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STATUTORY INSTRUMENTS

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**2022 No. 1132**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Primary Dental Services) (Amendment) Regulations 2022**

*Made* - - - - *3rd November 2022*  
*Laid before Parliament* *4th November 2022*  
*Coming into force* - - *25th November 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 101, 104(1) and (2), 109(1) and (3) and 272(7) and (8) of the National Health Service Act 2006(1).

**PART 1**

**General**

**Citation, commencement, application and interpretation**

**1.—**(1) These Regulations may be cited as the National Health Service (Primary Dental Services) (Amendment) Regulations 2022 and come into force on 25th November 2022.

(2) These Regulations extend to England and Wales and apply in relation to England only.

(3) In these Regulations—

“the GDS Contracts Regulations” means the National Health Service (General Dental Services Contracts) Regulations 2005(2);

“the PDS Agreements Regulations” means the National Health Service (Personal Dental Services Agreements) Regulations 2005(3).

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- (1) 2006 c. 41. Section 109(3) was amended by paragraph 50(1) and (3) of Schedule 4 to the Health and Social Care Act 2012 (c. 7) and by paragraph 52(1)(b) and (2) of Schedule 9 to the Crime and Courts Act 2013 (c. 22). See Section 275(1) of the National Health Service Act 2006 for the meaning given to “prescribed” and “regulations”. Section 109(3) is also amended by paragraph 23 of Schedule 3 to the Health and Care Act 2022 (c. 31), but these amendments are not yet in force.
- (2) S.I. 2005/3361. Relevant amendments are made by S.I. 2008/528 and 1514, 2009/462, 2010/1881, 2013/364, 2014/443, 2015/1728, 2016/298, 2017/1056 and 2020/885.
- (3) S.I. 2005/3373. Relevant amendments are made by S.I. 2008/528, 2009/462, 2010/1881, 2013/364, 2014/443, 2015/1728, 2016/298, 2017/1056 and 2020/885.

## PART 2

### Amendment of the GDS Contracts Regulations

#### **Amendments relating to Units of Dental Activity for Band 2 courses of treatment**

2.—(1) The GDS Contracts Regulations are amended as follows.

(2) In Schedule 2 (provision of services: units of dental activity and units of orthodontic activity)

(a) in Part 1 (units of dental activity)—

(i) for paragraph 1(1) substitute—

“(1) Where the contractor provides—

(a) a Band 1 or Band 3 course of treatment; or

(b) a sub-band of a Band 2 course of treatment as set out in Part 1A of this Schedule,

the contractor provides the number of units of dental activity specified in the appropriate row of Table A.”;

(ii) for Table A, substitute Table A as set out in Schedule 1 to these Regulations; and

(b) after Part 1, insert Part 1A as set out in Schedule 2 to these Regulations.

(3) In Part 2 of Schedule 3 (other contractual terms – provision of services), in paragraph 11(4), after “NHS Charges Regulations” insert “and, if such restoration falls within a Band 2 course of treatment, the applicable sub-band for the purpose of calculating the appropriate number of units of dental activity shall be determined in accordance with Parts 1 and 1A of Schedule 2”.

#### **Amendments relating to information about the contractor’s practice**

3. In Part 5 of Schedule 3 to the GDS Contracts Regulations (other contractual terms - records, information, notifications and rights of entry), after paragraph 34 (patient information) insert—

##### **“Information about the contractor’s practice**

**34A.**—(1) The contractor must ensure that a comprehensive and accurate profile in respect of its practice is provided to NHS England for the purpose of display on the NHS.uk website.

(2) The contractor must review the information contained in the profile referred to in paragraph (1) at least once in every period of 90 days from the date the profile is provided in accordance with paragraph (1).

(3) If, on such a review, it appears to the contractor that any of that information is inaccurate or incomplete, the contractor must provide NHS England with an updated profile in respect of its practice.”.

## PART 3

### Amendment of the PDS Agreements Regulations

#### **Amendments relating to Units of Dental Activity for Band 2 courses of treatment**

4.—(1) The PDS Agreements Regulations are amended as follows.

(2) In Schedule 2 (provision of services: units of dental activity and units of orthodontic activity)

(a) in Part 1 (units of dental activity)—

(i) for paragraph 1(1) substitute—

“(1) Where the contractor provides—

(a) a Band 1 or Band 3 course of treatment; or

(b) a sub-band of a Band 2 course of treatment as set out in Part 1A of this Schedule,

the contractor provides the number of units of dental activity specified in the appropriate row of Table A.”;

(ii) for Table A, substitute Table A as set out in Schedule 1 to these Regulations; and

(b) after Part 1, insert Part 1A as set out in Schedule 2 to these Regulations.

(3) In Part 2 of Schedule 3 (other contractual terms – provision of services), in paragraph 12(4), after “NHS Charges Regulations” insert “and if such restoration falls within a Band 2 course of treatment, the applicable sub-band for the purpose of calculating the appropriate number of units of dental activity shall be determined in accordance with Parts 1 and 1A of Schedule 2”.

