



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 4

DENTAL AND MEDICAL SERVICES

Dental services: miscellaneous

183 Charges for dental services

(1) In the 1977 Act, for sections 78A to 79A substitute—

“79 Dental charging

- (1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for relevant dental services.
- (2) Regulations under subsection (1) may in particular include provision—
 - (a) specifying the amount, or maximum amount, of any charge (or aggregate charge in respect of the provision for two or more relevant dental services);
 - (b) for calculating the amount of any charge;
 - (c) for the variation of the amount, or maximum amount, of any charge in cases of a prescribed description;
 - (d) for any charge not to be payable in cases of a prescribed description;
 - (e) for power to direct that a charge is not payable in any particular case;
 - (f) for the repayment of any charge (including provision as to the persons by whom, and manner in which, repayments are to be made).
- (3) Regulations under subsection (1) may provide for sums which would otherwise be payable by a Primary Care Trust, Local Health Board or Special

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Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Section 183. (See end of Document for details)

Health Authority to persons providing relevant dental services to be reduced by the amount of the charges authorised by the regulations.

(4) This section is subject to Schedule 12ZA.

(5) In this section and Schedule 12ZA “relevant dental services” means—

(a) dental treatment provided—

(i) under section 16CA(2) above (dental services provided by a Primary Care Trust or Local Health Board);

(ii) under a general dental services contract;

(iii) in accordance with section 28C arrangements; and

(b) the supply of dentures and other dental appliances under this Act.

(6) Any reference in this section or Schedule 12ZA to the supply of an appliance includes a reference to its repair, adjustment, refitting or replacement and, in the case of dentures, to their being relined or having additions made to them.”

(2) After Schedule 12 to that Act insert—

“SCHEDULE
12ZA

DENTAL CHARGING: EXEMPTIONS

General exemptions

- 1 (1) No charge is to be made under regulations under section 79(1) in respect of a relevant dental service provided for any person who at the prescribed time—
 - (a) was under 18;
 - (b) was under 19 and receiving qualifying full-time education;
 - (c) was pregnant; or
 - (d) had given birth to a child within the previous 12 months.
- (2) In sub-paragraph (1)(b), “qualifying full-time education” means full-time instruction at a recognised educational establishment or by other means accepted as comparable by the person or body making the regulations.
- (3) For the purposes of sub-paragraph (2)—
 - (a) “recognised educational establishment” means an establishment recognised by the person or body making the regulations as being, or as comparable to, a school, college or university; and
 - (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.
- (4) In sub-paragraph (1)(d), “child” includes a still-born child (within the meaning of the Births and Deaths Registration Act 1953).
- (5) This paragraph is subject to paragraph 3.

Repair and replacement

- 2 (1) No charge is to be made under regulations under section 79(1) in respect of the repair or replacement of any appliance.

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(2) This paragraph is subject to paragraph 3.

Exceptions to paragraphs 1 and 2

- 3 Paragraphs 1 and 2 do not apply in relation to—
- (a) the repair or replacement of any appliance of a prescribed description; or
 - (b) the repair or replacement of any appliance where it is determined in the prescribed manner—
 - (i) in any case, that the repair or replacement was necessitated by an act or omission of the person supplied; or
 - (ii) in a case where the person supplied was under the age of 16, that the repair or replacement was necessitated by an act or omission, occurring while that person was under that age, of a person having charge of him.

Hospital patients

- 4 No charge is to be made under regulations under section 79(1) in respect of any appliance supplied to a patient for the time being resident in a hospital.

Hospital patients

- 5 Paragraph 4 does not apply where an appliance is supplied—
- (a) under section 16CA(2) above;
 - (b) under a general dental services contract; or
 - (c) in accordance with section 28C arrangements.

Arrest of bleeding

- 6 No charge is to be made under regulations under section 79(1) in respect of the arrest of bleeding.

Declarations and evidence

- 7 Regulations may provide, with respect to any exemption under this Schedule, that it is to be a condition of the exemption that—
- (a) a declaration of the prescribed kind is made in the prescribed form and manner; or
 - (b) a certificate or other evidence of the prescribed kind is supplied in the prescribed form and manner.”

(3) In section 126 of that Act—

- (a) in subsection (1), after “PCT order” insert “ or an instrument to which subsection (1A) applies ”;
- (b) after subsection (1) insert—

“(1A) The Secretary of State may not make a statutory instrument containing the first regulations made under section 79(1) above (as substituted by the Health and Social Care (Community Health and

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Standards) Act 2003) unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

- (4) In respect of any period after the coming into force of this section but before the coming into force of section 178, section 79(5)(b) of the 1977 Act (as inserted by subsection (1) above) shall have effect as if it included a reference to the supply of dentures and other dental appliances in accordance with a pilot scheme under Part 1 of the National Health Service (Primary Care) Act 1997 (c. 46).

Commencement Information

- I1** [S. 183](#) partly in force; [s. 183](#) in force at Royal Assent for certain purposes, see [s. 199\(1\)\(4\)](#)
- I2** [S. 183](#) in force at 1.11.2005 for specified purposes for E. by [S.I. 2005/2925](#), [art. 7\(1\)](#)
- I3** [S. 183](#) in force at 15.2.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 5\(1\)](#)

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Changes to legislation:

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