



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 5

#### DENTAL SERVICES

##### *[<sup>F1</sup>Duty of the Board in relation to primary dental services]*

#### Textual Amendments

**F1** S. 99 cross-heading substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 4 para. 42(6); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### 99 Primary dental services

[<sup>F2</sup>(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary dental services throughout England.

(1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.]

<sup>F3</sup>(2) .....

(3) [<sup>F4</sup>The Board] must publish information about such matters as may be prescribed in relation to the primary dental services [<sup>F5</sup>for which provision is made] under this Act.

<sup>F6</sup>(4) .....

(5) Regulations may provide that services of a prescribed description must, or must not, be regarded as primary dental services for the purposes of this Act.

(6) Regulations under subsection (5) may in particular describe services by reference to the manner or circumstances in which they are provided.

*Status: Point in time view as at 22/04/2014.*

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#### Textual Amendments

- F2** S. 99(1)(1A) substituted for s. 99(1) (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 42\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** S. 99(2) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 42\(3\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 99(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 42\(4\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 99(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 42\(4\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 99(4) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 42\(5\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

### *General dental services contracts*

#### 100 General dental services contracts: introductory

- (1) [<sup>F7</sup>The Board] may enter into a contract under which primary dental services are provided in accordance with the following provisions of this Part.
- (2) A contract under this section is called in this Act a “general dental services contract”.
- (3) A general dental services contract may make such provision as may be agreed between [<sup>F8</sup>the Board] and the contractor in relation to—
  - (a) the services to be provided under the contract (which may include services which are not primary dental services [<sup>F9</sup>or services which are to be performed outside England]),
  - (b) remuneration under the contract, and
  - (c) any other matters.
- (4) In this Part, “contractor”, in relation to a general dental services contract, means any person entering into the contract with [<sup>F8</sup>the Board].

#### Textual Amendments

- F7** Words in s. 100(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 43\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 100(3)(4) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 43\(3\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in s. 100(3)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 43\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### 101 Requirement to provide certain primary dental services

- (1) A general dental services contract must require the contractor or contractors to provide, for his or their patients, primary dental services of such descriptions as may be prescribed.
- (2) Regulations under subsection (1) may in particular describe services by reference to the manner or circumstances in which they are provided.

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## 102 Persons eligible to enter into GDS contracts

- (1) [<sup>F10</sup>The Board] may, subject to such conditions as may be prescribed, enter into a general dental services contract with—
- (a) a dental practitioner,
  - (b) a dental corporation,
  - (c) two or more [<sup>F11</sup>persons] practising in partnership where the conditions in subsection (2) are satisfied [<sup>F12</sup>,
  - (d) a limited liability partnership where the conditions in subsection (2A) are satisfied.]

- (2) The conditions referred to in subsection (1)(c) are that—
- (a) at least one partner is a dental practitioner, and
  - [<sup>F13</sup>(b) subsection (3A) or (3B) applies.]

- [<sup>F14</sup>(2A) The conditions referred to in subsection (1)(d) are that—
- (a) at least one member is a dental practitioner, and
  - (b) subsection (3A) or (3B) applies.]

- (3) Regulations may make provision as to the effect, in relation to a general dental services contract entered into by individuals practising in partnership, of a change in the membership of the partnership.

- [<sup>F15</sup>(3A) This subsection applies if a partner or member who is a dental practitioner, or who falls within subsection (3C), has the power to secure that the partnership's affairs are conducted in accordance with that partner's or member's wishes.

- (3B) This subsection applies if, in any combination of partners or members who, acting together, have the power (or who, if they were to act together, would have the power) to secure that the partnership's affairs are conducted in accordance with their wishes, at least one of them is a dental practitioner or a person who falls within subsection (3C).]

- [<sup>F16</sup>(3C) A person falls within this subsection if the person is—
- (a) an NHS employee,
  - (b) a section 92 employee, section 107 employee, section 50 employee, section 64 employee, section 17C employee or Article 15B employee,
  - (c) a health care professional who is engaged in the provision of services under this Act or the National Health Service (Wales) Act 2006, or
  - (d) an individual falling within section 108(1)(d).]

