
WELSH STATUTORY INSTRUMENTS

2017 No. 200 (W. 55)

PUBLIC HEALTH, WALES

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

<i>Made</i>	- - - -	<i>23 February 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>27 February 2017</i>
<i>Coming into force</i>	- -	<i>31 March 2017</i>

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

Title, commencement and application

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) These Regulations come into force on 31 March 2017.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

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

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

- (a) a dental hygienist;
- (b) a dental therapist; or
- (c) a clinical dental technician;

“dental hygienist” (“*hyleneydd 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⁽²⁾;

(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).

(2) 1984 c. 24.

“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*”)(3) 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(4);

“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(5) by a clinical dental technician.

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).

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

(4) 2006 c. 42.

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

23 February 2017

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

SCHEDULE

Regulation 3

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) 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”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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”).

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

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.

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.

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.