STATUTORY INSTRUMENTS

2022 No. 1131

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Performers Lists) (England) (Amendment) Regulations 2022

Made - - - -	*3rd November 2022*
Laid before Parliament	*4th November 2022*
Coming into force	*25th November 2022*

The Secretary of State, in exercise of the powers conferred by sections 106(3)(a), (b) and (d) and 272(7) and (8) of the National Health Service Act 2006(**a**), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (Performers Lists) (England) (Amendment) Regulations 2022 and come into force on 25th November 2022.

(2) These Regulations extend to England and Wales.

Amendment of the National Health Service (Performers Lists) (England) Regulations 2013

2. The National Health Service (Performers Lists) (England) Regulations 2013(**b**) are amended in accordance with regulations 3, 4 and 5.

3. In regulation 29(1), for the definition of "contractor" substitute—

""contractor" means—

(a) a person within the meaning of "contractor" in section 100(4)(**c**) of the 2006 Act; or

(b) a person providing primary dental services under section 107 arrangements(**d**);".

4. In regulation 30(1)—

(a) for "approved trainer" substitute "NHS body(**e**) or contractor";

(b) after "dental care and treatment" insert "under the supervision of an approved trainer".

5. After regulation 30(2), insert—

"(3) Paragraph 4 applies where a dental practitioner was employed under a contract of service by an NHS body or contractor for a period prior to 25th November 2022 and where the dental practitioner's work under the contract was supervised by an approved trainer.

(**a**) 2006 c. 41 ("the 2006 Act"). Section 106 was amended by section 55 of, and paragraph 47 of Schedule 4 to, the Health and Social Care Act 2012 (c. 7) ("the 2012 Act").
(**b**) S.I. 2013/335.
(**c**) Section 100(4) was amended by paragraph 43(3) of Schedule 4 to the 2012 Act.
(**d**) For the definition of "section 107 arrangements", see section 107(8) of the 2006 Act.
(**e**) For the definition of "NHS body", see section 275(1) of the 2006 Act.

(4) Where this paragraph applies, the dental practitioner is to be treated as having undertaken foundation training during the relevant period if the contract of service made provision for those features of a contract of service set out and particularised in regulation 30(1) immediately prior to 25th November 2022."

Signed by authority of the Secretary of State for Health and Social Care

Neil O'Brien
Parliamentary Under Secretary of State,
Department of Health and Social Care

3rd November 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the National Health Service (Performers Lists) (England) Regulations 2013 (S.I. 2013/335) ("the 2013 Regulations").

Regulation 3 substitutes the definition of "contractor" in regulation 29(1) of the 2013 Regulations so as to include persons who have entered into agreements for the provision of primary dental services in accordance with section 107 arrangements (arrangements for the provision of primary dental services).

Regulation 4 amends the definition of "foundation training" in regulation 30(1) of the 2013 Regulations to reflect changes to the employers of dental foundation trainees.

Regulation 5 further amends regulation 30 to make provision in relation to dental practitioners who were not employed by "approved trainers" (as defined in regulation 29(1) of the 2013 Regulations) but were supervised by approved trainers during their training period.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector.

An Explanatory Memorandum is published alongside the instrument on legislation.gov.uk.

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