

SCHEDULE 3

OTHER CONTRACTUAL TERMS

PART 9

VARIATION AND TERMINATION OF AGREEMENTS

Termination by the Relevant Body: additional provisions specific to contracts with qualifying bodies

72.—(1) Where a party to the agreement is a qualifying body, if the Relevant Body becomes aware that the qualifying body is carrying on any business which the Relevant Body considers to be detrimental to the contractor's performance of its obligations under the agreement—

- (a) the Relevant Body will be entitled to give notice to the contractor requiring that the qualifying body ceases carrying on that business before the end of a period of not less than twenty eight days beginning on the day on which the notice is given ("the notice period"); and
- (b) if the contractor has not satisfied the Relevant Body that the qualifying body has ceased carrying on that business by the end of the notice period, the Relevant Body may, by a further written notice, terminate the agreement forthwith or from such date as may be specified in the notice.

(2) Where the contractor is a qualifying body and on or after the coming into force for all purposes of article 39 of the Dentists Act Order during the existence of the agreement—

- (a) the majority of the directors of the qualifying body cease to be either dental practitioners or dental care professionals;
- (b) the qualifying body has been convicted of an offence under section 43(1) of the Dentists Act(1) (directors of bodies corporate); or
- (c) the qualifying body, or a director or former director of that qualifying body, has had a financial penalty imposed on it or him or her by the General Dental Council pursuant to section 43B (financial penalties in relation to bodies corporate) or 44(2) (further financial penalties on bodies corporate) of the Dentists Act,

the Relevant Body may, by written notice, terminate the agreement if it considers that as a consequence the qualifying body is no longer suitable to be a contractor.

(1) Section 43 of the Dentists Act 1984 is substituted by the Dentists Act Order, article 39.

(2) Section 43B is inserted into, and section 44 is, substituted by the Dentists Act Order, article 39.