

1978 No. 950

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (Dental and Optical Charges)
Regulations 1978**
Made - - - 6th July 1978*Laid before Parliament* 17th July 1978*Coming into Operation* 7th August 1978

The Secretary of State for Social Services, in exercise of his powers under sections 77, 78(1) and 79 of, and paragraphs 1(1), 2(1) and (2) and 3 of Schedule 12 to, the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

 PART I
GENERAL
Citation and commencement

1. These regulations may be cited as the National Health Service (Dental and Optical Charges) Regulations 1978 and shall come into operation on 7th August 1978.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the National Health Service Act 1977;

“Authority” means, as the case may require, a Regional Health Authority, an Area Health Authority or any body specified in an order(b) by the Secretary of State under section 15 of the National Health Service Reorganisation Act 1973(c);

“dentist” means a registered dental practitioner;

“doctor” means a fully registered medical practitioner;

“optician” means an ophthalmic optician or a dispensing optician;

“patient”, in relation to the making and recovery or the payment of a charge, includes a person who pays or undertakes to pay the charge on behalf of a person to whom an appliance is supplied or any treatment or other service under the Act is given;

“special dental treatment” means such special dental treatment as is prescribed by regulation 5(1).

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation or Schedule is a reference to the regulation in, or, as the case may be, the Schedule to, these regulations which bears that number, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

 (a) 1977 c. 49.

(b) See S.I. 1974/281.

(c) 1973 c. 32.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament, and in relation to any revocations effected by these regulations shall have effect as if these regulations and the regulations revoked were Acts of Parliament and as if each revocation were a repeal.

PART II

AMOUNTS OF CHARGES FOR DENTAL SERVICES

Charges for dental appliances

3.—(1) Subject to paragraphs (2) and (3) and to regulation 6, the amount of the charge in respect of the supply of any dental appliance described in column (1) of Schedule 1 shall be the amount set out in column (2) of that Schedule in relation thereto.

(2) Where a dentist—

(a) has begun for a patient, as part of general dental services, a course of treatment which includes the supply of an appliance described in Schedule 1, and

(b) has referred that patient to an Authority for the supply of that appliance otherwise than as part of those services,

the charge in respect of the supply of that appliance shall be determined in accordance with paragraph (3).

(3) (a) The dentist shall give to that Authority a statement of the amount of the charges under or by virtue of sections 78 and 79 of the Act—

(i) which have been paid to him by the patient in respect of that course of treatment, or

(ii) which would be so payable (including any already paid) if no charge fell to be made in respect of the supply of that appliance,

whichever is the greater.

(b) The charge in respect of the supply of that appliance by that Authority shall be either the sum by which that amount falls short of the full amount of the charges payable by the patient in respect of that course of treatment or the amount set out in column (2) of Schedule 1 in relation to that appliance, whichever be the less; but if there is no such shortfall no charge shall be payable in that respect.

(4) For the purposes of paragraph (2) the reference of a patient to a hospital which is not vested in the Secretary of State, but with which an Authority has made arrangements for the provision by it of services under the Act, shall be deemed to be a reference of the patient to that Authority.

Charges for dental treatment

4.—(1) Subject to paragraph (2) and to regulation 6, the amount of the charge authorised by subsection (1) of section 79 of the Act for any item of

service provided as part of general dental services which is subject to a charge under that subsection shall, where the amount of the current authorised fee^(a) for the provision of that item of service is more than £5, be £5.

(2) Subject to regulation 6, where the current authorised fee for any such item of service is such amount as the Dental Estimates Board may in its discretion approve, whether or not subject to a maximum, the amount of the charge authorised by section 79(1) for that item of service shall be £5 or either—

- (a) if the Board has approved a fee for the item of service, the amount of the fee so approved, notwithstanding any subsequent variation of the amount of that fee on appeal^(b); or
- (b) if the Board has refused to approve a fee for the item of service, the amount of any fee authorised for it on appeal^(b),

whichever is the less.

Charges for special dental treatment

5.—(1) The provision, as part of general dental services, of any one or more of the following, namely—

- (a) crowns, inlays, pinlays or gold fillings, and
- (b) fillings, other than root fillings, of any material in a tooth for which a treatment mentioned in sub-paragraph (a) above is provided as part of the same course of treatment,

is prescribed special dental treatment.

(2) Subject to paragraph (3) and to regulation 6, the amount of the charge for such special dental treatment shall be £10 for each tooth restored by such treatment.

(3) No charge shall be payable for special dental treatment which forms part of a course of treatment given to a person who on the date of the dental examination leading to the provision of that course of treatment or the first such examination—

- (a) is under 21 years of age, or
- (b) is an expectant mother, or
- (c) has borne a child within the previous 12 months.

Maximum charges

6.—(1) Where in pursuance of any contract or arrangement any dental appliance is supplied for which a charge is payable under section 78 of the Act and any services are provided for which a charge is payable under section 79(1) of the Act, the aggregate of the charges payable under those provisions in respect of all services provided in pursuance of that contract or arrangement shall not exceed £30 for each course of treatment so provided.

