WELSH STATUTORY INSTRUMENTS

2008 No. 1976 (W.185)

PUBLIC HEALTH, WALES

The Private Dentistry (Wales) Regulations 2008

Made - - - -	*23 July 2008*
Laid before the National Assembly for Wales - -	*24 July 2008*
Coming into force - -	*1 January 2009*

The Welsh Ministers, having consulted such persons as they consider appropriate(**1**), make the following Regulations in exercise of the powers conferred upon them by Sections 12(2), 14(1)(d), 15(3), 16(1), 16(3) 22(1), 22(2)(a), (c) and (d), 25(1), 42(1) and 118(5) to (7) of the Care Standards Act 2000(**2**).

PART I —
GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Private Dentistry (Wales) Regulations 2008 and they come into force on 1 January 2009.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations —

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

"appropriate office of the registration authority" ("*swyddfa briodol yr awdurdod cofrestru*") means in relation to a provider of dental services —

(**1**) See section 22(9) of the Care Standards Act 2000 for the requirement to consult.

(**2**) 2000 c. 14. The powers are conferred upon the "appropriate Minister". "Appropriate Minister" means the Assembly in relation to Wales: see section 121(1) of the Act. The powers are transferred to the Welsh Ministers by paragraph 30 of schedule 11 to the Government of Wales Act 2006 (c. 32). Section 42(1) of the Act provides that regulations may apply the provisions of Part II of the Act to persons prescribed by those regulations. By virtue of regulation 3 (made under s.42(1) of, and Schedule 1 to, these Regulations, the persons prescribed in regulation 3(1) are made subject to the relevant provisions of Part II of the Act.

(a) if an office of the registration authority has been specified under regulation 20 that office; or

(b) in any other case, any office of the registration authority;

"complaints procedure" ("*yr weithdrefn gwynion*") must be construed in accordance with regulation 15;

"dental performers list" ("*rhestr performwyr deintyddol*") means the list prepared by a Local Health Board or Primary Care Trust and published pursuant to regulation 3(1)(b) of the National Health Service (Performers Lists) (Wales) Regulations 2004(**3**) or regulation 3(1)(b) of the National Health Service (Performers Lists) Regulations 2004(**4**) as appropriate;

"dental services" ("*gwasanaethau deintyddol*") means any dental treatment provided by a dentist;

"dentist" ("*deintydd*") means a person registered under the Dentists Act 1984;

"dentists register" ("*cofrestr deintyddion*") means the register referred to in section 14(1) of the Dentists Act;

"insurance" ("*yswiriant*") means —

(a) a contract of insurance providing cover for liabilities which may be incurred in carrying out work as a dentist or clinical dental technician, or

(b) an arrangement made for the purpose of indemnifying a person against such liabilities;

"list of visiting EEA practitioners" ("*rhestr o ymarferwyr AEE sy'n ymweld*") means the list prepared by the General Dental Council of visiting EEA practitioners working on a temporary and occasional basis;

"private dental services" ("*gwasanaethau deintyddol preifat*") means dental services not provided under the National Health Service (Wales) Act 2006(**5**);

"patient" ("*claf*") means a person to whom dental services are provided;

"private dentistry" ("*deintyddiaeth breifat*") means dental services provided otherwise than for the purposes of the National Health Service;

"professional registration number" ("*rhif cofrestriad proffesiynol*") means the number against the person's name in the dentists register;

"registered person" ("*person cofrestredig*") means a person who is registered as a provider of dental services;

"working day" ("*diwrnod gwaith*") means a day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**6**).

(2) In these Regulations a reference —

(a) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;

(b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;

(c) in a paragraph to a letter or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that number or letter.

(**3**) S.I.2004/1020 (W.117).
(**4**) S.I. 2004/585.
(**5**) 2006 c. 42.
(**6**) 1971 c. 80.

(3) In Schedule 1, a reference to Part II of the Act is to Part II of the Act as applied by regulation 3 and Schedule I.

Prescribed persons

3.—(1) A dentist who provides any dental service otherwise than in pursuance of the National Health Service (Wales) Act 2006 is hereby prescribed for the purposes of section 42(1) of the Act.

(2) Part II of the Act applies to persons prescribed in paragraph (1) in accordance with Schedule 1 and with the modification specified in regulation 4.

