

# HEALTH AND SOCIAL CARE ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6 – Primary Care Services**

##### ***Section 204 - Arrangements under section 107 of the National Health Service Act 2006***

1226. This section amends section 108 of the NHS Act to provide amendments which relate to the organisational types and the background of persons who are permitted to enter into a section 107 arrangement (a PDS agreement). This paragraph removes certain restrictions in relation to the people and organisations that can be party to a PDS agreement.
1227. *Subsections (2) to (4)* follow the approach used in the amendment to section 102(1). They amend section 108(1) and insert new subsections (1A), (1B) and (1C) into section 108, which allow the Board to make section 107 (PDS) agreements with a dental corporation or, where certain conditions are satisfied, with a company limited by shares or a limited liability partnership, provided that at least one member is a dental practitioner, or falls within a defined group of people within the NHS, and that such a person has the power to ensure that the partnership's affairs are conducted in accordance with wishes.
1228. *Subsection (5)* omits current section 108(2) as the section is no longer required as a consequence of the amendment to section 108(1).
1229. *Subsection (6)* omits the definition of qualifying bodies, following the adoption of the nomenclature “company limited by shares” and inserts a definition of “dental corporation”.