretary to the Ministry of Labour for Northern Ireland.

Dental Benefit.

REGULATIONS, DATED 12TH DAY OF SEPTEMBER, 1939, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER THE NATIONAL HEALTH INSURANCE ACT, 1936.

1939. No. 131.

The National Health Insurance Joint Committee, acting jointly with the Ministry of Labour for Northern Ireland in exercise of the powers conferred on them by the National Health Insurance Act, 1936, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

PART I.

General.

1.—(1) These Regulations may be cited as the National Health Insurance (Dental Benefit) Regulations (Northern Ireland), 1939, and shall, except as otherwise provided, come into operation forthwith.

Short title, commencement and construction.

(2) These Regulations shall be construed as one with the Additional Benefits Regulations.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

Interpretation.

“ The Act ” means the National Health Insurance Act, 1936, as amended by any subsequent enactment;

“ The Additional Benefits Regulations ” means the National Health Insurance (Additional Benefits) Regulations, 1930, or any Regulations superseding or amending those Regulations;

“ The Joint Committee ” means the National Health Insurance Joint Committee;

“ The Ministry ” means the Ministry of Labour for Northern Ireland;

“ Society ” means an Approved Society and includes any branch thereof which is a branch for the purposes of the Act;

“ Dental Benefit ” means the additional benefit numbered 9 in the Third Schedule to the Act;

“ Dental treatment ” or “ treatment ” means all proper and necessary treatment of a kind which a dentist usually undertakes for a patient, including scaling, treatment of the gums, fillings, extractions, crowning, provision of artificial dentures and their repair and remodelling, and examination and advice, the obtaining of radiographs where necessary and the administration of anæsthetics in connection with any such treatment;

“ Operative treatment ” means any treatment other than that in respect of crowning and the provision, repair and remodelling of artificial dentures;

“ Emergency treatment ” means any treatment immediately required for the relief of pain, or other sufficient reason;

“ Dentist ” means a person who is duly registered in the Dentists' Register kept under the Dentists Acts, 1878 to 1923, or any Act amending those Acts;

“ Dental Referee ” means an officer appointed by the Ministry, whether or not for whole time service, in connection with the provision of dental treatment under these Regulations;

“ Year ” means calendar year.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Repeal of
existing
Regulations.

3.—The National Health Insurance (Dental Benefit) Regulations (Northern Ireland), 1933, the National Health Insurance (Dental Benefit) Amendment Regulations (Northern Ireland), 1936, and the National Health Insurance (Dental Benefit) Amendment Regulations (Northern Ireland), 1938, are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

PART II.

Dental Benefit Council.

4.—There shall be a Dental Benefit Council for Northern Ireland (in these Regulations referred to as "the Council") with the following powers and duties:—

Dental
Benefit
Council

- (1) they shall give general advice to the Ministry with regard to the administration of dental benefit; and
- (2) they shall have such powers and duties as are hereinafter set out in relation to questions which may arise between dentists and Societies.

5.—The Council shall consist of the following members:—

Constitution
of Council

- (a) A Chairman appointed by the Ministry;
- (b) Six persons representing dentists to be appointed by the Ministry after consultation with the organisations representing dentists in Northern Ireland;
- (c) Six persons representing Societies to be appointed by the Ministry after consultation with the organisations representing Societies.

6.—(1) The members of the Council representing respectively dentists and Societies shall hold office for three years and shall then go out of office provided that any casual vacancy occurring among such members shall be filled in the same manner as that in which the original appointment was made, and any person appointed to fill the vacancy shall hold office until the time when the person in whose place he is appointed would have gone out of office.

Term of
Office.

(2) A member of the Council representing dentists or Societies may, on the expiration of his term of office, be re-appointed.

(3) The Chairman of the Council shall hold office until his appointment is terminated by the Ministry. It shall be competent for the Ministry to appoint an additional person to act as Deputy Chairman.

7.—The proceedings of the Council shall not be invalidated by any vacancy in their number.

Vacancies
not to
invalidate
proceedings
Committees.

8.—The Council shall have power to appoint Committees, including an Interpretation Committee, and on each Committee the persons representing respectively dentists and Societies shall be in equal numbers.

9.—Subject to the approval of the Ministry, the Council may make, vary and revoke standing orders for the regulation of the proceedings and business of the Council and of its Committees.

Standing
Orders.

Officers. 10.—The officers of the Council shall be appointed by the Ministry.

Expenses of Council.

11.—All expenses incurred by the Ministry in connection with the administration of dental benefit, including any expenses of the Council incurred with the approval of the Ministry, shall be payable out of the Funds available for the provision of dental benefit by Societies which provide the benefit, or where a Society so desires may, with the consent of the Ministry, be paid out of the sums available for the administration of benefits by the Society. The amount so payable shall from time to time be apportioned amongst such Societies in proportion to their expenditure on the provision of dental benefit in Northern Ireland.

Travelling and Subsistence Allowances.

12.—The members of the Council and of any of its Committees shall, when engaged on the business of the Council, be entitled to receive travelling expenses and allowances for subsistence at rates approved by the Ministry, and any sums so paid shall be treated as an expense incurred by the Ministry in connection with the administration of dental benefit.

Minutes.

13.—The Minutes of the Proceedings at every Meeting of the Council and of its Committees shall be duly kept by the Secretary or other officer appointed for the purpose.

PART III.

Dental Referee Service.

Dental Referee.

14.—(1) The services of Dental Referees shall be available for :—

(a) Advising Societies, dentists and the Council on questions arising in connection with estimates furnished or treatment given by dentists; and

(b) advising the Ministry and the Council on matters arising in connection with the administration of dental benefit.

(2) The cost of the service of Dental Referees shall, so far as is not otherwise defrayed, be treated as an expense incurred by the Ministry in connection with the administration of dental benefit and apportioned from time to time amongst Societies in proportion to their expenditure in Northern Ireland on the provision of dental benefit.

Penalty for failure to submit to Dental Referee's examination.

