



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 200 (Cy. 55)

2017 No. 200 (W. 55)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Deddf Safonau Gofal
2000 (Estyn Cymhwysiad Rhan 2 i
Bractisau Deintyddol Preifat)
(Cymru) 2017**

**The Care Standards Act 2000
(Extension of the Application of
Part 2 to Private Dental Practices)
(Wales) Regulations 2017**

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 wedi eu gwneud o dan Ddeddf Safonau Gofal 2000 ("y Ddeddf") ac yn gymwys mewn perthynas â phersonau sy'n cynnal neu'n rheoli'r ddarpariaeth o wasanaethau deintyddol preifat gan ddeintydd, neu wasanaethau proffesiynol perthnasol gan broffesiynolyn gofal deintyddol, ac eithrio at ddibenion Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 yng Nghymru ("practis deintyddol preifat").

These Regulations are made under the Care Standards Act 2000 ("the Act") and apply in relation to persons who carry on or who manage the provision of private dental services by a dentist, or relevant professional services by a dental care professional, otherwise than for the purposes of the National Health Service (Wales) Act 2006 in Wales ("private dental practice").

Mae Rhan 2 o'r Ddeddf yn darparu ar gyfer cofrestru ac arolygu sefydliadau ac asiantaethau gan yr awdurdod cofrestru (Gweinidogion Cymru).

Part 2 of the Act provides for the registration and inspection of establishments and agencies by the registration authority (the Welsh Ministers).

Mae adran 42 o'r Ddeddf yn gwneud darpariaeth, drwy reoliadau, ar gyfer cymhwyso'r Ddeddf (gydag unrhyw addasiadau a bennir) mewn cysylltiad â chofrestru gwasanaethau eraill nad ydynt wedi eu cwmpasu ar wyneb y Ddeddf.

Section 42 of the Act makes provision, through regulations, for the application of the Act (with such modifications as may be specified) in respect of the registration of other services which are not covered on the face of the Act.

Mae'r Rheoliadau hyn yn rhagnodi person sy'n cynnal neu'n rheoli practis deintyddol preifat (fel y'i diffinnir yn rheoliad 2) at ddibenion adran 42, ac yn darparu bod y pwerau i wneud rheoliadau yn Rhan 2 o'r Ddeddf yn gymwys mewn perthynas â'r personau hynny a, phan fo'n berthnasol, gyda'r addasiadau a nodir yn yr Atodlen i'r Rheoliadau hyn.

These Regulations prescribe a person who carries on or who manages a private dental practice (as defined in regulation 2) for the purposes of section 42, and provide that the regulation making powers in Part 2 of the Act apply in relation to such persons and, where relevant, with the modifications set out in the Schedule to these Regulations.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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The Care Standards Act 2000
(Extension of the Application of
Part 2 to Private Dental Practices)
(Wales) Regulations 2017

Gwnaed 23 Chwefror 2017

Made 23 February 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 27 Chwefror 2017

Laid before the National Assembly for Wales
27 February 2017

Yn dod i rym 31 Mawrth 2017

Coming into force 31 March 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 42(1) o Ddeddf Safonau Gofal 2000(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 42(1) of the Care Standards Act 2000(1), make the following Regulations:

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Safonau Gofal 2000 (Estyn Cymhwysiad Rhan 2 i Bractisau Deintyddol Preifat) (Cymru) 2017.

1.—(1) The title of these Regulations is the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017.

(2) Daw'r Rheoliadau hyn i rym ar 31 Mawrth 2017.

(2) These Regulations come into force on 31 March 2017.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) These Regulations apply in relation to Wales.

Dehongli

Interpretation

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “deintydd” (“*dentist*”) yw person sydd wedi ei gofrestru yn y gofrestr o ddeintyddion a gedwir yn unol ag adran 14 o Ddeddf Deintyddion 1984(2);

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

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Safonau Gofal 2000;

“dental care professional” (“*proffesiynolyn gofal deintyddol*”) means—

(a) a dental hygienist;

(b) a dental therapist; or

(1) 2000 p. 14. Trosglwyddwyd y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan Ddeddf Safonau Gofal 2000 i Weindogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) 1984 p. 24.

