
WELSH STATUTORY INSTRUMENTS

2001 No. 1359 (W.87)

NATIONAL HEALTH SERVICE, WALES

**The National Health Service (General Dental Services) and
(Dental Charges) (Amendment) (Wales) Regulations 2001**

Made - - - - *29th March 2001*

Coming into force - - *1st April 2001*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 1(2), 35(1), 36(1), 78, 79A, 83A, 126(4) of and paragraph 3(2) of Schedule 12 to the National Health Service Act 1977 (1) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1. These Regulations may be cited as the National Health Service (General Dental Services) and (Dental Charges) (Amendment) (Wales) Regulations 2001 and shall come into force on 1st April 2001.

(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).

(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 35(1) was substituted by S.I.1985/39, article 7(9), and amended by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 24.

Section 36(1) was so numbered by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 5(1) 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”), Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, Schedule 1, paragraph 25(a).

Section 78 was amended by sections 11, 25 of and Schedule 2, paragraph 25 to the 1988 Act.

Section 79A was inserted by the 1988 Act, section 11(3).

Section 83A was inserted by the Social Security Act 1988 (c. 7); and amended by the 1988 Act, section 25 and Schedule 2, paragraph 6; by the 1990 Act, section 66 and Schedule 9; by the 1995 Act, section 2 and Schedule 1 and by S.I.1998/2835, article 2.

Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 9) (“the 1999 Act”), Schedule 4, paragraph 37(6).

The functions of the Secretary of State under sections 1(2), 35(1), 36(1), 78, 79A, 83A, 126(4) and paragraph 3(2) of Schedule 12 to 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 and Schedule 1, as amended by section 66(5) of the 1999 Act.

(2) S.I.1992/661; relevant amending instruments are S.I.1992/1509 and 1998/1648.

(3) S.I.1989/394; relevant amending instruments are S.I.1991/581 and 1998/2221.

(3) These Regulations shall apply to Wales only.

Amendment of Schedule 4 to the 1992 Regulations

2. In Part II of Schedule 4 to the 1992 Regulations (prior approval treatment), in each of paragraphs 1 and 2, for “£230” substitute “£260”.

Amendment of regulation 3 of the 1989 Regulations

3.—(1) Regulation 3 of the 1989 Regulations is amended in accordance with the following provisions.

(2) After paragraph 2(e) add—

“(f) Subject to regulation 5A, the clinical examination and any report on that examination where, on the day upon which the examination is performed the patient—

- (i) is under the age of 25 years; or
- (ii) has attained the age of 60 years.”

Amendment of regulation 5 of the 1989 Regulations

4.—(1) After regulation 5 of the 1989 Regulations insert the following new regulation—

“Conditions of entitlement under regulation 3(2)(f)

5A.—(1) It is a condition of entitlement under regulation 3(2)(f) that—

- (a) a written declaration, on a form provided for that purpose by the National Assembly for Wales, shall be made to the effect that the patient is, on the day upon which the examination takes place, within one of the categories specified in regulation 3(2)(f); and
- (b) where the National Assembly for Wales so requires, evidence of entitlement shall be supplied by or on behalf of the patient.

(2) The declaration referred to in paragraph (1)(a) shall be made by the patient for whom the examination will be provided, except that where the application is made by another person on the patient’s behalf, it shall be made instead by that person.

(3) In this regulation “evidence of entitlement” means the patient’s birth certificate.

(4) Nothing in paragraphs (1)(b) or (3) prevents the National Assembly for Wales from accepting evidence other than that referred to in paragraph (3) as a means of establishing that a patient is within one of the categories referred to in regulation 3(2)(f).”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (a) 1998(4)

29th March 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 (“the 1992 Regulations”) and the National Health Service (Dental Charges) Regulations 1989 (“the 1989 Regulations”).

The 1992 Regulations regulate the terms on which general dental services are provided under the National Health Service Act 1977. The 1989 Regulations contain provisions as to the charges made for general dental services

Regulation 2 amends Schedule 4 to the 1992 Regulations to increase (from £230 to £260) the amount specified therein as the maximum cost, or likely cost, of care and treatment which a dentist may undertake without seeking the prior approval of the Dental Practice Board.

Regulation 3 extends regulation 3 of and adds a new Regulation 5A to the 1989 Regulations so that, subject to a declaration of entitlement being made in the form prescribed, persons under the age of 25 years and those who have attained the age of 60 years will be entitled to receive free dental examinations, where the examination is provided on or after the 1st April 2001.