15.—(1) In addition to the general conditions set out in the Additional Benefits Regulations relating to the receipt of additional benefits, it shall be a condition for the receipt of dental benefit that a member shall, if required by his Society, prior to determination of his application, submit himself for examination by a Dental Referee.

(2) If after an application has been granted the Society require the member to submit himself for examination by a Dental Referee and the member refuses to submit to such examination or, without reasonable cause, fails to attend at the time and place appointed for that purpose, he shall be treated as if he had committed a breach of the rules of the Society and the provisions of the said rules relating to the imposition of penalties shall apply.

PART IV.

General Arrangements for Administration of Dental Benefit.

16.—(1) The Committee of Management of every Society administering dental benefit shall fix a proportion of the cost of dental treatment to be paid by the Society, and may vary that proportion from time to time having regard to the funds available for the benefit and the claims and expected claims of members, and the Society shall pay in respect of the treatment of any member an amount determined in accordance with the proportion of the cost as so fixed for the time being.

Proportion of
cost of benefit
payable by
society.

Provided that—

- (i) the proportion shall not in any case be less than one-half of the cost of treatment;
- (ii) where the whole cost of the treatment does not exceed ten shillings the Society shall pay the whole cost, and where the whole cost of the treatment exceeds ten shillings the Society's payment shall not be less than that sum;
- (iii) The Committee of Management of the Society may, if they think fit, fix a higher proportion in respect of operative treatment than that in respect of treatment other than operative treatment, so, however, that in neither case shall the proportion be less than one-half of the cost;
- (iv) in cases where, in accordance with the Conditions of Service set out in the First Schedule to these Regulations, a Society are not liable to make a payment towards the cost of certain work, the Society will have power to make a payment of the whole or part of the cost of such work.

(2) On fixing the proportion of the cost of treatment to be paid by the Society, or on varying such proportion, it shall be the duty of the Committee of Management to inform the Ministry forthwith of the proportion as so fixed or varied.

17.—The Conditions of Service set out in the First Schedule to these Regulations and the Conditions appended to the Scale of Fees set out in the Second Schedule to these Regulations shall apply with respect to the provision of dental treatment under these Regulations.

Conditions
of Service.

Free choice
of dentist.

18.—(1) Subject to the provisions of these Regulations a member shall be entitled to obtain dental treatment from any dentist who is prepared to provide such treatment at fees not exceeding those set out in the Second Schedule to these Regulations (hereinafter referred to as the "Scale Fees"), not being a dentist who in accordance with the provisions of Part VI. of these Regulations or the corresponding provisions of any antecedent Regulations or arrangements or the provisions of any Regulations relating to dental benefit in force in Great Britain, is for the time being declared to be unsuitable for service in connection with dental benefit :

Provided that if a Society shall have received from the Council notice in writing that a dentist has failed to comply with any of the requirements of a Reference Committee contained in a decision of that Committee under Part V. of these Regulations or the corresponding provisions of any previous Regulations, the Society shall not approve an estimate received from that dentist until the Society receives notice from the Council that such requirements have been fulfilled or that the first notice is cancelled :

Provided further that the Council may as a condition of giving notice that such requirements have been fulfilled or that the first notice has been cancelled require the dentist to pay the whole or any part of the expenses incurred by them in giving to Societies the notices referred to in the preceding proviso.

(2) A Society shall not directly or indirectly induce any member to apply for treatment to any particular dentist, clinic or other institution, and shall take all reasonable steps to ensure that their officers, servants and agents do not offer any such inducement.

(3) A Society shall not offer any inducement to a dentist, clinic or other institution to provide treatment at a rate less than the Scale Fees, but nothing in these Regulations shall prevent a Society from approving an estimate submitted to them for treatment at less than the Scale Fees.

Issue of
Dental Letter

19.—Where a Society have satisfied themselves that a member who has applied for dental benefit is duly qualified to receive the benefit, they shall forthwith issue to him a document (hereinafter referred to as "the dental letter") in the form set out in the Third Schedule to these Regulations or in a form approved by the Ministry substantially to the like effect.

Approval of
estimate.

20.—(1) Upon receipt of a dental letter which has been accepted by a dentist, the Society shall forthwith consider the estimate, and, if they approve it, shall fill up and complete Part D of the letter and return the letter direct to the dentist and if they do not approve it they shall inform the dentist of the reason therefor.

(2) The Society shall at the same time as they return the dental letter to the dentist notify the member of the total cost of the treatment (but not of the item charges) and of the respective sums for which the Society and the member will be liable in respect thereof, and the Society may if they think fit furnish the member with details of the nature of the treatment.

(3) A Society shall not refuse to approve an estimate on the ground that any item of treatment specified therein is not necessary unless the estimate has first been referred to a Dental Referee who has advised that the treatment proposed in the estimate is not such as is necessary to secure a reasonable standard of dental efficiency and oral health.

21.—The Society, upon receiving back from a dentist a dental letter with Part E thereof (relating to the completion of the treatment) signed, and on being satisfied by a certificate from the member or otherwise that the treatment has been satisfactorily completed shall as soon as may be pay to the dentist the sum payable by the Society : Payment by society.

Provided that if the member has failed when required to submit himself for examination by a Dental Referee the Society shall not be entitled to withhold payment on that account where either—

- (i) there was a reasonable cause for the member's failure to submit himself, or
- (ii) the member had been advised by the dentist to attend for the examination.

PART V.

Questions between Dentists and Societies.

22.—If any question arises between a dentist and a Society as to whether there has been any failure on the part of the dentist or the Society to comply with the provisions of these Regulations, or otherwise in connection with the provision of dental treatment, it shall subject to the provisions of these Regulations be determined in accordance with this Part of these Regulations. Determination of questions between dentists and societies.

23.—(1) A dentist or a Society may apply to the Council to have any such question determined by sending a notice in writing to the Secretary of the Council within six weeks of the event which gave rise to the question and by depositing with the Secretary one pound, and such notice shall contain a concise statement of the facts which form the subject matter of the question : Application for determination of question.

Provided that the Council may, on the written application of any person who desires to have any such question as aforesaid determined, extend the time for applying for a determination and may do so notwithstanding that the application for such extension is not made within the said period of six weeks.

