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## STATUTORY INSTRUMENTS

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# 1972 No. 1265

## Health and Personal Social Services (Northern Ireland) Order 1972

### PART VI

#### GENERAL HEALTH SERVICES

General Dental Services, General Ophthalmic Services and Pharmaceutical Services

#### Arrangements for general dental services

**61.**—(1) [F1The Department] shall, in accordance with regulations, make arrangements F2... with dental practitioners under which any person for whom a dental practitioner undertakes in accordance with the arrangements to provide dental treatment and appliances shall receive such treatment and appliances, and the services provided in accordance with the arrangements are in this Order referred to as “general dental services”.

(2) Subject to paragraph (4), regulations may make provisions as to the arrangements to be made under paragraph (1), and shall include provision—

- (a) for the preparation, publication and maintenance of lists of dental practitioners who undertake to provide general dental services;
- (b) F3 for conferring a right, subject to [F4[F5paragraphs (2A) and (2AA)]]F6, to any provision made under Article 64C]F7, to regulations under Article 4 of the Health and Medicines (Northern Ireland) Order 1988] and to] the provisions of this Order relating to the disqualification of persons providing services, on any dental practitionerF5. . . who wishes to be included in any such list, to be so included;

*Sub-para. (c) rep. by 1997 NI 7*

- (d) for the making and recovery by persons providing general dental services of charges in respect of—
  - (i) the extra expense involved in the supply, at the request of the person supplied, as part of those services, of any dental appliance which is of a more expensive type than that which would normally be supplied, or the replacement or repair of any such appliance; or
  - (ii) the replacement or repair of any dental appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by an act or omission of the person supplied 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
- (e) for [F8 the determination of] the remuneration of dental practitioners providing general dental services.

F4(2A) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the lists

**Changes to legislation:** *Health and Personal Social Services (Northern Ireland) Order 1972, General Dental Services, General Ophthalmic Services and Pharmaceutical Services is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

mentioned in paragraph (2)(a) unless he satisfies [<sup>F9</sup>the Department] that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services <sup>F10</sup>....]

[<sup>F5</sup>(2AA) Regulations may make the exercise of the right conferred by virtue of sub-paragraph (b) of paragraph (2) subject to any provision made by or under the regulations, and, in such cases as may be prescribed, may confer a right of appeal to a prescribed body in respect of a refusal to include a dental practitioner on such a list as is referred to in sub-paragraph (a) of that paragraph.]

[<sup>F11</sup>(2AB) Regulations making provision conferring such a right of appeal may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.]

[<sup>F12</sup>[<sup>F13</sup>(2B) Paragraph (2BB) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner's fitness to practise is impaired.

(2BA) For the purposes of paragraph (2B), a “relevant determination” that a practitioner's fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(2BB) Where this paragraph applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.]

(2C) Regulations under paragraph (2)(e) may provide for the making of payments in consequence of suspension to a dental practitioner whose registration is suspended as mentioned in paragraph (2B).]

(3) Subject to paragraph (4), regulations may make provision for the making and recovery of charges (subject to such safeguards as the Ministry may consider necessary) by persons providing general dental services in respect of treatment which, on the ground of the nature of the treatment provided or such other special circumstances (whether related to the nature of the treatment or otherwise) as may be prescribed, justifies an extra charge.

(4) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the dental profession.

**F1** Words in art. 61(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 31(2)(a)**; S.R. 2022/102, art. 2(b)

**F2** Words in art. 61(1) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 31(2)(b)**; S.R. 2022/102, art. 2(b)

**F3** mod. by SR 2004/259

**F4** SI 1981/432

**F5** 1991 NI 1

**F6** 2001 c. 3 (NI)

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**Changes to legislation:** *Health and Personal Social Services (Northern Ireland) Order 1972, General Dental Services, General Ophthalmic Services and Pharmaceutical Services is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F7** 1988 NI 24
- F8** 1978 NI 26
- F9** Words in art. 61(2A) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 31(3)(a)**; S.R. 2022/102, art. 2(b)
- F10** Words in art. 61(2A) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 31(3)(b)**; S.R. 2022/102, art. 2(b)
- F11** Art. 61(2AB) inserted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 31(4)**; S.R. 2022/102, art. 2(b)
- F12** 1986 NI 24
- F13** Art. 61(2B)(2BA)(2BB) substituted (31.7.2006) for art. 61(2B) by Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), arts. 1(5), 49, **Sch. 6 para. 6(2)**

**Changes to legislation:**

Health and Personal Social Services (Northern Ireland) Order 1972, General Dental Services, General Ophthalmic Services and Pharmaceutical Services is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)