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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Dental Services Contracts) Regulations 2005 (“the GDS Contracts Regulations”), the National Health Service (Personal Dental Services Agreements) Regulations 2005 (“the PDS Agreements Regulations”) and the National Health Service (Dental Charges) Regulations 2005 (“the NHS Charges Regulations”).

Amendments made by these Regulations largely make amendments which are as a consequence of the transfer of primary dental services contracts and agreements to the National Health Service Commissioning Board (“the Board”) from Primary Care Trusts and as a consequence of the abolition of Strategic Health Authorities and Primary Care Trusts upon the coming into force of sections 33 and 34 of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”) and reflect changes made to the provision of primary dental services by the 2012 Act. These Regulations also make other minor amendments to the GDS Contracts Regulations, the PDS Agreements Regulations and the NHS Charges Regulations.

Part 2 contains amendments to the GDS Contracts Regulations. The majority of these amendments are made in consequence of the transfer of GDS contracts from Primary Care Trusts to the Board, the abolition of Primary Care Trusts and as a consequence of minor amendments made to Part 5 of the National Health Service Act 2006 (“the 2006 Act”) by section 203 of the 2012 Act. Amendments are also made in relation to the implementation of the Capitation and Quality Scheme 2 which will be introduced by the Secretary of State on 1st April 2013. In particular-

- (a) regulation 5 amends regulation 4 to reflect changes to section 102 of the 2006 Act by section 203 of the 2012 Act which provide that limited liability partnerships can enter GDS contracts;
- (b) regulations 16 and 17 respectively omit regulation 24A and insert new regulation 24B to require the terms of a GDS contract to be varied in a case where the contractor and the Board elect to enter into a Capitation and Quality Scheme 2 Agreement. A Capitation and Quality Scheme 2 Agreement is an agreement made in accordance with Directions made under section 114A of the 2006 Act, which set out the framework for piloting new arrangements for the provision of primary dental services. The piloted arrangements must come to an end on 31st March 2015;
- (c) regulation 19 amends Schedule 3—
  - (i) paragraph(23) inserts new paragraph 42B relating to notice provisions specific to a contract with a limited liability partnership, and paragraphs (43), (46), and (52) amend paragraphs (71), (74), and (83) to take account of limited liability partnerships;
  - (ii) paragraph (25) substitutes paragraph 46A as a consequence of the abolition of local involvement networks and the establishment of Local Healthwatch organisations in accordance with section 222(2A) of the National Health Service Act 2006 as amended by section 183(2) of the 2012 Act and
  - (iii) paragraph (52) inserts paragraph 79A into Schedule 3 as a consequence of section 1F of the 2006 Act;
- (d) regulation 20 amends Schedule 4 to reflect limited liability partnerships in patient information leaflets.

**Status:** This is the original version (as it was originally made).

Schedule 1 makes transitional provisions in respect of GDS contracts which are transferred from Primary Care Trusts to the Board on 1st April 2013.

Part 3 and Schedule 2 make amendments to the PDS Agreements Regulations and transitional provision relating to agreements made under those Regulations which mirror those made to the GDS Contracts Regulations, apart from amendments relating to changes made to section 108 of the 2006 Act by section 204(2)(c) and (d) of the 2012 Act which substitute qualifying bodies with dental corporations, companies limited by shares and limited liability partnerships, in relation to bodies that can enter PDS agreements.

Part 4 makes amendments to the NHS Charges Regulations and Part 5 makes transitional provision relating to charges made under those Regulations. The majority of these amendments are made in consequence of the transfer of GDS contracts and PDS agreements from Primary Care Trusts to the Board and the abolition of Primary Care Trusts. Regulation 51 inserts a new regulation to provide for an additional charge to be known as a Band 1A charge of £17.50 which applies where an interim care course of treatment is provided to persons who receive primary dental services under the Capitation and Quality Scheme 2 which will be introduced by the Secretary of State on 1st April 2013. Regulation 52 inserts a new Schedule 1A which sets out the components of a Band 1A course of treatment.

A full Impact Assessment has not been produced for this instrument as it has no impact on the cost of business, charities or voluntary bodies.