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WELSH STATUTORY INSTRUMENTS

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**2017 No. 202**

**The Private Dentistry (Wales) Regulations 2017**

**PART 1**

**General**

**Interpretation**

**3.—(1) In these Regulations—**

“the Act” (“*y Ddeddf*”) means the Care Standards Act 2000 and, with respect to Part 2 of that Act, means that Part as applied with modifications to private dental practices by the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017(1) and by regulation 39 of these Regulations;

“the 1984 Act” (“*Deddf 1984*”) means the Dentists Act 1984(2);

“the 2005 Act” (“*Deddf 2005*”) means the Mental Capacity Act 2005(3);

“the 2008 Regulations” (“*Rheoliadau 2008*”) means the Private Dentistry (Wales) Regulations 2008(4);

“the 2011 Regulations” (“*Rheoliadau 2011*”) means the Private Dentistry (Wales) (Amendment) Regulations 2011(5);

“appropriate office of the registration authority” (“*swyddfa briodol yr awdurdod cofrestru*”) means in relation to a private dental practice—

- (a) if an office has been specified under paragraph (2) for the area in which the private dental practice is situated, that office;
- (b) in any other case, any office of the registration authority;

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

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

“dental hygienist” (“*hylenydd 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 1984 Act;

“dental services” (“*gwasanaethau deintyddol*”) means dental care and treatment provided by a dentist;

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(1) S.I. 2017/200 (W.55).

(2) 1984 c. 24.

(3) 2005 c. 9. Relevant amendments were made by the Mental Health Act 2007 (c. 12), sections 50 and 55 and Part 10 of Schedule A1.

(4) S.I. 2008/1976 (W. 185).

(5) S.I. 2011/2686 (W. 288).

“dentist” (“*deintydd*”) means a person registered in the dentists register kept in accordance with section 14 of the 1984 Act;

“domiciliary services” (“*gwasanaethau cartref*”) means a course of treatment, or part of a course of treatment, provided at a location other than—

- (a) the premises used to carry on a private dental practice;
- (b) a mobile surgery of any provider of private dental services;
- (c) a prison;

“exposure-prone procedures” (“*triniaethau a all arwain at gysylltiad*”) for the purposes of these Regulations refers to invasive procedures where there is a risk that injury to the dentist or dental care professional may result in the exposure of a patient’s open tissue to the blood of the dentist or dental care professional;

“health service hospital” (“*ysbyty gwasanaeth iechyd*”) has the same meaning as in section 206 of the National Health Service (Wales) Act 2006<sup>(6)</sup>;

“insurance” (“*yswiriant*”) means—

- (a) a contract of insurance providing cover for liabilities which may be incurred in carrying out work as a dentist or dental care professional, or
- (b) an arrangement made for the purposes of indemnifying a person against such liabilities;

“major variation fee” (“*ffi amrywiad mawr*”) means the fee payable in respect of an application to vary a condition of registration where the registration authority considers it is necessary for them to inspect under Part 2 of the Act;

“minor variation fee” (“*ffi mân amrywiad*”) means the fee payable in respect of an application to vary a condition of registration where the registration authority considers it is not necessary for them to inspect under Part 2 of the Act;

“mobile surgery” (“*deintyddfa symudol*”) means, for the purposes of these Regulations, any vehicle in which private dental services are provided;

“organisation” (“*sefydliad*”) means a body corporate or any unincorporated association other than a partnership;

“patient” (“*claf*”) means a person to whom dental services or relevant professional services are provided;

“private dental practice” (“*practis deintyddol preifat*”) means an undertaking which consists of or includes the provision of—

- (a) private dental services; or
- (b) relevant professional services otherwise than for the purposes of the National Health Services (Wales) Act 2006;

“private dental services” (“*gwasanaethau deintyddol preifat*”) means dental services otherwise than for the purposes of the National Health Service (Wales) Act 2006 and “private dentistry” (“*deintyddiaeth breifat*”) is to be construed accordingly;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010<sup>(7)</sup>;

“registered manager” (“*rheolwr cofrestredig*”) means a person who is registered under Part 2 of the Act as the manager of a private dental practice;

“registered person” (“*person cofrestredig*”) means a person who is the registered provider or the registered manager of a private dental practice;

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(6) 2006 c. 42.

(7) 2010 c. 15.

“registered provider” (“*darparwr cofrestredig*”) means a person who is registered under Part 2 of the Act as the person carrying on a private dental practice;

“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 a 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<sup>(8)</sup> by a clinical dental technician;

“responsible individual” (“*unigolyn cyfrifol*”) means an individual who is the director, manager, secretary or other officer of the organisation and is responsible for supervising the management of a private dental practice;

“scope of practice” (“*cwmpas ymarfer*”) has the meaning given for dentists and dental care professionals in the guidance on scope of practice published by the General Dental Council from time to time;

“statement of purpose” (“*datganiad o ddiben*”) means the statement compiled in accordance with regulation 5(1).

(2) The registration authority may specify an office controlled by it as the appropriate office in relation to private dental practices situated in a particular area of Wales.

(3) Where a person is acting on behalf of a patient (including where the patient is a child or lacks capacity) for the purposes of these Regulations and where the context requires, “a patient” (“*claf*”) also means the person acting on behalf of the patient.

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