

1971. No. 327

[C]

**HEALTH SERVICES****General Dental Services**

REGULATIONS, DATED 19TH OCTOBER 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by Sections 13, 64, 81, 83, Schedule 10 and Section 87 of the Health Services Act (Northern Ireland) 1971(a) (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

*Citation*

1. These regulations may be cited as the Health Services (General Dental Services) (Amendment) Regulations (Northern Ireland) 1971 and shall come into operation on 1st November 1971.

*Amendment of principal regulations*

2. The Health Services (General Dental Services) Regulations (Northern Ireland) 1964(b) shall be amended as follows:—

(1) In regulation 2 the following definitions shall be inserted:—

"assistant" means any dental practitioner employed either whole-time or part-time, under a contract of service, by another dental practitioner for the purpose of providing general dental services on behalf of that dental practitioner;

"deputy" means a dental practitioner (including a partner) acting on behalf of another dental practitioner, otherwise than in the capacity of an assistant, for the purpose of providing general dental services;

"employed" means employed by the Board under a contract of service.

(2) For regulation 3 there shall be substituted the following:—

"3.—(1) The arrangements which the Board are required by section 13 of the Act to make with dentists for the provision of general dental services shall incorporate—

(a) in the case of a dentist undertaking to provide general dental services other than as a dentist employed by the Board at a health centre, the terms of service contained in Part I of Schedule 1; and

(b) in the case of a dentist employed by the Board to provide general dental services at a health centre, the terms of service contained in Part II of that Schedule:

(a) 1971. c. 1 (N.I.).

(b) S.R. & O. (N.I.) 1964, No. 60.

Provided that a dentist whose application to the Board to provide general dental services at a health centre otherwise than as a dentist employed by the Board has been refused may appeal to the Ministry, and the Board shall give effect to any direction of the Ministry on that appeal.

(2) Where a dentist employed by the Board to provide general dental services at a health centre also provides general dental services otherwise, the arrangements shall incorporate the provisions referred to in paragraph (1)(a) and (b) and whichever provisions are applicable shall apply."

- (3) In regulation 4(4)(a) after the word "surgery" there shall be inserted the words "or health centre".
- (4) In regulation 8(a) the words "father" and "mother" shall be transposed and for the word "his" there shall be substituted the word "her".
- (5) In regulation 14 after paragraph (12) a new paragraph shall be inserted as follows:—

"(13) In relation to general dental services provided by a dentist employed by the Board at a health centre, paragraphs (1), (6) and (12) shall have effect as if for references to a dentist there were substituted references to the Board, and paragraph (7) shall not apply."

- (6) For regulation 16 there shall be substituted the following:—

*"Charges for replacement—act or omission on part of patient"*

16.—(1) Where, on the receipt of an estimate for the free replacement of a dental appliance supplied to any patient as part of general dental services, the Committee consider that there are grounds for believing that the replacement may be necessitated by an act or omission on the part of the patient or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred, they shall refer the matter to the Board for investigation.

(2) The Board shall in investigating the question consider any written representations made by the patient, or the person having charge of him (if he is under 16 years of age), and shall afford him, in such manner as they think fit, an opportunity of making oral representations if he so desires.

(3) After completion of such investigation the Board shall determine whether the replacement is necessitated by an act or omission on the part of the patient, or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred, and whether the whole or a proportion of amounts equivalent to the charges for the supply of dental appliances listed in Schedule 7 shall be borne by or on behalf of the patient, and shall communicate their decision to the dentist and to the patient or, where appropriate, to the person having charge of him and the Board shall be responsible for the payment of such part only of the cost as is not determined to be payable by or on behalf of the patient:

Provided that—

- (a) if subsequently it appears to the Board that payment of the sum by or on behalf of the patient would involve undue hardship they may make such contribution thereto as they think fit;

- (b) the cost to be borne by the Board, including any such contribution as aforesaid, shall not exceed:—
- (i) the amount which would be payable by the Board for the supply of a normal appliance; or
  - (ii) where the replacement involves the supply of a special appliance which, in the opinion of the Committee, is required solely on account of the patient's clinical condition, the cost approved by the Committee for such appliance."
- (7) After regulation 16 there shall be inserted a new regulation as follows:—

*"Provisions applicable to services provided by a dentist employed by the Board at a health centre*

**16A.** In their application to general dental services provided by a dentist employed by the Board at a health centre the provisions of regulations 15 and 16 shall be subject to the following modifications:—