(2) In respect of any course of treatment involving the provision of services for which a charge is payable under or by virtue of section 78 (dental appliances), section 79(1) (dental treatment) or section 79(2) (special dental treatment) of the Act, alone or in combination,—

- (a) the charges payable by virtue of section 78 shall not exceed £30;
- (b) the charges authorised by section 79(1) shall exceed neither—
 - (i) £5, nor
 - (ii) the amount by which any charges in respect of that course of treatment payable by virtue of section 78 fall short of £30;

^(a) See paragraph 3(1) of Schedule 12 to the National Health Service Act 1977.

^(b) See S.I. 1974/455, regulation 21.

(c) the charges payable by virtue of section 79(2) shall exceed neither—

(i) £30, nor

(ii) the amount by which any charges in respect of that course of treatment payable by virtue of section 78 and any such charges authorised by section 79(1) together fall short of £30;

and in any case in which two or more of the above sub-paragraphs apply but there is no shortfall under sub-paragraph (b)(ii) or sub-paragraph (c)(ii) no charge shall be payable under or by virtue of subsection (1) or subsection (2) of section 79, or both of those subsections, as the case may require.

PART III

AMOUNTS OF CHARGES FOR OPTICAL APPLIANCES

Charges for lenses

7.—(1) Subject to paragraphs (2) and (3), the amount of the charge in respect of the supply of any lens (not forming part of children's glasses)^(a) described in column (1) of Schedule 2 shall be the amount set out in column (2) of that Schedule in relation thereto.

(2) Where more than one pair of glasses is supplied in consequence of a new prescription or a change of prescription, the charge for each lens supplied for those glasses after the first two shall be reduced by 75p.

(3) Where a contact lens is supplied, pursuant to the provisions of section 5(1)(a) of the Act or otherwise than under Part II of the Act, to a patient to whom children's glasses might be supplied and for whom a contact lens is clinically necessary, no charge shall be payable for it.

Charges for frames

8. No charges shall be payable for frames for children's glasses.

PART IV

MAKING AND RECOVERY OF CHARGES

Authorisation of charges

9. Charges in respect of—

(a) the supply of the dental and optical appliances described in Schedules 1 and 2,

(b) the provision of special dental treatment, and

(c) the supply of the frames specified in paragraph 2(1) of Schedule 12 to the Act,

may be made and recovered in accordance with the provisions of these regulations.

Making and recovery of charges

10. Where any charge is payable under or by virtue of section 78 (dental and optical appliances) or subsection (1) (dental treatment) or (2) (special dental treatment) of section 79 of the Act—

(a) a dentist who, as part of general dental services, supplies or is to supply a relevant appliance or provides or is to provide a relevant service,

(b) an optician who, as part of general ophthalmic services, supplies or is to supply a relevant appliance, and

(a) See paragraph 2(1) of Schedule 12 to the National Health Service Act 1977.

- (c) an Authority which supplies or is to supply a relevant appliance, may—
- (i) on arranging to supply that appliance or provide that service, make, and
 - (ii) on supplying or having available for supply that appliance or on providing that service, recover from the patient (if it has not previously been paid),
- the appropriate charge.

PART V
SUPPLEMENTARY

Amendment and revocation of regulations

11.—(1) The regulations—

- (a) specified in Schedule 3 have effect subject to the amendments (being amendments consequential on the making of these regulations) specified in that Schedule;
- (b) specified in Schedule 4 are hereby revoked to the extent specified in the third column of that Schedule.

(2) Without prejudice to the application, by virtue of regulation 2(4), of the rules of construction contained in section 38(2) of the Interpretation Act 1889, the revocations effected by paragraph (1) shall not affect any acknowledgement, agreement, appeal, application, approval, arrangement, claim, contract, form, declaration or undertaking made, prepared, issued or given under or for the purposes of any provision of the regulations so revoked; and every such acknowledgement, agreement, appeal, application, approval, arrangement, claim, contract, form, declaration or undertaking shall, so far as it could have been made, prepared, issued or given under or for the purposes of a corresponding provision of these regulations, have effect for those purposes as if it had been so made, prepared, issued or given.

David Ennals,
Secretary of State for Social Services.

6th July 1978.

Regulation 3

SCHEDULE 1
DENTAL APPLIANCES

<i>Description of Appliance</i>	(1)	(2) <i>Charge</i>
1. A metal or porcelain based denture—		
having 1 to 3 teeth	£15.00
having 4 to 8 teeth	£16.00
having more than 8 teeth...	£17.00
2. More than one metal or porcelain based denture	£30.00
3. A denture based in materials other than metal or porcelain—		
having 1 to 3 teeth	£10.00
having 4 to 8 teeth	£11.00
having more than 8 teeth...	£12.00
4. More than one denture based in materials other than metal or porcelain	£20.00

Note: a bridge which takes the place of any teeth is deemed to be a denture having that number of teeth(a).

