



# Health and Medicines Act 1988

## 1988 CHAPTER 49

### *Dental services, appliances and treatment and the Dental Estimates Board and Scottish Dental Estimates Board*

#### **10 Dental services.**

(1) In section 5 of the <sup>M1</sup>National Health Service Act 1977—

- (a) in paragraph (a) (services the Secretary of State is required to provide for school pupils) of subsection (1) the words “and dental”, in both places where they occur, shall cease to have effect; and
- (b) the following subsections shall be inserted after that subsection—

“(1A) It is also the Secretary of State’s duty to provide, to such extent as he considers necessary to meet all reasonable requirements—

- (a) for the dental inspection of pupils in attendance at schools maintained by local education authorities or at grant-maintained schools;
- (b) for the dental treatment of such pupils; and
- (c) for the education of such pupils in dental health.

(1B) Schedule 1 to this Act shall have effect.”

(2) In section 39 of the <sup>M2</sup>National Health Service (Scotland) Act 1978 (medical and dental inspection, supervision and treatment of pupils and young persons)—

- (a) in subsection (1)—
  - (i) the words “and dental”, in both places where they occur, shall cease to have effect; and
  - (ii) after the word “supervision” there shall be inserted the words “and treatment”;
- (b) for subsection (2) there shall be substituted the following subsection—

“(2) It is also the Secretary of State’s duty to provide, to such extent as he considers necessary to meet all reasonable requirements—

*Status: Point in time view as at 01/02/1991.*

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- (a) for the dental inspection of such pupils and young persons as are mentioned in subsection (1);
- (b) for their dental treatment; and
- (c) for their education in dental health.”;
- (c) in subsection (3), for the words “and dental treatment made available under” there shall be substituted the words “treatment made available under subsection (1) and dental treatment made available for the purposes of”; and
- (d) in subsection (4)—
  - (i) the words “and dental” shall cease to have effect; and
  - (ii) for the words “subsections (1) and (2)” there shall be substituted the words “subsection (1) and for the dental inspection, treatment and education described in subsection (2)”.

#### Marginal Citations

- M1 1977 c. 49.
- M2 1978 c. 29.

## 11 Charges for dental appliances and treatment.

- (1) The following subsection shall be inserted after subsection (1) of section 78 of the <sup>M3</sup>National Health Service Act 1977—
 

“(1A) Regulations may provide for the making and recovery in such manner as may be prescribed of charges of amounts calculated in accordance with section 79A below in respect of the supply under this Act of dentures and other dental appliances of prescribed descriptions.”
- (2) In subsection (1) of section 79 of that Act for the words “the amount authorised by this section” there shall be substituted the words “an amount calculated in accordance with section 79A below”.
- (3) The following section shall be inserted after that section—

### “79A Calculation of charges for dental appliances and treatment.

- (1) Subject to the following provisions of this section, regulations may make such provision as to the amount of any charge—
  - (a) authorised by section 78(1A) above for the supply of dentures or other dental appliances; or
  - (b) authorised by section 79 above for the provision of services, as appears to the Secretary of State to be appropriate.
- (2) Without prejudice to the generality of subsection (1) above, regulations may provide that any charge which is so authorised in respect of appliances or services supplied or provided under Part II of this Act—
  - (a) shall be of an amount equal—
    - (i) to the practitioner’s remuneration in respect of the supply or provision; or
    - (ii) to any part of that remuneration; or
  - (b) shall be otherwise calculated by reference to that remuneration.

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- (3) Without prejudice to the generality of subsection (1) above, regulations may provide that any charge which is authorised in respect of appliances supplied otherwise than under Part II of this Act—
  - (a) shall be of an amount equal—
    - (i) to the remuneration a practitioner would receive for a supply under that Part of this Act of equivalent appliances, or
    - (ii) to any part of such remuneration; or
  - (b) shall be otherwise calculated by reference to such remuneration.
- (4) The charge shall not exceed the amount which the Secretary of State considers to be the cost to the health service of the supply or provision.
- (5) In this section “cost to the health service” does not include—
  - (a) any fee in respect of a visit by a practitioner to a patient; or
  - (b) any fee or part of a fee payable by a patient in pursuance of regulations under section 79(2) above or section 81(b) or 82(b) below.”
- (4) The following subsection shall be inserted after subsection (1) of section 70 of the <sup>M4</sup>National Health Service (Scotland) Act 1978—

“(1A) Regulations may provide for the making and recovery in such manner as may be prescribed of charges of amounts calculated in accordance with section 71A in respect of the supply under this Act of dentures and other dental appliances of prescribed descriptions.”
- (5) In subsection (1) of section 71 of that Act for the words “the amount authorised by this section” there shall be substituted the words “an amount calculated in accordance with section 71A”.
- (6) The following section shall be inserted after the said section 71—