- (a) where a dentist:—
  - (i) agrees on request by or on behalf of a patient, or
  - (ii) proposes solely on account of the clinical condition of the patient,

to supply or repair a denture or to provide treatment of a kind specified in regulation 15, the dentist shall submit an estimate to the Committee, on a form to be supplied by the Board, and shall not proceed with any treatment specified in column B of Schedule 2, other than emergency treatment or the treatment of British merchant seamen and deep sea fishermen about to go to sea, until the approval of the Committee is received. In giving such approval the Committee shall determine, in accordance with the provisions of regulation 18(2), the amount which would have been payable by the patient if the treatment had been provided by a dentist other than a dentist employed by the Board at a health centre and that amount shall be the amount payable by the patient to the Board, and the Committee shall inform the patient of the amount;
- (b) any service provided under the last preceding paragraph which in the opinion of the Committee is required by the patient concerned solely because of his clinical condition shall, subject to the provisions of regulation 14, be provided free of charge to that patient;
- (c) where in connection with the free replacement of a dental appliance supplied to any patient as part of general dental services, it appears to the dentist that there are grounds for believing that such replacement is necessitated by an act or omission on the part of the patient, or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred, the dentist shall, unless such patient or the person having charge of him (if he is under 16 years of age) admits in writing that the replacement is so necessitated, report the matter to the Board. The Board shall thereupon investigate the case in the manner provided by regulation 16(2). If on such investigation the

Board are satisfied that the replacement is not necessitated by such an act or omission as aforesaid, they shall so inform the patient or the person having charge of him (if he is under 16 years of age) and the dentist. If such an act or omission is admitted or determined as aforesaid, the Board shall be entitled to recover from such patient or person acting on behalf of the patient the appropriate cost for such services which would have been payable to a dentist other than a dentist employed by the Board at a health centre or such part of such cost as the Board may determine."

- (8) In regulation 17 for the first paragraph there shall be substituted the following:—
- "The dentist may decline to begin or proceed with treatment until he, or, in relation to a case falling within regulation 14(12) or to general dental services provided by a dentist employed by the Board at a health centre, the Board, has received payment from the patient of the appropriate charges payable by the patient under this part of the regulations."
- (9) (a) In Part VI the subheading "Provisions relating to dentists practising elsewhere than at a health centre" shall be deleted;
- (b) In regulation 18 the heading "Fees for treatment approved" shall be deleted and the following substituted therefor: "Dentists other than dentists employed by the Board at Health Centres—Fees".
- (10) In regulation 18 the paragraphs shall be renumbered as follows:—
- (a) paragraph (6) shall be deleted and shall reappear as regulation 20;
- (b) paragraph (7) shall be renumbered paragraph (6).
- (11) After regulation 18 there shall be inserted a new regulation as follows:—
- "Dentists employed by the Board at Health Centres*
19. The remuneration payable by the Board to a dentist employed by the Board to provide general dental services at a health centre shall be calculated in accordance with the rates, and subject to the provisions, set out in Schedule 6A."
- (12) Regulation 19 shall be renumbered 21.
- (13) In Schedule 1:
- (a) for the heading there shall be substituted:—

#### "PART I

#### **Terms of service for dentists other than dentists employed by the Board at health centres",**

- (b) in paragraph 3(6) in the heading the words "and arrest of haemorrhage" shall be deleted;
- (c) paragraph 3(7) shall be deleted;
- (d) in paragraph 12(1) for the words "paragraphs 4" there shall be substituted the words "paragraphs 3(6), 4 and 13"; and
- (e) after paragraph 14 there shall be inserted the following:—

## "PART II

**Terms of service for dentists employed by the Board at health centres"***Interpretation*

1. In these terms of service, unless the context otherwise requires, the expression "the regulations" means the Health Service (General Dental Services) Regulations (Northern Ireland) 1964, and other words and expressions have the same meaning as in the regulations.

*Incorporation of provisions of regulations, etc.*

2. Any provision of the Act, the regulations and Health Services (Services Committee) Regulations (Northern Ireland) 1971(c) affecting the rights, duties and obligations of dentists shall so far as they are applicable be deemed to form part of these terms of service.

*Attendance*

3.—(1) A dentist shall attend at the health centre on such days and at such hours as may be agreed between the Board and the dentist.

(2) The dentist shall not, without the permission of the Board, be entitled to provide at the health centre any dental treatment other than general dental services under the regulations.

*Standard of service*

4. In providing general dental services a dentist shall employ a proper degree of skill and attention and shall provide the treatment necessary to secure dental fitness which the patient is willing to undergo and shall, subject to the provisions of paragraph 13 hereof, satisfactorily complete that treatment.

*Acceptance of applicant for treatment*

5. On accepting an application for treatment the dentist shall request the applicant to sign such form as may be provided by the Board for the purpose.

*Admission of dental officers*

6. A dentist shall admit a dental officer at all reasonable times to any surgery or waiting room used by the dentist at the health centre for the purpose of examining the services provided.

*Visiting*

7. A dentist shall visit and treat a patient whose condition requires a visit at any place where that patient may be at the time which is not more distant than 5 miles, or such other distance from the health centre as may be agreed by the Board and the dentist.

