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STATUTORY INSTRUMENTS

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**2016 No. 298**

The National Health Service (Primary Dental Services  
–Miscellaneous Amendments and Directions to the  
NHS Business Services Authority) Regulations 2016

PART 3

Amendment of the PDS Regulations

**Amendment of regulation 2 of the PDS Regulations**

14. In regulation 2(1) of the PDS Regulations (interpretation)(1), after the definition of “case assessment” insert—

““CDS prototype contractor” means a contractor who has elected to enter into a prototype agreement under which primary dental services are secured for, and provided to, persons who cannot easily access such services;”.

**Amendment of regulation 13 of the PDS Regulations**

15. In regulation 13 of the PDS Regulations (units of dental activity)(2), in paragraphs (1) and (2), for “regulations 20B and 20C” substitute “regulation 20C”.

**Amendment of regulation 14A of the PDS Regulations**

16. In regulation 14A of the PDS Regulations (units of dental activity for contractors who elect to enter into a prototype agreement)(3)—

- (a) at the beginning of paragraph (1), for “Where a contractor” substitute “Subject to paragraph (3), where a contractor”; and
- (b) after paragraph (2), insert—

“(3) This regulation does not apply where the contractor is a CDS prototype contractor.”.

**Amendment of regulation 14B of the PDS Regulations**

17. In regulation 14B of the PDS Regulations (capitated patient figures for contractors who elect to enter into a prototype agreement)(4), after “has elected to enter into a prototype agreement”, insert “except where the contractor is a CDS prototype contractor,”.

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(1) Regulation 2(1) was amended by S.I. 2006/563, 2010/22, 2011/1182, 2013/364, 2014/443 and 2015/1728.

(2) Regulation 13 was amended by S.I. 2013/364 and 2015/1728.

(3) Regulation 14A was inserted by S.I. 2015/1728.

(4) Regulation 14B was inserted by S.I. 2015/1728.

### **Amendment of regulation 14C of the PDS Regulations**

**18.** In regulation 14C of the PDS Regulations (capitated patients)(5)—

- (a) at the beginning of paragraph (1), for “Where a contractor” substitute “Subject to paragraph (3), where a contractor”; and
- (b) after paragraph (2), insert—
  - “(3) This regulation does not apply where the contractor is a CDS prototype contractor.”.

### **Amendment of regulation 17 of the PDS Regulations**

**19.** In regulation 17 of the PDS Regulations (finance)(6), in paragraphs (1) and (3), for “regulations 20B and 20C” substitute “regulation 20C”.

### **Insertion of new regulation 17A into the PDS Regulations**

**20.** After regulation 17 of the PDS Regulations (finance), insert—

#### **“Publication of information about earnings**

**17A.—**(1) Using the information that it has obtained to make the payments to contractors mentioned in regulation 17(1)(a), the Board must publish the information specified in paragraph (2).

(2) The information specified in this paragraph is, in respect of each agreement—

- (a) the number of dental performers who during the previous financial year performed services under the agreement;
- (b) a figure representing the aggregate net pensionable earnings in respect of the previous financial year of those dental performers under the agreement, taking into account the amount by which the employing authority of those performers would reduce those earnings to take account of expenses; and
- (c) an average figure of net pensionable earnings of each performer based on the figures referred to in sub-paragraphs (a) and (b).

(3) In relation to the financial year ending on 31st March 2015, the information specified in paragraph (2) must be published by 31st May 2016; and for each subsequent financial year, it must be published before the end of the financial year following the financial year to which the information relates.

(4) The NHSBSA is directed to perform the Board’s functions under this regulation, and must publish the information on its website (7) in such form and such manner as it sees fit.

(5) For the purposes of this regulation, net pensionable earnings are to be calculated in accordance with paragraph 3(2B) (meaning of pensionable earnings) of Schedule 2 (medical and dental practitioners) to the National Health Service Pension Scheme Regulations 1995(8), regulation 3.A.7(4) (meaning of pensionable earnings) of the National Health Service Pension Scheme Regulations 2008(9) and paragraph 3 (dental practitioner)

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(5) Regulation 14C was inserted by [S.I. 2015/1728](#).

