
STATUTORY INSTRUMENTS

2011 No. 1182

The National Health Service (Primary Dental Services)
(Miscellaneous Amendments) Regulations 2011

PART 2

AMENDMENT OF THE NATIONAL HEALTH SERVICE (GENERAL
DENTAL SERVICES CONTRACTS) REGULATIONS 2005

Amendment of the National Health Service (General Dental Services Contracts) Regulations 2005

2. The National Health Service (General Dental Services Contracts) Regulations 2005(1) are amended in accordance with this Part.

Amendment of regulation 2

3. In regulation 2 (interpretation), after the definition of “bridge” insert—

““Capitation and Quality Scheme Agreement” means an agreement containing such terms and conditions relating to the provision of primary dental services as are required by, and which is made in accordance with, directions given by the Secretary of State under section 8 of the National Health Service Act 2006(2);”.

Amendment of regulation 17

4. In regulation 17 (units of dental activity), at the beginning of paragraphs (1) and (2), insert “Subject to regulation 24A,”.

Amendment of regulation 21

5. In regulation 21 (finance), at the beginning of paragraphs (1) and (3), insert “Subject to regulation 24A,”.

Amendment of regulation 24

6. In regulation 24 (other contractual terms), at the beginning of paragraph (1), insert “Subject to regulation 24A,”.

New regulation 24A

7. After regulation 24 (other contractual terms), insert—

(1) [S.I. 2005/3361](#). The relevant amending instruments are [S.I. 2006/563](#), [2008/1700](#) and [2010/22](#).

(2) See the National Health Service (Dental Services) (Capitation and Quality Scheme Agreements) Directions 2011 published on the Department of Health website www.dh.gov.uk.

“Variation of contractual terms in respect of election to enter into a Capitation and Quality Scheme Agreement

24A.—(1) This regulation applies where the contractor and the Primary Care Trust elect to enter into a Capitation and Quality Scheme Agreement.

(2) Where paragraph (1) applies, the terms of the contract which have the same effect as the provisions specified in paragraph (3) must be varied in accordance with paragraphs (4) and (5) with effect from the start of the day on which the Capitation and Quality Scheme Agreement commences and for the period ending at the end of the day which is the date of the termination of the Capitation and Quality Scheme Agreement, which must be no later than 31st March 2013.

(3) The provisions specified in this paragraph are—

- (a) regulation 17(units of dental activity);
- (b) regulation 21(finance); and
- (c) in Schedule 3—
 - (i) paragraph 32(2)(patient records), which is a contractor’s discretion to keep patient records in electronic form,
 - (ii) paragraph 58 (mid-year reviews), in so far as it relates to units of dental activity,
 - (iii) paragraph 59 (action the Primary Care Trust can take following a mid-year review), in so far as it relates to units of dental activity, and
 - (iv) paragraph 61(1)(a) and (3)(a) (variation of a contract: activity under the contract), which relate to units of dental activity.

(4) The contract must include terms that have the effect of temporarily releasing the contractor and the Primary Care Trust from all of the obligations, conditions, payments, rights and liabilities relating to those terms (and only those terms) which have the same effect as the provisions specified in paragraph (3), including any right to enforce those terms.

(5) The contract must also include terms to have the effect of providing that immediately after the date of the termination of the Capitation and Quality Scheme Agreement—

- (a) the terms of the contract that subsisted between the parties immediately before the Capitation and Quality Scheme Agreement commenced and from which the parties were temporarily released in accordance with paragraph (4) must apply from the day after the date of termination; and
- (b) all obligations, conditions, payments, rights and liabilities relating to those terms are to be enforceable from that day.”.

Amendments to Schedule 3

8.—(1) Schedule 3 (other contractual terms) is amended as follows.

(2) In paragraph 1 (persons to whom mandatory services or additional services are to be provided), for sub-paragraph (4)(a) substitute—

- “(a) a person’s age, sex (reassigned or otherwise), religion or belief, sexual orientation, race, cultural and linguistic background, any disability they may have, or medical or dental condition; or”.

(3) In paragraph 65 (termination on the death of an individual dental practitioner), in sub-paragraph (1)—

- (a) at each place “seven days” occurs, substitute “28 days”; and

(b) in paragraph (a), substitute “not exceeding three months” with “not exceeding 6 months”.