

**2024 No. 271**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Primary Dental Services and Dental Charges) (Amendment) Regulations 2024**

*Made - - - - at 10:30 a.m. on 1st March 2024*

*Laid before Parliament at 2:00 p.m. on 1st March 2024*

*Coming into force - - 1st April 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 104(1), (2)(d) and (3), 109(1) and (3)(f), 176(1) and (2) and 272(7) and (8) of the National Health Service Act 2006(a).

**Citation, commencement and extent**

- 1.—(1) These Regulations may be cited as the National Health Service (Primary Dental Services and Dental Charges) (Amendment) Regulations 2024.
- (2) These Regulations come into force on 1st April 2024.
- (3) These Regulations extend to England and Wales.

**Amendment of the National Health Service (General Dental Services Contracts) Regulations 2005**

- 2.—(1) The National Health Service (General Dental Services Contracts) Regulations 2005(b) are amended as follows.
- (2) In Schedule 3 (other contractual terms), in Part 9 (variation and termination of contracts), in paragraph 61A(4)(b) (variation of a contract: rebasing for persistent under performance) for the words from “which may be any date” to the end of that sub-paragraph substitute “which must be no earlier than 1st April in the financial year immediately following the financial year in which the rebasing notice is served on the contractor.”.

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(a) 2006 c. 41. Section 104(3) was amended by section 55(1) of and paragraph 46 of Schedule 4 to the Health and Social Care Act 2012 (c. 7). Section 176 was amended by section 55(1) of and paragraph 94(b) of Schedule 4 to, the Health and Social Care Act 2012 and by section 1(2) of, and paragraph 1(1) and (2) of Schedule 1 to, the Health and Care Act 2022 (c. 31). See section 275(1) of the National Health Service Act 2006 for the meaning given to “prescribed” and “regulations”. By virtue of section 271(1) of the National Health Service Act 2006, the powers being exercised by the Secretary of State in the making of these Regulations are exercisable only in relation to England.

(b) S.I. 2005/3361, amended by S.I. 2023/554; there are other amending instruments but none is relevant.

### **Amendment of the National Health Service (Personal Dental Services Agreements) Regulations 2005**

3.—(1) The National Health Service (Personal Dental Services Agreements) Regulations 2005(a) are amended as follows.

(2) In Schedule 3 (other contractual terms), in Part 9 (variation and termination of agreements), in paragraph 61A(4)(b) (variation of an agreement: rebasing for persistent under performance) for the words from “which may be any date” to the end of that sub-paragraph substitute “which must be no earlier than 1st April in the financial year immediately following the financial year in which the rebasing notice is served on the contractor.”.

### **Amendment of the National Health Service (Dental Charges) Regulations 2005**

4.—(1) The National Health Service (Dental Charges) Regulations 2005(b) are amended as follows.

(2) In regulation 4 (calculation of charges)—

- (a) in paragraphs (1) and (5), for “£25.80” substitute “£26.80”;
- (b) in paragraph (2), for “£70.70” substitute “£73.50”;
- (c) in paragraphs (3) and (4), for “£306.80” substitute “£319.10”.

At 10.30 a.m. on 1st March 2024

*Andrea Leadsom*  
Parliamentary Under Secretary of State  
Department of Health and Social Care

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(a) S.I. 2005/3373, amended by S.I. 2023/554; there are other amending instruments but none is relevant.  
(b) S.I. 2005/3477; relevant amending instruments are 2007/544, 2008/547, 2009/407, 2011/519, 2012/502, 2013/364, 475 and 711, 2014/545, 2015/417, 2016/324, 2017/408, 2018/336, 2019/522, 2020/1335, 2023/367.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Dental Services Contracts) Regulations 2005 (S.I. 2005/3361) (“the GDS Contracts Regulations”), the National Health Service (Personal Dental Services Agreements) Regulations 2005 (S.I. 2005/3373) (“the PDS Agreements Regulations”) and the National Health Service (Dental Charges) Regulations 2005 (S.I. 2005/3477) (“the Dental Charges Regulations”).

Regulations 2 and 3 respectively amend the GDS Contracts Regulations and the PDS Agreements Regulations. Regulation 2(2) for General Dental Services contracts, and regulation 3(2) for Personal Dental Services agreements, provide that where a notice is served to rebase the contract or agreement, the rebasing date which is specified in the notice must be no earlier than 1st April in the financial year immediately following the financial year in which the rebasing notice is served on the contractor, rather than any date in the financial year of the notice. “Rebasing” refers to a permanent variation of the contract.

Regulation 4 amends the Dental Charges Regulations to increase the patient charges levied for NHS dental treatments in England. Regulation 4(2)(a) of this instrument amends paragraphs (1) and (5) of regulation 4 of the Dental Charges Regulations to increase the charge payable for Band 1 courses of treatment, including for urgent treatments, from £25.80 to £26.80. Regulation 4(2)(b) of this instrument amends regulation 4(2) of the Dental Charges Regulations to increase the charge payable for Band 2 courses of treatment from £70.70 to £73.50. Regulation 4(2)(c) of this instrument amends paragraphs (3) and (4) of regulation 4 of the Dental Charges Regulations to increase the charge payable for Band 3 course of treatment, including the supply of dental appliances, from £306.80 to £319.10.

A full impact assessment of the effect that the amendment to the Dental Charges Regulations will have on the costs of business, the voluntary sector and the public sector is annexed to the Explanatory Memorandum which is available alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies may also be obtained from the Department of Health and Social Care, 39 Victoria Street, London SW1H 0EU.

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