Regulation 7

SCHEDULE 2
OPTICAL APPLIANCES

<i>Description of Lens</i>	(1)	(2) <i>Charge</i>
1. Single vision lens (including single vision lenticular, frosted and chavasse lenses)	£2.90
2. Fused glass bifocal lens	£5.50
3. Lens of any other description	£6.15

Regulation 11(1)(a)

SCHEDULE 3
AMENDMENTS OF REGULATIONS

1.—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 1974(b), as amended (c), shall be further amended in accordance with the following provisions of this paragraph.

(2) After regulation 5 there shall be inserted the following new regulation—

“ *Wigs and fabric supports*

5A.—(1) An Authority which, otherwise than under Part II of the National Health Service Act 1977, supplies to a patient for the purposes of his treatment an appliance of a description specified in column (1) of Schedule 2 to these regulations, may, subject to the provisions of paragraph 1 of Schedule 12 to that Act, make and recover from the patient a charge of the amount specified in column (2) of the said Schedule 2 in respect of that appliance.

(a) See paragraph 6 of Schedule 12 to the National Health Service Act 1977.

(b) S.I. 1974/285.

(c) There is no amendment which relates expressly to the subject matter of these regulations.

(2) An Authority which makes and recovers a charge under this regulation shall, if so required by the patient making the payment, give him a receipt for the amount paid.

(3) No charge under this regulation shall be payable by or on behalf of a patient to whom the Secretary of State has issued an exemption certificate in respect of treatment for accepted war disablement or, as the case may be, for accepted service disablement, in respect of the supply of an appliance which he requires for the purpose of the treatment of that disablement.

(4) Where a patient has paid a charge which but for paragraph (3) would be authorised by paragraph (1), he may claim a refund of that charge by presenting to the Authority the receipt for it together with—

- (a) the certificate mentioned in paragraph (3); and
- (b) if the patient was referred by a doctor to the Authority for treatment, either—
 - (i) a certificate from the doctor certifying that it was for the accepted war disablement or, as the case may be, the accepted service disablement; or
 - (ii) a statement that such a certificate was surrendered to the Authority on or before the supply of the appliance.

(5) The Authority, if satisfied by the evidence so produced that the charge to which the receipt relates was not properly payable, shall return to the patient the amount of the charge and any certificate to which paragraph (3) refers which he may have submitted.

(6) In this regulation, ‘patient’, in relation to the making and recovery or the payment of a charge, includes a person who pays or undertakes to pay the charge on behalf of a person to whom an appliance is supplied.”.

(3) In regulations 3(1)(a), 3(4), 4(1)(a), 5(1) and 5(1)(a) for the words “the Schedule” there shall be substituted the words “Schedule 1”.

(4) In regulation 6(1), after the words “under these regulations” there shall be inserted the words “other than regulation 5A”.

(5) The Schedule shall be numbered “1” and the following new Schedule shall be inserted after it—

Regulation 5A

“SCHEDULE 2										
CHARGES FOR FABRIC SUPPORT AND WIGS										
(1)										(2)
Fabric support (other than elastic hosiery)	...	...	...	...	...	...	...	...	...	£2·00
Bespoke wig	...	...	...	...	...	...	...	...	...	£7·50
Stock wig	...	...	...	...	...	...	...	...	...	£2·50”.

2. In regulation 19(2) of the National Health Service (General Dental Services) Regulations 1973(a), as amended (b), for the words “under this regulation” there shall be substituted the words “under or by virtue of the National Health Service Act 1977”.

(a) S.I. 1973/1468.
 (b) There is no amendment which relates expressly to the subject matter of these regulations.

Regulation 11(1)(b)

SCHEDULE 4
REGULATIONS REVOKED

(1) S.I. Number	(2) Title	(3) Extent of Revocation
1971/340	The National Health Service (Charges) Regulations 1971	The whole regulations
1973/1468	The National Health Service (General Dental Services) Regulations 1973	Regulation 19(1)
1974/284	The National Health Service (Charges for Appliances) Regulations 1974	Regulation 4(2)
1974/287	The National Health Service (General Ophthalmic Services) Regulations 1974	Regulation 19(1)
1975/1945	The National Health Service (Charges) Amendment Regulations 1975	The whole regulations
1977/279	The National Health Service (Charges) Amendment Regulations 1977	The whole regulations
1977/434	The National Health Service (Charges and Remission) Amendment Regulations 1977	Regulation 2(1)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations put into consolidated form provisions relating to charges for dental treatment and dental and optical appliances formerly contained in the National Health Service (Charges) Regulations 1971, and in other Regulations including ones amending those Regulations, which they revoke and supersede. They do not make any changes in the amounts of the charges payable but they incorporate changes required for clarification and in consequence of the passing of the National Health Service Act 1977.

The Regulations also amend the National Health Service (Charges for Drugs and Appliances) Regulations 1974 (which contain provisions concerning charges for drugs and appliances supplied under or by virtue of the National Health Service Act 1977 other than dental or optical appliances) by inserting into them provision for the making and recovery of charges for fabric supports and wigs, and for the remission and repayment of such charges, which was formerly contained in the National Health Service (Charges) Regulations 1971. The amounts of the charges are unchanged but the provisions are clarified and their terminology brought up to date.

SI 1978/950
ISBN 0-11-083950-1

