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## WELSH STATUTORY INSTRUMENTS

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### 2006 No. 490

## The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006

### PART 4

#### HEALTH SERVICE BODY STATUS

##### Health service body status

9.—(1) Where a proposed contractor elects in a written notice served on the Local Health Board 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 will 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 will 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 will, 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) the Local Health Board will agree to the variation; and
- (b) the procedure in paragraph 60(1) of Schedule 3 will apply (variation of a contract: general).

(5) Where, pursuant to paragraph (4), the Local Health Board agrees to a variation of the contract, the contractor will—

- (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 will cease to be regarded as a health service body for the purposes of section 4 of the 1990 Act if the contract is terminated.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (7) Where a contractor ceases to be a health service body pursuant to—
- (a) paragraph (5) or (6), it will 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);
  - (b) paragraph (5), it will, if it or the Local Health Board has referred any matter to the NHS dispute resolution procedure before it ceases to be a health service body, be bound by the determination of the adjudicator as if the dispute had been referred pursuant to paragraph 54 of Schedule 3 (dispute resolution: non-NHS contracts); or
  - (c) paragraph (6), it will 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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**Commencement Information**

**II** Reg. 9 in force at 1.3.2006, see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to :**

- Regulations words substituted by [S.I. 2022/634 Sch. para. 1\(1\)\(3\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 1(3) inserted by [S.I. 2014/872 reg. 2](#)
- Sch. 3 para. 71(6) inserted by [S.I. 2013/235 Sch. 2 para. 96\(4\)\(d\)](#)
- Sch. 3 para. 81(3)(aa) inserted by [S.I. 2014/1887 Sch. 2 para. 10\(d\)](#)
- Sch. 3 Pt. 5A inserted by [S.I. 2011/704 Sch. 2 para. 4\(2\)\(b\)](#)
- Sch. 3 para. 13B inserted by [S.I. 2016/90 reg. 11](#)
- Sch. 3 para. 38(3)-(6) inserted by [S.I. 2017/1040 reg. 3\(4\)](#)
- Sch. 3 para. 16A inserted by [S.I. 2019/917 reg. 5\(2\)](#)
- Sch. 3 para. 51(1)(a)(iii)(iv) substituted for Sch. 3 para. 51(1)(a)(iii) by [S.I. 2011/704 Sch. 2 para. 4\(2\)\(c\)\(iii\)\(bb\)](#)
- Sch. 3 para. 39(1)(f) words omitted by [S.I. 2017/1040 reg. 3\(2\)\(b\)](#)
- reg. 4(7) inserted by [S.I. 2013/235 Sch. 2 para. 96\(3\)](#)