

SL(6)772 – The National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026

Background and Purpose

These Regulations set out the conditions, requirements and arrangements for a contract between local health boards and general dental service providers, including remuneration of fees and how contracts will be managed. They also make provision for a new scheme of patient charges.

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 73 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(v) – that for any particular reason its form or meaning needs further explanation



In the definition of “contract” in regulation 2, the phrase “except where the context otherwise requires” is used. Writing Laws for Wales (paragraph 4.8(5)) advises that this term should be avoided. The Welsh Government is asked to explain why it is used in the definition of contract and what “circumstances” it refers to.

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

The term “contract year” is used in the definitions of “annual delivery report” and “interim delivery report” in regulation 2, and also in paragraphs 41 and 42 of Schedule 1 to the Regulations, but the term “contract year” is not defined. An explanation is therefore requested as to what “contract year” means in these Regulations.

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

There are several issues where further explanation would assist in relation to the definition of “de-listing” in regulation 2:

- a) the wording of the definition does not seem to reflect the use of the term within the Regulations. It states that “de-listing” means a patient who ceases to be an active patient for various reasons, but de-listing in the Regulations is used with reference to the de-listing process, rather than meaning a patient who has been through that process;
- b) reference is made to the removal of a patient from a practice’s list of active patients as a result of the application of paragraph 15 of Schedule 1. Paragraph 15 of Schedule 1 makes no reference to a patient being removed from an active list, therefore it would assist to have an explanation as to how paragraph 15 of Schedule 1 applies to the definition of “de-listing”; and
- c) the definition refers to de-listing under paragraphs 4 and 5 of Schedule 3, but paragraph 3 of Schedule 3 also refers to de-listing.

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

In the definition of “de-listing process”, it refers to the process whereby a patient must be de-listed, but then in paragraph (b) it refers to the patient having the opportunity to make representations in relation to the intention to remove them from the patient list. The Welsh Government is asked to confirm why the patient is given the opportunity to make representations if the practice must de-list them. In addition, the definition refers to the practice de-listing the patient, whereas elsewhere in the Regulations reference is made to the contractor using the de-listing process, so it would assist to have clarification in this regard.

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



The term “General Dental Council” is used on several occasions in the Regulations, but this has not been defined with reference to section 1 of the Dentists Act 1984. The Welsh Government is asked to explain why it chose not to define this term.

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

The term “registered dental professional” is used in several definitions in regulation 2, but this term is not itself defined. The Welsh Government is asked to explain what constitutes a “registered dental professional” and why this term is not defined in the Regulations.

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

The definitions of “dental nurse” and “dentist” in regulation 2 require a person to be recognised by the General Dental Council. It is not clear whether “recognised” is the correct word and whether it should in fact be “registered”. If “recognised” is the correct word, it would assist to have an explanation as to how such a person is recognised by the General Dental Council.

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

The definition of “dental nurses with extended duties in oral health education” in regulation 2 contains terms which are not defined for the purpose of these Regulations – “core supportive functions”, “approved training” and “extended duties”. The Welsh Government is asked to confirm what these terms refer to and why additional information to explain what they refer to is not set out in the Regulations.

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

In the definition of “dental therapists” in regulation 2, reference is made to a dental professional being “competent to carry out specified items of dental treatment”. It would be of assistance if the Welsh Government could explain how a professional is determined to be competent for this provision, and how the specified items of dental treatment are determined. It would also assist to understand why this information is not included in the Regulations.

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

In the definition of “direction pending an investigation” in regulation 2, reference is made to a regulator, but it is not clear what constitutes a regulator for this purpose. The Welsh Government is asked to provide a further explanation and confirmation as to why this is not clearer in the Regulations.



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

The definition of “director of a body corporate” in regulation 2 appears to largely repeat the definition of “director” that precedes it. As “director of a body corporate” is not used operatively in the Regulations, it appears that this definition has been included in error, but the Welsh Government is asked to confirm whether this is the case.

