
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, relating to the provision of dental services in England, provide for functions of the National Health Service Commissioning Board (“the Board”) established by section 1H of the National Health Service Act 2006, to be exercised by the NHS Business Services Authority (“the Authority”).

Regulation 2(1) and column 2 of the Schedule set out the functions which are to be exercised by the Authority in respect of the provisions specified in column 1.

Regulation 2(2) and column 3 of the Schedule set out the functions which are ancillary, related or supplemental to the functions set out in column 2 of the Schedule and which are to be exercised by the Authority.

Regulation 2(3) makes provision limiting the exercise of the function of the Board in respect of making payments under Directions under section 103(1) or 109(4) of the National Health Service Act 2006 except in a case where the Authority is unable to exercise the function.

Regulation 2(3) to (7) makes provision in respect of obligations, rights or liabilities arising from a GDS Contract or PDS Agreement in respect of which the functions specified in these Regulations are exercisable by the Authority.

Regulations 3 and 4 make transitional provision in respect of the transfer of GDS contracts and PDS agreements from Primary Care Trusts, in the case of GDS contracts, and from Primary Care Trusts and Strategic Health Authorities (collectively referred to in these Regulations in relation to PDS agreements as “the Relevant Body”), in the case of PDS agreements, to the Board on 1st April 2013, as a consequence of the abolition of Strategic Health Authorities and Primary Care Trusts upon the coming into force of sections 33 and 34 of the Health and Social Care Act 2012 (c.7).

Regulation 5 revokes the Functions of Primary Care Trusts and Strategic Health Authorities and the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Primary Dental Services) (England) Regulations 2006, and regulation 5 of the National Health Service (Primary Dental Services) (Miscellaneous Amendments) Regulations 2012 which amends these Regulations.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.