

EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (DENTAL CHARGES) AMENDMENT
REGULATIONS 2008

2008 No. 547

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. The National Health Service (Dental Charges) Amendment Regulations 2008 (“the Amendment Regulations”) amend the National Health Service (Dental Charges) Regulations 2005 (S.I. 2005/3477) (“the Dental Charges Regulations”).

2.2. The Dental Charges Regulations provide for a charge to be made and recovered from a patient, who is not exempt, for the provision of dental treatment, including urgent treatment and orthodontic treatment, and the supply of dental appliances by a provider of primary dental services.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1. Amendment Regulation 3 amends the Dental Charges Regulations. Regulation 3(1) of the Amendment Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) by increasing by an average of 2.1% the applicable charge payable for a course of treatment, if none of the exemptions from charging apply.

4.2. Amendment Regulation 3(2) amends the reference to veneers in the list of appliances for which a Band 3 charge may be made and recovered in Schedule 3 to the Dental Charges Regulations to clarify that only laboratory fabricated veneers are included. This is necessary because there is evidence veneers fabricated “at the chair-side” are being provided in some cases, rather than a laboratory fabricated restoration. This technique is unsatisfactory and the resulting veneer should not be considered a “permanent restoration”.

5. Extent

The Amendment Regulations apply to England only.

6. European Convention on Human Rights

As the Amendment Regulations are subject to negative resolution, no statement is required.

7. Policy background

- 7.1 Amendment Regulation 3(1) amends regulation 4 of the Dental Charges Regulations (calculation of charges) increasing each band charge by an average of 2.1%, in line with inflation, the applicable charge payable for a course of treatment for a charge-paying patient.
- 7.2 Dental charges will rise by an average of 2.1% to £16.20 for a band 1 course of treatment, £44.60 for a band 2 course of treatment, and £198 for a band 3 course of treatment.
- 7.3 The Dental Charges Regulations were made in December 2005 and may be subject to further amendment in the light of experience with the operation of these new powers. There are therefore no plans to consolidate the Dental Charges Regulations.

8. Impact

- 8.1. The dental charge increases made by the Amendment Regulations are in line with inflation and do not therefore require an Impact Assessment.
- 8.2 Amendment Regulation 3(2) clarifies existing policy and current best practice and imposes no new burden on the private or voluntary sector. We do not consider that these Regulations have any additional implications for equality.

9. Contact

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