
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out, for England, the framework for general dental services contracts under section 28K of the National Health Service Act 1977 (“the Act”).

Part 2 of the Regulations prescribes the conditions which, in accordance with section 28M of the Act, must be met by a contractor before the Primary Care Trust may enter into a general dental services contract with it.

Part 3 of the Regulations prescribes the procedure for pre-contract dispute resolution, in accordance with section 28P(1) of the Act. Part 3 applies to cases where the contractor is not a health service body. In cases where the contractor is such a body, the procedure for dealing with pre-contract disputes is set out in section 4 of the National Health Service and Community Care Act 1990.

Part 4 of the Regulations sets out the procedures, in accordance with section 28P(3) of the Act, by which the contractor may obtain health service body status.

Part 5 of (and Schedules 1 to 3 to) the Regulations prescribe the terms which, in accordance with sections 28O and 28P of the Act, must be included in a general dental services contract (in addition to those contained in the Act). It includes, in regulation 14, a description of the services which must be provided to patients under a general dental services contract pursuant to section 28L of the Act.

The prescribed terms include terms relating to—

- (a) the type and duration of the contract (regulations 10 to 13);
- (b) the services to be provided and the manner in which they are to be provided (regulations 14 to 19 and Schedules 1 and 2 and Parts 1 and 2 of Schedule 3);
- (c) finance, fees and charges (regulations 21 and 22);
- (d) prescribing of drugs and appliances (Schedule 3, Part 3);
- (e) the conditions to be met by those who perform services or are employed or engaged by the contractor (Schedule 3, Part 4);
- (f) patient records, the provision of information and rights of entry and inspection (Schedule 3, Part 5 and Schedule 4);
- (g) complaints (Schedule 3, Part 6);
- (h) procedures for dispute resolution (Schedule 3, Part 7);
- (i) procedure for a mid-year review of activity under the contract (Schedule 3, Part 8); and
- (j) procedures for variation and termination of contracts (Schedule 3, Part 9).

Part 6 of the Regulations makes transitional provision.

An Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from www.dh.gov.uk/ria.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Dental Services Contracts) Regulations 2005.