
EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Part 2 of the Regulations prescribes the conditions which, in accordance with section 28D of the Act, must be met by a contractor before the Relevant Body may enter into a personal dental services agreement with it.

Part 3 of the Regulations prescribes the procedure for pre-agreement dispute resolution, in accordance with section 28E(3D) 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 (“the 1990 Act”).

Part 4 of the Regulations provides for a contractor to be a health service body for the purposes of section 4 of the 1990 Act unless it objects by serving a notice on the Relevant Body before the agreement is made.

Part 5 of (and Schedules 1 to 3 to) the Regulations prescribe the terms which, in accordance with section 28E of the Act, must be included in a personal dental services agreement.

The prescribed terms include terms relating to—

- (a) whether the agreement is an NHS contract (regulation 10);
- (b) the services to be provided and the manner in which they are to be provided (regulations 11 to 14 and 16 and Schedules 1 and 2 and Parts 1 and 2 of Schedule 3);
- (c) finance, fees and charges (regulations 17 and 18);
- (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 agreement (Schedule 3, Part 4);
- (f) patient records, the provision of information and rights of entry and inspection (Schedule 3, Part 5);
- (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 agreement (Schedule 3, Part 8); and
- (j) procedures for variation and termination of agreements (Schedule 3, Part 9).

Part 6 of the Regulations provides for the contractor to terminate its agreement and enter into a general dental services contract.

Part 7 of the Regulations makes transitional provision.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. A copy 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 (Personal Dental Services Agreements) Regulations 2005.