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WELSH STATUTORY INSTRUMENTS

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**2006 No. 489**

**The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006**

**PART 4**

**HEALTH SERVICE BODY STATUS**

**Health service body status**

**9.**—(1) A contractor will be regarded as a health service body for the purposes of section 4 of the 1990 Act from the date it makes an agreement unless—

- (a) in the case of an agreement with a single individual or qualifying body, that individual or body; or
- (b) in the case of any other agreement, the proposed parties to the agreement (other than the Relevant Body),

object in a written notice served on the Relevant Body at any time prior to the agreement being made.

(2) Where a contractor is to be regarded as a health service body for the purposes of section 4 of the 1990 Act pursuant to paragraph (1), any change in the parties comprising the contractor will not affect the health service body status of the contractor.

(3) If, pursuant to paragraph (1) or (4), a contractor is to be regarded as a health service body, that fact will not affect the nature of, or any rights or liabilities arising under, any other agreement or contract with a health service body entered into by that contractor before the date on which the contractor is to be so regarded.

(4) A contractor may at any time request a variation of the agreement to include or remove provision from the agreement that the agreement is an NHS contract, and if it does so—

- (a) the Relevant Body will agree to the variation; and
- (b) the procedure in paragraph 60(1) of Schedule 3 (variation of a contract: general) will apply.

(5) Where, pursuant to paragraph (4), the Relevant Body agrees to a variation of the agreement, the contractor will—

- (a) be regarded; or
- (b) subject to paragraph (7), cease to be regarded,

as a health service body for the purposes of section 4 of the 1990 Act from the date that variation takes effect pursuant to paragraph 60(1) of Schedule 3.

(6) Subject to paragraph (7), a party or parties who were to be regarded as a health service body pursuant to paragraphs (1) or (4), as the case may be, will cease to be a health service body for the purposes of section 4 of the 1990 Act if the agreement is terminated.

(7) Where a contractor ceases to be a health service body pursuant to—

- (a) paragraph (5) or (6), it will continue to be regarded as a health service body for the purposes of being a party to any other NHS contract entered into after it became a health service

body but before the date on which the contractor ceased to be a health service body (for which purposes it ceases to be such a body on the termination of that NHS contract);

[<sup>F1</sup>(b) paragraph (5), where it or the Relevant Body –

(i) has referred any matter to the NHS dispute resolution procedure before it ceases to be a health service body, or

(ii) refers any matter to the NHS dispute resolution procedure, in accordance with paragraph 54(1)(a) of Schedule 3, after it ceases to be a health service body,

the contractor is to continue to be treated as a health service body (and accordingly the contract is to continue to be regarded as an NHS contract) for the purposes of the consideration and determination of the dispute; or]

(c) paragraph (6), it will continue to be regarded as a health service body for the purposes of the NHS dispute resolution procedure where that procedure has been commenced—

(i) before the termination of the agreement; or

(ii) after the termination of the agreement, whether in connection with, or arising out of, the termination of the agreement or otherwise,

for which purposes it ceases to be such a body on the conclusion of that procedure.

#### Textual Amendments

- F1** Reg. 9(7)(b) substituted (1.3.2016) by [The National Health Service \(Primary Medical Services and Primary Dental Services\) \(Wales\) \(Amendment and Transitional Provision\) Regulations 2016 \(S.I. 2016/90\)](#), regs. 1(1), **14** (with reg. 18)

#### Commencement Information

- I1** Reg. 9 in force at 1.3.2006, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006, PART 4.