1975 No. 227

HEALTH AND PERSONAL SOCIAL SERVICES

Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975

Made . . . . . 12*th August* 1975

Coming into operation . . . 1*st October* 1975

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The Department of Health and Social Services (hereinafter referred to as "the Department") in exercise of the powers conferred on it by Articles 61, 64, 95, 98, 106 and 107 of and paragraphs 7(1) and 7(5) of Schedule 3 and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf and in conjunction with the Department of Finance, and after consultation with such organisations as appeared to the Department to be representative of the dental profession as required by Article 61(4) of the said Order hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975 and shall come into operation on 1st October 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

"assistant" means any dentist employed either whole-time or part-time, under a contract of service, by another dentist for the purpose of providing general dental services on behalf of that dentist;

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"Committee" means the Dental Committee constituted under regulation 8;

"current authorised fee" in relation to any service means the fee set out in Parts I—VII of Determination 1 of the Statement of Dental Remuneration as the fee payable to the dentist in respect of those services but does not include—

(*a*) any fee in respect of a visit to a patient by a salaried dentist, or

(*b*) any additional charge payable by the patient in pursuance of regulation 15 being a charge for treatment not clinically necessary;

(*c*) any additional fee specified in Part VIII of Determination 1 of the Statement of Dental Remuneration.

"dental estimate form" means where any treatment in respect of which the form is required is occasional treatment, the occasional estimate form set out in Determination VI of the Statement of Dental Remuneration or a form to the like effect and, in any other case, the dental estimate form set out in that Determination or a form to the like effect;

"dental fitness" means such a reasonable standard of dental efficiency and oral health as is necessary to safeguard general health and "dentally fit" has a corresponding meaning;

(a) S.I. 1972/1265 (N.I. 14)

"Dental Officer" means a dental officer in the employment of the Agency;

"dentist" means a person registered in the dentists' register under the Dentists Act 1957(**b**);

"deputy" means a dentist (including a partner) acting on behalf of another dentist, otherwise than in the capacity of an assistant, for the purpose of providing general dental services;

"doctor" means a fully registered medical practitioner;

"Drug Tariff" means the statement prepared by the Department under Regulation 40 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**c**);

"emergency treatment" means any treatment immediately required for the relief of pain or other urgent symptoms;

"estimate" means a dental estimate form duly completed in the manner provided by these regulations and in accordance with instructions for the completion of such form setting out a course of treatment for a patient;

"full-time school education" means full-time instruction in a school within the meaning of the Education and Libraries (Northern Ireland) Order 1972(**d**), or in corresponding establishments elsewhere;

"general dental services" means services provided by a dentist by virtue of arrangements made under Article 61 of the Order;

"health centre" means premises provided under Article 5(1)(*b*) of the Order at which facilities are available for the provision of any of the services referred to in Part VI of the Order;

"health service number" means a number allotted to a person by the Agency for use in connection with the provision of general health services under the Order;

"listed drugs" means such drugs and medicines as are included in a list for the time being approved by the Department;

"medical card" means a card issued to a person, in a form approved by the Department for the purpose of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services and shall include any card provided for a like purpose under the National Health Insurance (Medical Benefit) Regulations (Northern Ireland) 1938(**e**);

"occasional treatment" means such treatment as is mentioned in Schedule 1 Part I paragraph 10 to these regulations;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"patient" means a person for whom a dentist agrees to provide general dental services;

"salaried dentist" means a dentist who is remunerated in accordance with Determination IV of the Statement of Dental Remuneration;

"Scale of Fees" means the scale of fees set out in Determination 1 of the Statement of Dental Remuneration;

(**b**) 1957 c. 28 (5 & 6 Eliz. 2)
(**c**) S.R. & O. (N.I.) 1973 No. 421 (II, p. 2528)
(**d**) S.I. 1972/1263 (N.I. 12)
(**e**) S.R. & O. (N.I.) 1938 No. 141 (p. 265)

"Statement of Dental Remuneration" means the statement published by the Department pursuant to the provisions of Regulation 18;

"supply" in relation to an appliance includes replacement;

"terms of service" means the provisions of Schedule 1 to these regulations as applicable by virtue of the provisions of Regulation 3;

"treatment" means all proper and necessary dental treatment which a dentist usually undertakes for a patient, including examination and advice, the making of reports for the purposes of these regulations, the obtaining of radiographs, scaling, treatment of gums, fittings, extractions, crowning, provision of dentures and their repair and remaking, the administration of anaesthetics in connection with any such treatment, and the giving of orders on the appropriate form for drugs or the supply of drugs in accordance with these regulations.

PART II

GENERAL ARRANGEMENTS FOR PROVISION OF GENERAL DENTAL SERVICES

Terms of service

3. The arrangements which a Board is required by Article 61 of the Order to make with dentists for the provision of general dental services shall incorporate—

(*a*) in the case of a dentist undertaking to provide general dental services other than as a salaried dentist, the terms of service contained in Parts I and II of Schedule 1; and

(*b*) in the case of a salaried dentist, the terms of service contained in Parts I and III of Schedule 1;

Provided that a dentist whose application to a Board to provide general dental services at a health centre otherwise than as a salaried dentist has been refused may appeal to the Department, and the Board shall give effect to any decision of the Department on that appeal.

Dental list

4.—(1) The Agency shall from information obtained from the Boards prepare a list, to be called "the dental list", which shall contain—

(*a*) the names of the dentists who pursuant to the provisions of paragraph (2) have undertaken to provide general dental services;

(*b*) the address of any surgery or health centre at which the dentist undertakes to provide general dental services;

(*c*) particulars of the days and hours at which he is or will be usually in attendance;

(*d*) where two or more dentists practice in partnership, the names of the partners;

and which may be so arranged as to show the area in which each dentist will provide treatment.

