



National Health Service Act 2006

2006 CHAPTER 41

PART 5

DENTAL SERVICES

General dental services contracts

100 General dental services contracts: introductory

- (1) [^{F1}NHS England] may enter into a contract under which primary dental services are provided in accordance with the following provisions of this Part.
- (2) A contract under this section is called in this Act a “general dental services contract”.
- (3) A general dental services contract may make such provision as may be agreed between [^{F1}NHS England] and the contractor in relation to—
 - (a) the services to be provided under the contract (which may include services which are not primary dental services [^{F2}or services which are to be performed outside England]),
 - (b) remuneration under the contract, and
 - (c) any other matters.
- (4) In this Part, “contractor”, in relation to a general dental services contract, means any person entering into the contract with [^{F1}NHS England].

Textual Amendments

F1 Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

F2 Words in s. 100(3)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 43\(4\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

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101 Requirement to provide certain primary dental services

- (1) A general dental services contract must require the contractor or contractors to provide, for his or their patients, primary dental services of such descriptions as may be prescribed.
- (2) Regulations under subsection (1) may in particular describe services by reference to the manner or circumstances in which they are provided.

102 Persons eligible to enter into GDS contracts

- (1) [^{F1}NHS England] may, subject to such conditions as may be prescribed, enter into a general dental services contract with—
 - (a) a dental practitioner,
 - (b) a dental corporation,
 - (c) two or more [^{F3}persons] practising in partnership where the conditions in subsection (2) are satisfied [^{F4},
 - (d) a limited liability partnership where the conditions in subsection (2A) are satisfied.]
- (2) The conditions referred to in subsection (1)(c) are that—
 - (a) at least one partner is a dental practitioner, and
 - [^{F5}(b) subsection (3A) or (3B) applies.]
- [^{F6}(2A) The conditions referred to in subsection (1)(d) are that—
 - (a) at least one member is a dental practitioner, and
 - (b) subsection (3A) or (3B) applies.]
- (3) Regulations may make provision as to the effect, in relation to a general dental services contract entered into by individuals practising in partnership, of a change in the membership of the partnership.
- [^{F7}(3A) This subsection applies if a partner or member who is a dental practitioner, or who falls within subsection (3C), has the power to secure that the partnership's affairs are conducted in accordance with that partner's or member's wishes.
- (3B) This subsection applies if, in any combination of partners or members who, acting together, have the power (or who, if they were to act together, would have the power) to secure that the partnership's affairs are conducted in accordance with their wishes, at least one of them is a dental practitioner or a person who falls within subsection (3C).]
- [^{F8}(3C) A person falls within this subsection if the person is—
 - (a) an NHS employee,
 - (b) a section 92 employee, section 107 employee, section 50 employee, section 64 employee, section 17C employee or Article 15B employee,
 - (c) a health care professional who is engaged in the provision of services under this Act or the National Health Service (Wales) Act 2006, or
 - (d) an individual falling within section 108(1)(d).]
- (4) In this section—

“dental corporation” means a body corporate which is carrying on the business of dentistry in accordance with the Dentists Act 1984 (c. 24)

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“health care professional”, “NHS employee”, “section 92 employee”, “section 107 employee”, “section 50 employee”, “section 64 employee”, “section 17C employee” and “Article 15B employee” have the meaning given by section 108.

Textual Amendments

- F1** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Word in s. 102(1)(c) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 203(2), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** S. 102(1)(d) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 203(3), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** S. 102(2)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 203(4), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 102(2A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 203(5), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** S. 102(3A)(3B) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 203(6), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** S. 102(3C) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 203(7), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

103 GDS contracts: payments

- (1) The Secretary of State may give directions as to payments to be made under general dental services contracts.
- (2) A general dental services contract must require payments to be made under the contract in accordance with directions under this section.
- (3) A direction under subsection (1) may in particular—
 - (a) provide for payments to be made by reference to compliance with standards or the achievement of levels of performance,
 - (b) provide for payments to be made by reference to—
 - (i) any scheme or scale specified in the direction, or
 - (ii) a determination made by any person in accordance with factors specified in the direction,
 - (c) provide for the making of payments in respect of individual practitioners,
 - (d) provide that the whole or any part of a payment is subject to conditions (and may provide that payments are payable by [^{F1}NHS England] only if it is satisfied as to certain conditions),
 - (e) make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.
- (4) Before giving a direction under subsection (1), the Secretary of State—
 - (a) must consult any body appearing to him to be representative of persons to whose remuneration the direction would relate, and
 - (b) may consult such other persons as he considers appropriate.
- (5) “Payments” includes fees, allowances, reimbursements, loans and repayments.

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Textual Amendments

- F1** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 1\(1\)\(2\); S.I. 2022/734, reg. 2\(a\), Sch.](#) (with regs. 13, 29, 30)

104 GDS contracts: other required terms

- (1) A general dental services contract must contain such provision as may be prescribed (in addition to the provision required by the preceding provisions of this Part).
- (2) Regulations under subsection (1) may in particular make provision as to—
 - (a) the manner in which, and standards to which, services must be provided,
 - (b) the persons who perform services,
 - (c) the persons to whom services will be provided,
 - (d) the variation of contract terms (other than terms required by or under this Part),
 - (e) rights of entry and inspection (including inspection of clinical records and other documents),
 - (f) the circumstances in which, and the manner in which, the contract may be terminated,
 - (g) enforcement,
 - (h) the adjudication of disputes.
- (3) Regulations under subsection (2)(d) may make provision as to the circumstances in which [^{F1}NHS England] may impose a variation of contract terms.
- (4) Regulations under subsection (1) must make provision as to the right of patients to choose the persons from whom they receive services.

Textual Amendments

- F1** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 1\(1\)\(2\); S.I. 2022/734, reg. 2\(a\), Sch.](#) (with regs. 13, 29, 30)

105 GDS contracts: disputes and enforcement

- (1) Regulations may make provision for the resolution of disputes as to the terms of a proposed general dental services contract.
- (2) Regulations under subsection (1) may make provision—
 - (a) for the referral of the terms of the proposed contract to the Secretary of State, and
 - (b) for the Secretary of State, or a person appointed by him, to determine the terms on which the contract may be entered into.
- (3) Regulations may make provision for a person or persons entering into a general dental services contract to be regarded as a health service body for any purposes of section 9, in circumstances where he or they so elect.
- (4) Regulations under subsection (3) may include provision as to the application of section 9 in cases where—
 - (a) persons practising in partnership elect to become a health service body, and

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(b) there is a change in the membership of the partnership.

(5) Where—

(a) by virtue of regulations under subsection (3), section 9(11) applies in relation to a general dental services contract, and

(b) a direction as to payments is made under that provision in relation to the contract,

the direction is enforceable in [^{F9}the county court] (if the court so orders) as if it were a judgment or order of that court.

Textual Amendments

F9 Words in s. 105(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)