

Changes to legislation: Health and Social Care Act 2012, PART 5 is up to date with all changes known to be in force on or before 25 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

PART 5

DENTAL SERVICES

- 42 (1) Section 99 (duty relating to primary dental services) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary dental services throughout England.
- (1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.”
- (3) Omit subsection (2).
- (4) In subsection (3)—
- (a) for “Each Primary Care Trust” substitute “The Board”, and
- (b) for “for which it makes provision” substitute “for which provision is made”.
- (5) Omit subsection (4).
- (6) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary dental services”.

Commencement Information

II Sch. 4 para. 42 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 43 (1) Section 100 (general dental services contracts: introductory) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (4), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (3), in paragraph (a), after “dental services” insert “or services which are to be performed outside England”.

Commencement Information

I2 Sch. 4 para. 43 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

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- 44 In section 102 (persons eligible to enter into general dental services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.

Commencement Information

I3 Sch. 4 para. 44 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 45 In section 103 (general dental services contracts: payments), in subsection (3)(d), for “a Primary Care Trust” substitute “the Board”.

Commencement Information

I4 Sch. 4 para. 45 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 46 In section 104 (general dental services contracts: required terms), in subsection (3) for “a Primary Care Trust” substitute “the Board”.

Commencement Information

I5 Sch. 4 para. 46 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 47 (1) Section 106 (persons performing primary dental services) is amended as follows.
- (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
- (a) subsection (1), in each place it occurs,
 - (b) subsection (3)(j),
 - (c) subsection (4)(a), (b) and (d), and
 - (d) subsection (6)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
- “(b) the Board is responsible for a dental service if it secures its provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.

Commencement Information

I6 Sch. 4 para. 47 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 48 (1) Section 107 (arrangements by Strategic Health Authorities for the provision of primary dental services) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Board may make agreements, other than general dental services contracts, under which primary dental services are provided.”
- (3) Omit subsection (7).
- (4) For the title to that section substitute “Arrangements by the Board for the provision of primary dental services”.

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- (5) The provision which may be made by virtue of section 304(10)(a) of this Act in an order under section 306 of this Act providing for the commencement of this paragraph includes, in particular, provision enabling the National Health Service Commissioning Board to direct Primary Care Trusts to exercise its functions under section 107 pending the commencement of section 34 of this Act.

Commencement Information

- I7** Sch. 4 para. 48 partly in force; Sch. 4 para. 48 in force for specified purposes at Royal Assent, see s. 306(1)(d)
I8 Sch. 4 para. 48 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 49 (1) Section 108 (participants in section 107 arrangements) is amended as follows.
- (2) In subsection (1)—
- (a) for “A Strategic Health Authority” substitute “The Board”, and
- (b) omit paragraph (g).
- (3) In subsection (3), in the definition of “NHS employee”, in paragraph (b), omit “Primary Care Trust or”.

Commencement Information

- I9** Sch. 4 para. 49 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 50 (1) Section 109 (regulations about section 107 arrangements) is amended as follows.
- (2) In subsection (2), for “Strategic Health Authorities” substitute “the Board”.
- (3) In subsection (3), after paragraph (c) insert—
- “(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 107 arrangements,”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.

Commencement Information

- I10** Sch. 4 para. 50 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 51 Omit section 110 (transfer of liabilities relating to section 107 arrangements).

Commencement Information

- I11** Sch. 4 para. 51 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 52 (1) Section 112 (assistance and support) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsection (2)—

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- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “the Primary Care Trust” substitute “the Board”.

Commencement Information

I12 Sch. 4 para. 52 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 53 (1) Section 113 (Local Dental Committees) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.
 - (3) In subsection (3)(b), for “the Primary Care Trust” substitute “the Board”.
 - (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
 - (5) Omit subsection (7).
 - (6) In subsection (10)—
 - (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

Commencement Information

I13 Sch. 4 para. 53 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)