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STATUTORY INSTRUMENTS

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**2005 No. 3435**

**The General Dental Services and Personal Dental  
Services Transitional Provisions Order 2005**

**PART 3**

**PERSONAL DENTAL SERVICES**

**CHAPTER 1**

**Entitlement to Personal Dental Services Agreements**

**Partnerships that provide only orthodontic care and treatment**

**17.—(1)** A Primary Care Trust must, if a person so wishes, enter into a personal dental services agreement with him (and the persons referred to in paragraph (b)) if—

- (a) on 31st March 2006 or, if earlier, on the date on which the agreement is to be signed, he is—
  - (i) included in the dental list of that Primary Care Trust and, in accordance with regulation 4(2)(b)(i) of the 1992 Regulations, it is indicated in that list that the dental practitioner provides only orthodontic care and treatment, and
  - (ii) practising;
- (b) on 31st March 2006 or, if earlier, on the date on which the agreement is to be signed, he is practising in partnership with one or more persons who are—
  - (i) included in the dental list of the Primary Care Trust and, in accordance with regulation 4(2)(b)(i) of the 1992 Regulations, it is indicated in the list that they provide only orthodontic care and treatment, or
  - (ii) providing general dental services under section 35 arrangements (and are not dental practitioners); and
- (c) he wishes the Primary Care Trust to enter into an agreement with him and the persons referred to in paragraph (b).

**(2)** A person shall be treated as practising for the purposes of paragraph (1)(a) if he would have been so practising on the date in question except for the fact that on the date he is—

- (a) suspended from the—
  - (i) Dentists Register under section 32 of the Dentist Act or by a direction or order of the Health Committee under that Act,
  - (ii) dental list under section 49I or 49J of the 1977 Act, or
  - (iii) dental performers list under regulation 13 of the Performers Lists Regulations;
- (b) on maternity, paternity or adoption leave and is, on that date, in receipt of payments in respect of such leave by virtue of Determination VI of the SDR;
- (c) on long term sickness leave and is, on that date, in receipt of payments pursuant to Determination VII of the SDR; or

(d) performing relevant service.

(3) Where the person referred to in paragraph (1)(a) is suspended under or as a consequence of any of the provisions referred to in paragraph (2)(a), a Primary Care Trust shall only be required under paragraph (1) to enter into a personal dental services agreement with that person and the persons referred to in paragraph (1)(b), if it is satisfied that—

- (a) having regard to the grounds for suspension the individual so suspended is able to provide (but not perform) services under the agreement and the Primary Care Trust is not at risk of material financial loss;
- (b) the entering into the agreement would not—
  - (i) put at risk the safety of the contractor's patients, or
  - (ii) be prejudicial to the efficiency of the provision of primary dental services in the area of the Primary Care Trust; and
- (c) the partnership has in place adequate arrangements for the provision of services under the agreement during the period of the individual's suspension.

(4) Where the Primary Care Trust refuses to enter into a personal dental services agreement as a consequence of paragraph (3), it shall notify the individual who is suspended in writing of its decision, reasons for that decision and of the individual's right of appeal under article 18.

(5) Where the contracting parties are unable to agree on a particular term of the personal dental services agreement, article 14(3) and (4) shall apply.