

SCHEDULE 3

OTHER CONTRACTUAL TERMS

PART 8

MID-YEAR REVIEW OF ACTIVITY UNDER AGREEMENTS

Action the Relevant Body can take following a mid-year review

59.—(1) Where, following the mid-year review and the provision of the final record of that review to the contractor, the Relevant Body, having taken account of any evidence or reasons put forward by the contractor at that review, nevertheless has serious concerns that the contractor is unlikely to provide the number of—

- (a) units of dental activity; or
- (b) units of orthodontic activity,

that it is required to provide by the end of the financial year, the Relevant Body will be entitled to take either or both of the steps specified in paragraph (2).

(2) The Relevant Body may—

- (a) require the contractor to comply with a written plan drawn up by the Relevant Body to ensure that the level of activity during the remainder of the financial year is such that the contractor will provide the number of units of dental activity or units of orthodontic activity it is required to provide; or
- (b) withhold monies payable under the agreement.

(3) The maximum amount that may be withheld pursuant to sub-paragraph (2)(b) is—

- (a) the amount that is payable under the agreement in respect of the number of units of dental activity or units of orthodontic activity required to be provided in a financial year, less
- (b) the amount that would be payable under the agreement as a relevant proportion of that amount if the contractor provided in the whole of the financial year only twice the number of units of dental activity or orthodontic activity that provided between 1 April and 30 September.

(4) Nothing in this paragraph will prevent the Relevant Body and the contractor agreeing to vary the contract in accordance with paragraph 61 to adjust—

- (a) the level of activity to be provided under the agreement; or
- (b) the monies to be paid by the Relevant Body to the contractor under the agreement.

(5) Where the Relevant Body withholds monies pursuant to paragraph (2), it will ensure that it pays the withheld monies to the contractor as soon as possible following the end of the financial year where the contractor has—

- (a) provided the number of units of dental activity or units of orthodontic activity required to be provided; or
- (b) failed to provide that number of units of dental activity or units of orthodontic activity, but that failure amounts to 5 per cent or less of the total number of units of dental activity or units of orthodontic activity that ought to have been provided during that financial year (and therefore regulation 15 applies).

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006, Paragraph 59. (See end of Document for details)

Commencement Information

II Sch. 3 para. 59 in force at 1.3.2006, see **reg. 1(1)**

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