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STATUTORY INSTRUMENTS

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**2005 No. 3361**

**The National Health Service (General  
Dental Services Contracts) Regulations 2005**

**PART 4**

**HEALTH SERVICE BODY STATUS**

**Health service body status**

9.—(1) Where a proposed contractor elects in a written notice served on [F<sup>1</sup>NHS England] at any time prior to the contract being entered into to be regarded as a health service body for the purposes of section 4 of the 1990 Act, it shall be so regarded from the date on which the contract is entered into.

(2) If, in accordance with paragraph (1) or (5), a contractor is to be regarded as a health service body, that fact shall not affect the nature of, or any rights or liabilities arising under, any other contract with a health service body entered into by that contractor before the date on which the contractor is to be so regarded.

(3) Where a contract is made with an individual dental practitioner or two or more persons practising in partnership, and that individual or that partnership is to be regarded as a health service body in accordance with paragraph (1) or (5), the contractor shall, subject to paragraph (4), continue to be regarded as a health service body for the purposes of section 4 of the 1990 Act for as long as that contract continues and irrespective of any change in—

- (a) the partners comprising the partnership;
- (b) the status of the contractor from that of an individual dental practitioner to that of a partnership; or
- (c) the status of the contractor from that of a partnership to that of an individual dental practitioner.

(4) A contractor may at any time request a variation of the contract to include or remove provision from the contract that the contract is an NHS contract, and if it does so—

- (a) [F<sup>1</sup>NHS England] shall agree to the variation; and
- (b) the procedure in paragraph 60(1) of Schedule 3 shall apply (variation of a contract: general).

(5) Where, pursuant to paragraph (4), [F<sup>1</sup>NHS England] agrees to a variation of the contract, the contractor shall—

- (a) be regarded; or
- (b) subject to paragraph (7), cease to be regarded,

as a health service body for the purposes of section 4 of the 1990 Act from the date that variation takes effect pursuant to paragraph 60(1) of Schedule 3.

(6) Subject to paragraph (7), a contractor shall cease to be regarded as a health service body for the purposes of section 4 of the 1990 Act if the contract is terminated.

- (7) Where a contractor ceases to be a health service body pursuant to—
- (a) paragraph (5) or (6), it shall continue to be regarded as a health service body for the purposes of being a party to any other NHS contract entered into after it became a health service body but before the date on which the contractor ceased to be a health service body (for which purposes it ceases to be such a body on the termination of that NHS contract);
- [<sup>F2</sup>(b) paragraph (5), where it or [<sup>F1</sup>NHS England]—
- (i) has referred any matter to the NHS dispute resolution procedure before it ceases to be a health service body, or
- (ii) refers any matter to the NHS dispute resolution procedure, in accordance with paragraph 54(1)(a) of Schedule 3, after it ceases to be a health service body, the contractor is to continue to be treated as a health service body (and accordingly the contract is to continue to be regarded as an NHS contract) for the purposes of the consideration and determination of the dispute; or]
- (c) paragraph (6), it shall continue to be regarded as a health service body for the purposes of the NHS dispute resolution procedure where that procedure has been commenced—
- (i) before the termination of the contract; or
- (ii) after the termination of the contract, whether in connection with or arising out of the termination of the contract or otherwise,
- for which purposes it ceases to be such a body on the conclusion of that procedure.

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**Textual Amendments**

- F1** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F2** [Reg. 9\(7\)\(b\) substituted \(1.7.2015\) by The National Health Service \(Primary Dental Services and General Ophthalmic Services\) \(Miscellaneous Amendments and Transitional Provision\) Regulations 2015 \(S.I. 2015/416\)](#), regs. 1(3), **2** (with reg. 12)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (General Dental Services Contracts) Regulations 2005, PART 4.