(2) A dentist who wishes to be included in the dental list shall apply, to the Board for the area in which his surgery is situated, in the form set out in Determination VI of the Statement of Dental Remuneration or in a form to the like effect which shall include the matters required by paragraph (1) to be contained in the dental list in relation to him.

(3) Any dentist resident in Northern Ireland, not disqualified under the provisions of Schedule II to the Order who applies to be included in the dental list, shall be so included.

(4) A dentist on the dental list shall within 14 days notify the Board of any change or addition affecting the entries which the dental list is required to contain in relation to him.

(5) The Agency shall send a copy of the dental list to the Department, each Board, each Local Dental Committee and any person under contract with the Board to provide pharmaceutical services. The Agency shall inform the Department, each Board and each Local Dental Committee within 14 days of receipt of notice of any alterations which may from time to time be made in the list, and shall inform the remaining persons at intervals of not more than 3 months of such alterations.

(6) Copies of the dental list shall be made available for inspection at the offices of each Board, the office of the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

Removal from dental list

5.—(1) Where a Board has determined that a dentist whose name has been included in the dental list—

(*a*) has died, or

(*b*) has ceased from being a registered dental practitioner

it shall remove that dentist's name from the dental list.

Provided that the name of any dentist whose practice is carried on by representatives in accordance with the provisions of the Dentists Act 1957 shall not be removed from the dental list as long as the practice is carried on by them in accordance with the provisions of that Act, and the representatives have secured that any dentist appointed by them for that purpose has agreed to be bound by the terms of service.

(2) Where a Board has determined in accordance with the succeeding provisions of this regulation that a dentist whose name has been included for the preceding six months in the dental list has not during that period provided general dental services, it shall remove that dentist's name from the dental list.

(3) Before making any determination under paragraph (2) a Board shall—

(*a*) give the dentist 28 days notice of its intention to do so,

(*b*) afford the dentist an opportunity of making representations to that Board in writing or, if he so desires, orally to a committee appointed by it for the purpose, of which committee at least a third of the members shall be dentists from a panel nominated by the Local Dental Committee, and

(*c*) except where the dentist is a salaried dentist, consult the Local Dental Committee.

(4) Nothing in this regulation shall prejudice the right of a dentist to have his name included again in the dental list.

(5) No determination under this regulation shall be made in respect of any dentist who is called into whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole-time service in those forces, including service resulting from any reserve liability, or any equivalent service by a person liable for whole-time service in those forces, until 6 months after the completion of that service.

Withdrawal from dental list

6. A dentist shall be entitled at any time to give notice in writing to the Board that he desires to withdraw his name from the dental list and his name shall be removed therefrom at the expiration of 3 months from the date of such notice or of such shorter period as the Board may agree:

Provided that if representations are made to the Tribunal under Schedule 11 to the Order that the continued inclusion of a dentist in the dental list would be prejudicial to the efficiency of the general dental services, he shall not, except with the consent of the Department and subject to such conditions, if any, as the Department may impose, be entitled to have his name removed from the dental list pending the termination of the proceedings on such representations.

Arrangements to complete treatment

7.—(1) For the purpose of securing the completion of the treatment of patients whose dentist has ceased to be included in the dental list, a Board may after consultation with the Local Dental Committee and with the agreement of the patients concerned make arrangements with one or more dentists on such terms and conditions as the Committee may approve for the completion of the treatment of such patients.

(2) Such arrangements shall secure that the treatment carried out by the dentist who has ceased to be included in the dental list and the completion of that treatment by the dentist with whom arrangements are so made shall constitute a single course of treatment for the purpose of the making and recovery of the appropriate charge specified in the provisions set out in Regulation 14(1).

(3) Where a dentist ceases to be included in the dental list because he has died, and the Board is satisfied that his practice is being carried on in accordance with the provisions of the Dentists Act 1957 it shall, subject to the agreement of the patient, make such arrangements with any dentist appointed by any representatives of the deceased dentist who by virtue of his arrangements with the representatives has agreed to be bound by the terms of service.

PART III

DENTAL COMMITTEE

Constitution of the Dental Committee

8. The provisions set out in Schedule 2 shall apply in relation to the Committee which shall be constituted by the Agency for the purpose of carrying out the duties assigned to it by these regulations.

Delegation of duties to Dental Officer

9. The Committee may delegate to a Dental Officer such of its duties with respect to the approval of estimates for dental treatment and appliances under these regulations as it thinks fit.

Appeals against the Dental Committee

10.—(1) Any person aggrieved by a decision of the Committee shall be entitled to appeal by sending to the Department a notice of appeal within one month from the date on which the decision of the Committee was received by that person.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(3) The Department shall appoint two dentists, of whom one shall be appointed after consultation with such organisation as may be recognised by the Department as representing the dental profession, who shall hear the representations of the appellant and the Committee and determine the appeal:

Provided that the dentists so appointed may, if satisfied that the appeal can properly be determined without an oral hearing and with the agreement of the appellant and the Committee, dispense with an oral hearing, in which case the appellant and the Dental Committee shall be given an opportunity to amplify their statements.

(4) For the purposes of any oral hearing, the Department shall appoint one of the dentists to be chairman, who, in the event of a failure to reach agreement, shall have a casting vote.

