



Health and Medicines Act 1988

1988 CHAPTER 49

Dental services, appliances and treatment and the Dental Estimates Board and Scottish Dental Estimates Board

11 Charges for dental appliances and treatment.

^{F1}(1)

^{F1}(2)

^{F1}(3)

(4) The following subsection shall be inserted after subsection (1) of section 70 of the ^{M1}National Health Service (Scotland) Act 1978—

“(1A) Regulations may provide for the making and recovery in such manner as may be prescribed of charges of amounts calculated in accordance with section 71A in respect of the supply under this Act of dentures and other dental appliances of prescribed descriptions.”

(5) In subsection (1) of section 71 of that Act for the words “the amount authorised by this section” there shall be substituted the words “an amount calculated in accordance with section 71A”.

(6) The following section shall be inserted after the said section 71—

“71A Calculation of charges for dental appliances and treatment.

(1) Subject to the following provisions of this section, regulations may make such provision as to the amount of any charge—

(a) authorised by section 70(1A) for the supply of dentures or other dental appliances; or

(b) authorised by section 71 for the provision of services,

as appears to the Secretary of State to be appropriate.

Changes to legislation: Health and Medicines Act 1988, Section 11 is up to date with all changes known to be in force on or before 14 August 2023. 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

- (2) Without prejudice to the generality of subsection (1) above, regulations may provide that any such charge in respect of appliances or services supplied or provided under Part II of this Act—
- (a) shall be of an amount equal—
 - (i) to the practitioner’s remuneration in respect of the supply or provision; or
 - (ii) to any part of that remuneration; or
 - (b) shall be otherwise calculated by reference to that remuneration.
- (3) Without prejudice to the generality of subsection (1) above, regulations may provide that any charge which is so authorised in respect of appliances supplied otherwise than under Part II of this Act—
- (a) shall be of an amount equal—
 - (i) to the remuneration a practitioner would receive for a supply under that Part of equivalent appliances; or
 - (ii) to any part of such remuneration; or
 - (b) shall be otherwise calculated by reference to such remuneration.
- (4) The charge shall not exceed the amount which the Secretary of State considers to be the cost to the health service of the supply or provision.
- (5) In this section “cost to the health service” does not include—
- (a) any fee in respect of a visit by a practitioner to a patient; or
 - (b) any fee or part of a fee payable by a patient in pursuance of regulations under section 71(2) or section 73(b) or 74(b).”
- (7) ^{F2}... section 71(1) of the ^{M2}National Health Service (Scotland) Act 1978 shall cease to have effect so far as [^{F3}it provides] that a charge may not be authorised for the clinical examination of a patient and any report on that examination.
- (8) In ^{F4}... paragraph 2(4)(a) of Schedule 11 to the National Health Service (Scotland) Act 1978 for “16” there shall be substituted “18”.

Textual Amendments

- F1** S. 11(1)-(3) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))
- F2** Words in s. 11(7) omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 117\(a\)](#) (with [Sch. 3 Pt. 1](#))
- F3** Words in s. 11(7) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 117\(b\)](#) (with [Sch. 3 Pt. 1](#))
- F4** Words in s. 11(8) omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 118](#) (with [Sch. 3 Pt. 1](#))

Marginal Citations

- M1** 1978 c. 29.
- M2** 1978 c. 29.

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Changes and effects yet to be applied to :

- s. 11(4)-(6) repealed by [2005 asp 13 sch. 3](#)

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

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

- Sch. 11 words repealed by [2005 asp 13 sch. 3](#)