

WELSH STATUTORY INSTRUMENTS

2017 No. 201 (W. 56)

PUBLIC HEALTH, WALES

The Registration of Private Dentistry (Wales) Regulations 2017

<i>Made</i>	- - - -	23 February 2017
<i>Laid before the National Assembly for Wales</i>	- -	27 February 2017
<i>Coming into force</i>	- -	1 April 2017

The Welsh Ministers, in exercise of powers conferred by sections 12(2), 14(1)(d), 15(3), 16(1), 25(1) and 118(5) to (7) of the Care Standards Act 2000⁽¹⁾ hereby make the following Regulations⁽²⁾.

PROSPECTIVE

PART 1

General

Title, commencement and application

1. The title of these Regulations is the Registration of Private Dentistry (Wales) Regulations 2017 and they come into force on 1 April 2017.
2. These Regulations apply in relation to Wales.

Commencement Information

- I1 Reg. 1 in force at 1.4.2017, see [reg. 1](#)
- I2 Reg. 2 in force at 1.4.2017, see [reg. 1](#)

Interpretation

- 3.—(1) In these Regulations—

(1) 2000 c. 14. The power conferred on the National Assembly for Wales to make regulations under the Act transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). See the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017 (S.I. 2017/200 (W.55)) for the extension of the application of relevant regulation making powers in Part 2 of the Act to private dental practices.

(2) See section 121(1) of the Act for the definitions of “prescribed” and “regulations”.

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Registration of Private Dentistry (Wales) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“the Act” (“*y Ddeddf*”) means the Care Standards Act 2000 and, with respect to Part 2 of that Act, means that Part as applied with modifications to private dental practices by the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017 and by regulation 39 of the Private Dentistry (Wales) Regulations 2017;

“the 2017 Regulations” (“*Rheoliadau 2017*”) means the Private Dentistry (Wales) Regulations 2017⁽³⁾;

“applicant” (“*ceisydd*”) means the person seeking to be registered;

“appropriate office of the registration authority” (“*swyddfa briodol yr awdurdod cofrestru*”) in relation to a private dental practice—

- (a) if an office has been specified under regulation 3(2) of the Private Dentistry (Wales) Regulations 2017, that office;
- (b) in any other case, any office of the registration authority;

“dental care professional” (“*proffesiynolyn gofal deintyddol*”) means—

- (a) a dental hygienist;
- (b) a dental therapist; or
- (c) a clinical dental technician;

“dental hygienist” (“*hyleneydd deintyddol*”), “dental therapist” (“*therapydd deintyddol*”) and “clinical dental technician” (“*technegydd deintyddol clinigol*”) mean persons registered as such with the General Dental Council in the dental care professionals register established under section 36B of the Dentists Act 1984⁽⁴⁾;

“dental performers list” (“*rhestr perfformwyr deintyddol*”) means the list prepared by a Local Health Board or the National Health Service Commissioning Board and published pursuant to regulation 3(1)(b) of the National Health Service (Performers Lists) (Wales) Regulations 2004⁽⁵⁾ or regulations under section 106 of the National Health Service Act 2006⁽⁶⁾ as appropriate;

“dental services” (“*gwasanaethau deintyddol*”) means dental care and treatment provided by a dentist;

“dentist” (“*deintydd*”) means a person registered in the dentist’s register kept in accordance with section 14 of the Dentists Act 1984;

“exposure-prone procedures” (“*triniaethau a all arwain at gysylltiad*”) for the purposes of these Regulations refers to invasive procedures where there is a risk that injury to the dentist or dental care professional may result in the exposure of a patient’s open tissue to the blood of the dentist or dental care professional;

“holding company” (“*cwmni daliannol*”) has the meaning given to it by section 1159 of the Companies Act 2006⁽⁷⁾;

“insurance” (“*yswiriant*”) means—

- (a) a contract of insurance providing cover for liabilities which may be incurred in carrying out work as a dentist or dental care professional, or
- (b) an arrangement made for the purposes of indemnifying a person against such liabilities;

⁽³⁾ S.I. 2017/202 (W.57).

⁽⁴⁾ 1984 c. 24.

⁽⁵⁾ S.I. 2004/1020 (W. 117).

⁽⁶⁾ 2006 c. 41.

⁽⁷⁾ 2006 c. 46.