PART IV

METHOD OF OBTAINING GENERAL DENTAL SERVICES

Application for services

11. Any person ordinarily resident in Northern Ireland or Great Britain, or being a person to whom the provisions of the Health Services (Persons not Ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970(**g**) apply, requiring general dental services may apply to a dentist whose name appears on the dental list. The person shall produce to the dentist his medical card bearing his health service number and shall complete so far as is applicable Part I of the dental estimate form together with such declaration as may be required by the Agency relating to eligibility for (*a*) general dental services or (*b*) general dental services without charge.

Exercise of choice of dentist in certain cases

12. An application to a dentist for general dental services or a signature on an acknowledgment or declaration for the purpose of Regulation 14, or on the appropriate form for the purpose of Regulation 15 shall be made —

(*a*) on behalf of any person under the age of 16 by a parent or in the absence of both parents, the guardian or other person who has the care of the child;

(*b*) on behalf of any other person who on account of old age, sickness or other infirmity, is incapable of making such an application, by the relative or other person who has the care of such person; and

(*c*) on behalf of any person under the care of the managers of an approved school by the managers of the school or a person duly authorised by them in that behalf.

Provided in each case that the application may not be made by the dentist to whom the application is made.

Examination by Dental Officer

13. It shall be a condition of obtaining general dental services that a patient shall, if required by the Agency or by the Committee, submit himself for examination by a Dental Officer or by a dentist appointed under regulation 10 whether during or after the provision of such services:

Provided that failure of a patient to submit himself for examination when so required shall not of itself delay a payment being made by the Agency to the dentist for any treatment provided to that patient.

(g) S.R. & O. (N.I.) 1970 No. 56 (p. 273)

PART V

CHARGES PAYABLE BY OR ON BEHALF OF PATIENTS

Charges for treatment and appliances

14.—(1) Subject to the provisions of this regulation a dentist shall be entitled to make and recover—

(*a*) in respect of the supply under these regulations of such dental appliances as are set out in Schedule 3; and

(*b*) in respect of any other treatment specified in Schedule 3;

the appropriate charges specified in the said Schedule 3.

(2) Where any services in respect of which a charge is payable by virtue of paragraph (1)(*a*) are provided in pursuance of the same contract or arrangement for the services specified in paragraph (1)(*b*) the charges payable in respect of all the services provided in pursuance of the contract or arrangement shall not together exceed £10.00 in the aggregate.

(3) No charge shall be made under paragraph (1) where the person is on the date of the contract or arrangement for the services—

(*a*) under 16 years of age or receiving full-time school education; or

(*b*) an expectant mother or the mother of a child born within the previous 12 months;

if the appropriate declaration to that effect is made by or on behalf of that person in Part I of the dental estimate form or in the occasional estimate form.

(4) Subject to paragraph (3)(*a*) no charge (other than that in respect of the relining of dentures or the addition of teeth, band or wires to dentures) shall be made under paragraph (1)(*b*) where the person is on the date of the contract or arrangement for the provision of the services under 21 years of age if the appropriate declaration to that effect is made by or on behalf of that person in Part I of the dental estimate form or in the occasional estimate form.

(5) It shall be a condition of exemption from a charge referred to in paragraphs (3) and (4) that the declaration is made in the form and manner indicated therein and that such documentary evidence of pregnancy or confinement is produced to the Agency as it may require.

(6) Where the current authorised fee payable in respect of the provision of general dental services is such amount as the Committee may in its discretion approve, whether or not subject to a maximum, the current authorised fee shall be—

(*a*) if the Committee has approved a fee for the services to be provided, the amount of that fee so approved, notwithstanding any subsequent increase of the amount of that fee on appeal; or

(*b*) if the Committee has not approved a fee for the services to be provided, the amount of the fee authorised on appeal for the provision of those services.

(7) In providing general dental services for which a charge may be made or where exemption from such charge may be granted under this regulation—

(*a*) a dentist shall secure in Part I of the dental estimate form an acknowledgement by the patient, or some other person competent to act on his behalf, of his obligation to pay the said charge or where appropriate the declaration mentioned in paragraphs (3) and (4);

(*b*) the dentist shall, upon receiving any sum under this regulation give a receipt therefor on a form provided for this purpose by the Agency.

(8) Any fee which but for this regulation would be payable by the Agency to a dentist in respect of the provision of any treatment as part of general dental services shall be reduced by the amount payable in accordance with this regulation in respect of that treatment.

(9) Where a declaration in support of a claim to exemption is made under the provisions of paragraphs (3) and (4) but the claim is not substantiated and in consequence of the claim a dentist has not recovered a charge in respect of the completion of treatment the Agency shall be entitled to recover the said charge from the person concerned, whether or not such person has acknowledged the obligation to pay the charge in accordance with the provisions of paragraph (7)(*a*).

(10) This regulation except paragraph (8) shall apply to the provision of general dental services by a salaried dentist.

(11) Any payment required to be made under this regulation shall be without prejudice to any other charge authorised by these regulations.

Additional charges for more expensive treatment

15.—(1) Where a dentist agrees to a patient's request as part of the provision by him of treatment for that patient —

(*a*) to supply or repair a denture which is of a more expensive type than that which is clinically necessary for dental fitness, or

(*b*) to supply a bridge which is of a more expensive type than a denture or bridge which is so clinically necessary, or

(*c*) to provide conservative treatment consisting of gold fillings, inlays or crowns which is of a more expensive type than the conservative treatment which is so clinically necessary—

he shall—

(i) complete in accordance with the terms of service an estimate for the treatment of the patient including the provision of the treatment of which a more expensive type has been requested by the patient,

(ii) complete a further estimate on the supplementary estimate form set out in Determination VI of the Statement of Dental Remuneration or on a form to the like effect of the cost of providing the more expensive denture, bridge, or conservative treatment requested by the patient,

(iii) obtain the patient's signature on both estimates, and

(iv) submit both estimates to the Committee for approval under this regulation of the provision of the treatment in question.