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

Regulation 2 defines an “exempt person” but this term is only used once in the Regulations. The term “exempt patient” is used more frequently but is not defined, so clarity is requested as to whether exempt person and exempt patient have the same meaning for the purpose of the Regulations.

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

In the definition of “guarantee period” in regulation 2, reference is made to a “standard care package” and an “urgent care package”. These terms are not defined in the Regulations and therefore the Welsh Government is asked to provide further information regarding what they are; how they are to be distinguished from each other; and why this information was not included in the Regulations.

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

In the definition of “health service body” in regulation 2, reference is made to certain bodies being known by particular names at the “relevant time”. The Welsh Government is asked to confirm what constitutes the “relevant time” for this purpose and why this is not reflected in the Regulations. The same point applies to the definition of “health service body” that is set out in paragraph 67(6) of Schedule 3 to the Regulations, both in terms of clarifying who the listed bodies are and what is meant by the “relevant time”.

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

The term “interim delivery report” is defined in regulation 2, but this term is not used elsewhere in the Regulations. It appears that it may be intended to be a definition of “mid-year delivery report” as referenced in several regulations but not defined.

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

The definition of “initial examination and assessment” in regulation 2 simply repeats in condensed form the wording of paragraph 10 of Schedule 1 to the Regulations. It is not clear whether this was the intention and, if so, whether it would be clearer and more expedient to



simply refer to “initial examination and assessment” as having the meaning set out in paragraph 10 of Schedule 1. It is also not clear how the definition of “initial examination and assessment” differs from the definition of “new patient assessment” in this regard.

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

In the definition of “interim suspension order” in regulation 2, reference is made to removal of a “registered person” from a “register”. It is not clear whether these references should be to the temporary removal of a person from either the dentists register or the register of dental health care professionals, or both. The Welsh Government is asked to provide an explanation in this regard and confirm why this clarity is not reflected in the Regulations.

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

In the definition of “licensing body” in regulation 2, reference is made to a body that licences or regulates health care professions, but the term “health care professions” is not defined. Similarly, in the definition of “other health care professionals”, “health care professionals” is not defined. In each case, is there intended to be a link to the definition of “health care professional” in section 49(2) of the 2006 Act or similar? If so, the Welsh Government is asked to confirm why this is not explicitly stated or, if not, provide further information as to the interpretation of the term “health care professions”.

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

The term “listed” is defined in regulation 2 as meaning “such drugs, medicines or dental appliances as are included in a list for the time being approved by Welsh Ministers for the purposes of section 80 of the 2006 Act”. However, the word “listed” is used in several other contexts within the Regulations. It appears that the provision should therefore read ““listed drugs, medicines or dental appliances” means such drugs, medicines or dental appliances as are included in a list for the time being approved by Welsh Ministers for the purposes of section 80 of the 2006 Act”.

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

In the definition of “prescription form” in regulation 2, reference is made to an “authorised prescriber”. Although “prescriber” is defined for the purpose of the Regulations, “authorised prescriber” is not. The Welsh Government is therefore asked to confirm who is an “authorised prescriber” and why this is not set out in the Regulations.

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



The definition of “private dental services” in regulation 2 refers to the National Health Service (Wales) Act 2006, but as this term is defined in the Regulations, the reference should be to the 2006 Act.

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

Reference is made to “NICE” on several occasions throughout the Regulations, but this term is not defined in the operative parts of the Regulations. The Welsh Government is asked to explain why it decided not to define this term in the operative parts of the Regulations. Further, with particular reference to the definition of “recall appointment”, additional information is requested as to what “NICE guideline CG19” is and where it can be found.

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

In the definition of “recognised professional titles” in regulation 2, the Dentists Act 1984 is a defined term, so this wording should read “the 1984 Act”. Although not an operative part of the Regulations, for accessibility purposes footnotes should have been provided for the legislation listed at paragraphs (b)(ii)-(iv).

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

In the definition of “urgent care appointment” in regulation 2, reference is made to an appointment provided within 72 hours, but no information is provided as to when this 72 hour period commences. The Welsh Government is asked to provide a further explanation in this regard and confirm why this is not detailed in the definition.

