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STATUTORY INSTRUMENTS

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**2005 No. 3477**

**The National Health Service (Dental Charges) Regulations 2005**

**Charges for replacement in the course of the provision of relevant primary dental services**

**11.**—(1) Where a provider of relevant primary dental services replaces a dental appliance or orthodontic appliance supplied as part of those services and it is determined in accordance with Schedule 6 that the replacement is necessitated by—

- (a) an act or omission on the part of the person supplied; or
- (b) if the act or omission occurred when the person supplied was under 16 years of age, an act or omission of the person supplied or of the person having charge of him when the act or omission occurred,

the provider of relevant primary dental services may make and recover a charge from the relevant person.

(2) The amount of the charge to be made and recovered under paragraph (1) is, subject to paragraph (3), 30% of the Band 3 charge (rounded down, where necessary, to the nearest whole ten pence) as set out in regulation 4(3).

(3) If the Secretary of State considers—

- (a) that payment of the full amount of the charge under paragraph (1) would involve undue hardship to the relevant person; or
- (b) that the replacement, though necessitated by the relevant person's act or omission, was not wholly necessitated by lack of reasonable care on his part,

she may determine that the charge shall not be payable, or that its amount shall be reduced.

(4) In this regulation, “relevant person” means—

- (a) where paragraph (1)(b) applies, the person having charge of the person supplied when the act or omission occurred;
- (b) in any other case, the person supplied.

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**Commencement Information**

**11** [Reg. 11](#) in force at 1.4.2006, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Dental Charges) Regulations 2005, Section 11.