

**2007 No. 544**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Dental Charges, General Dental Services Contracts and Personal Dental Services Agreements) Amendment Regulations 2007**

*Made* - - - - *22nd February 2007*  
*Laid before Parliament* *2nd March 2007*  
*Coming into force* - - *1st April 2007*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 28E, 28O, 79 and 126(4) of the National Health Service Act 1977(a).

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the National Health Service (Dental Charges, General Dental Services Contracts and Personal Dental Services Agreements) Amendment Regulations 2007 and shall come into force on 1st April 2007.

(2) These Regulations apply in relation to England only(b).

**Interpretation**

2. In these Regulations—

“Dental Charges Regulations” means the National Health Service (Dental Charges) Regulations 2005(c);

“GDS Regulations” means the National Health Service (General Dental Services Contracts) Regulations 2005(d); and

“PDS Regulations” means the National Health Service (Personal Dental Services Agreements) Regulations 2005(e).

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- (a) 1977 c.49; section 28E is inserted by section 22(1) of the National Health Service (Primary Care) Act 1997 (c.47), and amended by the Health Act 1999 (c.8) (“the 1999 Act”), section 65(2) and Schedule 5; the Health and Social Care Act 2001 (c.15), section 27(5)(a); the National Health Service Reform and Health Care Professions Act 2002 (c.17), section 4(3) and Schedule 3, paragraph 8; and the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”), section 177(7) to (11). Section 28O is inserted by section 172(1) of the 2003 Act. Section 79 is substituted by section 183 of the 2003 Act. Section 126(4) is amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 65(2); the 1999 Act, Schedule 4, paragraph 37(6); and the 2001 Act, Schedule 5, paragraph 5(13)(b). *See also* section 128(1) of the National Health Service Act 1977, as amended by section 26(2)(g) and (i) of the 1990 Act, for the definitions of “prescribed” and “regulations”. With effect from 1 March 2007 sections 28E, 28O, 79 and 126(4) will be repealed by section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006 (c.43) and consolidated in sections 104, 109, 176 and 272 of the National Health Service Act 2006 (c.41).
- (b) The functions of the Secretary of State under section 79 of the National Health Service Act 1977 were transferred to Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as amended by section 66(5) of the Health Act 1999.
- (c) S.I. 2005/3477; as amended by S.I. 2006/1837.
- (d) S.I. 2005/3361; as amended by S.I. 2006/563.
- (e) S.I. 2005/3373; as amended by S.I. 2006/563.

### **Amendments to the Dental Charges Regulations**

3.—(1) In regulation 4 of the Dental Charges Regulations (calculation of charges)—

- (a) in paragraph (1), for £15.50 substitute £15.90;
- (b) in paragraph (2), for £42.40 substitute £43.60;
- (c) in paragraph (3), for £189.00 substitute £194.00;
- (d) in paragraph (4), for £189.00 substitute £194.00; and
- (e) in paragraph (5), for £15.50 substitute £15.90.

(2) In Schedule 3 to the Dental Charges Regulations (Band 3 Charges – Provision of Appliances) in paragraph (m), after the word “other” insert “non-metallic”.

### **Amendment to the GDS Regulations**

4. In Schedule 2 to the GDS Regulations (units of dental activity), in paragraph 2, in Table B—

- (a) below the last entry in the first column (type of charge exempt course of treatment) add the following entry—

“Conservation treatment of deciduous teeth in a patient who is aged under 18 years at the beginning of a course of treatment”; and
- (b) below the last entry in the second column (units of dental activity provided) add the following entry—

“3.0”.

### **Amendment to the PDS Regulations**

5. In Schedule 2 to the PDS Regulations (units of dental activity), in paragraph 2, in Table B—

- (a) below the last entry in the first column (type of charge exempt course of treatment) add the following entry—

“Conservation treatment of deciduous teeth in a patient who is aged under 18 years at the beginning of a course of treatment”; and
- (b) below the last entry in the second column (units of dental activity provided) add the following entry—

“3.0”.

Signed by authority of the Secretary of State for Health

22nd February 2007

*Rosie Winterton*  
Minister of State  
Department of Health

## **EXPLANATORY NOTE**

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

These Regulations amend the National Health Service (Dental Charges) Regulations 2005 (“the Dental Charges Regulations”) (S.I. 2005/3477), the National Health Service (General Dental Services Contracts) Regulations 2005 (“the GDS Regulations”) (S.I. 2005/3361) and the National Health Service (Personal Dental Services Agreements) Regulations 2005 (“the PDS Regulations”) (S.I. 2005/3373).

Regulation 3 amends the Dental Charges Regulations. Regulation 3(1) of these Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) by increasing by approximately 2.7% the applicable charge payable for a course of treatment, if none of the exemptions from charging apply.

Regulation 3(2) amends the reference to “bridges in other materials” in the list of appliances for which a Band 3 charge may be made and recovered in Schedule 3 in the Dental Charges Regulations to clarify the materials which may be used.

Regulations 4 and 5 respectively amend the GDS Regulations and PDS Regulations by adding in Schedule 2 to those Regulations a further dental activity to be provided under the contract in respect of conservation treatment of deciduous teeth in a patient who is aged under 18 years at the beginning of a course of treatment and that treatment attracts 3.0 units of dental activity.

A full Regulatory Impact Assessment has not been prepared for these Regulations as it has no impact on the cost of business, charities or voluntary bodies.

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Services Contracts and Personal Dental Services Agreements)  
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