(2) Such application may be refused if the Council are of the opinion that it is frivolous or vexatious, and in such case the sum so deposited shall be returned to the applicant.

(3) Subject as aforesaid the Council shall forward a copy of the notice of application to the other party to the question and a copy of any reply thereto shall be supplied to the applicant.

(4) The Council shall supply a copy of the said notice and reply to the Reference Committee to which the question is referred under the succeeding provisions of these Regulations.

**Reference
Committee.**

24.—(1) Subject to the provisions of Article 26 of these Regulations any question under Article 22 of these Regulations shall be decided by a Reference Committee appointed for the purpose by the Council.

(2) A Reference Committee shall consist of a Chairman, and not less than two or more than four other persons who shall be representatives of dentists and of Societies in equal numbers.

(3) The Chairman and two other persons, of whom one shall be a representative of dentists, and one a representative of Societies, shall form a quorum.

(4) For the purpose of constituting Reference Committees the Council shall draw up the following panels of persons approved by the Ministry, viz. :—

(i) a panel of Chairmen ;

(ii) a panel of dentists ; and

(iii) a panel of persons being representatives of Societies.

The panel of Chairmen shall be composed of the members of the Council and other suitable persons, including Chairmen of Medical Service Sub-Committees under the National Health Insurance (Medical Benefit) Regulations (Northern Ireland), 1938, as amended by any subsequent Regulations.

**Procedure of
Reference
Committee.**

25.—(1) Subject to the provisions of this Article and to any general directions which may be given by the Council, the procedure in connection with any question before a Reference Committee shall be such as that Committee may determine.

(2) The Reference Committee shall hold a hearing at a suitable place fixed with due regard to the convenience of the parties to the proceedings.

(3) Any party to proceedings before a Reference Committee, may, if the Chairman of the Committee permits, be assisted in the presentation of his case by any person, but no person shall be entitled to appear in the capacity of counsel, solicitor, or other paid advocate.

(4) Either party shall be entitled to give evidence either by himself or by witnesses and to put such questions to the other party giving evidence or to any witness called by him as the said Committee may think relevant to the matters in issue.

(5) Either party to the proceedings or a Reference Committee may request the Ministry to arrange for the attendance before the Committee of any Dental Referee who may have reported on the case to which a question relates.

(6) If in the course of a hearing either party introduces any issue which in the opinion of the Reference Committee was not sufficiently disclosed in the notice of application or in the reply, it shall be within the discretion of the Reference Committee to admit or exclude such issue, but if the Committee consider that either party will be prejudiced in the conduct of his case by the insufficient disclosure of the issue they shall adjourn the hearing.

(7) A decision of a Reference Committee shall be the decision of a majority of the members of the Committee present and voting, other than the Chairman, and in the event of equality of votes the Chairman shall have a casting vote, but where such casting vote is given the report of the proceedings shall include a statement that the decision was given by the casting vote of the Chairman.

(8) The Reference Committee shall as soon as may be inform the parties in writing of their decision, and shall furnish to the Council a report of the proceedings together with a copy of their decision.

(9) Members of a Reference Committee shall be entitled to payment of travelling expenses and allowances for subsistence on such scale as the Council may with the approval of the Ministry determine, and any such payment shall be treated as expenses of the Council.

(10) If in the opinion of the Reference Committee there were insufficient grounds for the application, the Committee may direct that the deposit of one pound shall be forfeited to the Council, and, unless such direction is reversed on appeal, the Council may pay this sum or any part thereof to the other party to the proceedings by way of costs.

26.—If on a question arising between a dentist and a Society it is necessary to determine whether any materials admitted or found to have been used by the dentist complied with the conditions prescribed in the Second Schedule to these Regulations that issue shall be determined by the Reference Committee in accordance with any decision previously given by the Interpretation Committee of the Council with respect to materials of the same kind. If no such decision has been given the Reference Committee shall refer the issue for the decision of the Interpretation Committee and shall give effect to their decision.

Questions as to materials used by a dentist.

Appeal from
Reference
Committee
to Council.

27.—Any party to a question decided by a Reference Committee who is dissatisfied with the decision of that Committee may appeal against the decision to the Council by lodging with the Secretary of the Council a notice of appeal in writing within fourteen days after the date on which notification of the decision was received by him, or within such further time as the Council may allow, and by depositing three pounds with the Secretary of the Council. The notice of appeal shall set forth a concise statement of the facts and contentions upon which the appellant intends to rely.

Appeals
Procedure.

28.—(1) If the Council after considering the notice of appeal and any further particulars furnished by the appellant are of opinion that the notice and particulars disclose no reasonable grounds of appeal or that the appeal is otherwise vexatious or frivolous they may dismiss the appeal forthwith.

(2) If the Council are of opinion that the case is of such a nature that it can properly be determined without an oral hearing they may dispense with an oral hearing and determine the appeal summarily.

(3) The procedure in connection with any appeal shall be such as the Council may determine, and more particularly the Council shall accept as established the facts found by the Reference Committee unless for any particular reason they may consider it desirable to hear evidence. The Council may, instead of deciding the appeal, refer the case back to the Reference Committee with a direction to rehear and such further directions as they may think fit to give.

(4) In the event of a Reference Committee being directed to rehear a case, they may, after such rehearing, revise any decision previously given by them and their decision on the rehearing, whether revised or not, shall be subject to the like right of appeal as in the case of the original decision.

(5) A party to an appeal may, with the consent of the Chairman of the Council, be assisted in the presentation of his case by any person whether appearing as counsel, solicitor or otherwise.

(6) The Council may on dismissing an appeal direct that the deposit of three pounds shall be forfeited to the Council and may if they think fit pay this sum or any part thereof to the respondent by way of costs.

(7) The decision of the Council on an appeal or on any question in which their decision is required under this Article shall be the decision of a majority of the members present and voting, other than the Chairman, and in the event of an equality of votes the Chairman shall have a casting vote. The decision of the Council shall be final and conclusive.

(8) The Council shall as soon as may be inform the parties to the appeal of their decision and shall furnish to the Ministry a report of the proceedings and a copy of their decision.