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“organisation” (“*sefydliad*”) means a body corporate or any unincorporated association other than a partnership;

“private dental practice” (“*practis deintyddol preifat*”)(8) means an undertaking which consists or includes the provision of—

- (a) private dental services by a dentist, or
- (b) relevant professional services by a dental care professional, otherwise than for the purposes of the National Health Service (Wales) Act 2006(9);

“professional registration number” (“*rhif cofrestru proffesiynol*”) means the number against the person’s name in the dentists register kept in accordance with section 14 of the Dentists Act 1984;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010(10);

“registered manager” (“*rheolwr cofrestredig*”) means a person who is registered under Part 2 of the Act as the manager of a private dental practice;

“registered person” (“*person cofrestredig*”) means a person who is the registered provider or the registered manager of a private dental practice;

“registered provider” (“*darparwr cofrestredig*”) means a person who is registered under Part 2 of the Act as the person carrying on a private dental practice;

“registration” (“*cofrestriad*”, “*cofrestru*”) means registration under Part 2 of the Act;

“relevant professional services” (“*gwasanaethau proffesiynol perthnasol*”) means the provision of professional services in accordance with the full scope of practice of a dental care professional, otherwise than in accordance with prescription from a dentist but does not include—

- (a) the provision of tooth whitening services by a dental hygienist or a dental therapist, and
- (b) the provision and maintenance of dentures for dentate patients(11) by a clinical dental technician;

“responsible individual” (“*unigolyn cyfrifol*”) means an individual who is a director, manager, secretary, or other officer of an organisation and is responsible for supervising the management of a private dental practice;

“responsible person” (“*person cyfrifol*”) means—

- (a) where the applicant is an individual—
 - (i) the applicant; and
 - (ii) if the applicant carries on or intends to carry on the private dental practice in partnership with others, each partner of the applicant;
- (b) where the applicant is a partnership, each member of the partnership;
- (c) where the applicant is an organisation, the responsible individual;

“statement of purpose” (“*datganiad o ddiben*”) means the written statement compiled in accordance with regulation 5(1) of the Private Dentistry (Wales) Regulations 2017;

“subsidiary” (“*is-gwmni*”) has the meaning given to it by section 1159 of the Companies Act 2006.

(8) See regulation 4 of the Private Dentistry (Wales) Regulations 2017 for undertakings which are not private dental practices.

(9) 2006 c. 42.

(10) 2010 c. 15.

(11) A clinical dental technician may only provide the full range of services via direct access arrangements for edentulous patients.

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(2) In these Regulations, references to a private dental practice, are to be construed as references—

- (a) in the case of an applicant, to the private dental practice in respect of which the applicant is seeking to be registered;
- (b) in the case of a registered person, the private dental practice in respect of which the applicant is registered.

Commencement Information

I3 Reg. 3 in force at 1.4.2017, see [reg. 1](#)

PART 2

Applications for Registration Under Part 2 of the Act

Information and documents to be provided by an applicant

4.—(1) An application for registration must—

- (a) be in writing on a form approved by the registration authority;
- (b) be sent or delivered to the appropriate office of the registration authority;
- (c) be accompanied by a recent photograph of the responsible person, of whom the photograph must be a true likeness; and
- (d) give the information that the applicant is required to provide in accordance with paragraphs (2) to (4).

(2) A person who is seeking to be registered as a person who carries on a private dental practice must provide to the registration authority—

- (a) full information in respect of matters listed in Parts 1 and 2 of Schedule 1; and
- (b) the documents listed in Schedule 2.

(3) A person who is seeking to be registered as a manager in respect of a private dental practice must provide to the registration authority—

- (a) full information in respect of each of the matters listed in Part 1 of Schedule 3; and
- (b) the documents listed in Part 2 of that Schedule.

(4) If the registration authority so requests, the applicant must provide full information to the registration authority in respect of the matters listed in Part 3 of Schedule 1 in relation to any person specified for this purpose by the registration authority, who works, or intends to work, at the private dental practice.

Commencement Information

I4 Reg. 4 in force at 1.4.2017, see [reg. 1](#)

Convictions

5. Where the registration authority asks the responsible person for details of any criminal convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act

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1974⁽¹²⁾ and informs him or her at the time the question is asked that by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975⁽¹³⁾ spent convictions (except where they are protected convictions as described in article 2A of that Order) are to be disclosed, the responsible person must supply in writing to the registration authority details of any spent convictions that the responsible person has.

Commencement Information

I5 Reg. 5 in force at 1.4.2017, see [reg. 1](#)

Interview

6. If the registration authority so requests, the responsible person must attend an interview for the purpose of enabling the registration authority to determine whether the applicant is fit to carry on or manage the private dental practice in respect of which the applicant seeks to be registered⁽¹⁴⁾.

Commencement Information

I6 Reg. 6 in force at 1.4.2017, see [reg. 1](#)

Notice of changes

7. The applicant must give notice in writing to the registration authority of any change specified below which occurs after the application for registration occurs and before it is determined—

- (a) any change of the name or address of the applicant or any responsible person;
- (b) where the applicant is an organisation, any change of director, manager, secretary or other person responsible for supervising the management of the organisation.

