
WELSH STATUTORY INSTRUMENTS

2001 No. 2706 (W.226)

NATIONAL HEALTH SERVICE, WALES

**The National Health Service (General Dental Services)
(Amendment) (No.2) (Wales) Regulations 2001**

Made - - - - 17th July 2001

Coming into force

Regulations 1 to 4 and 5(a) 1st August 2001

Regulation 5(b) 1st September 2001

The National Assembly for Wales, 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) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) (Amendment) (No.2) (Wales) Regulations 2001 and shall come into force on 1st August 2001, except regulation 5(b) which shall come into force on 1st September 2001.

(2) These Regulations shall 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 (“the principal Regulations”)(2) shall be amended in accordance with the following provisions of these Regulations.

(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 section 5(2) of the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”); by the 1990 Act section 12(1) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) section 2(1) and Schedule 1, paragraph 6(e). 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 section 25 of and Schedule 2, paragraph 4 to the Health and Medicines Act 1988 (c. 49), by the 1990 Act, section 24(2) and by the 1995 Act, section 2(1) and Schedule 1, paragraph 25(a). Section 126(4) was amended by the 1990 Act, section 65(2); and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6). The functions of the Secretary of State under sections 15(1), 35(1), 36(1) and 126(4) of the 1977 Act are transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 S.I.1999/672, article 2 and Schedule 1, as amended by section 66(5) of the 1999 Act.

(2) S.I.1992/661; relevant amending instruments are S.I.1993/22091995/3092, 1996/704, 1998/1648 and 2000/3118.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2 of the principal Regulations (interpretation)—
- (a) in paragraph (1) delete the definition of “FHSA”; and
 - (b) after paragraph (1) insert—
 - “(1A) In the application of these Regulations in relation to Wales “FHSA” shall, in each place where this abbreviation occurs, have effect as if there substituted the words “Health Authority”.”

Amendment of regulation 19 of the principal Regulations

4. In regulation 19 of the principal Regulations (Statement of Dental Remuneration)—
- (a) in column 2 of the Table set out below paragraph (1) for the entry “Postgraduate education allowances” substitute “Continuing professional development allowances”;
 - (b) at the end of that Table insert in column (1) the Roman numeral “X” and insert in column (2) “Clinical audit allowances”.

Amendment of Schedule 1 to the principal Regulations

5. In Schedule 1 (terms of service for dentists)—
- (a) after paragraph 31D (professional indemnity)(3) insert—

“Clinical audit activities

- 31E.**—(1) In the relevant period a dentist shall—
- (a) undertake at least 15 hours of clinical audit activities, and
 - (b) take reasonable steps to ensure that any assistant of his also undertakes such activities.
- (2) In this paragraph—
- “clinical audit activities” means activities which involve the systematic and critical analysis of the quality of dental care provided by the dentist, including the processes used by him for diagnosis, intervention and treatment and his use of resources, and may include peer review by means of participation in meetings of a group of no fewer than four dentists where such a group considers the quality and performance of specific treatments and approaches to treatment, and
- “the relevant period” means—
- (a) subject to sub-paragraph (b) below, where a dentist’s name is included in a dental list and he is providing dental services—
 - (i) on 1st August 2001, the period of three years commencing on that date,
 - (ii) from a date after 1st August 2001, the period of three years commencing with that later date,
 and each successive period of three years thereafter;
 - (b) where a dentist’s name remains included in a dental list but he does not provide dental services during any continuous period in excess of thirteen weeks, the

(3) Paragraph 31D was inserted by [S.I.1998/1648](#), regulation 7(4).

period specified in sub-paragraph (a), to which is added any such continuous period during which he is not providing dental services.”; and

(b) after paragraph 31E (as inserted by paragraph (a) above insert—

“Quality assurance system

31F.—(1) A dentist shall establish, and operate in accordance with this paragraph, a practice based quality assurance system which is applicable to all the persons specified in sub-paragraph (2).

(2) The specified persons are—

- (a) the dentist,
- (b) any other dentist either employed by him or engaged as a deputy, and
- (c) any employee of the dentist other than one falling within sub-paragraph (b) above.

(3) A dentist shall ensure that in respect of his practice based quality assurance system, he has specified a person (who need not be connected with the dentist’s practice) to be responsible for operating that system.

(4) A dentist shall ensure that in respect of his practice based quality assurance system, there is displayed in a prominent position in his practice premises, in a part to which patients have access, a written statement of his commitment to the matters referred to in sub-paragraph (5).

(5) In this paragraph and in paragraph 31G “a practice based quality assurance system” means one which comprises—

- (a) a system to ensure that all dental care provided is of a consistent quality,
- (b) a system to ensure that effective measures of infection control are used,
- (c) a system to ensure that all legal requirements relating to health and safety in the workplace are satisfied,
- (d) a system to ensure that all legal requirements relating to radiological protection are satisfied, and
- (e) a system to ensure that any requirements of the General Dental Council in respect of the continuing professional development of dentists are satisfied.

Quality assurance system return

31G.—(1) Subject to sub-paragraph (3), a dentist whose name is included in the dental list shall provide to the Health Authority by the 30th June each year a written return which states—

- (a) whether there has been compliance with all the systems specified in paragraph 31F(5) in respect of the period of 12 months ending on the 31st March of that year, and
- (b) whether any changes to his practice or procedures have occurred as a result of the operation of the practice based quality assurance system and if so, the nature of those changes.

(2) Where a dentist practises in partnership with one or more dentists whose names are included in the dental list, the information referred to in sub-paragraph (1) shall be provided in respect of the partnership as a whole instead of by each dentist individually.

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

(3) The return to be provided by 30th June 2002 shall relate to the period from 1st September 2001 to 31st March 2002.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

17th July 2001

Dafydd Elis Thomas
The Presiding Officer of the Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The Regulations amend regulation 19(1) of the principal Regulations so that the entry for the subject matter for determination VIII, “Continuing professional development allowances” is substituted for “Postgraduate education allowances” and a new determination X is added, the subject matter of which is “Clinical audit allowances”.

The Regulations further amend Schedule 1 to the principal Regulations which sets out the terms of service applicable to dentists who are on a Health Authority’s dental list. Three new terms of service are added so that a dentist must undertake, over successive three year periods, 15 hours of activities involving clinical audit, establish and operate a practice based quality assurance system and make an annual return to the Health Authority in respect of that system.