
WELSH STATUTORY INSTRUMENTS

2003 No. 1976 (W.215)

NATIONAL HEALTH SERVICE, WALES

**The National Health Service (General Dental Services)
(Amendment)(No.2) (Wales) Regulations 2003**

Made - - - - *31st July 2003*

Coming into force - - *1st August 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 15(1), 35(1), 36(1) and 126(4) of the National Health Service Act 1977 (1) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) (Amendment) (No.2) (Wales) Regulations 2003 and will come into force on 1st August 2003.

(2) These Regulations apply to Wales only.

Amendment of the National Health Service (General Dental Services) Regulations 1992

2. The National Health Service (General Dental Services) Regulations 1992 (“the principal Regulations”)(2) are amended in accordance with the following provisions of these Regulations.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2 of the principal Regulations (interpretation)—

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- (1) [1977 c. 49](#); *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 15(1) was amended by section 5(2) of the Health and Social Security Act [1984 \(c. 48\)](#) (“the 1984 Act”); by the 1990 Act section 12(1) and by the Health Authorities Act [1995 \(c. 17\)](#) (“the 1995 Act”) section 2(1) and Schedule 1, paragraph 6(e).
Section 35(1) was substituted by [S.I.1985/39](#), article 7(9), and amended by the 1995 Act, Schedule 1, paragraph 24.
Section 36(1) was so numbered by the 1984 Act, Schedule 3, paragraph 5(1) and amended by [S.I.1981/432](#), article 3(3)(a); by [S.I.1985/39](#), article 7(10); by section 25 of and Schedule 2, paragraph 4 to the Health and Medicines Act [1988 \(c. 49\)](#), by the 1990 Act, section 24(2) and by the 1995 Act, section 2(1) and Schedule 1, paragraph 25(a).
Section 126(4) was amended by the 1990 Act, section 65(2); and by the Health Act [1999 \(c. 8\)](#) (“the 1999 Act”), Schedule 4, paragraph 37(6).
The functions of the Secretary of State under sections 15(1), 35(1), 36(1) and 126(4) of 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.1993/22091995/3092](#), [1996/704](#), [1998/1648](#), [2000/3118 \(W.226\)](#) and [2001/2706 \(W.226\)](#).

Status: This is the original version (as it was originally made).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

- (a) in paragraph (1) insert the following definition in the appropriate place in the alphabetical order—
 - ““local health board” has the meaning assigned to it by section 16BA of the Act⁽³⁾”;
- (b) in paragraph (1A) for “health authority” substitute “ local health board”;
- (c) after paragraph (1A) insert the following paragraph —
 - “(1B) In the application of these Regulations in relation to Wales “Health Authority” shall, in each place where these words occur, have effect as if there were substituted the words “local health board”.”.

Amendment of regulation 19 of the principal Regulations

- 4. In regulation 19 of the principal Regulations (Statement of Dental Remuneration) at the end of the Table set out below paragraph (1), insert —
 - (a) in column (1) the Roman numerals “XI” and “XII”, and
 - (b) in column (2) “Paternity Payments” and “Adoptive Leave Payments”.

Amendment of Schedule 4 to the principal Regulations

- 5. In Part II of Schedule 4 to the principal Regulations (prior approval treatment), in each of paragraphs 1 and 2, for “£375” substitute “£390”.

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

31st July 2003

Rhodri Morgan
First Minister

(3) Section 16BA was inserted into the National Health Service Act 1977 by the Health Service Reform and Health Care Professions Act 2002.
(4) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Dental Services) Regulations 1992 ([S.I.1992/661](#)) (“the principal Regulations”) which regulate the terms upon which general dental services are provided under the National Health Service Act 1977.

Regulation 2 of the principal Regulations is amended to add a definition of “local health board” and contains provisions so that references to “FHSA” and “Health Authority” are treated as references to a local health board.

These Regulations amend regulation 19(1) of the principal Regulations so that two new determinations, XI and XII, are added to the table listing the determinations. The subject matter of determination XI is “Paternity Payments” and of determination XII is “Adoptive Leave Payments”.

They also amend Schedule 4 to the principal Regulations to increase (from £375 to £390) 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.