Commencement Information

I7 Reg. 7 in force at 1.4.2017, see [reg. 1](#)

Information as to staff engaged after application made

8. Where the applicant applies for registration as a person who carries on a private dental practice, and before the application is determined, engages a person to work at the private dental practice, the applicant must, in respect of each person so engaged—

- (a) obtain the information specified in paragraphs 18 (information about staff) and 19 (further information about staff) of Schedule 1 and the documents specified in paragraph 9 (criminal record certificates) of Schedule 2, in relation to the position in which the person is to work; and
- (b) provide to the registration authority, if it so requests, any of the information or documents which the applicant is required to obtain under paragraph (a).

⁽¹²⁾ 1974 c. 53.

⁽¹³⁾ S.I. 1975/1023.

⁽¹⁴⁾ For the requirements as to fitness see regulations 9 and 11 of the Private Dentistry (Wales) Regulations 2017 (S.I. 2017/202 (W.57)).

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Commencement Information

18 Reg. 8 in force at 1.4.2017, see [reg. 1](#)

PART 3

Certificates of Registration

Contents of certificate

9. A certificate of registration must contain the following particulars—
- (a) the name, address and telephone number of the appropriate office of the registration authority;
 - (b) the name and address of the registered provider;
 - (c) where the person is an organisation, the name of the responsible individual;
 - (d) the name of the registered manager;
 - (e) the description of the private dental practice;
 - (f) where the registration is subject to conditions, details of the condition;
 - (g) the date of registration;
 - (h) a statement that if a private dental practice is not carried on in accordance with the relevant requirements and any conditions, the registration is liable to be cancelled by the registration authority;
 - (i) a statement that the certificate relates only to the person to whom it is issued by the registration authority and is not capable of being transferred to another person.

Commencement Information

19 Reg. 9 in force at 1.4.2017, see [reg. 1](#)

Return of certificate

10. If the registration of a person in respect of a private dental practice is cancelled, that person must, not later than the day on which the decision or order cancelling the registration takes effect, return the certificate of registration to the registration authority by—

- (a) delivering it to the appropriate office of the registration authority; or
- (b) sending it to the appropriate office of registration authority by registered post or recorded delivery.

Commencement Information

110 Reg. 10 in force at 1.4.2017, see [reg. 1](#)

Offence

11. A failure to comply with regulation 10 is an offence.

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Commencement Information

I11 Reg. 11 in force at 1.4.2017, see [reg. 1](#)

PART 4

Conditions and Reports

Application for variation or removal of a condition

12.—(1) In this regulation—

“application” (“*cais*”) means an application by the registered person under section 15(1)(a) of the Act for the variation or removal of a condition in relation to that person’s registration; and

“proposed effective date” (“*dyddiad effeithiol arfaethedig*”) means the date requested by the registered person as the date on which the variation or removal applied for is to take effect.

(2) An application must be—

- (a) made in writing on a form approved by the registration authority;
- (b) sent or delivered to the registration authority not less than six weeks before the proposed effective date or such shorter period (if any) before that date as may be agreed with the registration authority;
- (c) accompanied by the information specified in paragraph (3); and
- (d) accompanied by the fee prescribed in the 2017 Regulations.

(3) The following information is specified—

- (a) the proposed effective date;
- (b) the registered person’s reasons for making the application;
- (c) details of changes that the registered person proposes to make as a consequence of the variation or removal applied for, including details of—
 - (i) proposed structural changes to the premises;
 - (ii) additional staff, facilities or equipment, changes in management or any other changes that are required to ensure that the proposed changes are carried into effect.

(4) The registered person must provide the registration authority with any other documents or information that the registration authority may reasonably require in relation to the application.

Commencement Information

I12 Reg. 12 in force at 1.4.2017, see [reg. 1](#)

Report as to financial viability

13. If it appears to the registered person that the private dental practice is likely to cease to be financially viable at any time within the following 6 months, the registered person must give a report to the registration authority of the relevant circumstances.

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Commencement Information

I13 Reg. 13 in force at 1.4.2017, see [reg. 1](#)

PART 5

Cancellation of Registration

Cancellation of registration

14.—(1) For the purposes of section 14(1)(d) of the Act, the ground on which the registration authority may cancel the registration of a person in respect of a private dental practice is specified in paragraph (2).

(2) The ground referred to in paragraph (1) is that the private dental practice has ceased to be financially viable or is likely to cease to be so at any time within the next 6 months.

Commencement Information

I14 Reg. 14 in force at 1.4.2017, see [reg. 1](#)

Application for cancellation of registration

15.—(1) In this regulation—

“application for cancellation” (“*cais i ganslo*”) means an application by the registered person under section 15(1)(b) of the Act for the cancellation of that person’s registration;

“notice of application for cancellation” (“*hysbysiad o gais i ganslo*”) means a notice by the registered person stating that the registered person has made, or intends to make, an application for cancellation; and

“proposed effective date” (“*dyddiad effeithiol arfaethedig*”) means the date requested by the registered person as the date on which the cancellation applied for is to take effect.