- (4) In this section—

“dental corporation” means a body corporate which is carrying on the business of dentistry in accordance with the Dentists Act 1984 (c. 24)

“health care professional”, “NHS employee”, “section 92 employee”, “section 107 employee”, “section 50 employee”, “section 64 employee”, “section 17C employee” and “Article 15B employee” have the meaning given by section 108.

### Textual Amendments

- F10** Words in s. 102(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 44](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

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- F11** Word in s. 102(1)(c) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 203(2)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** S. 102(1)(d) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 203(3)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** S. 102(2)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 203(4)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** S. 102(2A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 203(5)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** S. 102(3A)(3B) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 203(6)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F16** S. 102(3C) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 203(7)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

### 103 GDS contracts: payments

- (1) The Secretary of State may give directions as to payments to be made under general dental services contracts.
- (2) A general dental services contract must require payments to be made under the contract in accordance with directions under this section.
- (3) A direction under subsection (1) may in particular—
- provide for payments to be made by reference to compliance with standards or the achievement of levels of performance,
  - provide for payments to be made by reference to—
    - any scheme or scale specified in the direction, or
    - a determination made by any person in accordance with factors specified in the direction,
  - provide for the making of payments in respect of individual practitioners,
  - provide that the whole or any part of a payment is subject to conditions (and may provide that payments are payable by [<sup>F17</sup>the Board] only if it is satisfied as to certain conditions),
  - make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.
- (4) Before giving a direction under subsection (1), the Secretary of State—
- must consult any body appearing to him to be representative of persons to whose remuneration the direction would relate, and
  - may consult such other persons as he considers appropriate.
- (5) “Payments” includes fees, allowances, reimbursements, loans and repayments.

#### Textual Amendments

- F17** Words in s. 103(3)(d) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 4 para. 45**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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## 104 GDS contracts: other required terms

- (1) A general dental services contract must contain such provision as may be prescribed (in addition to the provision required by the preceding provisions of this Part).
- (2) Regulations under subsection (1) may in particular make provision as to—
  - (a) the manner in which, and standards to which, services must be provided,
  - (b) the persons who perform services,
  - (c) the persons to whom services will be provided,
  - (d) the variation of contract terms (other than terms required by or under this Part),
  - (e) rights of entry and inspection (including inspection of clinical records and other documents),
  - (f) the circumstances in which, and the manner in which, the contract may be terminated,
  - (g) enforcement,
  - (h) the adjudication of disputes.
- (3) Regulations under subsection (2)(d) may make provision as to the circumstances in which [<sup>F18</sup>the Board] may impose a variation of contract terms.
- (4) Regulations under subsection (1) must make provision as to the right of patients to choose the persons from whom they receive services.

### Textual Amendments

**F18** Words in s. 104(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 46](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

## 105 GDS contracts: disputes and enforcement

- (1) Regulations may make provision for the resolution of disputes as to the terms of a proposed general dental services contract.
- (2) Regulations under subsection (1) may make provision—
  - (a) for the referral of the terms of the proposed contract to the Secretary of State, and
  - (b) for the Secretary of State, or a person appointed by him, to determine the terms on which the contract may be entered into.
- (3) Regulations may make provision for a person or persons entering into a general dental services contract to be regarded as a health service body for any purposes of section 9, in circumstances where he or they so elect.
- (4) Regulations under subsection (3) may include provision as to the application of section 9 in cases where—
  - (a) persons practising in partnership elect to become a health service body, and
  - (b) there is a change in the membership of the partnership.
- (5) Where—
  - (a) by virtue of regulations under subsection (3), section 9(11) applies in relation to a general dental services contract, and

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- (b) a direction as to payments is made under that provision in relation to the contract,  
the direction is enforceable in [<sup>F19</sup>the county court] (if the court so orders) as if it were a judgment or order of that court.