(1) 2000 c. 14. The power conferred on the National Assembly for Wales to make regulations under the Care Standards Act 2000 transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

ystyr “gwasanaethau deintyddol” (“*dental services*”) yw gofal a thriniaeth ddeintyddol a ddarperir gan ddeintydd;

ystyr “gwasanaethau deintyddol preifat” (“*private dental services*”) yw gwasanaethau deintyddol ac eithrio at ddibenion Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1);

ystyr “gwasanaethau proffesiynol perthnasol” (“*relevant professional services*”) yw’r ddarpariaeth o wasanaethau proffesiynol yn unol â chwmpas ymarfer llawn proffesiynolyn gofal deintyddol, ac eithrio yn unol â phresgripsiwn gan ddeintydd ond nid yw’n cynnwys—

- (a) darparu gwasanaethau gwynnu dannedd gan hylenydd deintyddol neu therapydd deintyddol, a
- (b) darparu a chynnal a chadw dannedd gosod i gleifion â dannedd(2) gan dechnegydd deintyddol clinigol;

ystyr “hylenydd deintyddol” (“*dental hygienist*”), “therapydd deintyddol” (“*dental therapist*”) a “technegydd deintyddol clinigol” (“*clinical dental technician*”) yw personau sydd wedi eu cofrestru felly â’r Cyngor Deintyddol Cyffredinol yn y gofrestr o broffesiynolion gofal deintyddol a sefydlwyd o dan adran 36B o Ddeddf Deintyddion 1984;

ystyr “*practis deintyddol preifat*” (“*private dental practice*”)(3) yw ymgymriad sy’n darparu neu’n cynnwys darparu—

- (a) gwasanaethau deintyddol preifat gan ddeintydd, neu
- (b) gwasanaethau proffesiynol perthnasol gan broffesiynolyn gofal deintyddol, ac eithrio at ddibenion Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr “proffesiynolyn gofal deintyddol” (“*dental care professional*”) yw—

- (a) hylenydd deintyddol;
- (b) therapydd deintyddol; neu
- (c) technegydd deintyddol clinigol.

(c) a clinical dental technician;

“dental hygienist” (“*hylenydd 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(1);

“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;

“private dental practice” (“*practis deintyddol preifat*”)(2) 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(3);

“private dental services” (“*gwasanaethau deintyddol preifat*”) means dental services otherwise than for the purposes of the National Health Service (Wales) Act 2006;

“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
- (b) the provision and maintenance of dentures for dentate patients(4) by a clinical dental technician.

(1) 2006 p. 42.

(2) Dim ond i gleifion diddannedd y caiff technegydd deintyddol clinigol ddarparu’r ystod lawn o wasanaethau drwy drefniadau mynediad uniongyrchol.

(3) *Gweler* rheoliad 4 o Reoliadau Deintyddiaeth Breifat (Cymru) 2017 (O.S. 2017/202 (Cy.57)) am ymgymeriadau nad ydynt yn bractisau deintyddol preifat.

(1) 1984 c. 24.

(2) *See* regulation 4 of the Private Dentistry (Wales) Regulations 2017 (S.I. 2017/202 (W.57)) for undertakings which are not private dental practices.

(3) 2006 c. 42.

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

Cymhwyso Rhan 2 o'r Ddeddf i bersonau sy'n cynnal neu'n rheoli practis deintyddol preifat

3.—(1) Mae person sy'n cynnal neu'n rheoli practis deintyddol preifat wedi ei ragnodi at ddibenion adran 42(1) o'r Ddeddf.