(2) An application for cancellation must be—

- (a) in writing on a form approved by the registration authority;
- (b) sent or delivered to the registration authority not less than 3 months before the proposed effective date or such shorter period (if any) before that date as may be agreed with the registration authority; and
- (c) accompanied by the information specified in paragraph (4).

(3) If the registered person makes an application for cancellation the registered person must, not more than seven days thereafter, give notice of the application for cancellation to each of the persons specified in paragraph (4)(d), other than a person to whom the registered person has given such notice within 3 months before making the application for cancellation.

(4) The following information is specified—

- (a) the proposed effective date;
- (b) a statement as to the information provided by the registered person to patients about similar dental practices in their area;
- (c) the registered person’s reasons for making the application for cancellation;

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- (d) particulars of any notice of application for cancellation that has been given to any of the following persons—
 - (i) patients; and
 - (ii) persons who appear to the registered person to be representatives of service users;
- (e) where the registered person has not given the notice referred to in sub-paragraph (d), a statement as to whether there were any circumstances which prevented the registered person from giving, or made it impracticable for that person to give, such notice before the date on which the registered person applied for cancellation.

Commencement Information

I15 Reg. 15 in force at 1.4.2017, see [reg. 1](#)

23 February 2017

Vaughan Gething
Cabinet Secretary for Health, Well-being and
Sport, one of the Welsh Ministers

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PROSPECTIVE

SCHEDULES

SCHEDULE 1

Regulations 4 and 8

Information to be Supplied on an Application for Registration as a Person Who Carries on a Private Dental Practice

PART 1

Information about the applicant

1. Where the applicant is an individual—
 - (a) the responsible person's full name, date of birth, current address, telephone number and electronic mail address (if any);
 - (b) details of the responsible person's professional or technical qualifications and experience of carrying on a private dental practice, so far as such qualifications and experience are relevant to providing services for persons to whom services are to be provided at the private dental practice;
 - (c) details of the responsible person's employment history, including the name and address of their present employer and of any previous employers;
 - (d) details of any business the responsible person carries on or has carried on;
 - (e) details of any other site or sites in respect of which the responsible person carries on or has carried on a private dental practice;
 - (f) the names and addresses of two referees—
 - (i) who are not relatives of the responsible person;
 - (ii) each of whom is able to provide a reference as to the responsible person's competence to carry on a private dental practice of the same description as the private dental practice; and
 - (iii) one of whom has employed the responsible person for a period of at least 3 months, but the requirement for the name and address of a referee who has employed the responsible person for a period of at least 3 months does not apply where it is impracticable to obtain a reference from a person who fulfils that requirement;
 - (g) if the responsible person is a dentist or dental care professional—
 - (i) the responsible person's professional registration number; and
 - (ii) details of any conditions imposed on the responsible person's professional registration or inclusion on a dental performers list;
 - (h) if the applicant intends to carry on the private dental practice in partnership with others, the information specified in sub-paragraphs (a) to (g) of this paragraph in relation to each partner of the applicant.

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Commencement Information

I16 Sch. 1 para. 1 in force at 1.4.2017, see [reg. 1](#)

2. Where the applicant is a partnership—
- (a) the name and address of the partnership;
 - (b) in relation to each member of the partnership, the information specified in paragraph 1(a) to (g).

Commencement Information

I17 Sch. 1 para. 2 in force at 1.4.2017, see [reg. 1](#)

3. Where the applicant is an organisation—
- (a) the name of the organisation and the address of the registered office or principal office of the organisation;
 - (b) the responsible person's full name, date of birth, current address and telephone number;
 - (c) details of the responsible person's professional or technical qualifications and experience of carrying on a private dental practice, so far as such qualifications and experience are relevant to providing services for persons for whom services are to be provided by the private dental practice;
 - (d) if the organisation is a subsidiary of a holding company, the name and address of the registered or principal office of the holding company and of any other subsidiary of that holding company.

Commencement Information

I18 Sch. 1 para. 3 in force at 1.4.2017, see [reg. 1](#)

4. In every case—
- (a) a statement as to whether the responsible person has been adjudged bankrupt, is a person in respect of whom a debt relief order has been made or sequestration of his estate has been ordered, or whether the responsible person has made a composition or arrangement with, or granted a trust deed for, their creditors;
 - (b) a statement as to the applicant's ability to ensure the financial viability of the private dental practice for the purpose of achieving the aims and objectives of the private dental practice set out in its statement of purpose.