29.—(1) Any decision given by a Reference Committee or the Council under this part of these Regulations may include a decision :

Decisions of
Reference
Committee
of Council.

(a) as regards the dentist—

- (i) to require him to carry out or complete or supply any treatment or dentures which it is found have not been properly carried out, completed or supplied in accordance with the dental letter ;
- (ii) to require him to forgo the payment of or to refund the whole or any part of any moneys payable by or received from the Society or insured person concerned which it is found that he is not entitled to claim or keep in view of the unsatisfactory nature of the work or of his failure to complete the work or otherwise comply with the terms of these Regulations ;

(b) as regards the Society—

- (i) to require the Society to approve an estimate submitted by the dentist ;
- (ii) to require the Society to make payment to the dentist of such sums due under these Regulations as may be determined and under such conditions as it may be thought proper to impose.

(2) A Reference Committee and the Council may also decide what payment or what further payment is due to the dentist from the insured person in connection with the treatment specified in the estimate in the dental letter or in connection with such further treatment as they may require the dentist to undertake.

PART VI.

Inquiries relating to Dentists.

30.—(1) If it appears to the Council, on a report of any question arising under Part V. of these Regulations or otherwise, that there is a prima facie case for holding an inquiry in accordance with the provisions of this Part of these Regulations into the question whether a dentist is unsuitable for service in connection with dental benefit, they may make a representation to the Ministry, and, subject as hereinafter provided, the Ministry shall thereupon hold an inquiry in the manner prescribed by this Part of these Regulations.

Representations with respect to dentists.

(2) A representation shall be signed on behalf of the Council and shall contain a concise statement of the alleged facts and grounds on which the representation is based, and shall be accompanied by a list of all the documents which the Council propose to put in evidence. The Council shall also furnish the Ministry with such further particulars as it may require.

Ministry to decide as to holding of inquiry.

31.—The Ministry, after due consideration of the representation and such further particulars, may decide that an inquiry should not be held.

Notice to be sent.

32.—Except in a case where it decides to take action under the preceding Article, the Ministry shall, as soon as may be, send a copy of the representation, including the said list of documents and the further particulars (if any) to the dentist concerned, together with a notice informing him that it is proposed to hold an inquiry and that he may, if he so desires, within a time specified in the notice, by a statement in writing addressed to the Ministry, admit or dispute the truth of all or any of the statements appearing in the representation.

Right of dentist to inspect documents.

33.—(1) The dentist may on giving due notice in writing to the Council inspect, either personally or by an agent authorised in writing, the documents included in the list accompanying the representation, and the Council shall give reasonable facilities for the purpose.

(2) The dentist shall be entitled on making application to the Ministry to make, either personally or by an agent, a copy of any document in that list at the Office of the Ministry or such other place as the Ministry may appoint, and the Ministry may, for the purpose of enabling the dentist or his agent to make copies of any such documents, require the Council to deposit within a specified time with it any of the documents for copies of which application has been made, and shall return the documents to the Council as soon as may be.

Constitution of tribunal.

34.—(1) For the purpose of each inquiry the Ministry shall appoint an Inquiry Committee composed of a barrister-at-law or a solicitor in actual practice, together with two dentists selected by the Ministry.

(2) The Ministry shall appoint one of the members of the Inquiry Committee to be Chairman.

(3) The Ministry shall appoint a suitable person to act as clerk to the Inquiry Committee.

Notice of inquiry to be given.

35.—(1) The Ministry shall appoint a day for the holding of the inquiry, and shall not less than fourteen days before the day

appointed for the holding of the inquiry (hereinafter referred to as the "appointed day") send notices to the Council and the dentist informing them that the inquiry will be held on the appointed day and of the time and place of hearing.

(2) The Ministry may, if it thinks fit, whether on the application of either party or otherwise, postpone the holding of the inquiry until such date later than the appointed day as it may determine, and thereupon that later day shall for the purposes of this Part of these Regulations be the appointed day. Power to postpone inquiry.

36.—(1) The Council may appear at the inquiry by their Secretary or any other officer duly appointed for the purpose, or be legally represented. Appearance by representatives.

(2) The dentist may be represented at the inquiry by any person whether appearing as counsel, solicitor or otherwise.

37.—The Council may at any time before the appointed day withdraw the representation by giving notice of withdrawal in writing to the Ministry, and on receipt of any such notice the Ministry shall forthwith inform the dentist that the representation has been withdrawn. Withdrawal of representation.

38.—The Ministry at any time before the appointed day, and the Inquiry Committee at any time on or after the appointed day and before the conclusion of the inquiry, may allow the representation to be amended upon such conditions as it or they may think just, and may require the Council to furnish it or them with further written particulars of the alleged facts and grounds appearing in the representation : Amendment of representation.

Provided that neither the Ministry nor the Inquiry Committee shall allow a representation to be amended, or have regard to any further particulars received from the Council, unless the dentist is afforded a proper opportunity of considering such amendment or further particulars, and, if he desires to do so, of replying thereto.

39.—Unless the Inquiry Committee with the approval of the Ministry otherwise determines, the procedure at the inquiry shall be governed by the rules set out in the Fourth Schedule to these Regulations. Procedure at inquiry.

40.—At the conclusion of the inquiry, the Inquiry Committee shall, as soon as may be, draw up and submit to the Ministry a report stating such relevant facts as appear to them to be established by the evidence and the inferences of fact which in their opinion may properly be drawn from the facts so established. Report by Inquiry Committee.

Ministry's
decision.

41.—(1) Before coming to a decision the Ministry shall inform the dentist that it is open to him to submit in writing such evidence as he thinks fit as to his personal character and professional standing.

(2) The Ministry, after taking into consideration the report of the Inquiry Committee and any evidence submitted under the provisions of the preceding paragraph, and any report previously made by an Inquiry Committee with respect to the dentist under this part of these Regulations, or under the corresponding provisions of any previous Regulations, may decide to take no action against the dentist or it may :—

- (a) declare that the dentist is to be regarded either permanently or for a specified period as unsuitable for service in connection with dental benefit ; or
- (b) postpone giving its decision for a period not exceeding twelve months in order to enable the dentist to produce evidence of professional efficiency and good conduct in the interval.

