
STATUTORY INSTRUMENTS

2015 No. 1728

**The National Health Service (Primary Dental Services)
(Miscellaneous Amendments) (No. 2) Regulations 2015**

PART 2

Amendment of the GDS Regulations

Insertion of new regulation 24C into the GDS Regulations

7. After regulation 24B (variation of contractual terms in respect of election to enter into a Capitation and Quality Scheme 2 Agreement), insert—

“Variation of contractual terms in respect of election to enter into a prototype agreement

24C.—(1) This regulation applies where the contractor and the Board elect to enter into a prototype agreement.

(2) Where this regulation applies, the terms of the contract which have the same effect as the provisions specified in paragraph (3) must be varied in accordance with paragraphs (4) and (5) with effect from the day on which the prototype agreement commences and for the period ending at the end of the day which is the date of termination of the prototype agreement, which must be no later than 31st March 2018.

(3) The provisions specified in this paragraph are—

- (a) regulation 17 (units of dental activity);
- (b) regulation 19 (under provision of units of dental activity or units of orthodontic activity), in relation to units of dental activity only;
- (c) regulation 21 (finance);
- (d) Part 1 of Schedule 2 (units of dental activity); and
- (e) in Schedule 3 (other contractual terms)—
 - (i) paragraph 32(2) (patient records), which is a contractor’s discretion to keep patient records in electronic form,
 - (ii) paragraph 58 (mid-year reviews), and
 - (iii) paragraph 61(1)(a) and (3)(a) (variation of a contract: activity under the contract), which relate to units of dental activity.

(4) The contract must include terms that have the effect of temporarily releasing the contractor and the Board from all of the obligations, conditions, payments, rights and liabilities relating to those terms (and only those terms) which have the same effect as the provisions specified in paragraph (3), including any right to enforce those terms.

(5) The contract must also include terms that have the effect of providing that, immediately after the date of the termination of the prototype agreement, the terms of the contract that subsisted between the parties immediately before—

- (a) in the case of a contractor who held both a Capitation and Quality Scheme Agreement and a Capitation and Quality Scheme 2 Agreement, the Capitation and Quality Scheme Agreement commenced;
- (b) in the case of a contractor who held a Capitation and Quality Scheme 2 Agreement but not a Capitation and Quality Scheme Agreement, the Capitation and Quality Scheme 2 Agreement commenced; or
- (c) if neither sub-paragraph (a) nor (b) applies, the prototype agreement commenced,

and from which the parties were temporarily released in accordance with paragraph (4), must apply from the day after the date of termination, and all obligations, conditions, payments, rights and liabilities relating to those terms are to be enforceable from that day.”.