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

In regulation 3(a) reference is made to the Dentists Act (Amendment) Order 2005, but this term is defined in regulation 2. The reference should therefore be to the 2005 Order.

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

In regulation 4, there are two paragraph (3)s, which will create difficulty for people wishing to refer to provisions within regulation 4. It also means that the numbering of each paragraph after the first (3) is incorrect, and that cross-references within regulation 4 to any of those paragraphs is incorrect.

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

Regulation 27 refers to the “sum total of the percentage reported under regulation 24”. Regulation 24 requires two percentages to be reported, so it is not clear whether this is



intended to refer to one or both of the percentages. If it is both, then “percentage” should be plural. If it is one, then it should be made clear which percentage is being referred to. The same considerations may apply to regulations 22 and 28.

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

Regulation 29 cross-refers to regulation 27(1)(a), but there is no regulation 27(1)(a) in the Regulations. It appears that the correct reference should be regulation 27(a).

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

Regulation 30(2) refers to an obligation (singular) that is referred to in paragraph (1). Paragraph (1) imposes obligations on both the local health board and the contractor to make payments to each other. It is not clear which obligation regulation 30(2) refers to – it is assumed that it is the obligation set out in regulation 30(1)(a) and if so this should be specified.

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

Regulation 30(3) refers to directions under section 12 of the 2006 Act, but section 12 does not give a power to issue directions, only guidance. Clarification is therefore required as to whether section 12 is correctly included in regulation 30(3), or conversely, whether section 30(3) should also refer to guidance.

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

Regulation 33(4) requires a contract to contain a term which requires the contractor to be a member of a “cluster”. A cluster is also referenced in paragraph 83 of Schedule 3 to the Regulations. No information is provided in the Regulations as to what constitutes a cluster, or how a contractor becomes a member of one. The Welsh Government is asked to provide further information on this and explain why it is not made clearer in the Regulations.

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

Regulation 36(2) refers to the giving of notice to an existing contractor that different proportions apply in accordance with regulation 16(2) and (3). Regulation 16(2) does not appear to be relevant to regulation 36(2), and regulation 16(3) does not exist.

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



The following points are noted in relation to Schedule 1 to the Regulations, but it is noted that they are rectified by the National Health Service (General Dental Services Contracts and Patient Charges) (Amendment) (Wales) Regulations 2026 ("the Amending Regulations"):

- a) paragraph 10(h) requires risk allocation to be carried out in accordance with paragraphs 31 to 33, however it is paragraphs 32 to 34 that set out the detail of the risk allocation categories – the same issue arises in paragraph 31;
- b) paragraph 18 refers to a contractor being satisfied in accordance with paragraph 16(a) regarding the reasons for missed appointments. However, the number of relevant missed appointments is set out in paragraph 16(a) and 16(b), but the requirement for the contractor to be satisfied with the explanation of the patient is set out in the body of the wording of paragraph 16. The reference in paragraph 18 should be to paragraph 16 rather than 16(a);
- c) there is an error in the numbering of paragraph 20, as sub-paragraph (3) should be (2), and the reference in what is currently sub-paragraph (3) to sub-paragraphs (a) and (b) should be to sub-paragraph (1)(a) and (b); and
- d) a formatting error has created incorrect paragraphs for paragraphs 23 to 25, which consequently creates cross-referencing errors throughout the remainder of Schedule 1.

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

Paragraph 20(1)(a) of Schedule 1 to the Regulations 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. This issue remains following the Amending Regulations, therefore the Welsh Government is asked to confirm whether paragraph 17(b) is the correct cross-reference in this regard.

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

Paragraph 42(1)(d) of Schedule 1 to the Regulations (or paragraph 41(1)(d) following the Amending Regulations) refers to monitoring or audit being carried out, but it is not clear who will be conducting this. Paragraph 41(1)(d) (or paragraph 40(1)(d) under the Amending Regulations) 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 Regulations.