(2) If the Committee approve the estimates, it shall—

(*a*) determine the appropriate charge under the provisions of Regulation 14(1) to be made and recovered from the patient for the treatment set out in the estimate, other than the treatment of which a more expensive type has been requested by the patient, and shall indicate in the appropriate part of the dental estimate form the amount of such charge;

(*b*) determine and indicate in the appropriate part of the dental estimate form the additional charge for the more expensive treatment which shall be the total of the following amounts—

(i) the amount which would be the appropriate charge under the provisions of Regulation 14(1) for the items of treatment excluded from the determination under paragraph (2)(*a*);

provided that the total of the charge determined under paragraph 2(*a*) and the amount determined under this sub-paragraph shall not exceed £10 in the aggregate.

(ii) the amount of the difference between the cost of the further estimate and the fees prescribed in the Scale of Fees for the items of treatment excluded from the determination under paragraph (2)(*a*):

provided that for the purpose of ascertaining this amount any maximum fee other than a maximum at the discretion of the Committee prescribed in the Scale of Fees for any combinations of treatment shall be ignored.

(3) The Agency shall be liable for such part only of the cost of treatment to which this regulation applies as is not by this regulation and Regulation 14 made the liability of the patient.

(4)(*a*) The dentist other than a salaried dentist may make and recover from the patient the additional charge determined under paragraph (2).

(*b*) Where the treatment to which this Regulation applies has been provided by a salaried dentist the Board shall make and recover from the patient such additional charge.

(*c*) The Board shall not be under a duty to make and recover the additional charge from the patient in any other case.

(5) Any denture, bridge or conservative treatment supplied or provided under this regulation which, in the opinion of the Committee, is required by the patient solely because of his clinical condition, or any repair of a denture so supplied, shall be supplied or provided without cost to the patient under this regulation.

(6) It shall be a condition of the approval by the Committee under this regulation of the estimate and of the further estimate that the dentist shall comply, whether in respect of treatment set out in the dental estimate form or in respect of treatment set out in the further estimate, with the conditions with respect to materials set out in Determination III of the Statement of Dental Remuneration.

Charges for replacement

16.—(1) Where the Committee on considering an estimate submitted for the approval of a free replacement of a dental appliance supplied to a patient as part of general dental services considers that there are grounds for believing that the replacement may be necessitated by an act or omission on the part of the patient or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred, it may refer the matter to the Agency for investigation.

(2) The Agency shall make such inquiry into such reference as it thinks fit and if in its opinion the circumstances so require, or if the patient or (if he is under sixteen years of age) the person having charge of him so demands, the inquiry shall take the form of an oral hearing.

(3) After the completion of such enquiry the Agency shall determine whether the replacement is necessitated by an act or omission on the part of the patient or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred and whether the whole or a proportion of the cost of the replacement shall be borne by or on behalf of the patient.

(4) The Agency shall communicate its decision to the patient or, where appropriate, to the person having charge of him and to the dentist, and the Agency shall be responsible for the payment of such part only of the cost as is not determined to be payable by or on behalf of the patient:

Provided that if subsequently it appears to the Agency that the payment of the cost or proportion thereof so determined to be borne by or on behalf of the patient would involve undue hardship to the patient or to the person having charge of him as the case may require it may make such contribution thereto as it thinks fit.

Payments and recovery of charges

17.—(1) A dentist may at any time decline to continue or proceed with treatment until he or, as the case may require, the Agency, has received payment of the appropriate charges payable by or on behalf of a patient in accordance with these regulations.

(2) The dentist or, either in relation to a case falling within Regulation 14(9) or to general dental services provided by a salaried dentist, the Agency, shall be entitled to recover the said charges summarily as a civil debt from the patient or where Regulation 12 applies from the appropriate person.

PART VI

REMUNERATION OF DENTISTS

Statement of dental remuneration

18.—(1) The Department shall after consultation with such organisations as it may recognise as representing dentists make provision for the matters set out in Column 2 below in determinations as numbered in Column 1 below against the respective matters which the Department shall publish in a statement called the Statement of Dental Remuneration.

Column 1	Column 2
Determination	*Subject matter of determination*
I	A Scale of Fees which shall prescribe the fees to be paid for the provision of items of dental treatment as therein specified;
II	Those items of treatment specified in Determination I which may not be provided without the prior approval of the Committee;
III	Conditions with respect to materials which shall specify the standards of materials and restrictions in the purpose for which or any conditions subject to which materials may be used in the provision of general dental services;
IV	Rates and conditions of payment of remuneration for a salaried dentist;
V	Seniority payments;
VI	Forms for use in the provision of general dental services.

(2) The Department may from time to time and after consultation with such organisations as aforesaid amend a determination or any part thereof and shall publish any such amendment in the Statement of Dental Remuneration.

Approval of payments

19.—(1) The Agency, where it approves an estimate in respect of treatment completed by a dentist other than a salaried dentist, shall authorise in accordance with the Scale of Fees, the fees to be paid by the Agency to the dentist in respect of such treatment and in the case of treatment completed by a salaried dentist shall notify such approval to the Board and to that dentist.