*Anaesthetics*

8. A dentist shall be responsible for arranging for the services of a medical or dental practitioner when necessary for the administration of an anaesthetic in connection with any operation undertaken by him under these terms of service.

*Reference to another dentist or to hospital and specialist services*

9. If the condition of a person requiring general dental services is such as to require treatment which the dentist is unable to carry out, but such treatment to the knowledge of the dentist can be provided by another dentist whose name appears on the dental list, or is available as part of the hospital and specialist services provided under Part III of the Act, the dentist shall inform the said person of the fact and, if the person so wishes, the dentist shall take all necessary steps to enable him to receive such treatment. When referring a person to another dentist or to the hospital and specialist services, the dentist shall give adequate particulars in writing where required either beforehand or as soon as possible afterwards.

*Records*

10. In each case in which a dentist provides treatment under the regulations, he shall keep a record in a form to be provided by the Board for the purpose. The record shall be the property of the Board and shall be made available for inspection to the Committee or a dental officer at all reasonable times. The dentist shall also supply to the Committee or a dental officer such information with regard to the treatment of patients as they may request.

*Remuneration*

11.—(1) A dentist shall be paid such remuneration and shall be subject to such conditions of service in respect of his obligations under these terms of service as provided for by regulation 19 of the regulations.

(2) Except as otherwise provided in the regulations, a dentist shall not suggest, demand or accept from any patient or from any other person the payment of any fee or remuneration in respect of any treatment which he is required to give under these terms of service. The dentist shall account for and pay over to the Board, in such manner as they may require, any fees received by him in respect of treatment falling within the provisions of Part V of the regulations.

*Treatment not completed*

12. If owing to any cause beyond the control of the dentist or because he refers the patient for treatment under paragraph 9 hereof, he is unable to complete any treatment which has been commenced, he shall forthwith notify the Committee in writing of the amount of

treatment completed and of the reason for his inability to complete the remainder, and, if the treatment is given under regulations 15 to 16A of the regulations, the Board shall be entitled to claim from the patient or (if he is under 16 years of age) the person having charge of the patient such fees based on the appropriate scale as may be approved by the Committee in respect of such treatment as has already been provided.

#### *Completion of treatment*

**13.** A dentist shall complete the treatment with reasonable expedition and shall not take longer than 6 months from the date upon which the patient is accepted by him for treatment:

Provided that—

- (i) the time limit shall be 12 months in the case of treatment including extractions and the consequent provision of dentures, or, in the case of orthodontic treatment, such longer period as may be approved by the Committee;
- (ii) treatment so far as it relates to the provision of dentures shall not be regarded as completed unless the dentures have been delivered to and remain in the possession of the patient;
- (iii) the time limit shall not apply where any delay is due to failure by the patient to attend for treatment or where the Committee is satisfied that there is other sufficient reason.

#### *Drugs*

**14.—**(1) A dentist may supply to a patient such listed drugs as are required for immediate administration or application or for use before a supply can be obtained under the next following paragraph.

(2) A dentist may supply any drug other than a listed drug if it is administered by him in person.

(3) Any drug supplied under this paragraph shall be obtained by the dentist in such manner as the Board may require.

**15.** A dentist shall order, on a form to be provided by the Board for the purpose, such listed drugs as are requisite for the treatment of any patient. The order shall be signed by the dentist in his own handwriting and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs to a previous order. A separate form shall be used for each patient.

#### *Termination of service*

**16.—**(1) Any agreement between the Board and a dentist for the provision of general dental services at a health centre may be terminated by either party giving to the other 3 months' notice in writing:

Provided that if the dentist shall fail to comply with any of these terms of service the Board may terminate the agreement by giving him 1 month's notice in writing.

(2) The Board may at any time suspend a dentist from the discharge of his duties, but such suspension shall not affect the right of the dentist to receive remuneration during the continuance thereof.

*Withdrawal or removal from dental list*

17. A dentist shall be entitled at any time to give notice in writing to the Board that he desires to withdraw his name from the dental list, and his name shall be removed therefrom at the expiration of 3 months from the date of such notice or of such shorter period as the Board may agree:

Provided that if representations are made to the Tribunal under Schedule 3 to the Act that the continued inclusion of a practitioner in the dental list would be prejudicial to the efficiency of the general dental services, he shall not, except with the consent of the Ministry and subject to such conditions, if any, as the Ministry may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representation."

