

Government Response: The National Health Service (General Dental Services Contracts and Patient Charges) (Amendment) (Wales) Regulations 2026

Technical Scrutiny point 1: Section 60(2) of the 2006 Act requires general dental services contracts to require payments to be made in accordance with directions under section 60, although included within the section which provides direction-making powers, section 60(2) itself is not a direction making power and so section 60(4) does not apply. The principal Regulations set out what must be included in a contract and so set out that the contract must include provision for payment to be made in accordance with directions under section 60 in order to ensure the contract is compliant with section 60(2). Regulation 30(1)(a) imports the requirement under section 60(2) into the Regulations. It is accepted that the power to make this requirement by regulations sits in section 61(1) and not in section 60(2).

Technical Scrutiny points 2, 3, 4 and 5: The Welsh Government accepts these point. These will be considered for amendments when an appropriate opportunity arises.

Technical Scrutiny point 6. Both paragraphs are intended to carry the same meaning. Whilst the wording is inadvertently different in each the effect is the same as it is only the Local Health Board that would be carrying out such an audit. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 7. The Welsh Government accepts the correct formulation is "sub-paragraph (d)", since the reference is to a sub-paragraph within paragraph 41(1). However, in context the meaning is clear. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 8. The inclusion of "subject to paragraph (d)" in paragraph 41(1)(c) — absent from paragraph 40(1)(c) — reflects that financial recovery under paragraph 41 is more directly conditioned upon the monitoring and audit outcome, making the conditionality explicit. The reference in paragraph 41(1)(d) to "sub-paragraph (2)(a)" — rather than "this Part" as used in paragraph 40(1)(d) — reflects that the paragraph 41 capitation payment specifically remunerates the recall of at least 80% of low risk active patients subject to recall intervals of between 18 and 24 months, a targeted obligation in sub-paragraph (2)(a), whereas the paragraph 40 obligations are broader across Part 4. No amendment is proposed.

Technical Scrutiny point 9. This reporting point is accepted. An equivalent to paragraph 16 for paragraph 44 needs to be inserted. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 10. "Contract holder" is used in Schedules 2 and 5 to refer to the person who holds the General Dental Services contract — that is, the "contractor" as defined in regulation 2. The two expressions are

intended to be synonymous. "Contract holder" was used in those Schedules (which are primarily tables of charges and activity categories) as a more immediately descriptive term in a tabular context. The Welsh Government accepts that consistent use of the defined term "contractor" throughout would have been preferable. However, the Welsh Government does not consider the terminological variation causes any functional ambiguity given that "contractor" is clearly defined in regulation 2 and "contract holder" is used only in a tabular context where the reference is obvious. No amendment is proposed at this stage.

Technical Scrutiny point 11. The Welsh Government accepts that the inconsistencies could cause confusion although it is anticipated that the intended professional readership are highly likely to understand the references. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 12. The Welsh Government confirms there is no substantive difference between "paid directly by the patient" and "paid by patients". The variation and the omissions were inadvertent. In all cases laboratory charges are payable by the patient unless exempt. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 13. The figure of £93.50 in the original table was one of the incorrect charges identified during the registration process. It was considered appropriate to make these corrections before the principal Regulations came into force, which is why the Amendment Regulations came into force on 1 March 2026.