
WELSH STATUTORY INSTRUMENTS

2006 No. 490

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

PART 5

CONTRACTS: REQUIRED TERMS

Finance

- 21.**—(1) The contract must contain a term which has the effect of requiring—
- (a) the Local Health Board to make payments to the contractor under the contract promptly and in accordance with both the terms of the contract and any other conditions relating to the payment contained in directions given by the Assembly under section 28N of the Act⁽¹⁾ (GDS contracts: payments); and
 - (b) the contractor to make payments promptly to the Local Health Board and in accordance with both the terms of the contract and any other conditions relating to payment contained in directions given by the Assembly under section 28N of the Act.
- (2) The obligation referred to in paragraph (1) is subject to any right the Local Health Board has to set off against an amount payable to the contractor an amount that—
- (a) is owed by the contractor to the Local Health Board under the contract;
 - (b) has been paid to the contractor owing to an error or in circumstances when it was not due; or
 - (c) the Local Health Board may withhold from the contractor in accordance with the terms of the contract or any other applicable provisions contained in directions given by the Assembly under section 28N of the Act.
- (3) The contract must contain a term to the effect that where, pursuant to directions under section 16BB(4)⁽²⁾ (Local Health Boards: Functions) or 28N of the Act, a Local Health Board is required to make a payment to a contractor under a contract but subject to conditions, those conditions are to be a term of the contract.

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

(2) Section 16BB was inserted into the Act by section 6(1) of the 2002 Act.