(2) Mae'r darpariaethau a ganlyn o Ran 2 o'r Ddeddf yn gymwys i bersonau a ragnodir gan baragraff (1) a, phan fo'n berthnasol, gyda'r addasiadau a bennir yn yr Atodlen—

- (a) adran 12(2);
- (b) adran 14(1)(d);
- (c) adran 15(3) a (5);
- (d) adran 16(1) a (3);
- (e) adran 22;
- (f) adran 23(1) i (3);
- (g) adran 25(1);
- (h) adran 30ZA;
- (i) adran 30ZB;
- (j) adran 30A(1), (3) a (4);
- (k) adran 33;
- (l) adran 34;
- (m) adran 35;
- (n) adran 36(3) a (4).

Application of Part 2 of the Act to persons carrying on or managing a private dental practice

3.—(1) A person who carries on or manages a private dental practice is prescribed for the purposes of section 42(1) of the Act.

(2) The following provisions of Part 2 of the Act apply to persons prescribed by paragraph (1) and, where relevant, with the modifications specified in the Schedule—

- (a) section 12(2);
- (b) section 14(1)(d);
- (c) section 15(3) and (5);
- (d) section 16(1) and (3);
- (e) section 22;
- (f) section 23(1) to (3);
- (g) section 25(1);
- (h) section 30ZA;
- (i) section 30ZB;
- (j) section 30A(1), (3) and (4);
- (k) section 33;
- (l) section 34;
- (m) section 35;
- (n) section 36(3) and (4).

Vaughan Gething

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru

23 Chwefror 2017

Cabinet Secretary for Health, Well-being and Sport,
one of the Welsh Ministers

23 February 2017

Addasiadau i Ran 2 o'r Ddeddf

Addasu adran 14 o'r Ddeddf

1. Yn adran 14(1) o'r Ddeddf (canslo cofrestrriad), yng ngeiriau agoriadol yr is-adran, yn lle "or agency" rhodder " , agency or private dental practice".

Addasu adran 16 o'r Ddeddf

2. Yn adran 16(1) o'r Ddeddf (rheoliadau ynghylch cofrestru), yn lle "or agencies" rhodder " , agencies or private dental practices".

Addasu adran 22 o'r Ddeddf

3. Yn adran 22 o'r Ddeddf (rheoleiddio sefydliadau ac asiantaethau)—

- (a) yn is-adran (1), yn lle "and agencies" rhodder " , agencies or private dental practices";
- (b) yn is-adran (2)—
 - (i) ym mharagraffau (a), (f), (i) a (j), yn lle "or agency" rhodder " , agency or private dental practice";
 - (ii) ym mharagraffau (b) ac (c), ar ôl "agency" ym mhob lle y mae'n digwydd mewnosoder "or private dental practice";
 - (iii) ym mharagraff (d), ar ôl "domiciliary care agency" mewnosoder " , or private dental practice";
 - (iv) ym mharagraff (g), ar ôl "agency" mewnosoder "or a private dental practice";
- (c) yn is-adran (5)(b) ac (c), ar ôl "establishment" ym mhob lle y mae'n digwydd mewnosoder "or private dental practice";
- (d) yn is-adran (7)—
 - (i) yng ngeiriau agoriadol yr is-adran, ar ôl "agencies" mewnosoder "or private dental practices";
 - (ii) ym mharagraffau (a) a (d), ar ôl "agencies" ym mhob lle y mae'n digwydd mewnosoder "or private dental practices";
 - (iii) ym mharagraffau (e), (f), (g) a (h), ar ôl "agency" ym mhob lle y mae'n digwydd mewnosoder "or private dental practice";
 - (iv) ym mharagraff (j)—

Modifications to Part 2 of the Act

Modification of section 14 of the Act

1. In section 14(1) of the Act (cancellation of registration), in the opening words of the subsection, for "or agency" substitute " , agency or private dental practice".

Modification of section 16 of the Act

2. In section 16(1) of the Act (regulations about registration), for "or agencies" substitute " , agencies or private dental practices".

