

**2005 No. 121**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Dental Charges) (Scotland)  
Amendment Regulations 2005**

*Made* - - - - - *2nd March 2005*

*Laid before the Scottish Parliament* *3rd March 2005*

*Coming into force* *1st April 2005*

The Scottish Ministers in exercise of the powers conferred by sections 70(1A), 71(1), 71A, 105(7) and 108(1) of, and by paragraph 3(3) of Schedule 11 to, the National Health Service (Scotland) Act 1978(a) and sections 20(1), (3) and (5), 39(2) and 40(2) of the National Health Service (Primary Care) Act 1997(b) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation.**

1.—(1) These Regulations may be cited as the National Health Service (Dental Charges) (Scotland) Amendment Regulations 2005 and shall come into force on 1st April 2005.

(2) In these Regulations “the principal Regulations” means the National Health Service (Dental Charges) (Scotland) Regulations 2003(c).

**Amendment of the principal Regulations**

2. In regulation 4(5) of the principal Regulations (calculation of charges) for “£378” in both places where it occurs substitute “£384”.

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(a) 1978 c.29; section 70(1A) was inserted by the Health and Medicines Act 1988 (c.49) (“the 1988 Act”), section 11(4); section 71(1) was amended by the 1988 Act, section 11(5) and Schedule 3; section 71A was inserted by the 1988 Act, section 11(6); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) (“the 1998 Act”).

(b) 1997 c.46; section 40(2) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(c) S.S.I. 2003/158. The relevant amending instrument is S.S.I. 2004/101.

**Transitional provision**

3. Where, on or after 1st April 2005, dental appliances are supplied, or other services are provided, in pursuance of any one contract or arrangement made before that date, regulation 4(5) of the principal Regulations shall have effect in respect of that supply or provision as if regulation 2 of these Regulations had not come into force.

*RHONA BRANKIN*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
2nd March 2005

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Dental Charges) (Scotland) Regulations 2003 (“the principal Regulations”) which provide for the making and recovery of charges in respect of the supply of dental appliances under the National Health Service and in respect of the provision of dental treatment under general dental services or in accordance with pilot schemes.

Regulation 2 increases from £378 to £384 the maximum charge in the aggregate which may be payable for all dental appliances supplied and other services provided in pursuance of any one contract or arrangement.

Regulation 3 provides that the increased maximum charge applies only where the contract or arrangement leading to the supply of the appliances and provision of those services is made on or after 1st April 2005. Where the contract or arrangement is made before that date, but the supply or provision is made on or after that date then the previous maximum total charge applies.

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