(2) The Board shall pay to a salaried dentist remuneration in accordance with Determination IV of the Statement of Dental Remuneration.

(3) The Agency may at its discretion in cases of orthodontic treatment authorise payments on account, pending completion of treatment.

Drugs

20. The fees payable by the Agency to a dentist in respect of listed drugs supplied by him in pursuance of Schedule 1 Part 1 paragraph 12(1) to these regulations for use before a supply can be obtained otherwise shall be calculated in accordance with the provisions of the Drug Tariff.

Recovery of overpayments

21.—(1) Where the Committee or the Agency considers that it has authorised the payment of a fee, or made a payment, as the case may be, to a dentist owing to an error or in circumstances when it was not due and the overpayment is admitted by the dentist, it shall be recovered by deduction from his remuneration. Where the overpayment is not so admitted the Agency may refer the matter under regulation 4(2) of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(h) for investigation, and if the Board or the Department on appeal, decides that there has been an overpayment the amount overpaid shall be recovered by deduction from the dentist's remuneration or otherwise.

(2) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

PART VII

MISCELLANEOUS

Publication of particulars

22. The Agency shall publish in such manner as appears to it best calculated to inform all persons interested of the arrangements made by Boards for the provision of general dental services and shall make available for inspection at its office(s) and at such other places as appear to it to be convenient for informing any person interested, copies of these regulations, the dental list, the terms of service, the lists of listed drugs and the Statement of Dental Remuneration and of all amendments to any of them.

(h) S.R. & O. (N.I.) 1973 No. 416 (II, p. 2418)

Service of documents

23. Any notice which a Board is required or authorised by these regulations or the terms of service to give to a dentist shall be sufficiently given if it has been delivered to the dentist or sent by recorded delivery to him at the address last notified by him to the Board.

Revocation

24. The Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1973(i), the Health and Personal Social Services (General Dental Services) (Amendment) Regulations (Northern Ireland) 1974(j), the Health and Personal Social Services (General Dental Services) (Amendment) (No. 2) Regulations (Northern Ireland) 1974(k), the Health and Personal Social Services (General Dental Services) (Amendment) Regulations (Northern Ireland) 1975(l) and the Health and Personal Social Services (General Dental Services) (Amendment) (No. 2) Regulations (Northern Ireland) 1975(m) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 12th August 1975.

(L.S.) *S. W. McDowell*
Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 12th August 1975.

(L.S.) *David Clement*
Assistant Secretary

(i) S.R. & O. (N.I.) 1973 No. 418 (II, p. 2465)
(j) S.R. 1974 No. 119
(k) S.R. 1974 No. 241
(l) S.R. 1975 No. 33
(m) S.R. 1975 No. 162

SCHEDULE 1 Regulation 3

Terms of service

PART 1

GENERAL

Interpretation

1. In this Schedule, except so far as the context otherwise requires, the expression "the regulations" means the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975 and other words and expressions have the same meaning as in the regulations.

Standard of service

2. In providing general dental services under the regulations, a dentist shall—

(*a*) employ a proper degree of skill and attention;

(*b*) except where the treatment provided is solely occasional treatment provide the treatment necessary to secure dental fitness which the patient is willing to undergo and subject to the provisions of paragraph 11 satisfactorily complete that treatment;

(c) save as is provided in paragraphs 3, 5, 15 and 22 give all treatment personally;

(*d*) comply with any requirements as to the materials to be used and any restrictions on the purpose for which or any conditions subject to which materials may be used, as set out in Determination III of the Statement of Dental Remuneration.

General anaesthetics

3. A dentist shall be responsible for providing the services of a doctor or another dentist when necessary for the administration of a general anaesthetic in connection with any operation undertaken by him in the provision of general dental services.

Domiciliary visits

4. The area within which a dentist shall be responsible for visiting and treating a patient where the condition of the patient so requires shall be one of a radius of 5 miles from his surgery or such other area as the Board and the dentist may agree, with the approval of the Department for that dentist.

Referral to another dentist or to a hospital vested in the Department

5. If the condition of a person requiring general dental services is such as to require treatment which the dentist is unable to carry out, but such treatment to the knowledge of the dentist can be provided by another dentist under general dental services, or is available as part of the treatment provided at a hospital vested in the Department, the dentist shall inform the said person of the fact, and, if the person so wishes, the dentist shall take all necessary steps to enable him to receive such treatment. In referring a person to another dentist or to such a hospital, the dentist shall give adequate particulars in writing either beforehand or as soon as possible afterwards, and where that person is a patient shall include a statement of the amount paid to him by the patient under Part V of the regulations in respect of any treatment already provided in the course of treatment during which the referral is made and shall indicate on the dental estimate form that the patient has been so referred for the required treatment.

Records

6.—(1) A dentist shall keep a record in respect of each patient in the treatment record form as set out in Determination VI of the Statement of Dental Remuneration to be provided by the Agency, or in a form substantially to the like effect.

(2) A dentist shall retain all films taken or obtained by him as part of treatment for a period of twelve months after the completion of that treatment, and shall during that period submit them to the Committee as it may require.

Fees and remuneration

7.—(1) A dentist shall be paid fees or other remuneration as provided in or pursuant to the regulations in respect of any treatment which he has provided under general dental services.

(2) Except as otherwise provided in the regulations, a dentist shall not demand or accept the payment of any fee or remuneration—

(*a*) in respect of treatment—

(i) which he is required to give or has provided under general dental services;

(ii) which has not been provided or for which a claim has already been submitted to the Committee;

(iii) for which payment is excluded by the provisions of the Scale of Fees precluding payment for services provided within a specified period of time, or for services provided without approval of the Committee;

(iv) which has been provided otherwise than in accordance with the conditions with respect to materials set out in Determination III of the Statement of Dental Remuneration;

(*b*) if he is a salaried dentist.

