
WELSH STATUTORY INSTRUMENTS

2017 No. 202

The Private Dentistry (Wales) Regulations 2017

PART 5

Miscellaneous

Fees

33. Schedule 5 specifies the fees that are payable by applicants for registration and registered persons under Part 2 of the Act.

34.—(1) Subject to paragraph (2), a dentist may request a refund of the annual fee prescribed in the 2008 Regulations if—

- (a) an application for registration under Part 2 of the Act has been made to the registration authority in respect of the private dental practice in which the dentist works;
- (b) the application for registration has been granted by the registration authority; and
- (c) the dentist paid an annual fee under the 2008 Regulations within the six months prior to the application for registration being granted.

(2) A request for a refund made by a dentist described in paragraph (1) must be made within three months of the date on which the application for registration referred to in paragraph (1) was granted.

(3) Where a dentist requests a refund in accordance with paragraph (2) and the registration authority agrees to grant the request, then a refund will be paid to the dentist on the basis of one twelfth of the annual fee paid for each complete month following the date on which the application for registration referred to in paragraph (1) was granted.

(4) If a dentist works in more than one private dental practice, the dentist may only request a refund if—

- (a) an application for registration has been made to the registration authority in respect of each private dental practice in which the dentist works; and
- (b) each application for registration has been granted.

Compliance with regulations

35. Where there is more than one registered person in respect of a private dental practice, anything which is required under these Regulations to be done by the registered person will, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Offences

36.—(1) A contravention, or failure to comply with any of the provisions of regulations 5 to 32, is an offence.

(2) The registration authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 20 (records) after the person ceased to be a registered person.

Amendments to the Independent Health Care (Wales) Regulations 2011

37. The Independent Health Care (Wales) Regulations 2011⁽¹⁾ are amended as follows.

38.—(1) In regulation 2(1) (interpretation) in the appropriate places insert—

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

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

““dental hygienist” (*“hyleneidd 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 professional register established under section 36B of the Dentists Act 1984;”.

(2) In regulation 3 (meaning of “independent hospital”) after paragraph (2)(b) insert—

- “(ba) dental treatment using a Class 4 laser product where such treatment is carried out by or under the supervision of a dentist or dental care professional working in a private dental practice within the meaning of the Private Dentistry (Wales) Regulations 2017;”.

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

39. The provisions of Part 2 of the Act, insofar as they apply to Wales and are not already applied by the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017, apply to registered persons in accordance with the modifications set out in Schedule 4.

Transitional provisions

40.—(1) This paragraph applies to any person who—

- (a) carries on or manages a private dental practice which consists of or includes the provision of relevant professional services by a dental care professional but does not include the provision of dental services by a dentist; and
- (b) duly makes an application for registration before 1 October 2017 under Part 2 of the Act as a person who carries on or manages a private dental practice.

(2) This paragraph applies to any person who—

- (a) carries on or manages a private dental practice which consists of or includes the provision of dental services by a dentist; and
- (b) duly makes an application for registration before 1 April 2018 under Part 2 of the Act as a person who carries on or manages a private dental practice.

(3) Section 11(1), (5) and (6) of the Act will not apply to the persons referred to in paragraph (1) or (2) in respect of the private dental practice—

- (a) until such time as the application is granted, either unconditionally or subject only to conditions which have been agreed in writing between him or her and the registration authority; or

(1) [S.I. 2011/734 \(W. 112\)](#).

- (b) if the application is granted subject to conditions which have not been agreed, or is refused—
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service on him or her of the registration authority's decision; or
 - (ii) if an appeal is brought, until it is determined, abandoned or withdrawn.

Revocations

41. Subject to regulation 42, the following Regulations are revoked—

- (a) the 2008 Regulations;
- (b) the 2011 Regulations.

Transitional savings

42.—(1) The 2008 Regulations continue to apply in relation to a dentist until the date on which the provider of the private dental practice in which the dentist works is registered under Part 2 of the Act.

(2) Subject to paragraph (3) where a dentist works in more than one private dental practice, the 2008 Regulations will continue to apply to that dentist until the provider of each of the private dental practices in which the dentist works is registered under Part 2 of the Act.

(3) The 2008 Regulations will no longer apply to the dentist in respect of the private dental practice in which he or she works once the provider of that private dental practice has registered under Part 2 of the Act.

(4) Where an application for registration, for cancellation or for the variation or removal of a condition is made by a dentist but is not determined before the coming into force of these Regulations, the application will be considered as if the 2008 Regulations were still in force, and the registered person must provide to the registration authority any other information or documents that the registration authority may require.

(5) For the purposes of this regulation, references to a dentist means a dentist registered to provide private dental services and who works in a private dental practice.