(3) The Ministry may at any time withdraw a declaration of a dentist's unsuitability for service made under this Article.

(4) The Ministry shall forthwith inform the Council and the dentist of its decision and the Council shall forthwith notify to every Society providing dental benefit any declaration made by the Ministry of a dentist's unsuitability for service and the withdrawal of any such declaration.

Power to
suspend
proceedings.

42.—Where it appears to the Ministry that the allegations on which any representation is based are, or may be, the subject of investigation by any other tribunal it may, if it thinks fit, direct that no further steps shall be taken under this Part of these Regulations pending the issue of such other investigation.

Service of
notices.

43.—(1) Where any notice or document is required or authorised by this Part of these Regulations to be sent by or on behalf of the Ministry, it shall be a sufficient compliance with the Regulations if the notice or other document is sent by post in a registered letter directed to the person for whom it is intended at his last known address.

(2) Where any notice, application, statement or other document is required or authorised by this Part of these Regulations to be sent to the Ministry, the Council or the Inquiry Committee, it shall be a sufficient compliance with the Regulations if the notice, application, statement or other document is sent by post directed

to the Secretary of the Ministry, the Secretary of the Council or the Clerk to the Inquiry Committee at the Office of the Ministry as the case may require, and where either the dentist or the Council is represented by counsel or by a solicitor, it shall be a sufficient compliance with this Part of these Regulations if the notice or other document is sent in the manner aforesaid to the solicitor appearing or instructing counsel, as the case may be, at his professional address.

(3) Until the contrary is proved, any notice, application, statement or other document sent as aforesaid shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

44.—The Ministry or the Inquiry Committee may dispense with any requirements of this Part of these Regulations respecting notices, applications, documents or otherwise, in any case where it appears to the Ministry or the Inquiry Committee just and proper to do so. Power to dispense with requirements as to notices.

45.—Any proceedings under Part VI. of the National Health Insurance (Dental Benefit) Regulations (Northern Ireland), 1933, which may have been instituted before the commencement of these Regulations shall be deemed to have been taken and may be continued under the corresponding provisions of these Regulations. Transitional.

FIRST SCHEDULE.

Conditions of Service.

1.—(i) In providing dental treatment under these Regulations a dentist shall employ a proper degree of skill and attention (not being less than he would apply in the case of a private patient) and shall satisfactorily complete the approved treatment. Standard of Service.

(ii) In providing such treatment the dentist shall not make use of the services of any dentist who in accordance with the provisions of Part VI. of these Regulations or the corresponding provisions of any antecedent Regulations or Arrangements, or the provisions of any Regulations relating to dental benefit in force in Great Britain, is for the time being declared to be unsuitable for service in connection with dental benefit.

2.—In each case in which a dentist provides treatment to an insured person under these Regulations, he shall keep a record showing the name of the insured person, the date or dates on which any treatment was given, the nature of such treatment, details of payments received by him in respect of such treatment, and the date or dates on which any such payment was received. Records

Fees.

3.—Except as otherwise provided in these Regulations a dentist shall not be entitled—

- (i) to suggest, demand or accept from any insured person or any other person the payment of any fee or remuneration in respect of any dental treatment provided under these Regulations in addition to the charges set out in the dental letter ;
- (ii) without the consent of the Society to accept a dental letter for the treatment of an insured person while an agreement between the dentist and the insured person is in force for the provision of treatment for the latter otherwise than under these Regulations or within six months of the completion of such treatment ;
- (iii) after the acceptance of a dental letter and before the treatment thereunder is completed to enter into an arrangement with the insured person for the provision for him of treatment not included in the dental letter.

Retirement of dentist from case.

4.—Notwithstanding the acceptance of the dental letter by a dentist—

- (a) he may retire from the case at any time before any treatment (other than an examination or emergency treatment) has been begun, but where he so retires he shall refund to the insured person any sum received from him in respect of such treatment and the Society and the insured person shall be relieved from any liability in respect of the case other than in respect of examination or emergency treatment ;
- (b) he may decline to commence or proceed with treatment until he has received payment of the proportion of the cost payable by the insured person.

Estimate.

5.—(1) A dentist shall accept a dental letter by signing Part C thereof and completing the estimate appended to the letter and forwarding the same to the Society within 28 days after the date of the issue of the letter or such longer period as the Society may permit. The estimate shall set forth the whole of the treatment which in his opinion is necessary to secure a satisfactory standard of dental efficiency and oral health, but shall not include any treatment which is not necessary for this purpose. The dentist shall delete from the numerical chart included in the estimate the numbers relating to any natural teeth missing from the mouth :

Provided that—

- (i) if the insured person desires treatment other than that specified in the estimate or is not prepared to undergo this treatment or any portion of it, the dentist shall, when returning the dental letter with the estimate, send to the Society an explanation of the circumstances and in any such case the Society may refuse to make any payment by way of benefit unless the insured person is prepared to receive treatment in accordance with the estimate.
- (ii) where in the opinion of the dentist special conditions exist, a special estimate may be submitted instead of or in addition to the estimate in the dental letter, and such special estimate shall be accompanied by a technical report setting out the reasons which necessitate the special treatment together with an outline of the nature of the treatment proposed to be given, and it shall be open to the Society in such a case to decline to pay a larger part of the cost than would be payable by it on the basis of the normal Scale Fees.

(2) Unless the cost of the whole of the necessary treatment does not exceed ten shillings, the treatment in the estimate shall not be proceeded with until the dentist has received back from the Society the dental letter with Part D completed and signed.

(3) Where the cost of the whole of the necessary treatment does not exceed ten shillings the dentist may, before forwarding to the Society the dental letter with the estimate, complete the treatment and complete and sign Part E of the letter.

