
WELSH STATUTORY INSTRUMENTS

2006 No. 490

The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006

PART 5

CONTRACTS: REQUIRED TERMS

Under provision of units of dental activity or units of orthodontic activity

19.—(1) The contract will provide that the Local Health Board will not pursuant to Part 9 of Schedule 3 (variation and termination of contracts) be entitled to take any action for breach of a term of the contract giving effect to regulation 17 or 18 (including termination of the contract) where paragraph (2) applies.

(2) Subject to paragraph (4), this paragraph applies where the contractor has failed to provide—

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

it is contracted to provide pursuant to a term of the contract giving effect to regulation 17 or 18 (as the case may be) where—

- (i) that failure amounts to 5 per cent or less of the total number of units of dental activity or units of orthodontic activity (as the case may be) that ought to have been provided during a financial year, and
- (ii) the contractor agrees to provide and does so provide the units it has failed to provide within such time period as the Local Health Board specifies in writing, such period to consist of not less than 60 days.

(3) Paragraphs (1) and (2) will not prevent the Local Health Board from taking action under Part 9 of Schedule 3 for breach of contract (including terminating the contract) on other grounds.

(4) In the case of a temporary contract the reference to a period of not less than 60 days in paragraph (2)(ii) may not apply if the Local Health Board considers it not appropriate or considers another period of less than 60 days should apply.