Commencement Information

I19 Sch. 1 para. 4 in force at 1.4.2017, see [reg. 1](#)

Commencement Information

I16 Sch. 1 para. 1 in force at 1.4.2017, see [reg. 1](#)

I17 Sch. 1 para. 2 in force at 1.4.2017, see [reg. 1](#)

I18 Sch. 1 para. 3 in force at 1.4.2017, see [reg. 1](#)

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I19 Sch. 1 para. 4 in force at 1.4.2017, see [reg. 1](#)

PART 2

Information about the private dental practice

5. The name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of the private dental practice.

Commencement Information

I20 Sch. 1 para. 5 in force at 1.4.2017, see [reg. 1](#)

6. Where the private dental practice is being operated from more than one site, the name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of each site.

Commencement Information

I21 Sch. 1 para. 6 in force at 1.4.2017, see [reg. 1](#)

7. The description of the private dental practice in respect of which the applicant seeks to be registered.

Commencement Information

I22 Sch. 1 para. 7 in force at 1.4.2017, see [reg. 1](#)

8. The statement of purpose of the private dental practice.

Commencement Information

I23 Sch. 1 para. 8 in force at 1.4.2017, see [reg. 1](#)

9. A statement as to the facilities and services which are to be provided by the private dental practice including the extent of such facilities and services.

Commencement Information

I24 Sch. 1 para. 9 in force at 1.4.2017, see [reg. 1](#)

10. The date on which the private dental practice was established or is proposed to be established.

Commencement Information

I25 Sch. 1 para. 10 in force at 1.4.2017, see [reg. 1](#)

11. Details of indicative charges payable by the service users.

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Commencement Information

I26 Sch. 1 para. 11 in force at 1.4.2017, see [reg. 1](#)

12. In respect of the premises to be used by a private dental practice, a description of the premises, including a statement as to whether the premises are purpose-built or have been converted for use as a private dental practice.

Commencement Information

I27 Sch. 1 para. 12 in force at 1.4.2017, see [reg. 1](#)

13. In respect of the premises to be used by a private dental practice, a statement as to whether, at the date the application is made, the premises are capable of being used for the purposes in paragraph 14 without the need for planning permission, building works, or conversion of the premises and, if the premises are not capable of such use at the date the application is made, details of the permission, works or conversion needed.

Commencement Information

I28 Sch. 1 para. 13 in force at 1.4.2017, see [reg. 1](#)

14. The purposes referred to in paragraph 13 are—

- (a) achieving the aims and objectives set out in the statement of purpose of the private dental practice; and
- (b) providing facilities and services in accordance with the statement referred to in paragraph 9.

Commencement Information

I29 Sch. 1 para. 14 in force at 1.4.2017, see [reg. 1](#)

15. A statement as to the security arrangements, including arrangements for the purposes of—

- (a) safeguarding access to information held by the private dental practice; and
- (b) restricting access from adjacent premises or, when the premises form part of a building, from other parts of the building.

Commencement Information

I30 Sch. 1 para. 15 in force at 1.4.2017, see [reg. 1](#)

16. The name and address of any other private dental practice, which the applicant has or has had a business or financial interest, or at which the applicant is or has been employed, and details of such interest or employment.

Commencement Information

I31 Sch. 1 para. 16 in force at 1.4.2017, see [reg. 1](#)

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17. Whether any other business is or will be carried on in the same premises as those of the private dental practice and, if so, details of that business.

Commencement Information

I32 Sch. 1 para. 17 in force at 1.4.2017, see [reg. 1](#)

18. Details of any Class 3B or Class 4 laser products⁽¹⁵⁾ that will be used to provide dental treatment to patients including whether the required professional protocol has been drawn up and the appropriate training undertaken.

Commencement Information

I33 Sch. 1 para. 18 in force at 1.4.2017, see [reg. 1](#)

Commencement Information

- I20 Sch. 1 para. 5 in force at 1.4.2017, see [reg. 1](#)
- I21 Sch. 1 para. 6 in force at 1.4.2017, see [reg. 1](#)
- I22 Sch. 1 para. 7 in force at 1.4.2017, see [reg. 1](#)
- I23 Sch. 1 para. 8 in force at 1.4.2017, see [reg. 1](#)
- I24 Sch. 1 para. 9 in force at 1.4.2017, see [reg. 1](#)
- I25 Sch. 1 para. 10 in force at 1.4.2017, see [reg. 1](#)
- I26 Sch. 1 para. 11 in force at 1.4.2017, see [reg. 1](#)
- I27 Sch. 1 para. 12 in force at 1.4.2017, see [reg. 1](#)
- I28 Sch. 1 para. 13 in force at 1.4.2017, see [reg. 1](#)
- I29 Sch. 1 para. 14 in force at 1.4.2017, see [reg. 1](#)
- I30 Sch. 1 para. 15 in force at 1.4.2017, see [reg. 1](#)
- I31 Sch. 1 para. 16 in force at 1.4.2017, see [reg. 1](#)
- I32 Sch. 1 para. 17 in force at 1.4.2017, see [reg. 1](#)
- I33 Sch. 1 para. 18 in force at 1.4.2017, see [reg. 1](#)

