

1988 No. 464 (S.48)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Dental Charges)
(Scotland) Regulations 1988**

<i>Made</i> - - - -	<i>10th March 1988</i>
<i>Laid before Parliament</i>	<i>11th March 1988</i>
<i>Coming into force</i>	<i>1st April 1988</i>

The Secretary of State, in exercise of powers conferred on him by sections 70(1), 71(1) and 108(1) of, and paragraphs 2(1) and (2) and 3(1), (2) and (3) of Schedule 11 to, the National Health Service (Scotland) Act 1978(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Dental Charges) (Scotland) Regulations 1988 and shall come into force on 1st April 1988.

(2) In these Regulations, unless the context otherwise requires—

(a) “the Act” means the National Health Service (Scotland) Act 1978;

“Board” means a Health Board constituted under section 2 of the Act;

“bridge” means a fixed or a removable bridge which takes the place of any teeth;

“patient” includes a person who pays or undertakes to pay a charge on behalf of a person to whom a dental appliance is supplied or to whom a service is provided;

“supply”, in relation to an appliance, includes its replacement;

(b) a reference to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number, and a reference in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

Charges for supply of dental appliances

2.—(1) Charges may be made and recovered in accordance with these Regulations in respect of the chargeable supply of a dental appliance described in column (1) of Part I of Schedule 1.

(2) Subject to paragraph (3), to regulation 4, and to Part II of Schedule 1, the amount of the charge which may be made and recovered pursuant to paragraph (1) in respect of a dental appliance described in column (1) of Part I of Schedule 1 is the amount set out in relation to it in column (2) of that Part.

(3) Where a dental practitioner—

(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

(a) 1978 c.29; for definitions of “prescribed” and “regulations” see section 108(1); Schedule 11, paragraph 2(1) was amended by the Health Services Act 1980 (c.53), Schedule 5, Part II, paragraph 6(2) and by the Health and Social Security Act 1984 (c.48), Schedule 1, Part II, paragraph 5; Schedule 11, paragraph 2(2) was amended by the Health and Social Security Act 1984, Schedule 8, Part I.

- (b) has referred that patient, for the supply of that appliance otherwise than as part of general dental services, to a Board or to a hospital with which a Board has made arrangements for the provision of services under the Act;

the amount of the charge for the supply of that appliance by or on behalf of the Board shall be determined in accordance with Schedule 2.

(4) In this regulation "chargeable supply" means supply under the Act other than—

- (a) a supply in respect of which no charge may be made by virtue of paragraph 2(3), (4) or (8) of Schedule 11 to the Act;
- (b) a supply, otherwise than as part of general dental services, to a person who has undergone operative procedures affecting the mandible, the maxilla or the soft tissues of the mouth as part of treatment for invasive tumours;
- (c) a supply, otherwise than as part of general dental services, of any obturator which is a denture.

Charges for dental treatment as part of general dental services

3.—(1) Subject to regulation 4, the amount of the charge authorised by and payable under section 71(1) of the Act in respect of chargeable services under a contract or arrangement is 75% of the current authorised fees for those services, rounded down, where necessary, to the nearest whole penny.

(2) In this regulation "current authorised fee" has the meaning assigned to it by paragraph 3(1) of Schedule 11 to the Act, and for the purposes of this regulation the amount of the current authorised fee for any service, where it is such amount as the Scottish Dental Estimates Board may in its discretion approve, whether or not subject to a maximum, is—

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

(3) In this regulation "chargeable services" means services provided in pursuance of any contract or arrangement for the provision of general dental services, other than—

- (a) services for which no charge may be made by virtue of section 71(1)(a) to (d) of the Act or paragraph 3(4) of Schedule 11 to the Act(b);
- (b) the opening by a dental practitioner of his surgery outside his normal opening hours in order to provide emergency treatment;
- (c) the attendance, at the surgery, of a dental practitioner providing emergency treatment, of a medical practitioner, or of another dental practitioner, specifically with a view to the administration of a general anaesthetic in connection with that treatment.

Maximum charge for general dental services

4. The amount of the charges payable pursuant to these Regulations in respect of all dental appliances supplied and other services provided in pursuance of any one contract or arrangement for the provision of general dental services shall not exceed £150 in the aggregate.

Making and recovery of charges

5.—(1) Where any charge is payable under section 70 of the Act in respect of the supply of a dental appliance, the dental practitioner who, as part of general dental services, or the Board which, under the Act, supplies or is to supply the appliance, may—

- (a) on arranging to supply it, make the appropriate charge; and
- (b) on supplying it or having it available for supply, recover the appropriate charge from the patient (if it has not previously been paid).

(2) Where any charge is payable under section 71 of the Act in respect of a service, the dental practitioner who provides or is to provide the service may—

- (a) on arranging to provide it, make the appropriate charge; and

(a) See S.I. 1974/504, regulation 19.

(b) Paragraph 3(4) was amended by the Health Services Act 1980 (c.53), Schedule 5, paragraph 7(2).

- (b) on providing it, recover the appropriate charge from the patient (if it has not previously been paid).

More expensive appliances, remission and repayment

6. The charges which may be made and recovered by virtue of these Regulations are—
- (a) without prejudice to any charge payable under section 73 of the Act (charges for more expensive appliances)(a);
 - (b) subject to the provisions of Regulations made under the Act providing for remission or repayment.