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

Paragraphs 45 and 46 (or paragraphs 44 and 45 following the Amending Regulations) of Schedule 1 to the Regulations deal with de-listing relating to prevention services. Paragraph



45 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 45. This makes it difficult to see how paragraph 45 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 46 addresses the circumstances where a patient must be de-listed, but again, this does not explain paragraph 45 as paragraph 45(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 45 may be commenced and why this is not set out in the Regulations.

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

In Schedule 2 to the Regulations, in the shoulder note, there is a difference between the English and Welsh text. In the English text, it notes "Regulation 14" but the meaning given by the Welsh text is "Regulation 2". In addition, the shoulder note does not appear to be correct because Schedule 2 is also referred to in regulations 2, 13 and 14.

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

Schedule 2 and the table in paragraph 4 of Schedule 5 to the Regulations refer on several occasions to the "contract holder" but this term is not defined in the Regulations. The Welsh Government is asked to confirm whether these are references to the contractor, as defined in regulation 2, and if so why a different term is used in Schedule 2 and paragraph 4 of Schedule 5.

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

In Schedule 2, there is also a varying between the approach to terminology and abbreviations used when compared with the table in paragraph 4 of Schedule 5 as amended by the Amending Regulations. In the entry for "Periodontal Care Package", in the second column, in the English text, it notes "3rd Oral Health Education visit" but in the table in Schedule 5 it notes "3rd OHE visit" although the phrase is repeated in full in both places in the Welsh text. In Schedule 2, in the entry for "Stabilisation Care Package", in the Welsh text, it notes the title "Delivering Better Oral Health" in full as the meaning of "DBOH", but in the Welsh text of the table in Schedule 5, it notes the abbreviation "DBOH". In addition, wording relating to the exclusion of laboratory charges and how they are paid differs in the table.

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

In Schedule 3 to the Regulations, in the shoulder note, there is a difference between the English and Welsh text. In the English text, the list of regulation includes a reference to regulation "29" but in the corresponding Welsh text it refers to regulation "28". In addition,



the details in the shoulder note do not appear to be complete, e.g., there are also references to Schedule 3 in regulations 8(1) and (4), and 9(4) etc.

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

In the English text, paragraph 1 of Schedule 3 to the Regulations is incorrectly numbered, as sub-paragraph (2) is missing. This means that the cross-references in sub-paragraph (1) and paragraphs 2 and 6(5)(c) are incorrect.

43. Standing Order 21.2(viii) – that it uses gender specific language

Paragraph 1(5)(b) of Schedule 3 to the Regulations refers to “himself or herself”. Gender neutral language should be used wherever possible and in this instance it would have been possible to use “that person” or similar.

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

Paragraph 2(2) of Schedule 3 to the Regulations refers to a “preferred performer”. The Regulations does not specify who a performer is, so the Welsh Government is asked to clarify whether this should refer to a dental practitioner, which seems to be the indication in paragraph 2(1)(a) (although the reference there is to “practitioner” rather than “dental practitioner”).

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

The wording of paragraph 5(3) of Schedule 3 to the Regulations does not appear to make sense. It refers to notification under sub-paragraph (1) and (1)(b), however the opening wording of sub-paragraph (1) (if that is the wording being referred to) and sub-paragraph (1)(b) both refer to notifications. If the intention is for the reference in paragraph (5)(3) to refer to both notifications, then the word “notification” should be plural. Otherwise, it should be made clear which notification is being referred to.

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

In paragraph 11(4) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, at the beginning of paragraph 11(4), it notes “Sub-paragraph (1) does not apply where” but the meaning given by the Welsh text is “Sub-paragraph does not apply where”.

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

Paragraph 17 of Schedule 3 to the Regulations requires the contract to notify the Local Health Board where it provides dental services through the medium of Welsh. This is



ambiguous, as it could be read as meaning that on every occasion that the contractor provides the dental services through the medium of Welsh it must notify the Local Health Board. If this is not the intention, it may have been clearer to require notification where the contractor is able to provide the dental services through the medium of Welsh, or similar.