Modification of section 22 of the Act

3. In section 22 of the Act (regulation of establishments and agencies)—

- (a) in subsection (1), for "and agencies" substitute " , agencies or private dental practices";
- (b) in subsection (2)—
 - (i) in paragraphs (a), (f), (i) and (j), for "or agency" substitute " , agency or private dental practice";
 - (ii) in paragraphs (b) and (c), after "agency" in each place where it occurs insert "or private dental practice";
 - (iii) in paragraph (d), after "domiciliary care agency" insert " , or private dental practice";
 - (iv) in paragraph (g), after "agency" insert "or a private dental practice";
- (c) in subsection (5)(b) and (c), after "establishment" in each place where it occurs insert "or private dental practice";
- (d) in subsection (7)—
 - (i) in the opening words of the subsection, after "agencies" insert "or private dental practices";
 - (ii) in paragraphs (a) and (d), after "agencies" in each place where it occurs insert "or private dental practices";
 - (iii) in paragraphs (e), (f), (g) and (h), after "agency" in each place where it occurs insert "or private dental practice";
 - (iv) in paragraph (j)—

- (aa) ar ôl “or agency” mewnosoder “or private dental practice”; a
- (bb) ar ôl “the agency” mewnosoder “or private dental practice”.

Addasu adran 23 o’r Ddeddf

4. Yn adran 23(1) o’r Ddeddf (safonau gofynnol cenedlaethol), ar ôl “agencies” mewnosoder “or private dental practices”.

Addasu adran 30ZA o’r Ddeddf

5. Yn adran 30ZA(2)(a) o’r Ddeddf (hysbysiadau cosb), yn lle “or agency” rhodder “, agency or private dental practice”.

Addasu adran 30A o’r Ddeddf

6. Yn adran 30A(1) o’r Ddeddf (hysbysu am faterion sy’n ymwneud â phersonau sy’n cynnal neu’n rheoli sefydliadau neu asiantaethau penodol), ar ôl “subsection (6)” mewnosoder “or a private dental practice”.

Addasu adran 33 o’r Ddeddf

7. Yn adran 33(1) o’r Ddeddf (datganiadau blynyddol), ar ôl “agency” mewnosoder “or private dental practice”.

Addasu adran 34 o’r Ddeddf

8. Yn adran 34 o’r Ddeddf (datodwyr etc.)—
- (a) yn is-adran (1)(b), ar ôl “agency” mewnosoder “or private dental practice”; a
 - (b) yn is-adran (3), ar ôl “agency” ym mhob lle y mae’n digwydd mewnosoder “or private dental practice”.

Addasu adran 35 o’r Ddeddf

9. Yn adran 35 o’r Ddeddf (marwolaeth person cofrestredig), ar ôl “agency” ym mhob lle y mae’n digwydd mewnosoder “or private dental practice”.

- (aa) after “or agency” insert “or private dental practice”; and
- (bb) after “the agency” insert “or private dental practice”.

Modification of section 23 of the Act

4. In section 23(1) of the Act (national minimum standards), after “agencies” insert “or private dental practices”.

Modification of section 30ZA of the Act

5. In section 30ZA(2)(a) of the Act (penalty notices), for “or agency” substitute “, agency or private dental practice”.

Modification of section 30A of the Act

6. In section 30A(1) of the Act (notification of matters relating to persons carrying or managing certain establishments or agencies), after “subsection (6)” insert “or a private dental practice”.

Modification of section 33 of the Act

7. In section 33(1) of the Act (annual returns), after “agency” insert “or private dental practice”.

Modification of section 34 of the Act

8. In section 34 of the Act (liquidators etc.)—
- (a) in subsection (1)(b), after “agency” insert “or private dental practice”; and
 - (b) in subsection (3), after “agency” in each place where it occurs insert “or private dental practice”.

Modification of section 35 of the Act

9. In section 35 of the Act (death of registered person), after “agency” in each place where it occurs insert “or private dental practice”.

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