

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Constitutional and Legislative Affairs Committee**

Lesley Griffiths AM
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Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



26 September 2012

Dear Lesley

**CLA169 - The National Health Service (Dental Charges) (Wales)
(Amendment) Regulations 2012**

The Constitutional and Legislative Affairs Committee considered the above Statutory Instrument at its meeting on 24 September 2012.

The Committee was content that there was no need for the Assembly to pay special attention to the Regulations on any of the grounds set out in Standing Order 21.2.

The Regulations increase patient charges for certain dental services. Although the increases are relatively small, and are the first since 2006, the Committee would have expected the reasons for the increases and the basis for deciding their scale to have been fully and accurately explained in the Explanatory Memorandum. It is important that Explanatory Memorandums for all Statutory Instrument are as complete and accurate as possible, but this is particularly important when instruments impact directly on the public as in this case.

However, the basis for the calculation of these increases was not completely clear. In particular, there was a lack of clarity about the extent to which increases were decided by a formula or by Ministerial discretion. From this perspective, we believe there are good grounds to question whether the statement in the first part of section 6 that "*the Regulations simply increase a statutory fee by a predetermined formula*" is wholly accurate. We understand that there is currently no such formula.

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The Committee considered whether to issue a “merits” report under Standing Order 21.3 in relation to the accuracy of the Explanatory Memorandum. The Committee does not believe that there was any intention to mislead in this case and agreed instead that I should write to you setting out our concerns and inviting you to respond to them.

I look forward to your response.

Yours sincerely

A handwritten signature in black ink that reads "David Melding". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

David Melding AM
Chair