Use of dental estimate form

8.—(1) In accepting a person for treatment other than occasional treatment and upon providing treatment for a patient, a dentist—

(*a*) shall complete the acceptance form as set out in Determination VI of the Statement of Dental Remuneration and give it to the patient;

(*b*) shall at the appropriate time secure the completion of each relevant part of the dental estimate form so far as applicable and the signing thereof by the patient, or, where Regulation 12 applies, by the appropriate person;

(*c*) shall at the appropriate time complete each relevant part of the dental estimate form in accordance with instructions for the completion of such forms and in particular, shall set out in the form in accordance with such instructions the whole of the treatment necessary in his opinion to render the patient dentally fit and if the patient is not willing to undergo the whole of such treatment shall further set out in accordance with the said instructions the particulars of such part of that treatment as the patient is willing to undergo;

(*d*) in completing the dental estimate form, shall not set out therein treatment not necessary in his opinion to render the patient dentally fit.

(2) A dentist shall within one month of the completion of the treatment send to the Committee the dental estimate form.

Provision and prior approval of treatment

9.—(1) Where the extent of treatment the patient is willing to undergo does not include treatment specified in Determination II of the Statement of Dental Remuneration (in this paragraph called "prior approval treatment") the dentist may proceed with and complete the treatment before sending the estimate to the Committee for approval.

(2) Where the treatment which the person is willing to undergo includes treatment so specified, the dentist shall as soon as may be, and in any case within 10 days after making his examination, send the dental estimate form to the Committee for approval, and shall not proceed with any treatment so specified other than emergency treatment until such approval is received:

Provided that the dentist may proceed immediately with the treatment of British merchant seamen and deep sea fishermen about to go to sea, and in such event shall send the form to the Committee for approval immediately after making the examination.

(3)(*a*) If during a course of treatment which does not include prior approval treatment, any variation or addition which includes such treatment is found to be necessary, the restrictions on treatment provided by sub-paragraph (2) shall apply to such part of the treatment as has not been commenced and the dentist shall as soon as reasonably practical submit to the Committee an estimate of the whole of the treatment necessary (including that which has been begun).

(*b*) If during a course of treatment which includes prior approval treatment, any variation of or addition to such treatment is found to be necessary, which is or includes such treatment, the dentist shall without delay re-submit the estimate to the Committee for approval. The Committee may withdraw or vary their original approval in so far as treatment has not yet been carried out in accordance with such approval, or add thereto and, until the decision of the Committee is received by the dentist, the restriction on proceeding with treatment contained in sub-paragraph (2) shall apply.

(*c*) Where in consequence of any proceedings under the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973 in respect of general dental services provided in the area of any Board, a dentist is required for any period to submit to the Committee for prior approval all estimates in respect of any treatment (other than examination or emergency treatment), he shall during that period submit within 10 days after making the examination all such estimates whether relating to treatment in that or any other area to the Committee for approval and shall not carry out such treatment until the approval of the Committee has been obtained.

(4) The dentist shall complete treatment with reasonable expedition and shall not take longer than 6 months from the date upon which the patient is accepted by him for treatment or where prior approval of the treatment is required, from the date on which such approval is received by him, as the case may be:

Provided that—

(*a*) the time limit shall be 12 months in the case of treatment including extractions and the consequent provision of dentures or such period as may be allowed by the Committee in the case of orthodontic treatment;

(*b*) treatment in so far as it relates to the provision of dentures shall not be regarded as completed unless the dentures have been delivered to and remain in the possession of the patient;

(*c*) the time limit shall not apply where any delay is due to failure by the patient to attend for treatment or where the Committee is satisfied that there is other sufficient reason.

(5) Where a dentist has been notified that a person for whom he has provided general dental services has been requested to submit himself for examination by a Dental Officer or that the Services Committee set up under the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973, will investigate a complaint or reference relating to such services, the dentist shall not, until he has been notified that the examination has been carried out or cancelled, or that the investigation has been completed by the Committee, or that the Committee has no objections, provide any treatment other than emergency treatment to that person, and shall take all reasonable steps to facilitate the said examination or investigation.

Occasional treatment

10.—(1) Notwithstanding anything contained in paragraph 9, a dentist may provide as occasional treatment any item of treatment mentioned in sub-paragraph (2) and submit in respect thereof an occasional estimate form as set out in Determination VI of the Statement of Dental Remuneration.

(2) The items of treatment to which this paragraph applies are—

(*a*)(i) repairs to dentures at a cost not exceeding the maximum fee prescribed by item 16 of the Scale of Fees;

(ii) treatment described in item 25(*e*) of the Scale of Fees.

(*b*) the following items of emergency treatment—

(i) not more than two extractions;

(ii) administration of a general anaesthetic in connection with items (i), (vii) and (viii);

(iii) dressing of teeth;

(iv) arrest of abnormal haemorrhage;

(v) a single radiological examination involving one intra-oral or extra-oral film (other than a panoramic film or a lateral headplate in conjunction with a cephalometric technique) in connection with treatment under (i), (iii), (iv), (vi), (vii), (viii), (x) and (xi);

(vi) treatment of infected sockets;

(vii) incising an abscess;

(viii) opening a root canal for drainage;

(ix) treatment described in item 4 of the Scale of Fees;

(x) removal of sutures;

(xi) recementing an inlay, or crown or a bridge;

(xii) domiciliary visits in connection with any of the said items.