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

Paragraph 24(1) of Schedule 3 to the Regulations imposes requirements on dental care professionals, but paragraph 24(3) refers to health care professionals. The term "health care professionals" is not defined for the purpose of the Regulations, so it would assist if the Welsh Government could confirm whether the reference in paragraph 24(3) should be to dental care professionals.

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

Paragraph 25 of Schedule 3 to the Regulations requires checks to be carried out for the employment or engagement of dental practitioners. Paragraph 25(1)(b) requires checks to be carried out to ensure the requirements in paragraphs 22 and 23 are met. Paragraph 25(2) refer to situations where it is not possible to check the matters referred to in paragraph 22 in accordance with sub-paragraph (1)(b), but makes no mention of paragraph 23. An explanation is requested as to whether the matters under paragraph 23 are deliberately excluded from paragraph 25(2) and, if so, why this is the case.

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

Paragraph 32(3) of Schedule 3 to the Regulations deals with the sub-contracting of the contract and provides for a deemed variation of the contract to add the sub-contractor's premises to the list of the contractor's premises, and also states that paragraph 60 does not apply. Paragraph 60 does not appear to be relevant to paragraph 32(3) as it deals with termination of the contract by agreement, so confirmation is requested as to whether the reference to paragraph 60 in paragraph 32(3) is correct.

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

Paragraph 36(b)(ii) of Schedule 3 to the Regulations gives the Local Health Board the right to access the contractor's workforce information. No explanation is provided as to what constitutes workforce information and such explanation is therefore sought from the Welsh Government.

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



Paragraph 37(3) of Schedule 3 to the Regulations provides that a contractor is obliged to answer inquiries on behalf of a Local Health Board if they are raised by a “qualified health care professional” or “qualified dental practitioner”. No information is provided as to what constitutes a “qualified health care professional” or what how a dental practitioner must be “qualified” for this purpose. Further information is therefore required from the Welsh Government in this regard.

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

Paragraph 47(3) of Schedule 3 to the Regulations contains incorrect cross-references. It refers to patients who fall within sub-paragraph (2)(a)(ii) or (iii), but sub-paragraph (2)(a) does not have (ii) or (iii). Clarification is required as to the correct cross-reference.

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

Paragraph 49 of Schedule 3 to the Regulations sets out further requirements in relation to a concerns procedure, and states that such procedure must comply with the requirements of sub-paragraphs (2) to (6). However, there are 11 sub-paragraphs in total in paragraph 49 so clarification is required as to whether the reference should be to sub-paragraphs (2) to (11) or, if not, what the status of sub-paragraphs (7) to (11) is, as distinct from (2) to (6), within paragraph 49.

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

In paragraph 50(4) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the Welsh text, in the list of definitions, the corresponding English definition appears in italics and brackets immediately after each Welsh definition. However, in the English text, the corresponding Welsh definitions do not appear after each English definition. This also occurs in paragraph 77(4) of Schedule 3.

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

The meaning of paragraph 55(2) of Schedule 3 to the Regulations is not clear. It states that *“In the case of a contract referred for determination in accordance with paragraph 54(1), section 7(12) of the 2006 Act applies as that subsection applies in the case of a contract referred for determination in accordance with section 7(6) of the 2006 Act.”* The underlined reference is unclear as to which section or subsection it is referring to.

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

Paragraph 54(1)(b) of Schedule 3 to the Regulations contains an incorrect cross-reference. It refers to a dispute being referred to the Welsh Ministers in accordance with paragraph 55



where the contract is not an NHS contract. Paragraph 55 deals with the determination of the dispute by an adjudicator. It appears that the correct reference in paragraph 54(1)(b) should be to paragraph 53.

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

Paragraph 54(13) of Schedule 3 to the Regulations contains an incorrect cross-reference. It refers to the discretion of the adjudicator in determining the procedure of the dispute resolution as being subject to paragraph 57. Paragraph 57 refers to the variation of the contract. It appears that the correct reference in paragraph 54(13) should be to paragraph 55.