Revocations, savings and transitional provisions

7.—(1) The Regulations specified in column (1) of Schedule 3 are revoked to the extent specified in column (3) of that Schedule.

(2) These Regulations apply to the supply of a dental appliance otherwise than as part of general dental services only where the examination, or first examination, leading to the supply takes place on or after 1st April 1988; and where the examination or first examination leading to the supply takes place before 1st April 1988 the charge which may be made and recovered in respect of the supply shall be that authorised by section 70(1) of the Act at the time of that examination or first examination.

(3) These Regulations apply to the provision of general dental services only where the contract or arrangement leading to the supply, as part of those services, of a dental appliance or to some other provision of general dental services is made on or after 1st April 1988; and where the contract or arrangement is made before that date, the charge which may be made and recovered in respect of the supply or the other provision of general dental services shall be that authorised by section 70(1) or section 71(1) of the Act at the time when that contract or arrangement was made.

New St Andrew's House, Edinburgh
10th March 1988

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

(a) See S.I. 1974/505, regulation 23 (the relevant amending instrument is S.I. 1980/1220), and S.I. 1974/1910, regulation 4.

SCHEDULE 1

Regulation 2(1) and (2)

CHARGES FOR SUPPLY OF DENTAL APPLIANCES

PART I
CHARGES

<i>Column (1)</i> <i>Description of Appliance</i>	<i>Column (2)</i> <i>Amount of Charge</i>
1. A metal based denture having-	
(a) 1 to 3 teeth	£ 64
(b) 4 to 8 teeth	£ 69
(c) more than 8 teeth	£ 71
2. A denture based in materials other than metal having-	
(a) 1 to 3 teeth	£ 26
(b) 4 to 8 teeth	£ 34
(c) more than 8 teeth	£ 40
3. An acid etch retained bridge	£ 65
4. A bridge other than an acid etch retained bridge	£150

PART II
MAXIMUM CHARGES

Where more than one denture described in paragraph 2 of column (1) of Part I of this Schedule is supplied as part of the same course of treatment the charge for the supply of the dentures shall not exceed in the aggregate-

- (a) £59 in the case of full upper and lower dentures;
- (b) £62 in any other case.

**CALCULATION OF CHARGE FOR SUPPLY OF APPLIANCE ON
REFERRAL TO HEALTH BOARD**

1. There shall first be taken an amount ("£x") which is the greater of the following:—
 - (a) the amount of the charges authorised by sections 70 and 71 of the Act which have been paid to the dental practitioner by the patient in respect of the course of treatment;
 - (b) the amount of the charges authorised by those sections, including any amount already paid, which would be payable to the dental practitioner by the patient in respect of that course of treatment if no charge fell to be made in respect of the supply of the appliance.

2. Then £x shall be compared with the full amount of the charges payable to the dental practitioner by the patient in respect of the course of treatment ("£y") and—
 - (a) if £x equals or exceeds £y, there is no charge for the supply of the appliance;
 - (b) if £x is less than £y, the charge for the supply of the appliance is—
 - (i) £y minus £x, or
 - (ii) the amount specified in relation to the appliance in column (2) of Part 1 of Schedule 1,
whichever is the lesser amount.

SCHEDULE 3

Regulation 7(1)

REVOCATIONS

<i>Column (1)</i> <i>Regulations revoked</i>	<i>Column (2)</i> <i>References</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The National Health Service (Dental and Optical Charges) (Scotland) Regulations 1979	S.I. 1979/705	All extant regulations and Schedules excepting regulation 12
The National Health Service (Dental and Optical Charges and Remission of Charges) (Scotland) Regulations 1981	S.I. 1981/359	All extant regulations
The National Health Service (Dental and Optical Charges) (Scotland) Amendment Regulations 1982	S.I. 1982/333	All extant regulations
The National Health Service (Dental and Optical Charges) (Scotland) Amendment Regulations 1984	S.I. 1984/293	All extant regulations and Schedule
The National Health Service (Increase of Dental Charges) (Scotland) Regulations 1985	S.I. 1985/354	The whole Regulations
The National Health Service (Payments for Optical Appliances) (Scotland) Regulations 1986	S.I. 1986/966	Regulation 13(1)(b) and Schedule 3, Part II

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Regulations providing for charges in respect of the supply of dental appliances under the National Health Service (Scotland) Act 1978, and in respect of dental treatment as part of general dental services under that Act. In addition to minor and drafting amendments, these Regulations make four changes of substance.

Firstly, charges for dentures are increased by an average 25% and separate charges are introduced for bridges. Maximum charges for dentures are also introduced (regulation 2(2) and Schedule 1).

Secondly, the charge for dental treatment is altered (regulation 3(1)) to a basis, for all treatment, of 75% of the fees payable to the dentist by the Health Board ("the authorised fees"). This supersedes a charge of £33 or £63 (depending on the gold content) for crowns, inlays, pinlays or gold fillings or the authorised fees, whichever was less, and a charge for other treatment of £17 plus 40% of the authorised fees (or of the authorised fees only where these were less than £17).

Thirdly, there are exceptions from charging relating to obturators (regulation 2(4)(c)), and to emergency attendance to administer a general anaesthetic (regulation 3(3)(c)).

Fourthly, the maximum fee for a course of treatment (including the supply of appliances) under general dental services is raised from £115 to £150 (regulation 4).