

Appendix A. Statutory Instrument 2012, No. 3094 - **extract**

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STATUTORY INSTRUMENTS

2012 No. 3094

**NATIONAL HEALTH SERVICE, ENGLAND
SOCIAL CARE FUND, ENGLAND PUBLIC
HEALTH, ENGLAND**

**The NHS Bodies and Local Authorities (Partnership
Arrangements, Care Trusts, Public Health and
Local Healthwatch) Regulations 2012**

Made - - - - 12th December 2012

Laid before Parliament 17th December 2012

Coming into force in accordance with regulation 1(2)

Extract from pages 8, 9, 26 and 27

PART 4

DENTAL PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

Interpretation

16. In this Part—

“oral health promotion programme” means a health promotion and disease prevention programme the underlying purpose of which is to educate and support members of the public about ways in which they may improve their oral health;

“oral health survey” means a survey to establish the prevalence and incidence of disease or abnormality of the oral cavity;

“water fluoridation programme” means fluoridation arrangements made under section 87(1) (fluoridation of water supplies at request of relevant authorities) of the Water Industry Act 1991(g)¹.

Exercise of functions of local authorities

17.—

(1) Each local authority (h)² shall have the following functions in relation to dental public health in England.

(2) A local authority shall provide, or shall make arrangements to secure the provision of, the following within its area—

1 (g) 1991 c.56. Section 87(1) is substituted by section 58(1) and (2) of the Water Act 2003 (c.37).

2 (h) See section 2B(5) of the 2006 Act for the definition of ‘local authority’, which is also applied to section 111 by virtue of section 111(3) of that Act.

(a) to the extent that the authority considers appropriate for improving the health of the people in its area, oral health promotion programmes;

(b) oral health surveys to facilitate—

- (i) the assessment and monitoring of oral health needs,
- (ii) the planning and evaluation of oral health promotion programmes,
- (iii) the planning and evaluation of the arrangements for provision of dental services as part of the health service, and
- (iv) where there are water fluoridation programmes affecting the authority's area, the monitoring and reporting of the effect of water fluoridation programmes.

(3) The local authority shall participate in any oral health survey conducted or commissioned by the Secretary of State under paragraph 13(1) of Schedule 1 to the 2006 Act (powers in relation to research etc)(a)³ so far as that survey is conducted within the authority's area.

Revocations and transitional arrangements

18.—

(1) The Functions of Primary Care Trusts (Dental Public Health) (England) Regulations 2006(b)⁴ ("the 2006 Regulations") are revoked.

(2) This paragraph applies where, in the exercise of its functions under the 2006 Regulations, a Primary Care Trust—

- (a) provided an oral health promotion programme or an oral health survey which was ongoing immediately prior to section 29 of the 2012 Act coming fully into force, or
- (b) participated in an oral health survey required by the Department of Health which was ongoing immediately prior to section 29 of the 2012 Act coming fully into force.

(3) Where paragraph (2) applies, each local authority whose area fell wholly or partly within the area of the Primary Care Trust shall continue to carry out the oral health promotion programme or oral health survey, to the extent that the programme or survey relates to persons in the local authority's area.

Signed by authority of the Secretary of State for Health.

Anna Soubry

Parliamentary Under-Secretary of State for Health,
Department of Health

12th December 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the designation of certain NHS bodies as Care Trusts, the public health functions of local authorities and Local Healthwatch organisations.

Part 4 specifies the functions to be exercised by local authorities in relation to dental public health in England.

The functions to be exercised by local authorities in relation to dental public health in England as specified in Part 4, relate to the provision of oral health promotion programmes and oral health surveys. In the case of oral health surveys, local authorities must make their own arrangements for oral health surveys and must also participate in any such surveys conducted or commissioned by the Secretary of State.

³ (a) Paragraph 13 of Schedule 1 to the 2006 Act is substituted by section 17(2) and (13) of the 2012 Act.

⁴ (b) S.I. 2006/185.