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

In paragraph 59(3)(b) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, it notes “nominate the dental practitioner” but the meaning given by the Welsh text is “specify the dental practitioner”. It also means that the Welsh text is inconsistent with paragraph 59(1)(a) where the correct Welsh term “enwebu” has been used in the same context when referring to paragraph 59(3).

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

Paragraph 61 of Schedule 3 to the Regulations sets out notification requirements regarding the death of an individual dental practitioner who is a contractor. In paragraph 61(1), it refers to the termination of the contract at the end of the period of 28 days. Paragraph 61(1) then provides for circumstances where the contract can be continued after the end of the period of 28 clear days. The Welsh Government is asked to confirm whether the references to the 28 days, or 28 clear days (as the case may be) should be the same and, if so, which should apply. Other instances of the use of “days” in some cases and “clear days” in others also occur in the Regulations.

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

Paragraph 61(1) of Schedule 3 states that sub-paragraph (1) is subject to any rights to terminate the contract that the Local Health Board may have under paragraphs 62 to 70, however paragraphs 62 and 63 do not give the Local Health Board any rights to terminate the contract. The correct reference should therefore be 64 in place of 62.

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



Paragraph 65(7) of Schedule 3 contains an incorrect cross-reference. It refers to sub-paragraph (6)(i) but this sub-paragraph does not exist in the Regulations. Confirmation of the correct cross-reference is therefore sought.

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

The practical effect of paragraph 67(1) of Schedule 3 to the Regulations is unclear. It appears to have the effect that a Local Health Board may serve notice to terminate a contract if any of the entities listed in (a) to (c) fall within sub-paragraph (2) during the existence of the contract or on or after the date on which a notice in respect of their compliance with the conditions in regulation 4 was given under paragraph 42(2) if this was later. The issues are:

- a) paragraph 42(2) refers to a notice being given when a new partner joins the partnership, so it does not appear relevant to paragraphs 67(1)(a) or (c); and
- b) with regard to the words “if this was later”, this seems to apply to a notice regarding a new partner joining the partnership which is given later than the existence of the contract.

Clarification is therefore requested as to whether paragraph 42(2) is the correct cross-reference in this provision and how the underlined wording above is intended to apply in practice. It should also be noted that the formatting of paragraph 67(1) makes it appear that the closing words only apply to sub-paragraph (1)(c), not the whole of sub-paragraph (1) as appears to be the intention.

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

In paragraph 67(2)(b) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the words in parentheses, it notes “pending the outcome of an investigation” but the meaning given by the Welsh text is “pending an investigation”.

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

In paragraph 67(2)(m) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the second line, it notes “concerned that they are incapable of” and appears to be referring back to the opening words of paragraph 67(2) where it notes “a person”. But in the Welsh text, the meaning is given as “concerned that the contractor is incapable of”. If those words are referring back to “a person” at the beginning of paragraph 67(2), it should note the meaning as “the person” in the Welsh text. However, the English text is also inconsistent because it does note later in paragraph 67(2)(m) “that the contractor is taking adequate steps” if it is also referring back to that person.



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

In paragraph 70(1)(a) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, it notes “beginning with the day” but the meaning given by the Welsh text is “beginning on the day”. This is potentially significant and the Welsh Government’s drafting guidelines advise against describing a period of time as beginning “on” the day.

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

In paragraph 79(1) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the Welsh text, the “full-out” words at the end of paragraph 79(1) are formatted further right so that they will be interpreted as only applying to paragraph (c) of sub-paragraph (1). However, they should be formatted further left as found in the English text so that the full-out words are understood to apply to the whole of sub-paragraph (1) in paragraph 79.

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

Paragraph 83(2)(c) of Schedule 3 to the Regulations refers to a Dental Collaborative representative. The Regulations do not explain what a Dental Collaborative representative, or a Dental Collaborative, is. Further information is therefore requested from the Welsh Government in this regard, together with an explanation as to why such information is not reflected in the Regulations.

