

SCHEDULE 5

OTHER CONTRACTUAL TERMS

PART 7

DISPUTE RESOLUTION

Dispute resolution: non-NHS contracts

94.—(1) In the case of an agreement which is not an NHS contract, any dispute arising out of or in connection with the agreement, except matters dealt with under the complaints procedure pursuant to Part 6 of this Schedule, may be referred for consideration and determination to the Secretary of State, if—

- (a) the relevant body so wishes and the contractor has agreed in writing; or
 - (b) the contractor so wishes (even if the relevant body does not agree).
- (2) In the case of a dispute referred to the Secretary of State under sub-paragraph (1)—
- (a) the procedure to be followed is the NHS dispute resolution procedure; and
 - (b) the parties agree to be bound by any determination made by the adjudicator.