Information about staff posts

19. A list of staff posts at the private dental practice and the duties and responsibilities attaching to each post.

Commencement Information

I34 Sch. 1 para. 19 in force at 1.4.2017, see [reg. 1](#)

(15) For the meaning of Class 3B or Class 4 laser product see Part 1 of British Standard EN 60825 – 1 (Radiation safety of laser products and systems). Copies can be obtained from BS1 Customer Services, 389 Chiswick High Road, London W4 4AL.

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PART 3

Further information about staff

20. In respect of any person, other than the applicant, who works at, or is intended to work at the private dental practice—

- (a) if he or she is a relative of any person who has made an application in respect of the private dental practice, his or her relationship to such person;
- (b) information as to the person's qualifications, experience and skill in so far as is relevant to the work that the person is to perform;
- (c) a statement by the applicant that he or she is satisfied as to the authenticity of the qualifications, and has verified the experience and skills that are referred in subparagraph (c);
- (d) a statement as to—
 - (i) the suitability of the person's qualifications for the work that the person is to perform;
 - (ii) whether the person has the skills necessary for such work;
 - (iii) the person's fitness to work, and have regular contact, with service users;
- (e) a statement by the person as to the state of his or her physical and mental health;
- (f) a statement by the applicant as to whether he or she is satisfied as to the person's identity, the means by which the applicant so satisfied himself or herself and whether the applicant has obtained a copy of the person's birth certificate;
- (g) confirmation by the applicant that he or she has a recent photograph of the person;
- (h) a statement by the applicant that he or she has obtained two references relating to the person and that the applicant is satisfied as to the authenticity of those references;
- (i) details of any criminal offences of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974 and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, and, in relation to each such offence, a statement by the person—
 - (i) as to whether in his or her view the offence is relevant to his or her suitability to care for, train, supervise or be in sole charge of any person and, if so,
 - (ii) as to why he or she considers that he or she is suitable to perform the work in which he or she is to be employed;
- (j) details of any criminal offences in respect of which he or she has been cautioned by a constable and which, at the time the caution was given, he or she admitted;
- (k) confirmation by the applicant that the person has had standard health checks and, where the person will be performing exposure-prone procedures, additional health checks;
- (l) if the person is a dentist or dental care professional, a statement that the person—
 - (i) is registered with the General Dental Council; and
 - (ii) has a certificate of indemnity cover which provides the person with cover in respect of liabilities that may be incurred in carrying out the person's services.

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Commencement Information

I35 Sch. 1 para. 20 in force at 1.4.2017, see [reg. 1](#)

SCHEDULE 2

Regulations 4 and 8

Documents to be Supplied on an Application for Registration
as a Person who Carries on a Private Dental Practice

Documents concerning applicant

1. The responsible person's birth certificate.

Commencement Information

I36 Sch. 2 para. 1 in force at 1.4.2017, see [reg. 1](#)

2. Certificates or other suitable evidence relating to the responsible person's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the private dental practice.

Commencement Information

I37 Sch. 2 para. 2 in force at 1.4.2017, see [reg. 1](#)

3. A statement by the responsible person as to the state of their physical and mental health.

Commencement Information

I38 Sch. 2 para. 3 in force at 1.4.2017, see [reg. 1](#)

4. In relation to the responsible person, an enhanced criminal record certificate issued under section 113B of the Police Act 1997⁽¹⁶⁾ which includes, as applicable, suitability information relating to vulnerable adults (as defined in section 113BB of that Act) or suitability information relating to children (as defined in section 113BA of that Act) or both, in respect of which less than three years has lapsed.

Commencement Information

I39 Sch. 2 para. 4 in force at 1.4.2017, see [reg. 1](#)

5. Where the applicant is a body corporate, a copy of each of its last two annual reports.

Commencement Information

I40 Sch. 2 para. 5 in force at 1.4.2017, see [reg. 1](#)

(16) 1997 c. 50.

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6. Where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company.

Commencement Information

I41 Sch. 2 para. 6 in force at 1.4.2017, see [reg. 1](#)

7. The last annual accounts (if any) of the private dental practice.

Commencement Information

I42 Sch. 2 para. 7 in force at 1.4.2017, see [reg. 1](#)

8. A certificate of insurance for the applicant in respect of liability which may be incurred by the applicant in relation to the private dental practice in respect of death, injury, public liability, damage or other loss.

