
STATUTORY INSTRUMENTS

2005 No. 3435

**The General Dental Services and Personal Dental
Services Transitional Provisions Order 2005**

PART 3

PERSONAL DENTAL SERVICES

CHAPTER 1

Entitlement to Personal Dental Services Agreements

Individual dental practitioners who provide only orthodontic care and treatment

16.—(1) Subject to paragraph (2), a Primary Care Trust must, if a person so wishes, enter into a personal dental services agreement with him as the only other party to an agreement if—

- (a) on 31st March 2006 or, if earlier, on the date on which the agreement is to be signed, he is included in the dental list of that Primary Care Trust and, in accordance with regulation 4(2)(b)(i) of the 1992 Regulations, it is indicated in the dental list that the dental practitioner provides only orthodontic care and treatment;
- (b) on the date on which the agreement is to be signed, he is practising as an individual dental practitioner and—
 - (i) no other dental practitioner, or
 - (ii) no other person providing services under section 35 arrangements, practises in partnership with him; and
- (c) in the case of an agreement that is to be signed after 31st March 2006, he is, at the date on which the agreement is to be signed, included in a dental performers list.

(2) A person shall be treated as practising for the purposes of paragraph (1)(b) if he would have been so practising on the date in question except for the fact that on that date he is—

- (a) suspended from the—
 - (i) Dentists Register under section 32 of the Dentists Act (interim suspension) or by a direction or order of the Health Committee under that Act (health cases),
 - (ii) dental list under section 49I (suspension for protection of the public or in the public interest) or 49J (suspension pending appeal) of the 1977 Act, or
 - (iii) dental performers list under regulation 13 of the Performers Lists Regulations (suspension for the protection of public or in the public interest);
- (b) on maternity, paternity or adoption leave and is, on that date, in receipt of payments in respect of such leave by virtue of Determination VI of the SDR;
- (c) on long term sickness leave and is, on that date, in receipt of payments pursuant to Determination VII of the SDR; or
- (d) performing relevant service.

(3) Where a person is suspended under or as a consequence of any of the provisions referred to in paragraph (2)(a), a Primary Care Trust shall only be required under paragraph (1) to enter into a personal dental services agreement with him during the period of that suspension if it is satisfied that—

- (a) having regard to the grounds for suspension he is able to provide (but not perform) services under the agreement and the Primary Care Trust is not at risk of material financial loss;
- (b) the entering into the agreement would not—
 - (i) put at risk the safety of the contractor’s patients, or
 - (ii) be prejudicial to the efficiency of the provision of primary dental services in the area of the Primary Care Trust; and
- (c) the practitioner has in place adequate arrangements for the provision of services under the agreement during the period of his suspension.

(4) Where a Primary Care Trust refuses to enter into a personal dental services agreement as a consequence of paragraph (3), it shall notify the prospective contractor in writing of its decision, reasons for that decision and of the individual’s right of appeal under article 18.

(5) Where the contracting parties are unable to agree on a particular term of the personal dental services agreement, article 14(3) and (4) shall apply.