
STATUTORY INSTRUMENTS

2013 No. 364

The National Health Service (Primary Dental Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013

PART 3

Miscellaneous amendments of the PDS Agreements Regulations relating to the Health and Social Care Act 2012 and other amendments

Amendment of regulation 4

25.—(1) Regulation 4 (general conditions relating to all agreements) is amended as follows.

(2) In paragraph (1), for “a Relevant Body”, substitute “the Board”.

(3) For paragraph (2) substitute—

“(2) The Board may make an agreement with a person only if—

- (a) in the case of a dental corporation, that dental corporation, or any director, chief executive or secretary of that corporation; or
- (b) in the case of a company limited by shares, that company limited by shares, or any director, chief executive or secretary of that company; or
- (c) in the case of a limited liability partnership, that limited liability partnership, or any member of that partnership,

does not fall within paragraph (3).”.

(4) In paragraph (3)—

- (a) in sub-paragraph (a), for “(in the case of a qualifying body)”, substitute “(in the case of a dental corporation, a company limited by shares, or a limited liability partnership)”; and
- (b) in sub-paragraph (i)(ii) after “(powers of the Court of Session to deal with management of charities)” insert “or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 (powers of Court of Session).”.

(5) For paragraph (4) substitute—

“(4) A person shall not fall within paragraph (3)(b) where the Board is satisfied that the disqualification or suspension from practising is imposed by a licensing body outside the United Kingdom and it does not make that person unsuitable to be—

- (a) a party to an agreement;
- (b) a director, chief executive or secretary of a dental corporation, in the case of an agreement with a dental corporation;
- (c) a director, chief executive or secretary of a company limited by shares, in the case of an agreement with a company limited by shares; or

- (d) a member of a limited liability partnership, in the case of an agreement with a limited liability partnership.”.
- (6) For paragraph (6) substitute—
 - “(6) A person shall not fall within paragraph (3)(e) where the Board is satisfied that the conviction does not make the person unsuitable to be—
 - (a) a party to an agreement;
 - (b) a director, chief executive or secretary of a dental corporation, in the case of an agreement with a dental corporation;
 - (c) a director, chief executive or secretary of a company limited by shares, in the case of an agreement with a company limited by shares; or
 - (d) a member of a limited liability partnership, in the case of an agreement with a limited liability partnership.”.
- (7) After paragraph (6) insert—
 - “(7) For the purposes of paragraph (3)(c)(i), a health service body includes a Strategic Health Authority or a Primary Care Trust which was established before the coming into force of sections 33 and 34 of the 2012 Act”.

Commencement Information

II [Reg. 25](#) in force at 1.4.2013, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Primary Dental Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013, Section 25.