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STATUTORY INSTRUMENTS

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**2001 No. 1746**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (General Dental Services) Amendment (No. 4) Regulations 2001**

<i>Made</i>	- - - -	<i>8th May 2001</i>
<i>Laid before Parliament</i>		<i>8th May 2001</i>
<i>Coming into force</i>	- -	<i>29th May 2001</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 15(1), 35(1), 36(1), 37(1) and 126(4) of the National Health Service Act 1977<sup>(1)</sup> hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) Amendment (No. 4) Regulations 2001 and shall come into force on 29th May 2001.

(2) These Regulations extend to England only.

**Amendment of the National Health Service (General Dental Services) Regulations 1992**

2. In Schedule 1 to the National Health Service (General Dental Services) Regulations 1992<sup>(2)</sup> (terms of service for dentists), for paragraph 17 (occasional treatment) substitute—

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(1) 1977 c. 49; see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i); and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 5(2); by the 1990 Act, section 12(1) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 6. Section 35(1) was substituted by S.I. 1985/39, article 7(9), and amended by the 1995 Act, Schedule 1, paragraph 24. Section 36(1) was so numbered by the 1984 Act, Schedule 3, paragraph 5(1) and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(10); by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, Schedule 1, paragraph 25(a). Section 37(1) (so numbered by the 1988 Act, section 12(2)) was amended by the Health Services Act 1980 (c. 53), section 1 and Schedule 1, paragraph 50; modified by section 12(1) of the 1988 Act and amended by that Act, Schedule 3; and amended by the 1995 Act, Schedule 1, paragraph 26. Section 126(4) was amended by the 1990 Act, section 65(2); and by the 1999 Act, Schedule 4, paragraph 37(6). As regards Wales, the functions of the Secretary of State under sections 15, 35, 36 and 126(4) of the 1977 Act were transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1; these Regulations therefore extend only to England.

(2) S.I. 1992/661; the relevant amending instrument is S.I. 1992/1509.

“17.—(1) Whether or not a patient has entered into a continuing care arrangement or capitation arrangement with another dentist, a dentist who is not acting on behalf of that dentist may provide any of the items listed in sub-paragraph (2) as occasional treatment.

(2) For the purposes of sub-paragraph (1) the listed items are—

- (a) the assessment of, and the giving of advice to, a patient,
- (b) the issuing of a prescription,
- (c) a radiographic examination and radiological report,
- (d) the dressing of deciduous or permanent teeth and other palliative treatment,
- (e) the repair and refixing of inlays, crowns and bridges,
- (f) the extraction of deciduous or permanent teeth,
- (g) the provision of post-operative care,
- (h) the provision of sedation,
- (i) the provision, replacement, repair or alteration of dentures or other dental appliances,
- (j) urgent treatment for acute conditions of the gingivae or oral mucosa, including treatment for pericoronitis or for ulcers and herpetic lesions, and any necessary oral hygiene instruction in connection with such treatment,
- (k) any treatment immediately necessary as a result of trauma,
- (l) domiciliary visits and recalled attendance,
- (m) conservative treatment of permanent or retained deciduous teeth, including root fillings, and
- (n) in respect of patients aged under 18, conservative treatment of deciduous teeth.

(3) Where the dentist, due to any cause beyond his control, is unable to complete a course of occasional treatment which he has commenced, he shall forthwith notify the Board in writing of the extent of the occasional treatment he has provided and the reason he is unable to complete the remainder of the treatment.”.

Signed by authority of the Secretary of State for Health

8th May 2001

*Hunt*  
Parliamentary Under Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 (S.I. 1992/661) (“the 1992 Regulations”) which regulate the terms on which general dental services are provided under the National Health Service Act 1977.

The Regulations further amend Schedule 1 to the 1992 Regulations, which sets out the terms of service applicable to dentists who are on a Health Authority’s dental list. For paragraph 17 of that Schedule, which deals with occasional treatment, a new paragraph is substituted which enables a greater range of occasional treatments to be provided.