#### **Amendments relating to information about the contractor’s practice**

5. In Part 5 of Schedule 3 to the PDS Agreements Regulations (other contractual terms - records, information, notifications and rights of entry), after paragraph 35 (patient information) insert—

##### **“Information about the contractor’s practice**

**35A.**—(1) The contractor must ensure that a comprehensive and accurate profile in respect of its practice is provided to NHS England for the purpose of display on the NHS.uk website.

(2) The contractor must review the information contained in the profile referred to in paragraph (1) at least once in every period of 90 days from the date the profile is provided in accordance with paragraph (1).

(3) If, on such a review, it appears to the contractor that any of that information is inaccurate or incomplete, the contractor must provide NHS England with an updated profile in respect of its practice.”.

Signed by authority of the Secretary of State for Health and Social Care

3rd November 2022

*Neil O’Brien*  
Parliamentary Under Secretary of State,  
Department of Health and Social Care

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SCHEDULE 1

Regulations 2(2)(a)(ii) and 4(2)(a)(ii)

Units of dental activity

“Table A

**Units of dental activity provided under the contract in respect of banded courses of treatment**

<i>Type of course of treatment</i>	<i>Sub-band</i>	<i>Units of dental activity provided</i>
Band 1 course of treatment (excluding urgent treatment)		1.0
Band 1 course of treatment (urgent treatment only)		1.2
Band 2 course of treatment	2a course of treatment	3.0
	2b course of treatment	5.0
	2c course of treatment	7.0
Band 3 course of treatment		12.0”

SCHEDULE 2

Regulations 2(2)(b) and 4(2)(b)

Sub-bands within Band 2 courses of treatment

“PART 1A

Band 2 courses of treatment – sub-bands

**Sub-band 2a treatments**

**2A.** The following Band 2 courses of treatments are within sub-band 2a—

- (a) non-surgical periodontal treatment including root-planing, deep scaling, irrigation of periodontal pockets and subgingival curettage and all necessary scaling and polishing;
- (b) surgical periodontal treatment, including gingivectomy, gingivoplasty or removal of an operculum;
- (c) surgical periodontal treatment, including raising and replacement of a mucoperiosteal flap, curettage, root planing and bone resection;
- (d) free gingival grafts;
- (e) sealant restorations;
- (f) pulpotomy;
- (g) apicectomy;
- (h) transplantation of teeth;

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- (i) oral surgery including surgical removal of cyst, buried root, unerupted tooth, impacted tooth or exostosed tooth and alveolectomy;
- (j) soft tissue surgery in relation to the buccal cavity and lips;
- (k) frenectomy, frenoplasty and frenotomy;
- (l) relining and rebasing dentures including soft linings;
- (m) addition of tooth, clasp, labial or buccal flange to dentures;
- (n) splints (other than laboratory fabricated splints) in relation to periodontally compromised teeth and in connection with external trauma;
- (o) bite raising appliances (other than laboratory fabricated appliances);
- (p) permanent fillings in amalgam, composite resin, synthetic resin, glass ionomer, compomers, silicate or silico-phosphate, including acid etch retention, if delivered to less than 3 teeth in single course of treatment;
- (q) extraction of one or two teeth; and
- (r) endodontic treatment of any retained deciduous teeth.

#### **Sub-band 2b treatments**

**2B.** The following Band 2 courses of treatments are within sub-band 2b—

- (a) permanent fillings in amalgam, composite resin, synthetic resin, glass ionomer, compomers, silicate or silico-phosphate, including acid etch retention, if delivered to 3 or more teeth in single course of treatment;
- (b) endodontic treatment of any permanent teeth, excluding molar teeth; and
- (d) extraction of three or more teeth.

#### **Sub-band 2c treatments**

**2C.** The Band 2 course of treatment within sub-band 2c is endodontic treatment of permanent molar teeth.”

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to the National Health Service (General Dental Services Contracts) Regulations 2005 (S.I 2005/3361) (“the GDS Contracts Regulations”) and the National Health Service (Personal Dental Services Agreements) Regulations 2005 (S.I 2005/3373) (“the PDS Agreements Regulations”).

Each course of treatment provided under General Dental Services Contracts and Personal Dental Services Agreements is attributed a set number of units of dental activity under those Contracts or Agreements. Regulations 2 and 4 amend the GDS Contracts Regulations and PDS Agreements Regulations, respectively, to sub-divide the units of dental activity under a band 2 course of treatment into 3 sub-categories, each with a different amount of units of dental activity attributed to it.

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Regulations 3 and 5 insert provision into the GDS Contracts Regulations and the PDS Agreements Regulations requiring dental contractors to provide comprehensive and accurate dental profiles to NHS England for publication on the NHS.uk website, and to review and update those profiles.

An Explanatory Memorandum is published alongside the instrument on [legislation.gov.uk](https://www.legislation.gov.uk).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from [www.legislation.gov.uk](https://www.legislation.gov.uk). Copies may also be obtained from the Department of Health and Social Care, 39 Victoria Street, London SW1H 0EU.