

SL(6)778 – The National Health Service (General Dental Services Contracts and Patient Charges) (Amendment) (Wales) Regulations 2026

Background and Purpose

These Regulations amend the National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026 (“the principal Regulations”) in order to rectify three errors in the principal Regulations that came to light during the registration of those Regulations by the SI Registrar (on behalf of the King’s Printer for Wales).

The amendments:

- a) replace Schedule 1 to the principal Regulations in the English text only, to rectify errors in the structure and format of paragraphs 23 to 25 of that Schedule;
- b) correct a typographical error in the Welsh text of the table in Schedule 2 to the principal Regulations; and
- c) substitute the table in Schedule 5 to the Principal Regulations in both language texts which has the effect of replacing the currently incorrect levels of patient charges shown in the second column of that table.

In the case of the amendments dealing with (a) and (c), the Explanatory Memorandum states that it is appropriate that these corrections are made before the principal Regulations come into force. The Explanatory Memorandum also states that it is desirable that the amendment dealing with (b) is corrected at the same time. As such these Regulations come into force on 1 March 2026.

Procedure

Senedd annulment procedure.

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 13 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation



The enabling powers cited for these Regulations include section 60(2) of the National Health Service (Wales) Act 2006 ("the 2006 Act"). Section 60(2) is a power to for the Welsh Ministers to issue directions. Before giving such directions, under section 60(4) of the 2006 Act the Welsh Ministers must consult any body appearing to them to be representative of persons to whose remuneration the direction would relate. The Welsh Ministers are asked to confirm:

- a) the basis upon which, and reason why, it was decided to include a direction-making power as an enabling power;
- b) which provision(s) in the Regulations are made under this power; and
- c) whether the condition in section 60(4) of the 2006 Act has been complied with and, if so, why this is not noted in the preamble to the Regulations.

2. Standing Order 21.2(vi) that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 1(1), the title of these Regulations is incorrect because it notes "(Amendment) (Wales)" which is used when amending a UK statutory instrument that relates to Wales. However, these Regulations are amending a Welsh statutory instrument and therefore the title should be noted as "(Wales) (Amendment)" which is used when amending a Welsh statutory instrument.

3. Standing Order 21.2(vi) that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 2, there should be a declaratory statement introducing the series of amendments made by these Regulations, such as "The National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026 are amended as follows." In the absence of such a statement, both regulations 3 and 4 are defective because they fail to identify the legislation in which Schedules 2 and 5 respectively are found.

4. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 2 makes an amendment by replacing the English text of the existing Schedule 1 to the principal Regulations. Paragraph 20(1)(a) of the new Schedule 1 refers to a patient being de-listed under paragraph 17(b). However, paragraph 17(b) refers to the possible cessation of the de-listing process. The Welsh Government is asked to confirm whether paragraph 17(b) is the correct cross-reference in this regard.

5. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

As a result of regulation 2 amending the principal Regulations by replacing the English text of the existing Schedule 1 to the principal Regulations, paragraph 20(2) of the Schedule 1 contains several differences between the new English text and the existing Welsh text. In the new English text, there is a paragraph 20(2) in Schedule 1, but in the existing Welsh text of



that Schedule, the corresponding provision is incorrectly numbered as paragraph 20(3). In addition, in the new English text of paragraph 20(2), it notes "The amount claimed under sub-paragraph (1)(a) and (b)...", but in the existing Welsh text it notes "The amount claimed under sub-paragraphs (a) and (b)...".

6. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Paragraph 41(1)(d) of the new Schedule 1 to the principal Regulations refers to monitoring or audit being carried out, but it is not clear who will be conducting this monitoring or audit. Paragraph 40(1)(d) states that the monitoring or audit will be carried out by or on behalf of the Local Health Board, so the Welsh Government is asked to confirm that the same applies in this context and why this is not explicitly stated in the new Schedule 1.

7. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

Following the amendment made by regulation 2, in the new Schedule 1, in paragraph 41(1)(c), there is a difference between the new English text and the existing Welsh text. In the new English text of paragraph 41(1)(c), it notes "subject to paragraph (d)" but the meaning given by the existing Welsh text is "subject to sub-paragraph (d)".

8. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Following the amendment made by regulation 2, in Schedule 1, the drafting of paragraph 40(1)(c) and (d) is different from that of paragraph 41(1)(c) and (d). In paragraph 41(1)(c), it begins by noting that "subject to paragraph (d), the capitation payment cannot be subject to financial recovery..." but in paragraph 40(1)(c), it does not note "subject to paragraph (d)" and it notes "the capitation payment may not be subject to financial recovery...". In addition, in paragraph 41(1)(d), it notes "where monitoring or audit reveals that the contractor is not delivering prevention services in accordance with sub-paragraph (2)(a)..." but in paragraph 40(1)(d) it notes "where monitoring or audit by or on behalf of the Local Health Board reveals that the contractor is not delivering prevention services in accordance with this Part...". Could the Welsh Government clarify whether the differences between the drafting of these provisions is intentional?

9. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Paragraphs 44 and 45 of the new Schedule 1 to the principal Regulations deal with de-listing relating to prevention services. Paragraph 44 is identical in content to paragraph 17 which deals with de-listing for care packages, but paragraph 17 links to paragraph 16 and there is no equivalent to paragraph 16 preceding paragraph 44. This makes it difficult to see how paragraph 44 works in practice, as it refers to "initiating de-listing", but there is no provision that provides for the initiation of a de-listing process in relation to prevention services.



Paragraph 45 addresses the circumstances where a patient must be de-listed, but again, this does not explain paragraph 44 as paragraph 44(b) provides a discretion as to de-listing. The Welsh Government is therefore asked to explain on what ground the de-listing process under paragraph 44 may be commenced and why this is not set out in the new Schedule 1.

10. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 4 inserts a new table into paragraph 4 of Schedule 5 to the principal Regulations. Reference is made in the new table to the “contract holder” but this term is not defined in the principal Regulations. The Welsh Government is asked to confirm whether this is a reference to the contractor, as defined in regulation 2 to the principal Regulations, and if so why a different term is used in the new table to be inserted into paragraph 4 of Schedule 5 to the principal Regulations.

11. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In the new Table 1, in the English text, in the third column, there is a varying in the entries between using “Oral Hygiene instruction” and the abbreviation “OHI” which also appears to be referring to the same phrase although it has not been defined for the reader. In the Welsh text, the full term meaning “oral hygiene instruction” has been used on each occasion. In addition, the term “DBOH” is used in both language texts of Table 1 without definition but appears to mean “Delivering Better Oral Health” which is referred to in full in other places in the National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026. Finally, the term “ANUG” has been used in the English text although it has not been defined and has been interpreted as meaning “Acute Necrotising Ulcerative Gingivitis” in the Welsh text. Does the Welsh Government believe that the varying between the use of abbreviations without definition and using the full phrase in other places is potentially confusing for the reader who may not be aware of the meaning of those abbreviations?

12. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In the new Table 1, in the third column, after the phrases “excludes laboratory charges” and “excluding laboratory charges” additional text is noted in parentheses such as “(paid directly by the patient, unless exempt from NHS charges)”. However, the phrase in the additional text varies inconsistently between “paid directly by the patient” and “paid by patients”, for example, the entry for “Denture Care Package” compared with the entry for “Posterior Root Canal Package”. In addition, those words do not appear after the words “Excludes laboratory charges” in the third column of some of the other entries such as the entries for “Crown Bridge, Inlay, Onlay and Veneer Care Package” and for “Miscellaneous Care Package”. The Welsh Government is asked to clarify whether there is a difference between the phrases “paid” and “paid directly” when used in the additional text in parentheses; and whether there



is any reason why the additional text in parentheses does not appear after “excludes any laboratory charge” and “excluding laboratory charges” on each occasion?

13. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In the new Table 1, in the entry for “Periodontal Care Package”, in the second column, the figure is noted as “£48.53” compared with “£93.50” in the same entry in the original Table 1. The Welsh Government is asked to confirm that the new figure is correct because it is significantly lower than the figure in the original Table 1 in the principal Regulations.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

14. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

These Regulations come into force less than 21 days after they were made. Jeremy Miles MS, Cabinet Secretary for Health and Social Care, wrote to the Llywydd on 23 February 2026 to provide the following explanation:

These Regulations amend the National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026 (“the main Regulations”), that were laid on 11 February and come into force on 11 March 2026. The amendments rectify three issues which were identified during the registration process of the main Regulations which would not have been appropriate to amend under the correction slip procedure.

The main Regulations make changes to the way that general dental services contracts and patient charges are arranged under the National Health Service (Wales) Act 2006. The amendments correct an error in Schedule 1 of the English text, replace the Table in Schedule 5 of both language texts of the main Regulations and correct a typographical error in the Welsh text. To ensure the main Regulations work correctly, not least in respect of the patient charges set out in Schedule 5, it is therefore necessary to bring those amendments into force before the main Regulations themselves. As a result there will be less than 21 days between laying and coming into force of these amending Regulations.

Welsh Government response

A Welsh Government response is required to the technical reporting points only.

Legal Advisers

Legislation, Justice and Constitution Committee

3 March 2026



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