- (14) In Schedule 4 Part I in the form of application for inclusion in the dental list in the first column of the table of particulars after the word "surgery" there shall be inserted the words "and/or Health Centre".
- (15) After Schedule 6 there shall be inserted a new Schedule as follows:—

"SCHEDULE 6A

**Remuneration of dentists employed by the Board at a health centre**

1. Rates applicable to whole-time employment at a health centre—

SCALE OF REMUNERATION

GRADE

- I. Commencing at £2,943 per annum and rising to £3,717 per annum by annual increments as follows:

£
2,943
3,054
3,162
3,273
3,387
3,498
3,609
3,717



- II. Commencing at £2,157 per annum and rising to £3,234 per annum by annual increments as follows:

£
2,157
2,238
2,325
2,424
2,523
2,619
2,724
2,823
2,898
3,006
3,117
3,234

2. Rates applicable to part-time employment at a health centre shall be prorata to the rates specified in paragraph 1 for whole-time employment.

3. Rates of sessional remuneration:—

FEEs PER SESSION OF 3 HOURS

GRADE

- I. £7.80  
II. £6.25

4. In determining the appropriate rate of remuneration payable to a dental practitioner under the preceding paragraphs of this Schedule the following provisions shall apply—

- (1) Subject to the provisions of the next succeeding sub-paragraph, a dentist shall be appointed in Grade II.
- (2) The Board if they are satisfied that the qualifications, experience and capacity of a dentist justify his appointment in Grade I, may, after consultation with the Local Dental Committee and subject to the approval of the Ministry appoint the dentist in that grade.
- (3) Payment of the annual increments for which provision is made in paragraphs 1 and 2 of this Schedule shall be conditional on the satisfactory service of the dentist concerned.
- (4) A dentist who is regularly employed for six or more sessions a week shall not be paid on a sessional basis but shall be deemed to be employed part-time or whole-time as the case may be and remunerated accordingly.
- (5) Where a dentist is regularly employed at a health centre by the Board and a local authority and the total number of sessions per week for which he is employed by those authorities is six or more, he shall be deemed to be employed part-time by the Board and he shall be remunerated accordingly.
- (6) The Board may at its discretion credit a dentist on appointment in Grade II with additional increments not exceeding one increment in respect of each year of experience after the first five years of experience since he became a registered dental practitioner, or gained a Commonwealth or foreign diploma recognised by the General Dental Council under section 12(3) of the Dentists Act 1957 whichever event first occurred.

## ANNUAL LEAVE

5. Grade I and Grade II dentists employed full time in health centres shall have an annual leave entitlement of six weeks exclusive of statutory and general national holidays. Dentists employed part-time shall receive the appropriate proportion of annual leave.

## GENERAL

6. Subject to the foregoing provisions of this Schedule a dentist shall be subject to such conditions of service as the Board may from time to time determine, subject to the approval of the Ministry, under Section 62(1) of the Act."

- (16) In Schedule 7 paragraph 2(c) for the words "arrest of bleeding" there shall be substituted the words "arrest of abnormal haemorrhage".

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 19th day of October 1971.

(L.S.)

F. A. Elliott,  
Assistant Secretary.

The Ministry of Finance hereby approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 19th day of October 1971.

(L.S.)

C. F. Darling,  
Assistant Secretary.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations contain amendments of the principal regulations to make provision for the remuneration and terms of service of dentists practising at a health centre. They also contain amendments which are designed to meet or clarify certain administrative matters.

1971. No. 328

[C]

## INTOXICATING LIQUOR

## Claims Fund: Winding up Order

ORDER\*, DATED 15TH JULY 1971, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 86(4) AND SCHEDULE 11 PARAGRAPH 15(2) OF THE LICENSING ACT (NORTHERN IRELAND) 1971.

The Ministry of Finance in the exercise of the powers conferred upon it by Schedule 11 Paragraph 15(2) of the Licensing Act (Northern Ireland) 1971, and of all other powers enabling it in that behalf hereby makes the following Order:—

1. This Order may be cited as the Intoxicating Liquor (Claims Fund) Winding up Order (Northern Ireland) 1971.

2. In pursuance of Schedule 11 Paragraph 15(2) of the Licensing Act (Northern Ireland) 1971(a), the Ministry of Finance hereby prescribes that the date for winding up the Claims Fund established under Section 3(3)(d) of the Intoxicating Liquor Act (Northern Ireland) 1923(b) shall be the 31st day of March 1972. Any money standing to the credit of the Claims Fund at the 31st day of March 1972 shall be transferred to the Northern Ireland Exchequer.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 15th day of July 1971, in the presence of

(L.S.)

*James Reid,*  
Senior Assistant Secretary.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order prescribes the date on which the Claims Fund is to be wound up. The outstanding liability of the Claims Fund in respect of sums borrowed to meet Compensation Awards under Section 3 of the Intoxicating Liquor Act (Northern Ireland) 1923 will be discharged from the proceeds of a Final Claims Fund Charge levied in respect of all licences for the sale of intoxicating liquor by retail granted or renewed during the six months ending 31st day of March 1972.

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(a) 1971. c. 13 (N.I.).

(b) 13 & 14 Geo. 5. c. 12 (N.I.).

\*This Order was approved by a Resolution of each House of Parliament on 19th October 1971.