(4) If subsequent to the issue of the dental letter by the Society to the member and prior to the letter being sent back to the dentist with Part D thereof completed by the Society the necessity arises for carrying out any emergency treatment, then notwithstanding that Part D of the dental letter has not been signed on behalf of the Society, the dentist shall be at liberty to carry out such treatment at a cost, according to the Scale Fees, of not more than ten shillings. The dentist shall however without delay notify the Society of the details of the treatment so provided and the nature of the emergency and the Society shall be liable to make a payment in respect of such treatment as though Part D of the dental letter had been completed.

(5) In the event of unforeseen conditions arising after the dentist has received back from the Society the dental letter with the estimate approved necessitating any variation of the treatment included in the estimate, the dentist shall immediately notify the Society in writing of the circumstances and may, if such is appropriate, submit an additional estimate and any such additional estimate shall be subject to the provisions of these Regulations and shall be dealt with as if the treatment proposed therein formed part of the original estimate.

(6) The dentist shall complete the treatment within nine months of the date on which the dental letter is returned to him with Part D signed on behalf of the Society, or within a longer period if the consent of the Society has been obtained, which consent shall not be unreasonably withheld.

6.—If owing to the death or removal of the insured person or other cause beyond the dentist's control a dentist is unable to complete any treatment the estimate for which has been approved he shall forthwith notify the Society in writing of the amount of the treatment completed, of any payment already made by the insured person and of the reason for his inability to complete the remainder of the treatment, and shall be entitled to payment of the Society's proportion of the cost, according to the Scale Fees, of such treatment as has already been provided. Inability of dentist to complete treatment.

7.—(1) Within one month after completion of the treatment the dentist shall complete and sign Part E of the dental letter, but if the insured person does not, after receipt by the dentist of the dental letter from the Society with Part D completed, attend for the purpose of obtaining treatment, the dentist shall complete and sign Part F of the letter and thereafter return the letter to the Society. Completion of work.

(2) Before completing Part E of the letter the dentist shall confirm that the details of the treatment completed are in accordance with the estimate, and that if any proper reduction has been made in the treatment provided, a corresponding reduction has been made in the amount claimed. He shall also satisfy himself that no further treatment is necessary and that the insured person may be regarded as dentally efficient and orally healthy.

(3) For the purposes of this paragraph and of Part E of the dental letter, treatment so far as relating to dentures shall not be regarded as completed unless the dentures have been delivered to and are in the unrestricted possession of the insured person.

8.—Any question arising between a dentist and a Society as to whether the dentist or the Society has complied or failed to comply with the provisions of these Regulations, or otherwise in connection with the provision of dental treatment, shall be determined in accordance with the provisions of Part V, of these Regulations. Questions.

SECOND SCHEDULE.

Scale of Fees.

| | |
|--|---|
| 1. Scaling and treatment of the gums per individual | 7s. 6d., but not chargeable in respect of a jaw for which a denture of ten or more teeth is supplied. |
| 2. Fillings per filling | 7s. 6d. with a maximum charge of 12s. 6d. for fillings in any one tooth. |
| 3. Root-treatment per tooth | 7s. 6d. with a maximum charge of 17s. 6d. for fillings and root treatment in any one tooth. |
| 4 (a) Extractions : | £ s. d. |
| one tooth | 2 6 |
| two teeth | 5 0 |
| three or four teeth | 7 6 |
| five or six teeth | 10 0 |
| seven or eight teeth | 12 6 |
| nine or ten teeth | 15 0 |
| eleven or twelve teeth | 17 6 |
| thirteen or fourteen teeth | 1 0 0 |
| fifteen or sixteen teeth | 1 2 6 |
| seventeen or more teeth | 1 5 0 |

(b) Administration of general anæsthetics : fee per case in connection with

| | |
|----------------------------------|---------|
| the extraction of :— | £ s. d. |
| one to four teeth | 5 0 |
| five to eight teeth | 7 6 |
| nine to twelve teeth | 12 6 |
| thirteen to sixteen teeth | 17 6 |
| seventeen or more teeth | 1 1 0 |

Provided that no fee in excess of 7s. 6d. shall be payable for the administration of a general anæsthetic unless a doctor or dentist (other than the dentist performing the extractions) administers the anæsthetic.

| | |
|---|--|
| 5. Dentures : | £ s. d. |
| one tooth | 1 1 0. |
| two teeth | 1 1 0 |
| three teeth | 1 6 0 |
| four teeth | 1 11 0. |
| five teeth | 1 16 0 |
| six teeth | 2 1 0 |
| seven teeth | 2 6 0 |
| eight teeth | 2 11 0 |
| nine teeth and more | 2 15 0 |
| Maximum fee for upper or lower ... | 2 15 0 |
| Maximum fee for upper and lower | 5 10 0. |
| 6. Repairs | 7s. 6d. for the first and 5s. for each subsequent item of work on a denture as mentioned below with a maximum for each denture of 12s. 6d. in respect of items under 1, 2 and 4 or a maximum for each denture of £1 in respect of all items. |
| (1) Cracks, fissures or fractures of dentures. | |
| (2) The replacing of a loosened tooth or loosened band or wire. | |
| (3) The adding of one new tooth or one band or one wire. | |
| (4) An extension of the plate, even when that extension embraces part of a natural tooth, | |

7. Remakes:

| | £ | s. | d. |
|--|----|------------------------|-----|
| one tooth | | 14 | 0 |
| two teeth | | 14 | 0 |
| three teeth | | 17 | 4 |
| four teeth | 1 | 0 | 8 |
| five teeth | 1 | 4 | 0 |
| six teeth | 1 | 7 | 4 |
| seven teeth | 1 | 10 | 8 |
| eight teeth | 1 | 14 | 0 |
| nine teeth and more | 1 | 16 | 8 |
| Within twelve months (if by same dentist) | | half fee under item 5. | |
| Maximum per denture (including any necessary additions at 5s. per tooth) | £2 | 0s. | 0d. |
| 8. Crowns (including any necessary root treatment) | £1 | 12s. | 6d. |
| 9. Examination and report fee where patient does not return for treatment | | 2s. | 6d. |

Conditions.

I.—Conditions with respect to items of the Scale of Fees.

Item 1.—Scaling and treatment of the gums.