Commencement Information

I43 Sch. 2 para. 8 in force at 1.4.2017, see [reg. 1](#)

Commencement Information

I36 Sch. 2 para. 1 in force at 1.4.2017, see [reg. 1](#)

I37 Sch. 2 para. 2 in force at 1.4.2017, see [reg. 1](#)

I38 Sch. 2 para. 3 in force at 1.4.2017, see [reg. 1](#)

I39 Sch. 2 para. 4 in force at 1.4.2017, see [reg. 1](#)

I40 Sch. 2 para. 5 in force at 1.4.2017, see [reg. 1](#)

I41 Sch. 2 para. 6 in force at 1.4.2017, see [reg. 1](#)

I42 Sch. 2 para. 7 in force at 1.4.2017, see [reg. 1](#)

I43 Sch. 2 para. 8 in force at 1.4.2017, see [reg. 1](#)

Criminal record certificates in respect of staff

9.—(1) A statement confirming that—

(a) the documents specified in sub-paragraph (2) have been issued—

(i) in the case of any applicant, to every person, other than the applicant, who works, or is intended to work, for the purposes of the private dental practice; and

(ii) where the applicant is an organisation, to the responsible individual; and

(b) the applicant will make the documents available for inspection by the registration authority if the registration authority so requires.

(2) The following documents are specified—

(a) where the position falls within regulation 5A(a) of the Police Act 1997 (Criminal Records) Regulations 2002 an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (as defined in section 113BB of that Act) or suitability information relating to children (as defined in section 113BA of that Act), or both, in respect of which less than three years has lapsed; or

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- (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997 in respect of which less than three years has lapsed.

Commencement Information

I44 Sch. 2 para. 9 in force at 1.4.2017, see [reg. 1](#)

SCHEDULE 3

Regulation 4

Information and Documents to be Supplied on an Application
for Registration as the Manager of a Private Dental Practice

PART 1

Information

1. The applicant's full name, date of birth, current address, telephone number and electronic mail address (if any).

Commencement Information

I45 Sch. 3 para. 1 in force at 1.4.2017, see [reg. 1](#)

2. Details of the applicant's professional or technical qualifications, and experience of managing a private dental practice, so far as such qualifications and experience are relevant to providing services for persons for whom services are to be provided at the private dental practice.

Commencement Information

I46 Sch. 3 para. 2 in force at 1.4.2017, see [reg. 1](#)

3. Details of the applicant's professional training relevant to carrying on or managing a private dental practice.

Commencement Information

I47 Sch. 3 para. 3 in force at 1.4.2017, see [reg. 1](#)

4. Details of the applicant's employment history, including the name and address of their present employer and of any previous employers.

Commencement Information

I48 Sch. 3 para. 4 in force at 1.4.2017, see [reg. 1](#)

5. Details of any business the applicant carries on or manages or has carried on or managed.

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Commencement Information

I49 Sch. 3 para. 5 in force at 1.4.2017, see [reg. 1](#)

6.—(1) The name and addresses of two referees—

- (a) who are not relatives of the applicant;
- (b) each of whom is able to provide a reference as to the applicant’s competence to manage private dental practice of the same description as the private dental practice; and
- (c) one of whom has employed the applicant for a period of at least 3 months.

(2) The requirement for the name and address of a referee who has employed the applicant for a period of at least 3 months must not apply where it is impracticable to obtain a reference from a person who fulfils that requirement.

Commencement Information

I50 Sch. 3 para. 6 in force at 1.4.2017, see [reg. 1](#)

7. The name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of the private dental practice.

Commencement Information

I51 Sch. 3 para. 7 in force at 1.4.2017, see [reg. 1](#)

8. If the applicant is a dentist or dental care professional—

- (a) the responsible person’s professional registration number; and
- (b) details of any conditions imposed on the responsible person’s professional registration or inclusion on a dental performers list.

Commencement Information

I52 Sch. 3 para. 8 in force at 1.4.2017, see [reg. 1](#)

Commencement Information

I45 Sch. 3 para. 1 in force at 1.4.2017, see [reg. 1](#)

I46 Sch. 3 para. 2 in force at 1.4.2017, see [reg. 1](#)

I47 Sch. 3 para. 3 in force at 1.4.2017, see [reg. 1](#)

I48 Sch. 3 para. 4 in force at 1.4.2017, see [reg. 1](#)

I49 Sch. 3 para. 5 in force at 1.4.2017, see [reg. 1](#)

I50 Sch. 3 para. 6 in force at 1.4.2017, see [reg. 1](#)

I51 Sch. 3 para. 7 in force at 1.4.2017, see [reg. 1](#)

I52 Sch. 3 para. 8 in force at 1.4.2017, see [reg. 1](#)

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PART 2

Documents

9. The applicant's birth certificate.

Commencement Information

I53 Sch. 3 para. 9 in force at 1.4.2017, see [reg. 1](#)

10. Certificates or other suitable evidence relating to the applicant's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the private dental practice.