#### Textual Amendments

**F19** Words in s. 105(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

### *Performance of primary dental services*

#### **106 Persons performing primary dental services**

- (1) Regulations may provide that a health care professional of a prescribed description may not perform any primary dental service for which [<sup>F20</sup>the Board] is responsible unless he is included in a list maintained under the regulations by [<sup>F20</sup>the Board].
- (2) For the purposes of this section—
- (a) “health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),
- [<sup>F21</sup>(b) the Board is responsible for a dental service if it secures its provision by or under any enactment.]
- (3) Regulations under this section may make provision in relation to lists under this section and in particular as to—
- (a) the preparation, maintenance and publication of a list,
- (b) eligibility for inclusion in a list,
- (c) applications for inclusion (including provision <sup>F22</sup>... for the procedure for applications and the documents to be supplied on application),
- (d) the grounds on which an application for inclusion may or must be granted or refused,
- (e) requirements with which a person included in a list must comply (including the declaration of financial interests and gifts and other benefits),
- (f) suspension or removal from a list (including provision for the grounds for, and consequences of, suspension or removal),
- (g) circumstances in which a person included in a list may not withdraw from it,
- (h) payments to be made in respect of a person suspended from a list (including provision for the amount of the payment, or the method of calculating the payment, to be determined by the Secretary of State or a person appointed by him),
- (i) the criteria to be applied in making decisions under the regulations,
- (j) appeals against decisions made by [<sup>F23</sup>the Board] under the regulations, and
- (k) disclosure of information about applicants for inclusion, grants or refusals of applications or suspensions or removals,
- and may make any provision corresponding to anything in sections 151 to 159.

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- (4) Regulations under this section may, in particular, also provide for—
- (a) a person's inclusion in a list to be subject to conditions determined by [<sup>F24</sup>the Board],
  - (b) [<sup>F24</sup>the Board] to vary the conditions or impose different ones,
  - (c) the consequences of failing to comply with a condition (including removal from a list),
  - (d) the review by [<sup>F25</sup>the Board] of decisions made by it by virtue of the regulations.
- (5) The imposition of such conditions must be with a view to—
- (a) preventing any prejudice to the efficiency of the services to which a list relates, or
  - (b) preventing fraud.
- (6) Regulations making provision as to the matters referred to in subsection (3)(k) may in particular authorise the disclosure of information—
- (a) by [<sup>F26</sup>the Board] to the Secretary of State, and
  - (b) by the Secretary of State to [<sup>F26</sup>the Board].

#### Textual Amendments

- F20** Words in s. 106(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 47\(2\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F21** S. 106(2)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 47\(3\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** Words in s. 106(3)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 47\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F23** Words in s. 106(3)(j) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 47\(2\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F24** Words in s. 106(4)(a)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 47\(2\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F25** Words in s. 106(4)(d) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 47\(2\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F26** Words in s. 106(6)(a)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 47\(2\)\(d\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### *Other arrangements for the provision of primary dental services*

### **107** [<sup>F27</sup>Arrangements by the Board for the provision of primary dental services]

- [<sup>F28</sup>(1) The Board may make agreements, other than general dental services contracts, under which primary dental services are provided.]
- (2) An agreement must be in accordance with regulations under section 109.
  - (3) An agreement may not combine arrangements for the provision of primary dental services with arrangements for the provision of primary medical services.
  - (4) An agreement may not combine arrangements for the provision of primary dental services with arrangements for the provision of local pharmaceutical services.

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- (5) But an agreement may include arrangements for the provision of services which are not primary dental services but which may be provided under this Act, other than under Chapter 1 or 2 of Part 7 (pharmaceutical services and local pharmaceutical services under pilot schemes).
- (6) This Act has effect, in relation to primary dental services provided under an agreement, as if those services were provided as a result of the delegation by the Secretary of State of his functions (by directions given under section 7).

<sup>F29</sup>(7) .....

- (8) In this Act, arrangements for the provision of services made under this section are called “section 107 arrangements”.

#### Textual Amendments

**F27** S. 107 title substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(1\)\(d\)\(4\)](#), [Sch. 4 para. 48\(4\)](#) (with [Sch. 4 para. 48\(5\)](#)); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

**F28** S. 107(1) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(1\)\(d\)\(4\)](#), [Sch. 4 para. 48\(2\)](#) (with [Sch. 4 para. 48\(5\)](#)); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

**F29** S. 107(7) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(1\)\(d\)\(4\)](#), [Sch. 4 para. 48\(3\)](#) (with [Sch. 4 para. 48\(5\)](#)); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

