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WELSH STATUTORY INSTRUMENTS

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**2006 No. 488**

**The General Dental Services and Personal Dental Services Transitional Provisions (Wales) Order 2006**

**PART 1**

GENERAL

**Title, commencement and application**

1.—(1) The title of this Order is the General Dental Services and Personal Dental Services Transitional Provisions (Wales) Order 2006 which comes into force on 3 March 2006.

(2) This Order applies in relation to Wales.

**Interpretation**

2.—(1) In this Order—

“the 1977 Act” means the National Health Service Act 1977<sup>(1)</sup>;

“the 1990 Act” means the National Health Service Act 1990<sup>(2)</sup>;

“the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003;

“the 1992 Regulations” means the National Health Service (General Dental Services) Regulations 1992<sup>(3)</sup>;

“capitation arrangement” means an arrangement made under paragraph 5 of Schedule 1 to the 1992 Regulations;

“care and treatment” means—

(a) all proper and necessary care which a dentist usually undertakes for a patient and which the patient is willing to undergo, including advice, planning of treatment and preventive care; and

(b) treatment;

“course of treatment” has the meaning given to it in the GDS Contracts Regulations;

“dental list” means the list of dental practitioners undertaking to provide general dental services for persons in its area that is or was kept by a Local Health Board under section 36(1)(a) of the 1977 Act (regulations as to section 35)<sup>(4)</sup>;

“dental performers list” means a list of dental practitioners prepared in accordance with the Performers List Regulations;

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(1) 1977 c. 49.

(2) 1990 c. 19.

(3) S.I.1992/661.

(4) Section 36(1)(a) was substituted by the National Health Service Reform and Health Care Professions Act 2002 (“the 2002 Act”), Schedule 2, paragraph 10(1) and (2).

“Dentists Act” means the Dentists Act 1984<sup>(5)</sup>;

“Dentists Register” means the register kept by the General Dental Council under section 14 of the Dentists Act (the dentists register and the registrar);

“GDS Contracts Regulations” means the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006<sup>(6)</sup>;

“general dental services contract” means a contract under section 28K of the 1977 Act (general dental services contracts)<sup>(7)</sup>;

“mandatory services” has the meaning given to it in the GDS Contracts Regulations;

“NHS Charges Regulations” means the National Health Service (Dental Charges) (Wales) Regulations 2006<sup>(8)</sup>;

“orthodontic course of treatment” has the meaning given to it in the GDS Contracts Regulations;

“PDS Agreements Regulations” means the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006<sup>(9)</sup>;

“PDS Directions” means the Directions to Health Authorities concerning the implementation of pilot schemes (personal dental services)<sup>(10)</sup>;

“Performers Lists Regulations” means the National Health Service (Performers Lists) (Wales) Regulations 2004<sup>(11)</sup>;

“personal dental services agreement” means an agreement for primary dental services under section 28C of the 1977 Act (personal medical or dental services)<sup>(12)</sup>;

“pilot dentist” means, in relation to a particular pilot scheme agreement, a dentist who performs dental services by giving care and treatment in connection with that pilot scheme;

“pilot scheme agreement” means an agreement made under Part 1 of the National Health Service (Primary Care) Act 1997<sup>(13)</sup>;

“pilot scheme provider” means the person or persons, other than a Local Health Board, who provide personal dental services under a pilot scheme agreement and who is a party or are parties to that agreement;

“relevant service” means—

- (a) whole-time service in the armed forces of the Crown in a national emergency either as a volunteer or otherwise;
- (b) compulsory whole-time service in those forces, including service resulting from any reserve liability; or
- (c) any equivalent service by a person liable for compulsory whole-time service in those forces;

“SDR” means the Statement of Dental Remuneration determined and published by the National Assembly for Wales under regulation 19 of the 1992 Regulations, as that statement has or had effect on 31 March 2006;

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(5) 1984 c. 24; as amended by S.Is 2001/3926 and 2005/2011.

(6) S.I.2006/490 (W.59).

(7) Section 28K was inserted into the 1977 Act by section 172(1) of the 2003 Act.

(8) S.I. 2006/491 (W.60).

(9) S.I 2006/489 (W.58).

(10) The Directions were made in August 1998.

(11) S.I. 2004/1020 (W.117) as amended by S.I. 2005/258 (W.24).

(12) Section 28C was inserted into the 1977 Act by section 21(1) of the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”).

(13) 1997 c. 46.

“section 35 arrangements” means arrangements made under section 35 of the 1977 Act (arrangements for general dental services); and

“treatment” in respect of a period before 1 April 2006, will have the same meaning as in regulation 2 of the 1992 Regulations.

(2) In this Order, the use of the term “it” in relation to the contractor will be deemed to include a reference to a contractor that is an individual dental practitioner or two or more individuals practising in partnership and related expressions will be construed accordingly.