The scale fee covers the removal of calculus and other deposits from the teeth, and the provision of necessary treatment for all ordinary or simple disorders of the gums, even though more than one visit by the patient for treatment may be required. Special estimates for treatment of the gums are not to be submitted unless the conditions are very exceptional.

Any scaling and treatment of the gums which is necessary in a jaw in which a denture of ten or more teeth is supplied, is to be carried out without charge.

Item 2.—Fillings.

Fillings to which this fee applies must be permanent in character.

The maximum fee of 12s. 6d. is to include all the fillings in any given tooth which are necessary to restore the tooth to a sound condition.

Item 3.—Root treatment.

Root treatment includes the filling of each root of the tooth, but does not include the insertion of any filling in the tooth itself.

Root treatment means either of the following:—

- (1) The devitalisation of the pulp of a tooth, and the subsequent removal of the pulp, followed by the necessary treatment and filling of each root of the tooth, or
- (2) The treatment of septic root canals, and the subsequent filling of each root canal,

but does not include any dressing or treatment of the pulp of a conservative nature.

Item 4.—General anæsthetics.

Any estimate which includes a general anæsthetic must be accompanied by a brief report of the reasons for its inclusion. If the use of a general anæsthetic is desired by the insured person but is stated by the dentist or by a Dental Referee, or found by a Reference Committee, or by the Dental Benefit Council on appeal under these Regulations, to be unnecessary, the Approved Society is not liable for any payment in respect thereof, but in

that case no objection may be raised by a Society to the payment by the insured person of the fee laid down in the Scale, provided that the insured person makes a statement in writing, to be attached to the Dental Letter, that he desires to have a general anæsthetic and is prepared himself to pay the fee chargeable therefor.

Items 5 and 7.—*Dentures.*

Impressions for permanent dentures are not to be taken within a period of three months from the date of the final extraction except with the consent in writing of the Society, but in no case are impressions for permanent dentures to be taken, even though three months may have elapsed, until the dentist is satisfied that absorption is sufficiently completed for permanent dentures to be supplied.

When, in appropriate cases, at the request of the insured person, the dentist proposes to supply dentures before the mouth is ready for the insertion of the permanent set, he shall explain in writing the circumstances to the Society, and, if the Society declines to make payment in respect of such dentures, the insured person shall be entitled to obtain them at fees not exceeding the Scale Fees from the dentist at his own expense and the Society shall be liable to pay its proportion of the cost of the permanent dentures if and when it subsequently becomes necessary for such permanent dentures to be supplied. In the latter case the provision of the permanent dentures shall be made the subject of a separate estimate on a fresh Dental Letter which estimate shall, if the insured person so desires, be one for entirely new dentures.

All necessary adjustments of dentures within a reasonable time after completion are to be made by the dentist without additional charge.

All necessary bands, wires and fastenings must be supplied without extra charge.

No charge either to the Society or the patient is to be made by the dentist for placing tooth No. 8 (third molar or wisdom tooth) on any denture.

The charge for a denture is to be based on the number of teeth actually, and necessarily supplied on the denture.

Item 8.—*Crowns.*

Except under special conditions which must be fully explained in the estimate, crowning should be recommended, if at all, only in respect of the six front teeth (upper or lower) and should be confined to not more than one tooth in each jaw.

II.—*Conditions with respect to Materials.*

- (1) All filling materials shall be of first grade quality and suitable for each individual cavity. Oxyphosphate cements, guttapercha and copper amalgam shall not be regarded as permanent filling materials except in special circumstances.
- (2) In vulcanite work where pin teeth are used all pins shall be of platinum or nickel cased with gold or other precious metal, or nickel alloy cased with gold or other precious metal. Pins sheathed with gold or platinum anchored within the porcelain are within this specification. The teeth shall be of first grade quality.
- (3) Diatorics are not to be used for the six upper anterior teeth. They may be used for the lower six anterior teeth only when artificial gum is necessary.
- (4) Metal strengtheners shall be compatible with vulcanite and not liable to corrode in the mouth.
- (5) All rubbers used in vulcanite dentures shall be of first grade quality. Plastic base materials other than vulcanite shall be used only if the dentist undertakes that he will replace the denture by a

vulcanite one free of charge to the patient or the Society if necessary, as a result of failure of the material within two years of the supply of the denture.

(6) Bands and clasps shall be of either--

(a) alloys containing not less than forty per cent. of gold, platinum or palladium (including not less than fifteen per cent. of gold) and not more than twenty per cent. of base metal, or

(b) stainless steel.

Bands shall be not less than No. 7 gauge in thickness.

(7) In cases of close bite where porcelain teeth cannot be used, cusps of--

(a) alloys containing not less than thirty-three and a third per cent. of gold, platinum or palladium and not more than twenty per cent. of base metal, or

(b) stainless steel, may be used.

(8) Metal used, after approval of a special estimate for denture plates, lingual or palatal bars, backings and tags, spiral springs, bolts and swivels shall be--

(a) alloys containing not less than thirty-three and a third per cent. of gold, platinum or palladium and not more than twenty per cent. of base metal, or

(b) stainless steel, and shall be of adequate strength.

THIRD SCHEDULE.

NATIONAL HEALTH INSURANCE.

DENTAL LETTER.

Empty rectangular box for Name and Address of Approved Society or Branch.

Name and Address of Approved Society or Branch.

A. To the Member.

Date of issue.....

With reference to your application for dental benefit, you must hand this Form, within 21 days from the above date of issue, to any Dentist whom you may choose and who is prepared to undertake the treatment in accordance with the Conditions and Scale of Fees prescribed by the Dental Benefit Regulations. The Dentist will then submit an estimate to the Society, and thereafter the Society will notify to you the amount it will contribute and any amount payable by yourself. The Dentist may require any amount payable by you to be paid before commencing or proceeding with the work.

No treatment (other than emergency treatment) should be commenced or carried out until the Society has approved the Dentist's estimate. If you receive such treatment before this approval is notified by the Society, the Society may refuse to make any payment towards the cost of your treatment.

Signed on behalf of Society.....