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

In the wording inserted by paragraph 2(2)(b) and 2(2)(e) of Schedule 6 to the Regulations into the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 (“the 2006 Regulations”), reference is made to the 2026 GDS Contracts and Charges Regulations. However, the defined term for this purpose in the 2006 Regulations is the 2026 GDS Contracts and Patient Charges Regulations. Similarly, in paragraph 2(2)(i), the reference should be to “the 2026 Regulations” not the National Health Service (Performers Lists) (Wales) Regulations 2026.

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

In paragraph 2(2)(f) of Schedule 6 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the inserted text, it notes “the 2026 GDS Contracts and Patient Charges Regulations” but the meaning given by the Welsh text is “the 2026 GDS Contracts and Charges Regulations”.



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

In paragraph 2(8)(j) of Schedule 6 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the new text, it notes “2026 GDS Contracts and Charges Regulations” but the meaning given by the Welsh is “2026 GDS Contracts and Patient Charges Regulations”.

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

Paragraph 2(9)(b) of Schedule 6 to the Regulations inserts a new table into the 2006 Regulations. The new table uses the term “contract holder”, but this is not defined in the 2006 Regulations. The Welsh Government is asked to confirm whether these are references to the contractor, as defined in regulation 2 of the 2006 Regulations, and if so why a different term is used in the table that is to be inserted into the 2006 Regulations by these Regulations.

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

Numerous typographical, grammatical, formatting and cross-referencing errors (such as confusion between paragraph and sub-paragraph) were noted throughout the Regulations. There are also instances in the English text of definitions not being listed alphabetically. Although these issues do not affect the meaning or understanding of the Regulations, the Committee notes that it is important to ensure the accessibility and quality of the drafting in law.

Merits Scrutiny

The following 4 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

74. 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

The Explanatory Note states that the Regulations set out, for Wales, the framework for general dental services contracts under section 57 of the National Health Service Act 2006, which is then defined for the purpose of the remainder of the Explanatory Note as “the Act”. The Act referred to is incorrect, the correct Act is the National Health Service (Wales) Act 2006. Although the Explanatory Note does not form part of the Regulations, which do refer to the correct Act, this error may cause confusion for the reader, particularly as the National Health Service Act 2006 is also an Act of the UK Parliament. Using an incorrect reference for a defined term also means that the remainder of the Explanatory Note contains incorrect references.



The same issue arose and was addressed by this Committee at point 54 of its [report](#) in relation to the National Health Service (General Medical Services Contract) (Wales) Regulations 2023 so the Welsh Government is asked to explain why this issue has arisen again.

75. 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

The Contents page to the Regulations contains incomplete references at points 32 and 33. "Arrangements" should read "Arrangements on termination of a contract" and "Other" should read "Other contractual terms". Although it is acknowledged that the Contents page does not form an operative part of the Regulations, incomplete references may create accessibility issues for a reader searching for a specific provision.

76. 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

The Committee notes that paragraph 2 of Schedule 6 to the Regulations inserts new definitions into the 2006 Regulations (the word Regulations is missing from the title of paragraph 2 of Schedule 6). One of the new definitions refers to the National Health Service (Performers Lists) (Wales) Regulations 2026. The Committee is not aware that, at the time of writing, those Regulations have been made. The Welsh Government is asked to confirm that those Regulations will be made and in force before these Regulations come into force so that the new provision in the 2006 Regulations will make sense.

77. 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

The Committee notes that due to errors in the Regulations that came to light during the registration of the Regulations by the SI Registrar (on behalf of the King's Printer for Wales), the Amending Regulations have already been made. They will come into force on 1 March 2026 and will:

- a) replace Schedule 1 to the 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; and
- c) substitute the table in Schedule 5 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.

Welsh Government response

A Welsh Government response is required for all reporting points save for numbers 34 and 77.

Legal Advisers



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee

Legislation, Justice and Constitution Committee
3 March 2026



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
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