

SCHEDULE 3

OTHER CONTRACTUAL TERMS

PART 10

MISCELLANEOUS

Insurance: negligent performance

79.—(1) The contractor will at all times [^{F1}have in force in relation to it an indemnity arrangement which provides appropriate cover].

(2) The contractor will not sub-contract its obligations to provide clinical services under the agreement unless it has satisfied itself that the sub-contractor [^{F2}has in force in relation to the sub-contractor an indemnity arrangement which provides appropriate cover]

(3) In this paragraph—

(a) [^{F3}“indemnity arrangement” means] a contract of insurance or other arrangement made for the purpose of indemnifying the contractor;

[^{F4}(aa) “appropriate cover” means cover against liabilities that may be incurred by the contractor in the performance of clinical services under the agreement, which is appropriate, having regard to the nature and extent of the risks in the performance of such services;] and

(b) a contractor or sub-contractor will be regarded as [^{F5}having in force in relation to it an indemnity arrangement if there is an indemnity arrangement in force in relation to] an employee of its in connection with clinical services which that employee provides under the agreement or, as the case may be, sub-contract.

Textual Amendments

F1 Words in Sch. 3 para. 79(1) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), [Sch. 2 para. 11\(a\)](#)

F2 Words in Sch. 3 para. 79(2) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), [Sch. 2 para. 11\(b\)](#)

F3 Words in Sch. 3 para. 79(3)(a) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), [Sch. 2 para. 11\(c\)](#)

F4 Sch. 3 para. 79(3)(aa) inserted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), [Sch. 2 para. 11\(d\)](#)

F5 Words in Sch. 3 para. 79(3)(b) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), [Sch. 2 para. 11\(e\)](#)

Commencement Information

I1 Sch. 3 para. 79 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, Paragraph 79.