Member's name..... Membership no.....

Address:.....

Reference.....

B. To the Dentist.

Member's age.....

Kindly examine the above-named Member and enter in the appropriate spaces overleaf details of the necessary treatment, together with an estimate of the cost in accordance with the Conditions and Scale of Fees prescribed by the Dental Benefit Regulations. Where the cost of the whole of the necessary treatment does not exceed 10s. it may be proceeded with forthwith, and Part E below and the Member's Certificate overleaf should then be completed. Where the cost would exceed 10s. an estimate *must* be submitted to the Society for approval before any part of the work is executed, subject, however, to paragraph 5 (4) of the prescribed Conditions of Service. The acceptance by you of this Dental Letter is subject to the condition that any dispute or question arising between you and the Society in connection with this case shall be referred to the Dental Benefit Council for determination by the appropriate tribunal, whose findings the Society and the Dentist agree to accept and make effective.

Signed on behalf of Society.....

C. To be completed by the Dentist and forwarded by him to the above Society.

To the Society.

Date of presentation of Dental Letter.....

I accept this Dental Letter in accordance with the provisions of the Dental Benefit Regulations which I agree form part of this contract and I have accordingly examined the above-named Member and have entered overleaf details of the necessary treatment and its cost. I declare that I have not made and do not intend to make any re-imburement or reduction of the charges set out in the said estimate.

Address at which the treatment is to be given.....

Date..... Signature of Dentist.....

D. To the Dentist.

The estimate overleaf is approved and the Society will contribute £ : : (leaving £ : : to be paid by the Member) upon the satisfactory completion of the treatment within nine months of this date or such longer time as may be allowed by the Society. When the work is completed in accordance with the prescribed conditions, a remittance for the Society's proportion will be sent you on receipt of this Form with Part E and the Member's Certificate overleaf duly signed.

Date..... Signed on behalf of Society.....

E. To be signed by the Dentist and forwarded to the Society within one month after completion of the treatment.

I have now completed the dental treatment for this Member as specified overleaf, and I certify that any dentures included therein have passed into the unrestricted possession of the Member. I further certify that the Member is now dentally efficient and orally healthy. I, therefore, claim payment of £ : : being the Society's contribution. Where any lesser number of teeth than that shown in the estimate has been placed on any denture, or any other modification made, the corresponding reduction has been made in the amount hereby claimed.

Date..... Signature of Dentist.....

F. To be signed by the Dentist when the Member does not return for treatment.

The Member did not return for treatment and I therefore claim a fee of 2s. 6d. for examination and report.

Date..... Signature of Dentist.....

NOTE.—The expression "Dental Benefit Regulations" in this Dental Letter means the National Health Insurance (Dental Benefit) Regulations (Northern Ireland), 1939, and any Regulations amending the same.

ESTIMATE.

NOTE.—By means of figures (as shown below), the Dentist must indicate opposite each item of his estimate the individual teeth to be treated or replaced.

| | | | | | | | | | | | | | | | | |
|---|--------|---|---|---|---|---|---|---|-------------------|---|---|---|---|---|---|---|
| Strike out from this chart the figures corresponding to any natural teeth missing from the mouth. | RIGHT. | | | | | | | | LEFT. | | | | | | | |
| | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| (If none is missing insert "none.") | | | | | | | | | £ s. d. | | | | | | | |

SCALING AND TREATMENT OF THE GUMS

FILLINGS _____

ROOT TREATMENT _____

EXTRACTIONS _____

GENERAL ANÆSTHETICS—(Report attached hereto) Administration fee

No fee in excess of 7s. 6d. to be payable for the administration of a general anæsthetic unless a doctor or dentist (other than the dentist performing the extractions) administers the anæsthetic.

DENTURES _____

The Member ^{is}/_{is not} in possession of dentures.

REPAIRS. To be specified in detail in accordance with the prescribed scale:—

.....

REMAKES (To be charted) ... _____

CROWNS _____

TOTAL ... £

Dentist's Name and Address. (Rubber Stamp.)

(To be inserted on submission of estimate.)

Anæsthetist's Name.....

Address.....

| | |
|--------------------------------------|---|
| Extractions completed. Date..... | } <i>To be filled in immediately after extractions are completed.</i> |
| Signature of Member..... | |
| Signature of Anæsthetist..... | |
| Date of completion of treatment..... | |

NOTE.—Completed treatment other than under paragraph 5 (3) of the Conditions of Service must not be entered hereon.

G. To be signed by the Member but not until all the treatment specified has been completed.

I hereby certify that the treatment specified above is now completed including the delivery to me of the dentures which remain in my possession.

Date..... Signature of Member.....

FOURTH SCHEDULE.

Rules for Procedure at Inquiry.

1.—The Inquiry Committee shall be at liberty to proceed with the inquiry on the appointed day in the absence of either party (whether represented or not) if they are of opinion that it is just and proper to do so.

2.—(1) The Inquiry Committee may adjourn the inquiry from time to time as they think fit, and hold adjourned sittings at such time and place as may appear to them suitable.

(2) Witnesses may be heard at the inquiry on behalf of either party, and all witnesses (including the parties) shall be subject to examination and cross-examination as nearly as may be as if they were witnesses in an action.

(3) The Chairman of the Committee shall preside at the inquiry but, subject to the decision of the Chairman as to the admissibility of any question, any member of the Committee may put questions to any witness, and the Committee may, if they think fit, call for such documents and examine such witnesses as appear to them likely to afford evidence relevant and material to the issue, although not tendered by either party.

3.—Subject to the provisions of Part VI. of these Regulations and of this Schedule, the proceedings at the inquiry shall be conducted in such manner as the Inquiry Committee may direct.

Given under the Official Seal of the National Health Insurance Joint Committee this 12th day of September, in the year One thousand nine hundred and thirty-nine.

(L.S.)

H. N. Howorth,
Secretary to the National Health Insurance Joint Committee.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 12th day of September, in the year One thousand nine hundred and thirty-nine.

(L.S.)

R. R. Bowman,
Assistant Secretary to the Ministry of Labour for Northern Ireland.