
WELSH STATUTORY INSTRUMENTS

2006 No. 946

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

PART 5

**TRANSITIONAL PROVISIONS IN RESPECT OF GENERAL
DENTAL SERVICES AND PERSONAL DENTAL SERVICES**

Functions in respect of general dental services

38. –

(1) Subject to paragraph (3), the functions of the Board under the 1992 Regulations which are specified in paragraph (2) will be exercisable by the NHS Business Services Authority in respect of general dental services provided before 1 April 2006.

(2) The specified functions referred to in paragraph (1) are—

- (a) the approval and making of payments under regulation 20;
- (b) the recovery of overpayments under regulation 22;
- (c) the making of any payments under regulation 26(7);
- (d) the consideration of overpayments, notification of overpayments and recovery of such overpayments under regulation 28;
- (e) the payments to dentists suspended by Local Health Boards under regulation 28B;
- (f) complying with the request from the Local Health Board for a written statement in accordance with regulation 30A(5) of the 1992 Regulations and any steps in the appeal which the Board may have taken before 1 April 2006; and
- (g) the authority to request any records, forms, radiographs, photographs and study models under paragraph 25(3) of Schedule 1 to the 1992 Regulations.

(3) Notwithstanding the revocation of the 1992 Regulations, for the purposes of the NHS Business Services Authority exercising the functions of the Board, the provisions specified in paragraph (2) will continue to have effect as on 31 March 2006 and references to the Board in those provisions will be read as a reference to the NHS Business Services Authority.

Appeals from decisions of the Board

39. –

(1) Notwithstanding the revocation of the 1992 Regulations and subject to the following paragraphs, regulation 30A of the 1992 Regulations⁽¹⁾ will continue to have effect in respect—

- (a) of a person who is aggrieved by a decision of—
 - (i) the Board made before 1 April 2006, or

(1) Regulation 30A is inserted by regulation 4 of [S.I. 1996/704](#).

- (ii) the NHS Business Services Authority made after 31 March 2006, in respect of the treatment or intended treatment of a patient as part of general dental services before 1 April 2006;
- (b) a dentist who is aggrieved by a decision of—
 - (i) the Board made before 1 April 2006, or
 - (ii) the NHS Business Services Authority made after 31 March 2006, concerning fees payable to him or her in respect of the provision or intended provision of general dental services before 1 April 2006.
- (2) In a case where paragraph (1) applies—
 - (a) the reference in regulation 30A(1) to (3), (6), (10) and (11) of the 1992 Regulations to the Board will be read as if it were a reference to the Board or the NHS Business Services Authority; and
 - (b) the reference in regulation 30A(5), (8), (9) and (14) of the 1992 Regulations to the Board will be read as if it were a reference to the NHS Business Services Authority.

Local Dental Committees in respect of appeals

40. Where—

- (a) a Local Dental Committee is to be consulted after 1 April 2006 in accordance with regulation 30A(6)(a) of the 1992 Regulations; or
- (b) a Local Dental Committee is to make a nomination to a panel after 1 April 2006 in accordance with regulation 30A(7) of the 1992 Regulations,

the Local Dental Committee that is recognised by a Local Health Board pursuant to section 45B of the 1977 Act will be the Committee to be consulted or to make the nomination for the purpose of the continuing application of regulation 30A(6) and (7) of the 1992 Regulations.

Functions of the Board in respect of personal dental services

41. –

(1) In respect of the provision of personal dental services on or before 31 March 2006, the functions of the Board which are exercisable as a consequence of—

- (a) regulation 2 (information, statistics, reports etc);
- (b) regulation 4 (overpayments); or
- (c) regulation 5 (superannuation),

of the Dental Practice Board (Personal Dental Services) Regulations 1998⁽²⁾ and article 28, notwithstanding the revocation of those Regulations, are to be exercised by the NHS Business Services Authority in accordance with those Regulations and the Directions to the Dental Practice Board Concerning Functions relating to Personal Dental Services Pilot Schemes⁽³⁾ as they had effect on 31 March 2006 and as if the reference in those Regulations and Directions to the Board were a reference to the NHS Business Services Authority.

(2) For the purposes of paragraph (1), regulation 6 of the Dental Practice Board (Personal Dental Services) Regulations 1998 (monitoring dental treatment) will, notwithstanding the revocation of those Regulations, continue to have effect in respect of treatment or a description of treatment carried

(2) [S.I 1998/2223](#).

(3) The Directions to the Dental Practice Board Concerning Functions Relating To Personal Dental Services Pilot Schemes were made on 11 September 1998.

out on or before 31 March 2006 as if the reference to the Board in that regulation were a reference to the NHS Business Services Authority.

(3) The ancillary functions which relate to the functions specified in paragraph (1) and which are referred to in, or are a consequence of, directions 14(b), 17, 23(a) and 25(b) of, and paragraph 12 of Schedule 1 to, the PDS Directions will be exercisable by the NHS Business Services Authority.

(4) In relation to the terms of a pilot scheme agreement which give effect to the directions mentioned in paragraph (3), any reference to the Board in that agreement will be read as a reference to the NHS Business Services Authority for the purposes of the exercise of functions by that Authority.