Modification of section 28 of the Act (failure to display certificate of registration)

4. Section 28(1) has effect as if it read:

"A certificate of registration issued under this Part in respect of a person who provides private dental services must be kept affixed in a conspicuous place where such services are provided."

PART II

APPLICATIONS FOR REGISTRATION

Information and documents to be provided by an applicant

5.—(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 applicant, of whom the photograph shall be a true likeness;

(d) give the information or be accompanied by the documents that the applicant is required to provide in accordance with paragraph (2), (3) or (4); and

(e) be accompanied by a fee of £50 in respect of each applicant.

(2) Subject to paragraphs (3) and (4) a person who is seeking to be registered as a person who provides dental services privately must provide to the registration authority full information listed in sub-paragraphs (a) to (k) and (m) —

(a) the applicant's full name, date of birth, home address and telephone number and an address (which may be the home address) at which the dentist may be contacted by patients;

(b) chronological details of the applicant's professional experience, both before and after graduation, so far as relevant to the provision of dental services including periods of self employment, dates of all posts held, the reason for leaving each post and explanation for any gap between posts;

(c) the name and addresses of two referees —

(i) who are not relatives of the applicant;

(ii) each of whom is able to provide a reference as to the applicant's competence to provide dental services; and

(iii) each of whom is able to provide a reference which relates to a recent period of employment or post of at least 3 months;

but in respect of each referee where the registration authority is satisfied that it is not practicable to obtain a reference from a person who fulfils the requirement in sub-paragraph (iii), a full explanation and the name and address of an alternative referee who does not meet those requirements;

(d) a declaration that he or she is included in either the dentists register or list of visiting EEA practitioners;

(e) either his or her professional registration number and date of first registration or a visiting EEA Dentist Certificate;

(f) a certificate of insurance for the applicant in respect of liability which may be incurred by him or her in relation to the provision of dental services in respect of death, injury, public liability, damage or other loss;

(g) his or her professional qualifications and where they were obtained, with evidence concerning his or her qualifications and experience;

(h) the applicant's birth certificate or, if the applicant was born outside the United Kingdom, his or her passport;

(i) where the applicant is not a national of an EEA state evidence of the applicant's proficiency in the English language to a level necessary for the provision of dental services;

(j) an enhanced criminal records certificate —

(i) which has been issued under section 115 of the Police Act 1997(**7**); and

(ii) the application for which was countersigned by the registration authority;

(k) a statement by the applicant that they are complying with and will continue to comply with, these Regulations in relation to the provision of dental services;

(l) a statement by the applicant that they are currently on a dental performers list and the name and address of the Local Health Board or Primary Care Trust that has published that list;

(m) details of any condition imposed on his or her professional registration or inclusion on a dental performers list.

(3) A person who is seeking to be registered as a person who provides dental services privately and who is currently on an NHS dental performers list must provide to the registration authority full information listed in paragraphs (a), (k), (l) and (m).

(4) A person who falls within paragraph (3) but in respect of whom an enhanced criminal record certificate has not been obtained in connection with inclusion in that dental performers list must in addition provide the information listed in (j).

Convictions

6. Where the registration authority asks the applicant for details of any criminal convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(**8**) 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(**9**) spent convictions are to be disclosed, the applicant must supply in writing to the registration authority details of any spent convictions that he or she has.

(**7**) 1997 c. 50.
(**8**) 1974 c. 53.
(**9**) S.I. 1975/1023.

Notice of changes

7. The applicant must give notice in writing to the registration authority of any change of the name or address of the applicant which occurs after the application for registration is made and before it is determined.

PART III

CERTIFICATES OF REGISTRATION

Contents of certificate

8. 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 of and the address at which the person who has been registered to provide dental services may be contacted by patients;

(c) where the registration is subject to any condition, details of that condition;

(d) the date of registration;

(e) except where the registered person is on the list of visiting EEA practitioners the registered person's professional registration number;

(f) any number allocated to the registration by the registration authority.

Return of certificate

9. If the registration of a person to provide dental services is cancelled, the 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 said office by registered post or recorded delivery.

Application for variation or removal of a condition

10.—(1) In this regulation —

"application" 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 registration;

"proposed effective date" 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 —

(a) be made in writing;

(b) be sent or delivered to the appropriate office of the registration authority not less than six weeks before the proposed effective date or such shorter period before that date as may be agreed with the registration authority;

(c) specify the nature of the application and the applicant's reasons for making it;

(d) specify the effective date;

(e) be accompanied by a fee of £50.