Commencement Information

I54 Sch. 3 para. 10 in force at 1.4.2017, see [reg. 1](#)

11. A statement by the applicant as to the state of their physical and mental health.

Commencement Information

I55 Sch. 3 para. 11 in force at 1.4.2017, see [reg. 1](#)

12. An enhanced criminal record certificate issued under section 113B of the Police Act 1997 and, as applicable, suitability information relating to vulnerable adults (as defined in section 113BB of that Act) or suitability information relating to children (as defined in section 113BA of that Act) or both, in respect of which less than three years has lapsed.

Commencement Information

I56 Sch. 3 para. 12 in force at 1.4.2017, see [reg. 1](#)

Commencement Information

I53 Sch. 3 para. 9 in force at 1.4.2017, see [reg. 1](#)
I54 Sch. 3 para. 10 in force at 1.4.2017, see [reg. 1](#)
I55 Sch. 3 para. 11 in force at 1.4.2017, see [reg. 1](#)
I56 Sch. 3 para. 12 in force at 1.4.2017, see [reg. 1](#)

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PROSPECTIVE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply to Wales. Part 2 of the Act provides for the registration and inspection of establishments and agencies by the registration authority (the Welsh Ministers). Part 2 of the Act also provides powers for the Welsh Ministers to make regulations governing the conduct of establishments and agencies.

Section 42 of the Act makes provision, through regulations, for the application of Part 2 of the Act (with such modifications as may be specified) in respect of persons who carry on or manage the provision of services that are not specified in that Act.

The Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017 have been made under the power in section 42 of the Act to provide that the regulation making powers in Part 2 of the Act apply, with the modifications set out in those Regulations, in respect of private dental practices.

These Regulations make provision in relation to the registration of private dental practices.

Under Part 2 of the Act, the Welsh Ministers have the function of granting or refusing applications for registration under the Act. They may grant registration subject to conditions and may vary or remove any condition or impose an additional condition. They also have power to cancel registration.

Regulations 4 to 15 make provision in relation to registration under Part 2 of the Act.

Regulations 4 and 5 of, and Schedules 1 to 3 to, these Regulations specify the information and documents that are to be provided by an applicant for registration.

Regulation 6 requires the responsible person to attend an interview. Regulations 7 and 8 require the applicant to give notice of certain changes that take place, or details of staff engaged, after the application for registration is made and before it is determined.

Regulation 9 specifies the particulars that any certificate of registration is to contain.

Regulation 10 requires a person who is registered in respect of an establishment to return the certificate to the registration authority if the registration is cancelled. Failure to comply with that requirement is an offence under regulation 11.

Regulation 12 makes provision in respect of an application by the registered person to apply for the variation or removal of a condition in relation to his or her registration.

Regulation 13 requires the registered person to report the relevant circumstances to the registration authority if it appears that the private dental practice is likely to cease to be financially viable.

Regulation 14 specifies a ground on which the registration authority may cancel a person’s registration. Other grounds on which registration may be cancelled are specified by section 14 of the Act.

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Regulation 15 provides for the registered person to apply for his or her registration to be cancelled.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Changes and effects yet to be applied to :

- Sch. 1 para. 1 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 1 para. 2 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 1 para. 3 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 1 para. 4 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 1 para. 5 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 1 para. 6 coming into force by [S.I. 2017/201 reg. 1](#)
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- Sch. 1 para. 18 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 1 para. 19 coming into force by [S.I. 2017/201 reg. 1](#)
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- Sch. 2 para. 1 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 2 para. 2 coming into force by [S.I. 2017/201 reg. 1](#)
- Sch. 2 para. 3 coming into force by [S.I. 2017/201 reg. 1](#)
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- Sch. 3 para. 3 coming into force by [S.I. 2017/201 reg. 1](#)
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- Sch. 3 para. 12 coming into force by [S.I. 2017/201 reg. 1](#)
- reg. 1 coming into force by [S.I. 2017/201 reg. 1](#)
- reg. 2 coming into force by [S.I. 2017/201 reg. 1](#)
- reg. 3 coming into force by [S.I. 2017/201 reg. 1](#)
- reg. 3(1) words substituted by [S.I. 2023/1071 reg. 88\(2\)](#) (Amendment to English text only)

- reg. 3(1) words substituted by [S.I. 2023/1071 reg. 89\(2\)](#) (Amendment to Welsh text only)
- reg. 4 coming into force by [S.I. 2017/201 reg. 1](#)
- reg. 5 coming into force by [S.I. 2017/201 reg. 1](#)
- reg. 6 coming into force by [S.I. 2017/201 reg. 1](#)
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