
WELSH STATUTORY INSTRUMENTS

2017 No. 201

The Registration of Private Dentistry (Wales) Regulations 2017

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.

Interpretation

3.—(1) In these Regulations—

“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(1);

“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(2);

“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

(1) S.I. 2017/202 (W.57).
(2) 1984 c. 24.

2004(3) or regulations under section 106 of the National Health Service Act 2006(4) 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(5);

“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;

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

“private dental practice” (“*practis deintyddol preifaf*”)(6) 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(7);

“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(8);

“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

(3) S.I. 2004/1020 (W. 117).

(4) 2006 c. 41.

(5) 2006 c. 46.

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

(7) 2006 c. 42.

(8) 2010 c. 15.

- (b) the provision and maintenance of dentures for dentate patients⁽⁹⁾ 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.

(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.

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

⁽⁹⁾ A clinical dental technician may only provide the full range of services via direct access arrangements for edentulous patients.

(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.

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 1974⁽¹⁰⁾ 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⁽¹¹⁾ 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.

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⁽¹²⁾.

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.

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).

(10) 1974 c. 53.

(11) S.I. 1975/1023.

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

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.

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.

Offence

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

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.

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.

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.

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;
 - (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.

23 February 2017

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Sport, one of the Welsh Ministers