WELSH STATUTORY INSTRUMENTS

2003 No. 138 (W.10)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Dental Services) and (Dental Charges) (Amendment) (Wales) Regulations 2003

Made - - - -	*28th January 2003*
Coming into force - -	*1st February 2003*

The National Assembly for Wales in exercise of the powers conferred upon it by sections 15(1), 35(1), 36(1), 79(1), 79A and 126(4) of the National Health Service Act 1977(**1**) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) and (Dental Charges) (Amendment) (Wales) Regulations 2003 and shall come into force on 1st February 2003.

(2) In these Regulations —

"the 1992 Regulations" ("*Rheoliadau 1992*") means the National Health Service (General Dental Services) Regulations 1992(**2**);

"the 1989 Regulations" ("*Rheoliadau 1989*") means the National Health Service (Dental Charges) Regulations 1989(**3**).

(3) These Regulations shall apply to Wales only.

(**1**) 1977 c. 49 ("the 1977 Act"); *see* section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 26(2)(g) and (i) for the definitions of "prescribed" and "regulations". Section 15(1) was amended by the 1990 Act, section 12(1)(b) and by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), section 2(1) and Schedule 1, paragraph 6. Section 35(1) was substituted by S.I. 1985/39, article 7(9), and amended by the 1995 Act, section 2(1) and Schedule 1, paragraph 24. Section 36(1) was so numbered by the Health and Social Security Act 1984 (c. 48), section 5(4) and Schedule 3, paragraph 5 and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1984/39, article 7(10); by the Health and Medicines Act 1988 (c. 49) ("the 1988 Act"), section 25 and Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, section 2 and Schedule 1, paragraph 25(a). Sections 79(1) and 79A were inserted by the 1988 Act, section 11(3). Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 9) ("the 1999 Act"), section 65(1) and Schedule 4, paragraph 37. The functions of the Secretary of State under sections 15(1), 35(1), 36(1), 79(1), 79A and 126(4) of the 1977 Act are transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, article 2, as amended by section 66(5) of the 1999 Act.

(**2**) S.I. 1992/661; relevant amending instruments are S.I. 1992/1509 and 2001/2706 and 4000.

(**3**) S.I. 1989/394; relevant amending instruments are S.I. 1998/2221 and 2001/1359.

Amendment of regulation 9 of the 1992 Regulations

2. In regulation 9 of the 1992 Regulations (removal from dental list on grounds of age) —

(a) for paragraph (1) substitute —

"(1) A Health Authority shall, on 1st April in 2003 and in each successive year thereafter, remove from the dental list the name of any dentist included in the list who has attained the age of 70 years, during the period of 12 months ending on the 1st April in that year.";

(b) omit paragraph (2);

(c) for the words "paragraph (1) or (2)" in each place where they appear in paragraphs (3) and (4) substitute the words "paragraph (1)".

Amendment of Schedule 1 to the 1992 Regulations

3. In Schedule 1 to the 1992 Regulations (terms of service for dentists), for paragraph 17 (occasional treatment) substitute —

"**17.**—(1) Whether or not a patient has entered into a continuing care arrangement or capitation arrangement with another dentist, a dentist who is not acting on behalf of that dentist may provide any of the items listed in sub-paragraph (2) as occasional treatment.

(2) For the purposes of sub-paragraph (1) the listed items are —

(a) the assessment of, and giving of advice to, a patient,

(b) the issuing of a prescription,

(c) a radiographic examination and radiological report,

(d) the dressing of deciduous or permanent teeth and other palliative treatment,

(e) the repair and fixing of inlays, crowns and bridges,

(f) the extraction of deciduous or permanent teeth,

(g) the provision of post-operative care,

(h) the provision of sedation,

(i) the provision, replacement, repair or alteration of dentures or other dental appliances,

(j) urgent treatment for acute conditions of the gingivae or oral mucosa, including treatment for pericoronitits or for ulcers and herpetic lesions, and any necessary oral hygiene instruction in connection with such treatment,

(k) any treatment immediately necessary as a result of trauma,

(l) domiciliary visits and recalled attendance,

(m) conservative treatment of permanent or retained deciduous teeth, by way of fillings or root fillings, and

(n) in respect of patients under 18, conservative treatment of deciduous teeth.

(3) Where the dentist, due to any cause beyond his control, is unable to complete a course of occasional treatment which he has commenced, the dentist shall forthwith notify the Board in writing of the extent of the occasional treatment he has provided and the reason why he is unable to complete the remainder of the treatment.

(4) Subject to sub-paragraphs (5) and (6), where a dentist has provided conservative treatment by way of any filling or root filling in accordance with sub-paragraph 2(m), the dentist shall repair or replace the filling in question at no charge to the patient.