### 108 Persons with whom agreements may be made under section 107

- (1) [<sup>F30</sup>The Board][<sup>F31</sup>, subject to such conditions as may be prescribed,] may make an agreement under section 107 only with one or more of the following—
- (a) an NHS trust or an NHS foundation trust,
  - (b) a dental practitioner <sup>F32</sup> ...,
  - (c) a health care professional <sup>F32</sup> ...,
  - (d) an individual who is providing services—
    - (i) under a general medical services contract or a general dental services contract or a Welsh general medical services contract or a Welsh general dental services contract,
    - (ii) in accordance with section 107 arrangements, section 92 arrangements, section 50 arrangements, section 64 arrangements, section 17C arrangements or Article 15B arrangements, or
    - (iii) under section 17J or 25 of the 1978 Act or Article 57 or 61 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I.14)),
 or has so provided them within such period as may be prescribed,
  - (e) an NHS employee, a section 107 employee, a section 92 employee, a section 50 employee, a section 64 employee, a section 17C employee or an Article 15B employee,
  - <sup>F33</sup>(f) a dental corporation,]
  - <sup>F34</sup>(fa) a company limited by shares where the conditions in subsection (1A) are satisfied,



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- (fb) a limited liability partnership where subsection (1B) or (1C) applies,]
- <sup>F35</sup>(g) .....

[<sup>F36</sup>(1A) The conditions referred to in subsection (1)(fa) are that—

- (a) every person who owns a share in the company owns it both legally and beneficially, and
- (b) it is not possible for two or more members of the company who are not persons who fall within subsection (1)(a) to (e) to hold the majority of the voting rights conferred by shares in the company on any matter on which members have such rights.]

[<sup>F37</sup>(1B) This subsection applies if a member of the partnership who falls within subsection (1) (a) to (e) has the power to secure that the partnership's affairs are conducted in accordance with that member's wishes.

(1C) This subsection applies if, in any combination of members of the partnership who, acting together, have the power (or who, if they were to act together, would have the power) to secure that the partnership's affairs are conducted in accordance with their wishes, at least one of them falls within subsection (1)(a) to (e).]

<sup>F38</sup>(2) .....

(3) In this section—

“the 1978 Act” means the National Health Service (Scotland) Act 1978 (c. 29),

“Article 15B arrangements” means arrangements for the provision of services made under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972,

“Article 15B employee” means an individual who, in connection with the provision of services in accordance with Article 15B arrangements, is employed by a person providing or performing those services,

[<sup>F39</sup>“dental corporation” means a body corporate which is carrying on the business of dentistry in accordance with the Dentists Act 1984,]

“health care professional” means a person who is a member of a profession regulated by a body mentioned (at the time the agreement in question is made) in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),

“NHS employee” means an individual who, in connection with the provision of services in the health service, the Scottish health service or the Northern Ireland health service, is employed by—

- (a) an NHS trust, an NHS foundation trust or (in Northern Ireland) a Health and Social Services Trust,
- (b) a <sup>F40</sup>... Local Health Board,
- (c) a person who is providing services under a general medical services contract or a general dental services contract or a Welsh general medical services contract or a Welsh general dental services contract,
- (d) an individual who is providing services as specified in subsection (1) (d)(iii),

“the Northern Ireland health service” means the health service within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972,

<sup>F41</sup>...

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“the Scottish health service” means the health service within the meaning of the National Health Service (Scotland) Act 1978,

“section 17C arrangements” means arrangements for the provision of services made under section 17C of the 1978 Act,

“section 17C employee” means an individual who, in connection with the provision of services in accordance with section 17C arrangements, is employed by a person providing or performing those services,

“section 50 arrangements” means arrangements for the provision of services made under section 50 of the National Health Service (Wales) Act 2006 (c. 42),

“section 64 arrangements” means arrangements for the provision of services made under section 64 of that Act,

“section 107 employee” means an individual who, in connection with the provision of services in accordance with section 107 arrangements, is employed by a person providing or performing those services,

“section 92 employee” means an individual who, in connection with the provision of services in accordance with section 92 arrangements, is employed by a person providing or performing those services,

“section 50 employee” means an individual who, in connection with the provision of services in accordance with section 50 arrangements, is employed by a person providing or performing those services,

“section 64 employee” means an individual who, in connection with the provision of services in accordance with section 64 arrangements, is employed by a person providing or performing those services,

“Welsh general medical services contract” means a contract under section 42(2) of the National Health Service (Wales) Act 2006, and

“Welsh general dental services contract” means a contract under section 57(2) of that Act.

