WELSH STATUTORY INSTRUMENTS

2006 No. 489

The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006

PART 5

AGREEMENTS: REQUIRED TERMS

Under - provision of units of dental activity or units of orthodontic activity

15.—(1) The agreement will provide that the Relevant Body will not, pursuant to Part 9 of Schedule 3 (variation and termination of agreements), be entitled to take any action for breach of a term of the agreement giving effect to regulation 13 or 14 (including termination of the agreement) where paragraph (2) applies.

(2) Subject to paragraph (4) this paragraph applies where the contractor has failed to provide—

(a) the number of units of dental activity; or

(b) the number of units of orthodontic activity,

it is contracted to provide pursuant to a term of the agreement giving effect to regulation 13 or 14 where—

(i) that failure amounts to 5 per cent or less of the total number of units of dental activity or units of orthodontic activity that ought to have been provided, and

(ii) the contractor agrees to provide and does so provide the units it has failed to provide within such time period as the Relevant Body specifies in writing, such period to consist of not less than sixty days.

(3) Paragraphs (1) and (2) will not prevent the Relevant Body from taking action under Part 9 of Schedule 3 for breach of contract (including terminating the agreement) on other grounds.

(4) In the case of an agreement with a duration period of less than twelve months, the period of sixty days in paragraph 2 (ii) may not apply if the Relevant Body considers it not appropriate or considers that another period of less than sixty days should apply.