
STATUTORY INSTRUMENTS

1996 No. 704

The National Health Service (General Dental Services) Amendment Regulations 1996

PART I

APPEALS FROM DECISIONS OF THE DENTAL PRACTICE BOARD

Amendment of regulation 29

3. In regulation 29 (prior approval - patterns of treatment), in paragraph (3), for “regulation 19 of the National Health Service (Service Committees and Tribunal) Regulations 1992” there shall be substituted “regulation 30A”.

Appeals from decisions of the Board

4.—(1) After regulation 30, there shall be inserted the following new Part —

“PART VIa

APPEALS FROM DECISIONS OF THE DENTAL PRACTICE BOARD

Appeals from decisions of the Board

30A.—(1) Where —

- (a) any person is aggrieved by a decision of the Board concerning the treatment or intended treatment of a patient as part of general dental services; or
- (b) any dentist is aggrieved by a decision of the Board concerning fees payable to him in respect of his provision or intended provision of general dental services,

that person or, as the case may be, that dentist may, in accordance with paragraphs (3) and (4), appeal against the Board’s decision to the Health Authority administering the arrangements under which the services were, or were intended to be, provided.

(2) Any dentist who is aggrieved by a decision of the Board under regulation 29 may, in accordance with paragraphs (3) and (4), appeal against that decision —

- (a) where the name of the dentist is included in the dental list of only one Health Authority, to that Health Authority;
- (b) where the name of the dentist is included in the dental list of more than one Health Authority, to any such Health Authority.

(3) An appeal under paragraph (1) or (2) shall be brought by giving notice of appeal in writing to the Health Authority before the end of the period of 30 days beginning with the date on which the decision of the Board was sent to the aggrieved person.

(4) A notice of appeal under paragraph (3) shall —

- (a) contain a concise statement of the facts and contentions upon which the appellant intends to rely; and
- (b) be given by or with the authority of the aggrieved person, unless —
 - (i) the aggrieved person is, by reason of age, sickness or other infirmity, incapable of acting, in which case notice of appeal may be given by some other person on his behalf although without his authority;
 - (ii) the appeal is brought under paragraph (1)(b) and concerns the fees of a dentist who has died, in which case notice of appeal may be given by the personal representatives of that dentist.

(5) The Health Authority shall, before the end of the period of 30 days beginning with the date on which it received a notice of appeal, request from the Board a written statement of the reasons for its decision, and the Board shall, before the end of the period of 30 days beginning with the date on which the request was sent, send such a statement to the Health Authority.

(6) The Health Authority shall consider the notice of appeal and the Board’s statement and —

- (a) where, after consulting the Local Dental Committee, the Health Authority is of the opinion that the notice discloses no reasonable grounds of appeal, or that the appeal is otherwise vexatious or frivolous, it may dismiss it forthwith;
- (b) where the appeal is against a refusal of the Board to approve a claim for remuneration or an estimate on grounds that the services to which the claim or estimate relates cannot be provided as part of general dental services, the Health Authority shall refer the notice of appeal and the Board’s statement to the Secretary of State, and shall inform the parties in writing that it has done so;
- (c) where —
 - (i) an appeal is brought under paragraph (1)(b) against a decision of the Board concerning a dentist’s fees, and
 - (ii) the Board has certified in its statement under paragraph (5) that it has authorised those fees and that they were the fees or maximum fees prescribed by Determination I of the Statement of Dental Remuneration for the services provided or to be provided,

the Health Authority shall dismiss the appeal forthwith unless it is of the opinion that the appeal involves a dispute as to the item or sub-item of treatment in that Determination applicable to the services provided or intended to be provided;

- (d) except where an appeal is dismissed or referred in accordance with the preceding provisions of this paragraph, the Health Authority shall, before the end of the period of 30 days beginning with the date on which the Board’s statement under paragraph (5) was sent, appoint, in accordance with paragraph (7) —
 - (i) where the appeal is brought under paragraph (2), three dentists,
 - (ii) in any other case, two dentists,as referees to determine the appeal.

(7) The dentists appointed for the purposes of paragraph (6)(d) shall be engaged in the provision of general dental services; and one of them shall be selected from a panel of such dentists who have been nominated to the panel by the Local Dental Committee or by the Local Dental Committee constituted for another area.

(8) Where the Health Authority dismisses an appeal under sub-paragraph (a) or (c) of paragraph (6) it shall give notice in writing to the person who brought the appeal and to the Board that the appeal has been dismissed and, where the appeal is dismissed under sub-

paragraph (c) of that paragraph, the Health Authority shall include with the notice to the appellant a copy of the Board's statement under paragraph (5) and a statement of its reasons for dismissing the appeal.

(9) Where an appeal is referred to the Secretary of State under paragraph (6)(b), he shall determine it in such manner as he thinks fit, and shall give notice of his decision, and of the reasons for it, to the appellant, the Board and the Health Authority.

(10) Where referees are appointed under paragraph (6)(d) they shall, subject to paragraph (12), hear the representations of the parties on a date appointed by the Health Authority for that purpose, and the Health Authority shall —

- (a) not less than 14 days before that date (or within such shorter period as the parties may agree), give notice in writing to the parties of the date, time and place of the hearing and of the names of the referees; and
- (b) not less than seven days before that date (or within such shorter period as the parties may agree), provide the referees and the appellant with a copy of that Board's statement and the notice of appeal.

(11) A party to an appeal which is to be determined by referees following a hearing shall not be entitled to rely upon any facts or contentions not contained in the notice of appeal or the statement of the Board unless —

- (a) that party gives notice in writing of those facts or contentions to the referees and to the other party to the appeal at least seven days before the date of hearing; or
- (b) the referees consent (either before or during the hearing).

(12) Where both parties to an appeal have given written notice to the Health Authority that they do not intend to make representations at a hearing, the Health Authority shall inform the referees accordingly, and the referees shall determine the appeal without a hearing.

(13) The referees shall, before the end of the period of seven days beginning with the date on which they determine an appeal, give notice in writing to the Health Authority of their decision and of the reasons for it, and the Health Authority shall, before the end of the period of 14 days beginning with the date on which it receives the notice, send copies of it to the parties.

(14) For the purposes of this regulation, the parties to an appeal are the Board and the appellant, that is to say the aggrieved person or, where another person has given notice of appeal in accordance with paragraph (4), that other person".

(2) Regulation 19 of the National Health Service (Service Committees and Tribunal Regulations 1992(1) ("the old regulation") is hereby revoked.

(3) Appeals brought under regulation 19 of the old regulation before 1st April 1996 shall be treated on and after that date as brought under regulation 30A of the National Health Service (General Dental Services) Regulations 1992(2) ("the new regulation") except that paragraph (7) of the old regulation, instead of paragraph (7) of the new regulation, shall apply to dentists appointed as referees under paragraph (6)(d).

(1) [S.I. 1992/664](#)
(2) [S.I. 1992/661](#).