### Textual Amendments

- F30** Words in s. 108(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 49\(2\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F31** Words in s. 108(1) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 204\(2\)\(a\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F32** Words in s. 108(1)(b)(c) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 204\(2\)\(b\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F33** S. 108(1)(f) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 204\(2\)\(c\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F34** S. 108(1)(fa)(fb) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 204\(2\)\(d\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F35** S. 108(1)(g) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 49\(2\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F36** S. 108(1A) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 204\(3\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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- F37** S. 108(1B)(1C) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 204(4), 306(1)(d)(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F38** S. 108(2) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 204(5), 306(1)(d)(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F39** Words in s. 108(3) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 204(6)(a), 306(1)(d)(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F40** Words in s. 108(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 49(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F41** Words in s. 108(3) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 204(6)(b), 306(1)(d)(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

## 109 Regulations about section 107 arrangements

- (1) The Secretary of State may make regulations about the provision of services in accordance with section 107 arrangements.
- (2) The regulations must include provision for participants other than [<sup>F42</sup>the Board] to withdraw from section 107 arrangements if they wish to do so.
- (3) The regulations may, in particular—
  - (a) provide that section 107 arrangements may be made only in prescribed circumstances,
  - (b) provide that section 107 arrangements may be made only in prescribed areas,
  - (c) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with section 107 arrangements,
  - [<sup>F43</sup>(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 107 arrangements,]
  - (d) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons performing services in accordance with section 107 arrangements,
  - (e) require details of section 107 arrangements to be published,
  - (f) make provision with respect to the variation and termination of section 107 arrangements,
  - (g) provide for parties to section 107 arrangements to be treated, in such circumstances and to such extent as may be prescribed, as health service bodies for the purposes of section 9,
  - (h) provide for directions, as to payments, made under section 9(11) (as it has effect as a result of regulations made by virtue of paragraph (g)) to be enforceable in [<sup>F44</sup>the county court] (if the court so orders) as if they were judgments or orders of that court.
- (4) The regulations may also require payments to be made under the arrangements in accordance with directions given for the purpose by the Secretary of State.
- (5) A direction may make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.

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- (6) The regulations may also include provision requiring [<sup>F45</sup>the Board], in prescribed circumstances and subject to prescribed conditions, to enter into a general dental services contract on prescribed terms with any person who is providing services under section 107 arrangements and who so requests.
- (7) The regulations may also include provision for the resolution of disputes as to the terms of any proposed section 107 arrangements, and in particular may make provision—
- (a) for the referral of the terms of the proposed arrangements to the Secretary of State, and
  - (b) for the Secretary of State or a person appointed by him to determine the terms on which the arrangements may be entered into.
- (8) The regulations must provide for the circumstances in which a person providing primary dental services under section 107 arrangements—
- (a) must or may accept a person as a patient to whom such services are so provided,
  - (b) may decline to accept a person as such a patient,
  - (c) may terminate his responsibility for a patient.
- (9) The regulations must make provision as to the right of patients to choose the persons from whom they receive services under section 107 arrangements.

#### Textual Amendments

- F42** Words in s. 109(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 50\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F43** S. 109(3)(ca) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 50\(3\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F44** Words in s. 109(3)(h) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F45** Words in s. 109(6) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 50\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### <sup>F46</sup>110 Transfer of liabilities relating to section 107 arrangements

.....

#### Textual Amendments

- F46** S. 110 omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 51](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

### *Dental public health*

#### 111 Dental public health

- (1) [<sup>F47</sup>A local authority] has such functions in relation to dental public health in England as may be prescribed.

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- (2) The functions of a [<sup>F48</sup>local authority] under this section may be discharged—
- (a) by the [<sup>F48</sup>local authority] itself,
  - (b) by the [<sup>F48</sup>local authority] and one or more [<sup>F49</sup>other local authorities] acting jointly, or
  - (c) by any other person or body in accordance with arrangements made by the [<sup>F48</sup>local authority].