(6) Regulation 17 was amended by [S.I. 2013/364](#) and [2015/1728](#).

(7) The NHS Business Services Authority’s website address is [www.nhsbsa.nhs.uk](http://www.nhsbsa.nhs.uk). The postal address for enquiries to the NHS Business Services Authority is NHS Business Services Authority, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne, NE15 8NY.

(8) [S.I. 1995/300](#). Sub-paragraph 3(2B) of Schedule 2 was inserted by [S.I. 2006/600](#), and was amended by [S.I. 2008/2263](#) and [2013/413](#).

(9) [S.I. 2008/653](#). Regulation 3.A.7(4) was amended by [S.I. 2013/413](#).

of Schedule 10 (practitioner income) to the National Health Service Pension Scheme Regulations 2015(10).

(6) For the purposes of this regulation—

“dental performer” means a dental practitioner whose name is included in the dental performers list;

“employing authority” has the meaning given in—

(a) regulation A2 (interpretation) of the National Health Service Pension Scheme Regulations 1995(11);

(b) regulation 2.A.1 (interpretation: general) of the National Health Service Pension Scheme Regulations 2008(12); and

(c) regulation 33(6) (contributions by employing authorities) of the National Health Service Pension Scheme Regulations 2015; and

“the NHSBSA” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(13);”.

#### **Amendment of regulation 20 of the PDS Regulations**

**21.** In regulation 20 of the PDS Regulations (other contractual terms)(14), in paragraph (1), for “regulation 20B” substitute “regulation 20C”.

#### **Revocation of regulation 20B of the PDS Regulations**

**22.** Regulation 20B of the PDS Regulations (variation of contractual terms in respect of election to enter into a Capitation and Quality Scheme 2 Agreement)(15) is revoked.

#### **Amendment of regulation 20C of the PDS Regulations**

**23.** In regulation 20C of the PDS Regulations (variation of contractual terms in respect of election to enter into a prototype agreement)(16)—

(a) at the beginning of paragraph (1), for “This regulation applies” substitute “Subject to paragraph (6), this regulation applies”; and

(b) after paragraph (5), insert—

“(6) Sub-paragraphs (b) and (d) of paragraph (3) do not apply where the contractor is a CDS prototype contractor.”.

#### **Amendment of Schedule 2A to the PDS Regulations**

**24.** In Schedule 2A to the PDS Regulations (provision of services where a contractor has elected to enter into a prototype agreement)(17), after paragraph (6), insert—

“(7) This Schedule does not apply where the contractor is a CDS prototype contractor.”.

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(10) S.I. 2015/94.

(11) The definition of “employing authority” in regulation A2 was amended by S.I. 1997/1888, 1998/666, 2000/605, 2002/2469, 2003/631, 2004/696, 2005/661, 2007/3280, 2008/2263, 2009/2446, 2013/413 and 2014/570.

(12) The definition of “employing authority” in regulation 2.A.1 was amended by S.I. 2013/413 and 2014/570.

(13) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) was established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution Order 2005) (S.I. 2005/2414), as amended by S.I. 2006/632, 2007/1201, 2013/235 and 2015/1862.

(14) Regulation 20 was amended by S.I. 2013/364.

(15) Regulation 20B was amended by S.I. 2013/364 and 2015/416.

(16) Regulation 20C was inserted by S.I. 2015/1728.

(17) Schedule 2A was inserted by S.I. 2015/1728.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Amendment of paragraph 43A of Schedule 3 to the PDS Regulations**

**25.** In Schedule 3 to the PDS Regulations (other contractual terms), in paragraph 43A (notification provisions specific to prototype agreements)(**18**), for “The contractor shall” substitute “Where the contractor has elected to enter into a prototype agreement, except for CDS prototype contractors, the contractor shall”.

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(18) Paragraph 43A was inserted by S.I. 2015/1728.