
WELSH STATUTORY INSTRUMENTS

2017 No. 202

The Private Dentistry (Wales) Regulations 2017

PART 2

Registered Persons

Fitness of registered provider

- 9.**—(1) A person must not carry on a private dental practice unless the person is fit to do so.
- (2) A person is not fit to carry on a private dental practice unless the person—
- (a) is an individual who satisfies the requirements set out in paragraph (3);
 - (b) is a partnership, and each of the partners satisfies the requirements in paragraph (3); or
 - (c) is an organisation and—
 - (i) the organisation has given notice to the appropriate office of the registration authority of the name, address and position in the organisation of the responsible individual; and
 - (ii) that individual satisfies the requirements in paragraph (3).
- (3) The requirements are that—
- (a) the individual is of suitable integrity and good character to carry on, or, as the case may be, be responsible for the supervision of the management of, the private dental practice;
 - (b) the individual is able by reason of their health, after reasonable adjustments (if any) are made, to carry on, or as the case may be, be responsible for the supervision of the management of, the private dental practice; and
 - (c) full and satisfactory information or documentation, as the case may be, is available in relation to the individual in respect of each of the matters specified in Part 1 of Schedule 3.
- (4) In assessing an individual's character for the purposes of paragraph (3)(a), the matters considered must include those listed in Part 2 of Schedule 3.
- (5) A person is not fit to carry on a private dental practice if that person has—
- (a) been adjudged bankrupt⁽¹⁾ or sequestration of the person's estate has been awarded and (in either case) the person has not been discharged and the bankruptcy order⁽²⁾ has not been annulled or rescinded or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986)⁽³⁾ applies in relation to the person; or
 - (b) made a composition or arrangement with the person's creditors and has not been discharged in respect of it.

⁽¹⁾ See section 381(1) of the Insolvency Act 1986 for the meaning of "bankrupt".

⁽²⁾ See section 381(2) of the Insolvency Act 1986 for the meaning of "bankruptcy order".

⁽³⁾ 1986 c. 45. Section 251A was inserted by section 108 of and Schedule 17 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).

Appointment of manager

10.—(1) The registered provider must appoint an individual to manage the private dental practice if the registered provider—

- (a) is an organisation or a partnership;
- (b) is not a fit person to manage the private dental practice; or
- (c) is not, or does not intend to be, in full-time day to day charge of the private dental practice.

(2) If the registered provider appoints an individual to manage the private dental practice, the registered provider must immediately give notice to the appropriate office of the registration authority of the name of the individual appointed and the date on which the appointment takes effect.

Fitness of manager

11.—(1) A person must not manage a private dental practice unless the person is fit to do so.

(2) A person is not fit to manage a private dental practice unless—

- (a) the person is of suitable integrity and good character to manage the private dental practice; and
- (b) having regard to the size of the private dental practice, the statement of purpose and the number and needs of the patients—
 - (i) the person has the qualifications, skills and experience necessary to manage the private dental practice; and
 - (ii) the person is able by reason of their health, after reasonable adjustments (if any) are made, to do so; and
 - (iii) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in Part 1 of Schedule 3.

(3) In assessing a person's character for the purposes of paragraph (2)(a), the matters considered must include those listed in Part 2 of Schedule 3.

(4) Where a person manages more than one private dental practice, that person must spend sufficient time at each practice to ensure that the practice is managed effectively.

Registered person – general requirements and training

12.—(1) The registered provider and the registered manager must, having regard to the size of the private dental practice, the statement of purpose and the number and needs of the patients, carry on or manage the private dental practice, as the case may be, with sufficient care, competence and skill.

(2) The registered provider and the registered manager must undertake, from time to time, such training as is appropriate to ensure that they have the skills necessary to carry on or manage the private dental practice, as the case may be.

(3) For the purposes of this regulation, the training referred to in paragraph (2) must be undertaken by—

- (a) the individual, if the registered provider is an individual;
- (b) the responsible individual, if the registered provider is an organisation; or
- (c) one of the partners, if the registered provider is a partnership.