

---

STATUTORY INSTRUMENTS

---

**1992 No. 661**

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

**PART IV**

**REMUNERATION OF DENTISTS**

**Statement of Dental Remuneration**

**19.**—(1) The Secretary of State shall after consultation with such organisation as appears to him to be representative of persons providing general dental services make provision for each of the matters set out in column (2) of the Table below in a determination and each determination shall bear the number in column (1) of that Table which corresponds to the subject matter of the determination.

Table

(1) <i>Determination</i>	(2) <i>Subject Matter of Determination</i>
I	A Scale of Fees which shall prescribe the remuneration to be paid to a dentist, other than a salaried dentist, for care and treatment under a continuing care arrangement or a capitation arrangement, treatment on referral and occasional treatment and the conditions of payment of remuneration;
II	Rates of remuneration for a salaried dentist and for the provision of emergency dental services;
III	Seniority payments;
IV	Vocational training allowances;
V	Incentive scheme allowances;
VI	Maternity payments;
VII	Long term sickness payments;
VIII	Postgraduate education allowances;
IX	Reimbursement of non-domestic rates.

(2) The Secretary of State shall publish the determinations in a statement called the Statement of Dental Remuneration.

(3) The Secretary of State—

- (a) may amend the determinations, in whole or in part, after consultation with the organisation referred to in paragraph (1); and
- (b) shall publish any such amendment in the Statement of Dental Remuneration.

### **Approval of payments**

**20.**—(1) The Board shall, where it is satisfied—

- (a) that a patient has been accepted by a dentist, other than a salaried dentist, under a continuing care arrangement or a capitation arrangement or for treatment on referral, make the payments which, in accordance with the Scale of Fees, fall to be made by it to the dentist in respect of such an arrangement or referral; or
- (b) that a continuing care arrangement or a capitation arrangement has terminated or treatment on referral has terminated or has been completed, cease such payments to the dentist.

(2) The Board shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in respect of—

- (a) care and treatment under a continuing care arrangement or a capitation arrangement;
- (b) treatment on referral; or
- (c) occasional treatment,

completed by the dentist, pay, in accordance with the Scale of Fees, the remuneration due to the dentist in respect of such care and treatment, treatment on referral, or occasional treatment.

(3) The Board shall, where it approves a claim for remuneration made by a dentist, other than a salaried dentist, in any case falling within paragraph 14 or 17(4) of Schedule 1 (inability of dentist to complete treatment), pay, in accordance with the Scale of Fees, and without prejudice to the provisions of the National Health Service (Dental Charges) Regulations 1989<sup>(1)</sup>, the remuneration due to that dentist, in respect of such care and treatment or occasional treatment as he has provided.

(4) The remuneration which it is the function of the Board to pay<sup>(2)</sup> shall be paid in accordance with Determinations I, III, IV, VI, VII, VIII and IX of the Statement of Dental Remuneration.

(5) The FHSA—

- (a) shall pay to a salaried dentist and a dentist providing emergency dental services remuneration in accordance with Determination II of the Statement of Dental Remuneration; and
- (b) shall pay a dentist, other than a salaried dentist, remuneration in accordance with Determination V of the Statement of Dental Remuneration.

(6) In the case of orthodontic care and treatment the Board may make such payments on account as it considers appropriate pending completion of that care and treatment.

### **Drugs**

**21.** The fees payable by an FHSA to a dentist in respect of listed drugs supplied by him under paragraph 22(1) of Schedule 1 for use before a supply can otherwise be obtained under paragraph 23 of that Schedule shall be calculated in accordance with the provisions of the Drug Tariff.

### **Recovery of overpayments**

**22.**—(1) Where the FHSA or the Board considers it has made a payment to a dentist owing to an error or in circumstances when it was not due, the FHSA or, as the case may be, the Board shall,

---

(1) S.I. 1989/394, amended by S.I. 1990/1638, 1991/581 and 1992/369.

(2) See S.I. 1991/580.

except to the extent that the Secretary of State on the application of the FHSA or, as the case may be, the Board directs otherwise, shall draw that overpayment to the attention of the dentist and—

- (a) where he admits the overpayment; or
- (b) where he does not admit the overpayment but, the matter having been referred under regulation 7 of the National Health Service (Service Committees and Tribunal) Regulations 1992<sup>(3)</sup> for investigation, the FHSA, or the Secretary of State on appeal, decides that there has been an overpayment,

the amount overpaid shall be recoverable either by deduction from the remuneration of the dentist or in some other manner.

(2) Recovery of an overpayment under this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

---

(3) [S.I. 1992/664](#).