



## Cynulliad Cenedlaethol Cymru

## The National Assembly for Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU      LEGISLATION COMMITTEE REPORT

### The National Health Service (General Dental Services) (Amendment) (No. 2) (Wales) Regulations 2001

#### **Background**

These regulations amend the National Health Service (General Dental Services) Regulations 1992 (SI 1992/661) which regulate the terms upon which general dental services are provided under the National Health Service Act 1977.

Amendments to the same effect as those in Regulations 4 and 5 have been made for England in SI 2001/1677 with corresponding coming into force dates of 24 May and 24 June of this year.

#### **Standing Order 11.5**

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention under SO 11.5.

#### **General Observations**

#### **Explanatory Note**

It appears that in the second paragraph “Clinical audit payments” should be “Clinical audit allowances” (see Regulation 4(b)).

#### **Regulation 3(b)**

It is noted that the regulations do not seek to textually amend the “FHSA” references. It is assumed that this is in order to avoid the confusion which might arise from the 1992

regulations continuing with “FHSA” references in their application in England but having a different text in Wales. This being so, however, it is felt that the wording of paragraph (1A) is not as helpful as it might be. It gives the impression that the 1992 regulations are purporting to make textual amendment to themselves. Also there is nothing in (1A) to indicate that this modification only applies in Wales.

Paragraph (1A) might have been more appropriately worded along the following lines –

“(1A) In the application of these Regulations in relation to Wales “FHSA” shall, in each place where this abbreviation occurs, have effect as if there were substituted the words “Health Authority”.”

If the Minister was disposed to make an amendment along the above lines it is confirmed that this would be appropriate for inclusion in a Memorandum of Corrections.

### **Regulation 5**

The inserted paragraphs 31E, 31F and 31G(1) contain gender specific references. Whilst this does not raise any legal issue, it does not accord with the practice which the Assembly has adopted of using gender neutral language in its drafting.

Also, in the definition of “the relevant period” in paragraph 31E(2) the wording of paragraph (a)(ii) does not contain the word “later” which appears in the corresponding provision in the England regulations. It is thought that inclusion of “later” is helpful as removing any possible doubt as to the date from which the three year period is to run.

If the Minister was disposed to make amendments in respect of the above points it is confirmed that these matters would be appropriate for inclusion in a Memorandum of Corrections.

Mick Bates AM  
**Chair, Legislation Committee**

3 July 2001