(3) Where a dentist submits the form specified in sub-paragraph (1), no fee shall be payable for a clinical examination, advice and report.

(4) A dentist shall not submit the form specified in sub-paragraph (1) in respect of treatment of the kind specified in sub-paragraph (2), where he has previously accepted the same patient for other treatment not yet completed, or where on the same day he accepts him for other treatment. For the purposes of this sub-paragraph other treatment shall not include orthodontic treatment only.

Inability or unwillingness of dentist to complete treatment

11.—(1) If owing to any cause beyond the control of the dentist, or because the dentist refers a patient for treatment under paragraph 5, he is unable to complete any treatment which has been commenced, he shall forthwith notify the Committee in writing of the amount of treatment completed, and of the reason for his inability to complete the remainder.

(2) The Agency may, on the application of a dentist, authorise him on such terms as it thinks just, to discontinue any treatment which he has commenced, but before doing so it shall consider any representations which the patient may wish to make with respect to the application, and if it grants the application it shall so inform the patient and the Committee.

(3) In any case falling under sub-paragraphs (1) or (2) the Committee shall authorise without prejudice to the provisions of Part V of the regulations, such payments as it may consider appropriate in respect of such treatment as has already been provided.

Drugs

12.—(1) A dentist may supply to a patient such listed drugs as are required for immediate administration or application or for use before a supply can be obtained under paragraph 13.

(2) A dentist may personally administer to a patient any drug required for the treatment of that patient.

13.—(1) A dentist shall order by issuing to a patient a prescription on a form to be provided by the Agency for the purpose, such listed drugs (other than those supplied under paragraph 12) as are requisite for the treatment of the patient. The prescription shall be signed by the dentist and shall not refer to a previous prescription.

(2) Such a prescription shall not be issued to persons other than patients and a separate prescription shall be issued for each patient.

Signatures

14. Any signature by a dentist required by the regulations or terms of service shall be handwritten in ink with his initials or forenames and surname in his own handwriting and not by means of a stamp.

Ancillary dental workers

15. A dentist may in the provision of general dental services arrange for treatment to be given in accordance with the provisions of regulations having effect under Section 41 of the Dentists Act 1957 by an ancillary dental worker to whom those regulations apply and shall ensure that such treatment is properly completed.

Incorporation of provisions, disputes etc.

16. Any provisions of the following affecting the rights and obligations of dentists shall be deemed to form part of the terms of service—

(*a*)(i) the Order,

(ii) the Regulations,

(iii) the Statement of Dental Remuneration;

(*b*) those parts of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973 and the Health and Personal Social Services (Tribunal) Regulations (Northern Ireland) 1973(n) as relate to the investigation of questions arising between dentists and their patients, and other investigations to be made by the Services Committee and the action which may be taken by the Board as a result of such investigations, including the withholding of remuneration from a dentist where there has been a breach of the terms of service.

PART II

ADDITIONAL TERMS OF SERVICE FOR DENTISTS OTHER THAN SALARIED DENTISTS

Premises

17.—(1) A dentist shall provide proper and sufficient surgery and waiting-room accommodation for his patients.

(2) A dentist's surgery shall be furnished with suitable equipment and the dentist shall provide treatment with suitable instruments.

(3) A dentist on receipt of reasonable notice in writing shall at all reasonable times admit a Dental Officer for the purpose of inspecting them to any surgery or waiting-room under the dentist's control.

(n) S.R. & O. (N.I.) 1973 No. 411 (II, p. 2393)

Records

18. The record referred to in paragraph 6 shall be the property of the dentist who shall retain it, in the case of treatment requiring the Committee's prior approval for 18 months after the end of the financial year in which payment was made in respect of that treatment, or in any other case for six months after the end of the said financial year or twelve months after the conclusion of the treatment, whichever is the longer, and shall during the period of retention produce or send the record within 14 days of any requirement so to do to the Agency, the Committee or a dental officer, as they may specify in such requirement.

Fees and remuneration

19. The provisions of paragraph 7(2) shall not have effect in relation to any claim made by a dentist in respect of loss of remunerative time resulting from failure of a patient to keep an appointment.

Use of dental estimate form

20. A deputy or assistant who signs a dental estimate form or any part of it on behalf of the dentist for whom he is acting shall do so in his own name and except where he is a partner whose name is included in the dental list shall also insert the name of that dentist.

Drugs

21. A deputy or assistant who issues under paragraph 13 a prescription for listed drugs shall in addition to signing his own name on such prescription insert thereon the name of the dentist for whom he is acting.

Deputies and assistants

22.—(1) Where a dentist is prevented from providing treatment by reason of temporary absence through illness or other reasonable cause, treatment may be given by a deputy.

(2) In the case of two or more dentists practising in partnership or as a principal and assistant, treatment may at any time be given by a partner or assistant of the dentist who is responsible for the patient's treatment, if reasonable steps are taken to secure continuity of treatment.

(3) A dentist shall not employ more than two assistants at any one time for the provision of general dental services without the consent of the Agency or on appeal the Department and before giving any consent under this sub-paragraph the Agency shall consult the Local Dental Committee:

Provided that any consent given by or under this sub-paragraph shall be subject to review by the Agency in consultation with the Local Dental Committee at least once a year.

(4) A dentist shall notify the Agency of the employment of an assistant within 7 days of the first day of employment, and forward to the Agency such particulars concerning the assistant as it may require. Where a dentist ceases to employ an assistant he shall notify the Agency within 7 days of the cessation of employment.

