

EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (GENERAL DENTAL SERVICES
CONTRACTS AND PERSONAL DENTAL SERVICES AGREEMENTS)
AMENDMENT REGULATIONS 2006

2006 No. 563

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. The National Health Service (General Dental Services Contracts and Personal Dental Services Agreements) Amendment Regulations 2006 (“the Amendment Regulations”) amend the National Health Service (General Dental Services Contracts) Regulations 2005 (“the GDS Regulations”) (S.I. 2005/3361) and the National Health Service (Personal Dental Services Agreements) Regulations 2005 (“the PDS Regulations”) (S.I. 2005/3373) to correct minor errors.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1. The GDS Contracts Regulations and PDS Agreements Regulations came into force on 1 January 2006. Transitional provisions within both Regulations enable services to be provided from any date after 31 March 2006. The Amendment Regulations correct minor errors in the GDS Regulations and PDS Regulations.

4.2. Regulation 3 amends the definition of family member in regulation 2(1) of the GDS Regulations and PDS Regulations by removing the reference to registered in relation to a patient as patients will not be registered with a dental practitioner on or after 1 April 2006.

4.3. Regulation 4 corrects a typographical error in paragraph 3(4) of Schedule 2 to the GDS Regulations in respect of the units of orthodontic activity provided for a patient aged 18 years or over so as to refer to 23 units of orthodontic activity.

4.4. Regulation 5 corrects a reference in paragraph 3(4) of Schedule 2 to the PDS Regulations to refer to “that body” rather than corporation. Regulation 5 also amends paragraph 13 of Schedule 4 to refer to “dental services” in respect of the arrangements that fall outside normal surgery hours.

5. Extent

This instrument applies to England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution, no statement is required.

7. Policy background

- 7.1 The Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”) inserts new section 16CA into the National Health Service Act 1977 (“the 1977 Act”) which gives Primary Care Trusts (PCTs) new responsibilities for the provision of NHS dental services in their area and also provides the legislative framework for the establishment of primary dental services to meet those responsibilities.
- 7.2 The GDS Regulations came into force on 1 January 2006 for the purpose of making contracts for the provision of dental services (GDS contracts). They replaced the NHS (General Dental Services) Regulations 1992 (SI 1992/661) which provided for general dental services under section 35 of the 1977 Act.
- 7.3 The PDS Regulations also came into force for making agreements on 1 January 2006 (PDS) and will replace the PDS piloting regime under the National Health Service (Primary Care) Act 1997. The policy intention is to “mainstream” the successful piloting of local contracts as a permanent part of NHS contracting.
- 7.4 From 1 April 2006 GDS contracts and PDS agreements will be established for high street dentists to provide primary dental services. The new contractual arrangements move away from the general dental services item of service remuneration to an annual payment no longer directly related to the dentists activity. This will enable dentists to spend more time with their patients and adopt a more preventive approach to oral healthcare.
- 7.5 Alongside the new contracting arrangements The National Health Service (Dental Charges) Regulations 2005 S.I. NO. 2005/3477 (“the Dental Charges Regulations”), made on 19 December 2005, introduce a new system of charging for dental services based mainly on a 3 banded system, where treatment provided or appliances supplied will attract one of the 3 set charges depending on the complexity of the treatment provided.

8. Impact

- 8.1. The Amendment Regulations impose no additional costs on the public sector, small businesses, charities or the voluntary sector and do not require a Regulatory Impact Assessment. A full Regulatory Impact Assessment has been prepared in relation to the GDS Regulations and PDS Regulations. The Regulatory Impact Assessments are available at www.dh.gov.uk/ria .

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