

SCHEDULE 3

OTHER CONTRACTUAL TERMS

PART 2

PROVISION OF SERVICES

Repair or replacement of restorations

11.—(1) Subject to sub-paragraph (5), where a restoration specified in sub-paragraph (2) needs to be repaired or replaced the contractor shall repair or replace the restoration at no charge to the patient.

(2) The restorations referred to in sub-paragraph (1) are any filling, root filling, inlay, porcelain veneer or crown provided by the contractor to a patient in the course of providing services under the contract, which within the relevant period has to be repaired or replaced to secure oral health.

(3) The repair or replacement of a restoration specified in sub-paragraph (2) is a banded course of treatment for the purposes of calculating the number of units of dental activity and paragraph 1 of Schedule 2 shall apply notwithstanding that no charge is made or recovered in accordance with the NHS Charges Regulations.

(4) The band in which a restoration specified in sub-paragraph (2) falls shall be determined in accordance with the NHS Charges Regulations [F1] and, if such restoration falls within a Band 2 course of treatment, the applicable sub-band for the purpose of calculating the appropriate number of units of dental activity shall be determined in accordance with Parts 1 and 1A of Schedule 2].

(5) Sub-paragraph (1) shall not apply where—

- (a) within the relevant period, a person other than the contractor has provided treatment on the tooth in respect of which the restoration was provided;
- (b) the contractor advised the patient at the time of the restoration and it was recorded on the patient record that—
 - (i) the restoration was intended to be temporary in nature; or
 - (ii) in its opinion, a different form of restoration was more appropriate to secure oral health but, notwithstanding that advice, the patient nevertheless requested the restoration which was provided;
- (c) in the opinion of the contractor, the condition of the tooth in respect of which the restoration was provided is such that the restoration cannot satisfactorily be repaired or replaced and different treatment is now required; or
- (d) the repair or replacement is required as a result of trauma.

(6) In this paragraph, “the relevant period” means the 12 month period beginning on the date on which the restoration was provided, and ceasing twelve months after that date.

Textual Amendments

- F1** Words in Sch. 3 para. 11(4) inserted (25.11.2022) by The National Health Service (Primary Dental Services) (Amendment) Regulations 2022 (S.I. 2022/1132), regs. 1(1), 2(3)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Dental Services Contracts) Regulations 2005, Paragraph 11.