(5) If a dentist intends to absent himself from his practice for more than 21 consecutive days he shall notify the Agency or the persons for whom he is providing general dental services of his intended absence and of the deputy or assistant (if any) responsible for giving treatment in his absence.

(6) A dentist who intends to be or is absent from his practice for more than 2 months shall notify the Agency in writing and shall not employ an assistant after that period without the consent of the Agency.

(7) A dentist shall not employ as an assistant any dentist who is included in the dental list as a dentist undertaking to provide general dental services at a surgery or suite of surgeries at which the first named dentist undertakes to provide general dental services.

(8) Where a dentist employs an assistant who to the dentist's knowledge is subject to a requirement to submit estimates of any treatment (other than examination or emergency treatment) to the Committee for prior approval, he shall not allow that assistant to carry out such treatment unless the prior approval of the Committee has first been obtained.

(9) A dentist shall not, without the consent of the Department, employ as a deputy or assistant for the purpose of the provision of general dental services any dentist who is disqualified for inclusion in the dental list under Schedule 11 to the Order.

(10) Except as provided in sub-paragraph (11) a dentist shall be responsible for all acts and omissions of any dentist acting as his deputy or assistant.

(11) A dentist who is included in the dental list when acting as deputy to another dentist who is also included in that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the dentist for whom he acts as deputy and for the acts and omissions of any person employed by him.

(12) A deputy shall be entitled to provide general dental services at places or at times other than those arranged by the dentist for whom he is acting, due regard being had to the convenience of patients.

PART III

ADDITIONAL TERMS OF SERVICE FOR SALARIED DENTISTS

Attendance

23.—(1) A dentist shall attend at the health centre on such days and during such hours as may be agreed between the Board and the dentist.

(2) The dentist shall not without the permission of the Board, be entitled to provide at the health centre any treatment which is not part of general dental services.

General anaesthetics

24. The Board or the dentist on behalf of the Board shall pay to a doctor or another dentist for the provision of a general anaesthetic by virtue of arrangements made under paragraph 3 a fee not exceeding the fee in the Scale of Fees appropriate to the item of treatment provided.

Records

25. The record referred to in paragraph 6 shall be the property of the Board who shall within 14 days of any requirement to do so, produce or send it to the Committee or to the dental officer, as they may specify in such requirement. The dentist and the Board as the case may be shall also supply to the Committee or the dental officer such information with regard to the treatment of patients as they may request.

Patients' charges

26. The dentist shall account for and pay over to the Board through the Agency, in such manner as it may require, any charges which he shall make and recover from the patient or as the case may be the appropriate person on behalf of the patient under the provisions of Part V of the regulations.

Drugs

27. Any drugs supplied under paragraph 12 shall be obtained by the dentist in such manner as the Board may require.

Termination of services

28.—(1) Any arrangement between the Board and a salaried dentist for the provision of general dental services may be terminated by either party giving to the other 3 months' notice in writing:

Provided that if such dentist shall fail to comply with any of these terms of service the Board may terminate the agreement by giving him 1 month's notice in writing.

(2) The Board may at any time suspend a salaried dentist from the discharge of his duties, but such suspension shall not affect the right of the salaried dentist to receive remuneration during the continuance thereof.

SCHEDULE 2 Regulation 8

DENTAL COMMITTEE

1. The Dental Committee constituted by the Agency after consultation with the Boards and such organisations as appear to it to be representative of the dental profession and such other bodies as appear to it to be concerned, shall consist of a chairman and such number of other members as the Agency thinks fit.

2. The chairman shall be the dental practitioner member of the Agency.

3. The term of office of members of the Committee shall be determined by the Agency.

4. Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by the Agency after consultation with the organisations or bodies referred to in paragraph 1 and if necessary with the Committee and any person so appointed shall hold office for the remainder of the term of office of the former member.

5. A member of the Committee may resign his membership by giving to the Agency notice in writing.

6. Where any member of the Committee—

(i) is absent from the meetings of the Committee for more than six months consecutively (except for a reason approved by the Agency);

(ii) has become bankrupt or has made a composition with his creditors; or

(iii) is convicted of an indictable offence;

the Agency shall forthwith by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit and thereupon the office shall become vacant.

7. Where a person who provides any dental or other professional services under the Order is a member of the Committee he may vote upon any matter which touches the interests of members of his profession (himself included) but shall not vote upon any matter touching only his individual professional interests.

8. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment of any of its members.

9. A member of the Committee who is appointed on the nomination of a Board, shall if he is a member of that Board, cease to be a member of the Committee if he ceases to be a member of that Board.

SCHEDULE 3 Regulation 14

Charges payable for dental appliances and dental treatment

1. The charge for dentures shall be one half of the current authorised fee or £10.00 whichever is the less.

2. The amount of the charge for any dental treatment not being—

(*a*) the supply, replacement or repair of dentures or dental bridges;

(*b*) the repair of orthodontic appliances, obturators, splints, radium applicators or other special dental appliances;

(*c*) the arrest of bleeding; or

(*d*) the clinical examination of a patient or any report thereon;

shall be one half of the current authorised fee for all such services or £10.00 whichever is the less.

3. The charge shall in no case exceed £10.00.

EXPLANATORY NOTE

(*This note is not part of the Regulations but is intended to indicate their general purport.*)

These Regulations consolidate with amendments the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1973 as amended. The principal amendment enables the Department to publish in a separate document called the Statement of Dental Remuneration, the details of treatment and the materials used in treatment under the general dental services and the remuneration for dentists providing these services.