
STATUTORY INSTRUMENTS

1992 No. 24

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (General Dental Services)
(Miscellaneous Amendments) Regulations 1992**

<i>Made</i>	- - - -	<i>9th January 1992</i>
<i>Laid before Parliament</i>		<i>10th January 1992</i>
<i>Coming into force</i>		
<i>for the purposes of</i>		
<i>regulations 2(3) and 4</i>		<i>1st February 1992</i>
<i>for all other purposes</i>		<i>1st March 1992</i>

The Secretary of State for Health, in exercise of powers conferred by sections 35(1), 36(1) and 126(4) of the National Health Service Act 1977(1) 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 (General Dental Services) (Miscellaneous Amendments) Regulations 1992 and shall come into force—

- (a) for the purposes of regulations 2(3) and 4, on 1st February 1992;
- (b) for all other purposes, on 1st March 1992.

(2) In these Regulations, “the 1973 Regulations” means the National Health Service (General Dental Services) Regulations 1973(2).

(1) 1977 c. 49; see section 128(1) for the definitions of “prescribed” and “regulations”. Section 35(1) was substituted by S.I.1985/39, article 7(9). Section 36 was amended by S.I. 1981/432, article 3(3), the Health and Social Security Act 1984 (c. 48), section 5(4) and Schedule 3, paragraph 5, S.I. 1985/39, article 7(10), the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 25(1) and Schedule 2, paragraph 4 and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 24, and was extended by section 17 of the 1988 Act. Section 126(4) was amended by the 1990 Act, section 65(2).

(2) S.I. 1973/1468; relevant amending instruments are S.I. 1990/1638 and 1938.

Amendment of the 1973 Regulations

2.—(1) The 1973 Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 11A (prior approval—patterns of treatment) in paragraph (6) after the words “dated 8th August 1990” there are inserted the words “and amended on 9th January 1992”.

(3) In Part II of Schedule 1 (terms of service—continuing care and capitation arrangements and treatment on referral)—

(a) for head (c) of paragraph 4(1) there is substituted the following head:—

“(c) where at any time during the currency of a continuing care arrangement—

(i) the circumstances specified in sub-paragraph (1A) apply; or

(ii) in the opinion of the dentist, the care and treatment included in a plan for treatment provided under head (b) or this head of this sub-paragraph needs to be varied, provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (b) of this sub-paragraph.”;

(b) after paragraph 4(1) there are inserted the following sub-paragraphs:—

“(1A) The circumstances referred to in sub-paragraph (1) (c) (i) are where—

(a) the patient requests a new plan for treatment; or

(b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or

(c) the care and treatment which is to be provided includes any of the items of treatment mentioned in sub-paragraph (1B).

(1B) The items of treatment referred to in sub-paragraph (1A) (c) are—

(a) non-surgical treatment of chronic periodontal diseases which is likely to involve three or more visits;

(b) provision of three or more permanent fillings;

(c) endodontic treatment;

(d) provision of a veneer, inlay, crown or bridge;

(e) all surgical treatment, other than the extraction of teeth;

(f) the extraction of—

(i) more than two teeth, or

(ii) any tooth which, in the opinion of the dentist, is likely to present special difficulty;

(g) provision of general anaesthesia or sedation in connection with any item of treatment;

(h) provision of a prosthetic appliance;

(i) orthodontic care and treatment.”;

(c) for head (d) of paragraph 5(1) there is substituted the following head:—

“(d) where at any time during the currency of a capitation arrangement—

(i) the circumstances specified in sub-paragraph (1A) apply; or

(ii) in the opinion of the dentist, the care and treatment included in a plan for treatment provided under head (c) or this head of this sub-paragraph needs to be varied,

provide the patient with a new plan for treatment or, as the case may be, a revised plan for treatment in accordance (except as to the time of its provision) with head (c) of this sub-paragraph;” and

(d) after paragraph 5(1) there is inserted the following sub-paragraph:—

“(1A) The circumstances referred to in sub-paragraph (1) (d) (i) are where—

- (a) the patient requests a new plan for treatment; or
- (b) the patient and the dentist have agreed that all or part of the treatment which is necessary to secure and maintain oral health is to be provided privately; or
- (c) the care and treatment which is to be provided includes any care and treatment for which the dentist is remunerated otherwise than in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration dated 8th August 1990 and amended on 9th January 1992”.

(4) In paragraph 24 of Part IV of Schedule 1 (terms of service—prior approval of treatment) in sub-paragraph (6) after the words “dated 8th August 1990” there are inserted the words “and amended on 9th January 1992”.

(5) In Part II of Schedule 1C (prior approval treatment) in paragraph 3(a) after the words “dated 8th August 1990” there are inserted the words “and amended on 9th January 1992”.

Amendment of the National Health Service (Service Committees and Tribunal) Regulations 1974

3. In regulation 2(1) (interpretation) of the National Health Service (Service Committees and Tribunal) Regulations 1974(3) in the definition of “treatment” in head (iv) of sub-paragraph (b) after the words “dated 8th August 1990” there are inserted the words “and amended on 9th January 1992”.

Application of these Regulations

4.—(1) The amendments made by regulation 2(3) of these Regulations shall apply only in relation to a course of care and treatment commenced on or after 1st February 1992.

(2) In paragraph (1) above the expression “care and treatment” shall have the same meaning as in the 1973 Regulations.

(3) Until 1st March 1992 the new sub-paragraph (1A) (c) inserted in paragraph 5 of Schedule 1 to the 1973 Regulations by regulation 2(3) (d) of these Regulations shall have effect as if the words “and amended on 9th January 1992” were omitted.

Signed by authority of the Secretary of State for Health.

9th January 1992

Virginia Bottomley
Minister of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1973 (“the 1973 Regulations”), which regulate the terms on which general dental services are provided under the National Health Service Act 1977.

Regulation 2(3) amends paragraphs 4 and 5 of the dentists' terms of service by varying the circumstances in which dentists are obliged to provide patients with further treatment plans during the currency of continuing care or capitation arrangements.

Regulation 2(2), (4) and (5) makes other changes in the 1973 Regulations, and regulation 3 amends a definition in the National Health Service (Service Committees and Tribunal) Regulations 1974, in consequence of the removal of certain endodontic treatment from the items of treatment for which a dentist is remunerated by a capitation payment.

Copies of Determination I of the Statement of Dental Remuneration, which is referred to in these Regulations, may be obtained from the Department of Health, Room 528, Portland Court, 160 Great Portland Street, London W1N 5TB.