
WELSH STATUTORY INSTRUMENTS

2001 No. 4000 (W.328)

NATIONAL HEALTH SERVICE, WALES

**The National Health Service (General Dental Services)
(Amendment) (No.3) (Wales) Regulations 2001**

Made - - - - 13th December 2001

Coming into force - - 31st December 2001

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 15(1), 35(1), 36(1) and (3) 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.3) (Wales) Regulations 2001 and shall come into force on 31st December 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) are 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.1993/2209](#), [1995/3092](#), [1996/704](#), [1998/1648](#), [2000/3118 \(W.197\)](#), [2001/1359 \(W.87\)](#), [2133 \(W.148\)](#) and [2706 \(W.226\)](#).

Amendment of regulation 2 of the principal Regulations

3. Regulation 2(1) of the principal Regulations (interpretation) is amended as follows—
 - (a) the definition of “general anaesthesia list” is omitted;
 - (b) in the definition of “treatment” the words “general anaesthesia and” are deleted.

Amendment of regulation 4 of the principal Regulations

4. Regulation 4 of the principal Regulations (dental list) is amended as follows—
 - (a) at the end of paragraph 2(b)(ii) the word “and” is inserted;
 - (b) at the end of paragraph 2(b)(iii) the word “and” is deleted;
 - (c) paragraph 2(b)(iv) is omitted.

Amendment of regulation 5D of the principal Regulations

5. Regulation 5D of the principal Regulations (general anaesthesia list) is omitted.

Amendment of regulation 5E of the principal Regulation

6. Regulation 5E of the principal Regulations (removal from or amendment of the general anaesthesia list) is omitted.

Amendment of Schedule 1 to the principal Regulations

7.—(1) Schedule 1 to the principal Regulations (terms of service for dentists) is amended in accordance with the following provisions of this regulation.

(2) In paragraph 4(3)(g) (a continuing care arrangement) the words “ general anaesthesia or” are deleted.

(3) In paragraph 16 (3)(c) (mixing of general dental services and private care treatment) the words “ in which case the treatment shall be provided wholly under general dental services or wholly privately” are deleted.

(4) Paragraph 17 (occasional treatment) is amended as follows—

- (a) in sub-paragraph 2(c) the words “ except that, where a general anaesthetic is used, there shall be no limit as to the number of deciduous teeth that may be extracted” are deleted;
- (b) sub-paragraph (2)(p) is omitted.

(5) For paragraph 21 (general anaesthesia and sedation) there is substituted—

“Sedation

21.—(1) Where a dentist undertakes, in the course of providing general dental services, any procedure for which sedation of the patient is necessary he shall remain with the patient, and arrange for another person with suitable training and experience to remain with the patient, throughout the procedure.

(2) In this paragraph “a person with suitable training and experience” means a person who has received such training and experience as to be capable of assisting the dentist in monitoring the clinical condition of the patient and in the event of an emergency.”.

(6) Paragraph 33A (premises: general anaesthesia) is omitted.

(7) Paragraph 40 (general anaesthetics) is omitted.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

13th December 2001

D. Elis-Thomas
The Presiding Officer of the Assembly

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations (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 amendments made by these Regulations remove the availability of treatment under general anaesthesia from general dental services.