[<sup>F50</sup>(3) In this section, “local authority” has the same meaning as in section 2B.]

#### Textual Amendments

- F47** Words in s. 111(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 29(2)(a), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F48** Words in s. 111(2) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 29(2)(b)(i), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F49** Words in s. 111(2)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 29(2)(b)(ii), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F50** S. 111(3) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 29(2)(c), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

### *Assistance and support*

## 112 Assistance and support: primary dental services

- (1) [<sup>F51</sup>The Board] may provide assistance or support to any person providing or proposing to provide—
- (a) primary dental services under a general dental services contract, or
  - (b) primary dental services in accordance with section 107 arrangements.
- (2) Assistance or support provided by [<sup>F52</sup>the Board] under subsection (1) is provided on such terms, including terms as to payment, as [<sup>F53</sup>the Board] considers appropriate.
- (3) “Assistance” includes financial assistance.

#### Textual Amendments

- F51** Words in s. 112(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 4 para. 52(2); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F52** Words in s. 112(2) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 4 para. 52(3)(a); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F53** Words in s. 112(2) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 4 para. 52(3)(b); S.I. 2013/160, art. 2(2) (with arts. 7-9)

### *Local Dental Committees*

## 113 Local Dental Committees

- (1) [<sup>F54</sup>The Board may recognise a committee formed for an area], which it is satisfied is representative of—

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- (a) the persons to whom subsection (2) applies, and
  - (b) the persons to whom subsection (3) applies.
- (2) This subsection applies to each dental practitioner who, under a general dental services contract entered into by him, is providing primary dental services in the area for which the committee is formed.
- (3) This subsection applies to each other dental practitioner—
- (a) who is performing primary dental services in the area for which the committee is formed—
    - (i) pursuant to section 99(2),
    - (ii) in accordance with section 107 arrangements, or
    - (iii) under a general dental services contract, and
  - (b) who has notified [<sup>F55</sup>the Board] that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (4) A committee recognised under this section is called the Local Dental Committee for the area for which it is formed.
- (5) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (6) Regulations may require [<sup>F56</sup>the Board], in the exercise of its functions relating to primary dental services, to consult any committee recognised by it under this section on such occasions and to such extent as may be prescribed.
- <sup>F57</sup>(7) .....
- (8) A committee recognised under this section has such other functions as may be prescribed.
- (9) A committee recognised under this section must in respect of each year determine—
- (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a), and
  - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b).
- (10) [<sup>F58</sup>The Board] may—
- (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (9)(a) as [<sup>F59</sup>the Board] may determine, and
  - (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under subsection (1)(a) under the general dental services contracts entered into by them with [<sup>F59</sup>the Board].
- (11) A committee recognised under this section must apportion the amount determined by it under subsection (9)(b) among the persons of whom it is representative under subsection (1)(b); and each such person must pay in accordance with the committee's directions the amount so apportioned to him.
- (12) The administrative expenses of a committee include the travelling and subsistence allowances payable to its members.

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#### Textual Amendments

- F54** Words in s. 113(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 53\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F55** Words in s. 113(3)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 53\(3\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F56** Words in s. 113(6) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 53\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F57** S. 113(7) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 53\(5\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F58** Words in s. 113(10) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 53\(6\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F59** Words in s. 113(10)(a)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 53\(6\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### *Provision of accommodation by the Secretary of State*

### **114 Use of accommodation: provision of primary dental services**

If the Secretary of State considers that any accommodation provided by him by virtue of this Act is suitable for use in connection with the provision of primary dental services, he may make the accommodation available on such terms as he considers appropriate to persons providing those services.

#### *[<sup>F60</sup>Directions*

#### Textual Amendments

- F60** S. 114A and cross-heading inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 49\(2\)](#), [306\(1\)\(d\)\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

### **114A Exercise of functions**

- (1) The Secretary of State may direct the Board to exercise any of the Secretary of State's functions relating to the provision of primary dental services.
- (2) Subsection (1) does not apply to any function of the Secretary of State of making an order or regulations.
- (3) The Secretary of State may give directions to the Board about its exercise of any functions relating to the provision of primary dental services (including functions which the Board has been directed to exercise under subsection (1)).]

**Status:**

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**Changes to legislation:**

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