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WELSH STATUTORY INSTRUMENTS

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**2000 No. 3118 (W. 197 )**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (General Dental Services) Amendment (Wales) Regulations 2000**

*Made - - - - 23rd November 2000*

*Coming into force*

*except regulations 4(2)(a)  
(ii), 4(2)(b), 4(2)(d) and 4(3) 1st December 2000  
regulations 4(2)(a)(ii), 4(2)  
(b), 4(2)(d) and 4(3) 1st January 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon it by sections 15(1), 35(1), 36(1) and 126(4) of the National Health Service Act 1977(1):

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) Amendment (Wales) Regulations 2000 and shall come into force on 1st December 2000, except regulations 4(2)(a)(ii), 4(2)(b), 4(2)(d) and 4(3), which shall come into force on 1st January 2001.

(2) These regulations apply to Wales only.

**Amendment of the National Health Service (General Dental Services) Regulations 1992**

2. The National Health Service (General Dental Services) Regulations 1992 (2) shall be amended in accordance with the following provisions of these Regulations.

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(1) 1977 c. 49; see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i) for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 5(2); by the 1990 Act, section 12(1) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 6. Section 35(1) was substituted by S.I. 1985/39, article 7(9), and amended by the 1995 Act, Schedule 1, paragraph 24. Section 36(1) was so numbered by the 1984 Act, Schedule 3, paragraph 5(1) and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(10); by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, Schedule 1, paragraph 25(a). Section 126(4) was amended by the 1990 Act, section 65(2), and (in England) by the Health Act 1999 (c. 8), Schedule 4, paragraph 37(6). The functions of the Secretary of State under sections 15, 35, 36 and 126(4) were transferred to the National Assembly for Wales in The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1.

(2) S.I. 1992/661, to which there are amendments not relevant to these Regulations.

### **Amendment of regulation 19**

3. In regulation 19 (Statement of Dental Remuneration), in paragraph (1), for the entry “Incentive scheme allowances” in column (2) of the Table, substitute “Commitment payments”.

### **Amendment of Schedule 1**

4.—(1) Schedule 1 (terms of service for dentists) is amended as follows.

(2) In paragraph 25 (records)—

(a) in sub-paragraph (1)—

(i) before “record” the first time it appears, insert “full, accurate and contemporaneous”, and

(ii) after “any practice record form” insert “or form recording recalled attendance in accordance with paragraph 27B”;

(b) in sub-paragraph (2) after “records”, insert “forms,”;

(c) for sub-paragraph (3) substitute—

“(3) The dentist shall, during the period in which he or she holds any records, forms, radiographs, photographs and study models referred to in sub-paragraph (1)—

(a) produce them on request to a dental officer, the Health Authority or the National Assembly for Wales;

(b) send them to the Dental Practice Board, Health Authority or the National Assembly for Wales within 14 days of being required to do so by one of those bodies.” ; and

(d) in sub-paragraph (4), after “other than the practice record form” insert “and the form recording recalled attendance in accordance with paragraph 27B”.

(3) After paragraph 27 insert—

#### **“Completion of claim forms**

27A.—(1) Subject to sub-paragraph (2), where a patient declares that he or she is, or where a person responsible for a patient makes a declaration that the patient is, entitled to exemption from or remission of the charges prescribed by the National Health Service (Dental Charges) Regulations 1989(3) by virtue of either—

(a) entitlement to exemption under sub-paragraph (4) of paragraph 2 or sub-paragraph (4) of paragraph 3 of Schedule 12 to the National Health Service Act 1977(4),

(b) entitlement to remission of such charges under regulation 3 or 5 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(5),

the dentist shall ask the patient, or the person making such a declaration on the patient’s behalf, to produce satisfactory evidence in support of the declaration and where such evidence is not produced, the dentist shall record that fact on the form upon which he or she claims remuneration for the treatment of that patient.

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(3) S.I. 1989/394, amended by S.I. 1991/581, 1992/369, 1993/419, 1994/530, 1995/444, 1996/389, 1997/558, 1998/490 and 2221, 1999/544 and 2000/977 (W.47).

(4) 1977 c. 49.

(5) S.I. 1988/551, amended by S.I. 1989/394, 517 and 614, 1990/548, 918 and 1661, 1991/557, 1992/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/2417, 1999/767 and 2507 and 2000/2840 (W.20).

(2) Where, at the time of the declaration there is already available to the dentist satisfactory evidence of an entitlement to exemption from the charges on the grounds the patient in respect of whom the declaration is made is under 18 years of age, the obligations on the dentist specified in sub-paragraph (1) shall not apply.

(3) The dentist may appoint a member of his or her staff to undertake the task set out in sub-paragraph (1) on his or her behalf, and, the dentist shall ensure that that staff member so appointed is given sufficient instruction to enable him or her to perform the task.

### **Recalled Attendance**

**27B.** Where a dentist is recalled to his or her practice premises at a time when he or she does not normally provide general dental services in order to provide treatment in an emergency the dentist shall, on each such occasion, at the time of that recalled attendance—

- (a) complete a form supplied by the Health Authority for the purpose of supporting the claim to an allowance for that recalled attendance; and
- (b) obtain the signature on that form of the patient whom he or she has been recalled to treat, or that of a person acting on behalf of the patient.”

(4) After paragraph 37 insert—

“**37A.** Where care and treatment is given by an assistant, the dentist or assistant shall complete a claim for remuneration in respect of that care and treatment which —

- (a) is separate from any claim form in respect of care and treatment given by the dentist personally; and
- (b) identifies the assistant by whom the care and treatment was given and his or her status as an assistant.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (6).

23rd November 2000

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 (S.I. 1992/661) (“the 1992 Regulations”) which regulate the terms on which general dental services are provided under the National Health Service Act 1977.

Regulation 3 amends regulation 19 of the 1992 Regulations so that Determination V in the Table of Determinations (which are collectively published in a statement called the Statement of Dental Remuneration) relates to the subject matter “commitment payments” (“*taliadau ymrwymo*”).

Regulation 4 amends Schedule 1 to the 1992 Regulations, which contains the terms of service for dentists who provide general dental services in the National Health Service. The amendments concern a dentist’s obligations in respect of forms and records.

Regulation 4(2) amends the circumstances in which records must be produced for inspection.

Regulation 4(3) inserts a new requirement for a dentist to ask to see evidence in support of a claim that a patient is entitled to exemption from, or remission of, dental charges and to record on the dentist’s claim for remuneration for the treatment provided to such a patient when such evidence has not been seen.

Regulation 4(3) also inserts a new requirement so that a dentist is required to complete a form when he or she makes a claim for remuneration following being recalled to the dental practice in order to provide a patient with treatment for an emergency outside the usual practice hours. The dentist is also obliged to obtain on the said form the signature of the patient, or a person responsible for the patient, that he or she has been recalled to treat.

Regulation 4(4) inserts a requirement for a separate claim form to be completed for treatment given by assistants.