
WELSH STATUTORY INSTRUMENTS

2006 No. 946

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

PART 2

**TRANSITIONAL PROVISIONS IN RESPECT OF GENERAL
DENTAL SERVICES PROVIDED BEFORE 1 APRIL 2006**

Recovery of Overpayments

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(1) Where, before 1 April 2006, a dental practitioner had admitted an overpayment drawn to its attention by a Local Health Board or the Board under regulation 22 of the 1992 Regulations (recovery of overpayments) but the overpayment, or any part of it, had not been recovered, the amount overpaid, or any part of it not recovered before 1 April 2006, will notwithstanding the revocation of the 1992 Regulations continue to be recoverable by that Local Health Board and will be treated as a debt owed by that dental practitioner to that Local Health Board.

(2) Notwithstanding the revocation of the 1992 Regulations, where a Local Health Board considers that a payment has been made to a dental practitioner under the SDR when it was not due and that alleged overpayment has not been drawn to the dental practitioner's attention by the Board or the Local Health Board before 1 April 2006, that Local Health Board may draw the overpayment to the attention of the dental practitioner and—

- (a) where the overpayment is admitted by him or her, the Local Health Board may recover the amount overpaid from him or her as a civil debt; and
- (b) where the overpayment is not admitted by him or her—
 - (i) the arrangements for appeals referred to in regulation 22(1)(b) of the 1992 Regulations as in force on 31 March 2006, as those arrangements had effect on 31 March 2006, will apply,
 - (ii) if he or she does not appeal or appeals unsuccessfully, the Local Health Board may recover the amount of the civil debt.

(3) Where, before 1 April 2006, a Local Health Board has drawn a possible overpayment under the SDR to the attention of a dental practitioner, and the overpayment has not been admitted by him or her, then notwithstanding the revocation of the 1992 Regulations—

- (a) the arrangements for appeals referred in regulation 22(1)(b) of the 1992 Regulations as in force on 31 March 2006, as those arrangements had effect on 31 March 2006, will apply; and
- (b) if he or she has not appealed or does not appeal, or is unsuccessful in an appeal, the Local Health Board may recover the amount as a civil debt.