

## SCHEDULE 6

Regulation 11

### Manner of determining Charge for Replacement

1. Where the Assembly on considering a claim submitted for the approval of a free replacement of a dental appliance or an orthodontic appliance supplied in the course of the provision of relevant primary dental services, considers that there are grounds for believing that—

- (a) the replacement is necessitated by such an act or omission as is referred to in regulation 11(1); or
- (b) the replacement, although necessitated by such an act or omission as is referred to in regulation 11(1), was not wholly necessitated by a lack of reasonable care as is referred to in regulation 11(3),

it may investigate the matter.

2. The Assembly may make such inquiry into any matter falling within paragraph 1 as it thinks fit and if either—

- (a) in its opinion the circumstances so require; or
- (b) the person supplied or (if he or she is under 16 years of age) the person in charge of him or her so requires,

the inquiry will take the form of an oral hearing by a committee appointed by the Assembly for the purpose.

3. The Assembly, having considered any report made by the committee under paragraph 2—

- (a) will determine whether the replacement is necessitated by an act or omission on the part of the person

supplied or (if the act or omission occurred when the person supplied was under 16 years of age) of the person supplied or of the person having charge of him or her when the act or omission occurred;

- (b) if it is so necessitated, will determine whether the replacement was not wholly necessitated by a lack of reasonable care as referred to in regulation 11(3); and
- (c) if it is so necessitated, will determine, in accordance with regulation 11(2) and (3), the amount of the charge to be made and recovered.

4. The Assembly will communicate its determination to—

- (a) the relevant person (within the meaning of regulation 11(4));
- (b) the provider of relevant primary dental services replacing the dental appliance or orthodontic appliance; and
- (c) the relevant Local Health Board.