

EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (DENTAL CHARGES) AMENDMENT
REGULATIONS 2006

2006 No. 1837

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 2006 (“the Amendment Regulations”) amend the National Health Service (Dental Charges) Regulations 2005 (“the Dental Charges Regulations”) (S.I. 2005/3477) to correct an error.

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

None

4. Legislative Background

4.1. The Dental Charges Regulations came into force on 1 April 2006. These Regulations were the first set of Regulations made under section 79(1) of the National Health Service Act 1977 and were subject to approval by a resolution of each House of Parliament (section 126(1A)). Further regulations made under section 79 are subject to the negative procedure. The Amendment Regulations correct an error in Schedule 3 to the Dental Charges Regulations.

4.2. Regulation 2 of the Amendment Regulations amends Schedule 3 to the Dental Charges Regulations 2005 (Band 3 Charges – Provision of Appliances) to delete paragraph (i).

4.3. Paragraph (i) of Schedule 3 to the Dental Charges Regulations, refers to “crowns in other materials”, and should have been deleted from the final draft of the Regulations as a consequence of other drafting changes in that Schedule. As a consequence Schedule 3 enables charges to be made and recovered in respect of crowns in specific precious and non-precious metal casting alloys (paragraphs (c), (d) and (f)). Paragraph (i) in referring to crowns in other materials goes much wider than paragraphs (c), (d) and (f). This was not the policy intention.

4.4. The Department has been asked by manufacturers of dental casting alloys to clarify this anomaly. The policy is to continue with the categories of dental casting alloys permitted in general dental services prior to 1 April 2006 and the Amendment Regulations achieve that clarity.

- 4.5. There are no plans to consolidate the Regulations following this amendment. Because the Instrument corrects an error in the Dental Charges Regulations (SI. No. 2005/3477) it will be issued free of charge to all known recipients of that Statutory Instrument.

5. Extent

This instrument applies to England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution, no statement is required.

7. Policy background

- 7.1 The Dental Charges Regulations made on 19 December 2005 came into force 1 April 2006. The regulations introduced a new system of charging for dental services based mainly on a 3 banded system, where treatment provided or appliances supplied will attract one of the 3 set charges depending on the complexity of the treatment provided.

- 7.2 The Amendment Regulations amend the list of chargeable treatments included in Schedule 3 to the Charges Regulations (Supply of Appliances). Paragraphs (c), (d) and (f) set out the precious and non-precious alloy types for use in dental crowns which are generally acceptable as good standard. Paragraph (i) however includes “crowns in other materials” which goes much wider and essentially overrides the previous requirements.

8. Impact

- 8.1. The Amendment Regulations impose no additional costs on the public sector, small businesses, charities or the voluntary sector and do not require a Regulatory Impact Assessment. A full Regulatory Impact Assessment has been prepared in relation to the Dental Charges Regulations. The Regulatory Impact Assessments are available at www.dh.gov.uk/ria .

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