**“71A Calculation of charges for dental appliances and treatment.**

- (1) Subject to the following provisions of this section, regulations may make such provision as to the amount of any charge—
  - (a) authorised by section 70(1A) for the supply of dentures or other dental appliances; or
  - (b) authorised by section 71 for the provision of services,  
as appears to the Secretary of State to be appropriate.
- (2) Without prejudice to the generality of subsection (1) above, regulations may provide that any such charge in respect of appliances or services supplied or provided under Part II of this Act—
  - (a) shall be of an amount equal—
    - (i) to the practitioner’s remuneration in respect of the supply or provision; or
    - (ii) to any part of that remuneration; or
  - (b) shall be otherwise calculated by reference to that remuneration.
- (3) Without prejudice to the generality of subsection (1) above, regulations may provide that any charge which is so authorised in respect of appliances supplied otherwise than under Part II of this Act—

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- (a) shall be of an amount equal—
    - (i) to the remuneration a practitioner would receive for a supply under that Part of equivalent appliances; or
    - (ii) to any part of such remuneration; or
  - (b) shall be otherwise calculated by reference to such remuneration.
- (4) The charge shall not exceed the amount which the Secretary of State considers to be the cost to the health service of the supply or provision.
- (5) In this section “cost to the health service” does not include—
- (a) any fee in respect of a visit by a practitioner to a patient; or
  - (b) any fee or part of a fee payable by a patient in pursuance of regulations under section 71(2) or section 73(b) or 74(b).”
- (7) Section 79(1) of the <sup>M5</sup>National Health Service Act 1977 and section 71(1) of the <sup>M6</sup>National Health Service (Scotland) Act 1978 shall cease to have effect so far as they provide that a charge may not be authorised for the clinical examination of a patient and any report on that examination.
- (8) In paragraph 2(4)(a) of Schedule 12 to the National Health Service Act 1977 and paragraph 2(4)(a) of Schedule 11 to the National Health Service (Scotland) Act 1978 for “16” there shall be substituted “18”.

#### Marginal Citations

- M3** 1977 c. 49.
- M4** 1978 c. 29.
- M5** 1977 c. 49.
- M6** 1978 c. 29.

## 12 The Dental Estimates Board and the Scottish Dental Estimates Board—change of name and extension of functions.

- (1) The Dental Estimates Board shall be renamed as “the Dental Practice Board” and the Scottish Dental Estimates Board shall be renamed as “the Scottish Dental Practice Board”, and—
- (a) any enactment or instrument passed or made before the coming into force of this section shall have effect as if for any reference to the Dental Estimates Board there were substituted a reference to the Dental Practice Board and for any reference to the Scottish Dental Estimates Board there were substituted a reference to the Scottish Dental Practice Board; and
  - (b) documents and forms printed or duplicated for use in connection with the performance of the functions of the Dental Estimates Board or the Scottish Dental Estimates Board may be used notwithstanding that they refer to either or both of those Boards, such references being construed as references to the Dental Practice Board and the Scottish Dental Practice Board.
- (2) Section 37 of the National Health Service Act 1977 shall be renumbered so as to become section 37(1) of that Act.
- (3) The following subsections shall be inserted—
- (a) after the resulting subsection (1); and

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(b) after section 4(1) of the National Health Service (Scotland) Act 1978—

“(1A) Regulations may empower the Dental Practice Board—

- (a) to direct a dental practitioner to submit to the Board, in relation to treatment which he has carried out or contemplates carrying out or to a description of such treatment specified in the direction, such estimates and information and such radiographs, models or other items as may be prescribed; and
- (b) to direct a dental practitioner not to carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Board.

(1B) If regulations include any such provision as is mentioned in subsection (1A)(b) above, regulations shall confer on a dental practitioner in whose case a direction such as is mentioned in that paragraph has been given a right of appeal against the direction to a prescribed person or body, but before making regulations conferring such a right the Secretary of State shall consult such organisations as appear to him to be representative of persons providing general dental services.

(1C) Regulations may be made authorising or requiring the Dental Practice Board to carry on any such additional activity relating to the provision of general dental services as may be prescribed and, without prejudice to the generality of this subsection, to conduct or commission surveys or other research relating to the provision of such services.”

(4) The following paragraph shall be inserted after paragraph (d) of section 109 of the <sup>M7</sup>National Health Service Act 1977 (which lists the bodies subject to investigation by the Health Service Commissioner for England and the Health Service Commissioner for Wales)—

“(dd) the Dental Practice Board;”.

(5) The following paragraph shall be inserted after paragraph (b) of section 93(1) of the <sup>M8</sup>National Health Service (Scotland) Act 1978 (which lists the bodies subject to investigation by the Health Service Commissioner for Scotland)—

“(bb) the Dental Practice Board;”.

#### Marginal Citations

M7 1977 c. 49.

M8 1978 c. 29.

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