



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1359 (Cy.87)

2001 No. 1359 (W.87)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Gwasanaethau
Deintyddol Cyffredinol) a (Ffioedd
Deintyddol) (Diwygio)
(Cymru) 2001

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

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio ymhellach Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) 1992 ("Rheoliadau 1992") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Deintyddol) 1989 ("Rheoliadau 1989").

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").

Mae Rheoliadau 1992 yn rheoleiddio'r telerau y mae gwasanaethau deintyddol cyffredinol yn cael eu darparu odanynt o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977. Mae Rheoliadau 1989 yn cynnwys darpariaethau ynghylch y ffioedd a godir am wasanaethau deintyddol cyffredinol

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

Mae Rheoliad 2 yn diwygio Atodlen 4 i Reoliadau 1992 er mwyn cynyddu'r swm a bennir ynddi fel cost uchaf, neu gost debygol, y gofal a'r driniaeth y caiff deintydd ymgymryd â hwy heb ofyn am gymeradwyaeth ymlaen llaw gan y Bwrdd Ymarfer Deintyddol (o £230 i £260).

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.

Mae Rheoliad 3 yn estyn rheoliad 3 o Reoliadau 1989 ac yn ychwanegu Rheoliad 5A newydd iddynt fel y bydd gan bersonau o dan 25 oed a'r rhai sydd wedi cyrraedd 60 oed hawl i gael archwiliadau deintyddol yn rhad ac am ddim, os caiff yr archwiliad ei roi ar neu ar ôl 1 Ebrill 2001, cyhyd ag y caiff datganiad o'r hawl ei wneud ar y ffurf a ragnodir.

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.

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The National Health Service
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*Wedi'u gwneud**29 Mawrth 2001**Made**29th March 2001**Yn dod i rym**1 Ebrill 2001**Coming into force**1st April 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 1(2), 35(1), 36(1), 78, 79A, 83A, 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) a pharagraff 3(2) o Atodlen 12 iddi drwy hyn yn gwneud y Rheoliadau canlynol:

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 (a) hereby makes the following Regulations:

(a) 1977 p. 49 ("Deddf 1977"); gweler adran 128(1), fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i) i gael y diffiniadau o "prescribed" a "regulations".

(a) 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".

Cafodd adran 35(1) ei hamnewid gan O.S. 1985/39, erthygl 7(9), a'i diwygio gan Ddeddf Awdurdodau Iechyd 1995 (p.17) ("Deddf 1995"), Atodlen 1, paragraff 24.

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.

Cafodd adran 36(1) ei rhifo felly gan Ddeddf Iechyd a Nawdd Cymdeithasol 1984 (p.48), Atodlen 3, paragraff 5(1) a'i diwygio gan O.S. 1981/432, erthygl 3(3)(a); gan O.S. 1984/39, erthygl 7(10); gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49) ("Deddf 1988"), Atodlen 2, paragraff 4; gan Ddeddf 1990, adran 24 a chan Ddeddf 1995, Atodlen 1, paragraff 25(a).

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).

Diwygiwyd adran 78 gan adrannau 11 a 25 o Ddeddf 1988 ac Atodlen 2, paragraff 25 iddi.

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

Mewnosodwyd adran 79A gan Ddeddf 1988, adran 11(3).

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

Mewnosodwyd adran 83A gan Ddeddf Nawdd Cymdeithasol 1988 (p.7); a'i diwygio gan Ddeddf 1988, adran 25 ac Atodlen 2, paragraff 6; gan Ddeddf 1990, adran 66 ac Atodlen 9; gan Ddeddf 1995, adran 2 ac Atodlen 1 a chan O.S. 1998/2835, erthygl 2.

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.

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a chan Ddeddf Iechyd 1999 (p.9) ("Deddf 1999"), Atodlen 4, paragraff 37(6).

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).

Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 1(2), 35(1), 36(1), 78, 79A, 83A a 126(4) o Ddeddf 1977, a pharagraff 3(2) o Atodlen 12 iddi eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S.1999/672, erthygl 2 ac Atodlen 1, fel y'i diwygiwyd gan adran 66(5) o Ddeddf 1999.

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.

Enwi, cychwyn, dehongli a chymhwyso

1.- Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) a (Ffioedd Deintyddol) (Diwygio) (Cymru) 2001 a deuant i rym ar 1 Ebrill 2001.

(2) Yn y Rheoliadau hyn-

ystyr "Rheoliadau 1992" ("the 1992 Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Deintyddol Cyffredinol) 1992(a);

ystyr "Rheoliadau 1989" ("the 1989 Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Deintyddol) 1989(b).

(3) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio Atodlen 4 i Reoliadau 1992

2. Yn Rhan II o Atodlen 4 i Reoliadau 1992 (triniaeth â chymeradwyaeth ymlaen llaw), ym mharagraff 1 a 2, yn lle "£230" rhowch "£260".

Diwygio rheoliad 3 o Reoliadau 1989

3. -(1) Mae rheoliad 3 o Reoliadau 1989 yn cael ei ddiwygio yn unol â'r darpariaethau canlynol.

(2) Ar ôl paragraff 2(e) ychwanegwch -

"(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."

Diwygio rheoliad 5 o Reoliadau 1989

4.--(1) Ar ôl rheoliad 5 o Reoliadau 1989 mewnosodwch y rheoliad newydd canlynol -

"5A. Conditions of entitlement under regulation 3(2)(f)

(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

(a) O.S.1992/661; yr offerynnau diwygio perthnasol yw O.S.1992/1509 a 1998/1648.

(b) S.I.1989/394; yr offerynnau diwygio perthnasol yw O.S.1991/581 a 1998/2221.

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(a);

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

(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 -

"5A. Conditions of entitlement under regulation 3(2)(f)

(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

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

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

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)."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

29 Mawrth 2001

Llywydd y Cynulliad Cenedlaethol

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(a)

29th March 2001

The Presiding Officer of the National Assembly

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