
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Dental Services Contracts) Regulations 2005 and the National Health Service (Personal Dental Services Agreements) Regulations 2005, which make provision in respect of the services provided in England under a general dental services contract and a personal dental services agreement made pursuant to Part 5 of the National Health Service Act 2006 (“the 2006 Act”). They also amend the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, which govern the arrangements in England under Part 7 of the 2006 Act for the provision of pharmaceutical services and local pharmaceutical services. They also amend the National Health Service (General Medical Services Contracts) Regulations 2015 and the National Health Service (Personal Medical Services Agreements) Regulations 2015, which make provision in respect of the services provided in England under a general medical services contract and a personal medical services agreement made pursuant to Part 4 of the 2006 Act. Dental practices, NHS chemists and GP practices providing NHS services under these various types of arrangements are here referred to collectively as “contractors”.

Various measures are put in place to deal with matters arising as consequence of a disease being, or in anticipation of a disease being imminently, pandemic and a serious risk or potentially a serious risk to human health – essentially in order to assist in the management of the serious risk or potentially serious risk to human health.

The National Health Service Commissioning Board (“the Board”), which commissions primary care services in England, may need to ask contractors to prioritise delivery of particular NHS services. Where the Board has made an announcement to the effect that specified NHS terms of service of contractors are suspended in specified circumstances for a limited period, during that limited period the suspended terms will not form part of the arrangements to provide primary care which contractors have with the Board. Similarly, if the Board has made an announcement to the effect that a specified NHS term of service need not be complied with in specified circumstances for a limited period, enforcement action cannot be taken against contractors in relation to non-compliance with that term in that period (regulations 2(3), 3(3), 6, 7, 8, 15 and 20).

The Board may also need to vary the opening hours of pharmacy premises – either increasing them or decreasing them (regulation 9(3)). In the case of GP practice premises, the Board is given powers to require them to open on Good Friday and bank holidays as part of their core hours (regulations 13, 14, 18 and 19).

The Board may also need to require pharmacies and dispensing doctor surgeries to provide a home delivery option for prescription items, in circumstances where certain classes of patients are advised to stay away from pharmacies and dispensing doctor surgeries, and so will need to obtain their prescription items in other ways (regulations 9(2), 10 and 11).

Provision is also made to allow the Board to require GP practices to ensure that greater numbers of appointments can be booked via the NHS 111 telephone and online service, or via a service approved by the Board that is or may be accessed via NHS 111 (regulations 16 and 21).

There are also ancillary provisions dealing with amendment and withdrawal of advice and announcements (regulation 2(2), 3(2), 5, 14 and 19).