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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 6**

**RIGHT TO A GENERAL DENTAL SERVICES CONTRACT**

**Right to a general dental services contract**

**21.**—(1) A contractor which is providing mandatory services and which wishes a general dental services contract to be entered into pursuant to this regulation will notify the Relevant Body in writing at least three months before the date on which it wishes the general dental services contract to be entered into.

(2) A notice under paragraph (1) will—

- (a) state that the contractor wishes to terminate the agreement and the date on which the contractor wishes the agreement to terminate which must be at least three months after the date of service of the notice;
- (b) subject to paragraph (3), give the name or names of the person or persons whom the contractor wishes the Relevant Body to enter into a general dental services contract with; and
- (c) confirm that the person or persons so named meet the conditions set out in section 28M of the Act (persons eligible to enter into GDS contracts)(1) and regulations 4 and 5 (where applicable) of the GDS Contracts Regulations or, where the contractor is not able so to confirm, the reason why it is not able to do so and confirmation that the person or persons immediately prior to entering into the general dental services contract will meet those conditions.

(3) A person's name may only be given in a notice referred to in paragraph (1) if that person is a party to the agreement.

(4) The Relevant Body will acknowledge receipt of the notice served under paragraph (1) within the period of seven days beginning on the day that it received the notice.

(5) Provided that the conditions set out in section 28M of the Act and regulations 4 and 5 (where applicable) of the GDS Contracts Regulations are met, the Relevant Body will enter into a general dental services contract with the person or persons named in the notice served under paragraph (1).

(6) In addition to the terms required by the Act and the GDS Contracts Regulations, a general dental services contract entered into pursuant to this regulation will provide for—

- (a) the general dental services contract to commence immediately after the termination of the agreement;

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(1) Section 28M was inserted into the Act by section 172(1) of the 2003 Act.

- (b) the same services to be provided under the general dental services contract as were provided under the agreement immediately before it was terminated unless the parties otherwise agree;
  - (c) the contractor to complete any courses of treatment or orthodontic courses of treatment that were not complete immediately before the agreement was terminated—
    - (i) in accordance with the terms of the general dental services contract insofar as those terms correspond with the terms of the agreement immediately before it was terminated, and
    - (ii) subject to such terms of the general dental services contract that permits the termination of a course of treatment or orthodontic courses of treatment; and
  - (d) unless the parties otherwise agree—
    - (i) subject to paragraph (ii), the same number of units of dental activity or units of orthodontic activity (as the case may be) specified in the agreement in a term giving effect to regulation 13 or 14 to be provided under the general dental services contract;
    - (ii) where the general dental services contract is to begin on a day other than 1 April, the contractor to provide under that contract during the remainder of that financial year any units of dental activity or units of orthodontic activity that the contractor would have been obliged to provide in that financial year under the agreement but had not yet provided immediately before the general dental services contract begins;
  - (e) unless the parties otherwise agree—
    - (i) subject to paragraph (ii), the same number of courses of treatment involving the provision of sedation services or domiciliary services specified in the agreement in a term giving effect to regulation 16 to be provided under the general dental services contract;
    - (ii) where the general dental services contract is to begin on a day other than 1 April, the contractor under that contract to provide or contribute to during the remainder of that financial year any courses of treatment involving the provision of sedation services or domiciliary services that the contractor would have been obliged to provide or contribute to in that financial year under the agreement but had not yet provided or contributed to immediately before the general dental services contract begins;
  - (f) in respect of courses of treatment or orthodontic course of treatment falling within subparagraph (c), the contractor to ensure that a patient who is not an exempt person only pays one NHS Charge in respect of that course of treatment or orthodontic course of treatment; and
  - (g) the contractor to comply with the term of the general dental services contract giving effect to paragraph 11 of Schedule 3 to the GDS Contracts Regulations (repair or replacement of restorations) in respect of any patients to whom it provided treatment under its agreement, in addition to patients to whom it provides treatment under the general dental services contract.
- (7) An agreement will terminate on the date stated in the notice given by the contractor under paragraph (1) unless a different date is agreed by the contractor and the Relevant Body or no general dental services contract is entered into by the Relevant Body pursuant to this regulation.
- (8) Where there is a dispute as to whether or not a person satisfies the conditions set out in section 28M of the Act or regulation 4 of the GDS Contracts Regulations, the contractor may appeal to the [<sup>F1</sup>First-tier Tribunal] and the Relevant Body will be the respondent.
- (9) Any other dispute relating to this regulation will be determined by the Assembly in accordance with regulation 8(3) and (4) of the GDS Contracts Regulations (pre-contract disputes).

(10) The parties to a dispute referred to the Assembly in accordance with paragraph (9) will be the contractor and the Relevant Body.

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**Textual Amendments**

**F1** Words in [reg. 21\(8\)](#) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 3 para. 130](#)

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**Commencement Information**

**II** Reg. 21 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 6.