

**EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (DENTAL CHARGES) AMENDMENT
REGULATIONS 2009**

2009 No. 407

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

2. Purpose of the Instrument

2.1. The National Health Service (Dental Charges) Amendment Regulations 2009 (“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 charges 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 Context

4.1. Regulation 3 of the Amendment Regulations amends the Dental Charges Regulations. Regulation 3(1) of the Amendment Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) to increase the applicable charge payable for a banded course of treatment by an overall average increase of 1.5%, after rounding.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

7.1 Regulation 3(1) of the Amendment Regulations amends regulation 4 of the Dental Charges Regulations (calculation of charges) to increase the applicable charge payable for courses of treatment. The regulations are being made to increase the

charges payable for courses of dental treatment by an overall average 1.5% (after rounding). This is required to keep charges in line with the current Gross Domestic Product (GDP) deflator forecast for 2009/10. The GDP deflator represents a measure of general inflation in the domestic economy. A series of GDP deflators in index form is produced by the Treasury from data provided by the Office for National Statistics (ONS). Forecasts are usually updated around the time of major policy announcements such as the Pre-Budget Report, and the Budget.

- 7.2 The affect of the Amendment Regulations is that dental charges will rise by an overall average increase of 1.5%. A Band 1 course of treatment increases by 1.9% to £16.50, a Band 2 course of treatment increases by 2.2% to £45.60 and a Band 3 course of treatment will remain at £198.00. The charges payable for a Band 3 course of treatment has been frozen to protect patients with the highest treatment need.

Consolidation

- 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 powers, and to reflect inflationary increases. There are therefore no plans to consolidate the Dental Charges Regulations.

8. Consultation outcome

- 8.1 The instrument implements inflationary increases only to the cost of a course of NHS dental treatment so have not been the subject of consultation.

9. Guidance

- 9.1 Primary Care Trusts, the public and NHS dental contactors will be advised of the new charges by way of a patient information leaflet, waiting room notices and through the Department of Health website.

10. Impact

- 10.1 The dental charge increases made by the Amendment Regulations are in line with inflation and do not therefore require an Impact Assessment.

11. Regulating small business

- 11.1 The instrument does not regulate small business.

12. Monitoring and review

- 12.1 The Dental Charges Regulations, as amended, are subject to annual review.

13. Contact

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Can answer any queries regarding this instrument.