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WELSH STATUTORY INSTRUMENTS

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**2017 No. 1040 (W. 269)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (General Dental Services Contracts and Personal Dental Services Agreements) (Wales) (Amendment) Regulations 2017**

<i>Made</i>	- - - -	<i>25 October 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>31 October 2017</i>
<i>Coming into force</i>	- -	<i>1 December 2017</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 61, 66 and 203(9) and (10) of the National Health Service (Wales) Act 2006<sup>(1)</sup>.

**Title, commencement and application**

1.—(1) The title of these Regulations is the National Health Service (General Dental Services Contracts and Personal Dental Services Agreements) (Wales) (Amendment) Regulations 2017.

(2) These Regulations come into force on 1 December 2017.

(3) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the National Health Service (Wales) Act 2006;

“the GDS Regulations” (“*y Rheoliadau GDS*”) means the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006<sup>(2)</sup>; and

“the PDS Regulations” (“*y Rheoliadau PDS*”) means the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006<sup>(3)</sup>.

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<sup>(1)</sup> 2006 c. 42.

<sup>(2)</sup> S.I. 2006/490 (W. 59).

<sup>(3)</sup> S.I. 2006/489 (W. 58).

### **Amendment to the GDS Regulations**

**3.**—(1) Paragraph 38 of Schedule 3 to the GDS Regulations (notification of a course of treatment, orthodontic course of treatment etc.) is amended as follows.

(2) In sub-paragraph (1)—

(a) in paragraph (e), for “being” substitute “is”; and

(b) after paragraph (f), omit “, on a form supplied by that Board.”.

(3) For sub-paragraph (2)(d), substitute—

“(d) in the case of a patient who is exempt from NHS charges, such details of that exemption and the basis of that exemption as the Local Health Board may reasonably request.”

(4) After sub-paragraph (2) insert the following sub-paragraphs—

“(3) In the case of a patient to whom sub-paragraph (2)(d) applies, the contractor must also provide the Local Health Board (or a person authorised on the Local Health Board’s behalf) with the written declaration form.

(4) Before 1 May 2019 the contractor may send the information required in sub-paragraph (2) to the Local Health Board either in paper form or by means of electronic submission.

(5) On or after 1 May 2019 the contractor must send the information required in sub-paragraph (2) to the Local Health Board by means of electronic submission, but the Local Health Board may accept submission of that information in paper form—

(a) in such exceptional circumstances as the Local Health Board may reasonably determine; and

(b) in respect of courses of treatment ending on or before 30 April 2019, for a period ending with 30 June 2019.

(6) In this paragraph, “electronic submission” means information submitted electronically via a computer system approved by the Local Health Board.”

### **Amendment to the PDS Regulations**

**4.**—(1) Paragraph 39 of Schedule 3 to the PDS Regulations (notification of a course of treatment, orthodontic course of treatment etc.) is amended as follows.

(2) In sub-paragraph (1)—

(a) in paragraph (e), omit the words “it completes”; and

(b) after paragraph (f), omit “, on a form supplied by the Local Health Board.”.

(3) For sub-paragraph (3)(d), substitute—

“(d) in the case of a patient who is exempt from NHS charges, such details of that exemption and the basis of that exemption as the Relevant Body may reasonably request.”

(4) After sub-paragraph (3), insert the following sub-paragraphs—

“(4) In the case of a patient to whom sub-paragraph (3)(d) applies, the contractor must also provide the Relevant Body (or a person authorised on the Relevant Body’s behalf) with the written declaration form.

(5) Before 1 May 2019 the contractor may send the information required in sub-paragraph (3) to the Relevant Body either in paper form or by means of electronic submission.

(6) On or after 1 May 2019 the contractor must send the information required in subparagraph (3) to the Relevant Body by means of electronic submission, but the Relevant Body may accept submission of that information in paper form—

- (a) in such exceptional circumstances as the Relevant Body may reasonably determine; and
- (b) in respect of courses of treatment ending on or before 30 April 2019, for a period ending with 30 June 2019.

(7) In this paragraph, “electronic submission” means information submitted electronically via a computer system approved by the Relevant Body.”

25 October 2017

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

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006 (“the GDS Regulations”) and the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 (“the PDS Regulations”).

These Regulations come into force on 1 December 2017.

The GDS Regulations set out a framework for Wales for general dental services contracts.

Regulation 3 amends paragraph 38 of Schedule 3 to the GDS Regulations to allow for electronic submission of the information specified in paragraph 38(2) of Schedule 3 to the Local Health Board (“LHB”). Electronic submission of that information is required from 1 May 2019, though the LHB is given a discretionary power to continue to accept paper forms after that date in exceptional circumstances. There is a transitional provision to allow paper forms to be submitted until 30 June 2019 in respect of courses of treatment ending on or before 30 April 2019.

The PDS Regulations set out a framework for Wales for personal dental services agreements.

Regulation 4 amends paragraph 39 of Schedule 3 to the PDS Regulations to allow for electronic submission of the information specified in paragraph 39(3) of Schedule 3 to the LHB (as the “Relevant Body”). Electronic submission of that information is required from 1 May 2019, though the LHB is given a discretionary power to continue to accept paper forms after that date in exceptional circumstances. There is a transitional provision to allow paper forms to be submitted until 30 June 2019 in respect of courses of treatment ending on or before 30 April 2019.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, Wales CF10 3NQ.