The National Health Service (General Dental Services Fees) Amendment (Scotland) Regulations, 1948

1948 No. 2838 (S. 211)

Made - - - -	*30th December,* 1948
Laid before Parliament	*31st December,* 1948
Coming into Operation	*1st February,* 1949

In exercise of the powers conferred on me by section 39 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1. These regulations may be cited as the National Health Service (General Dental Services Fees) (Amendment) (Scotland) Regulations, 1948, and shall come into operation on the first day of February, 1949.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

" the principal fees regulations " means the National Health Service (General Dental Services Fees) (Scotland) Regulations, 1948(b);

" the standard sum " means a sum of £400 or in the case of a dental practitioner employing one or more assistants a sum of £400 together with a further sum of a like amount for each such assistant ;

" an assistant " means an assistant practitioner who is not employed by more than one practitioner and does not submit dental estimate forms in his own name ; and

" authorised fees " means fees authorised by the Scottish Dental Estimates Board and payable by an Executive Council.

(2) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The provisions of the principal fees regulations shall be modified in manner following :—

(i) The remuneration of a dental practitioner in the month of February in the year 1949 and in the month of January in any following year, or in any month in which he first provides general dental services, shall not exceed in respect of authorised fees the standard sum together with one half of any authorised fees in excess of that sum.

(ii) In any succeeding month in the same year the remuneration shall not exceed such sum as will when added to the remuneration of the previous months of the year amount to the standard sum multiplied by the number of months of the year which will have expired at the end of the month in respect of which the calculation is being made, together with one half of any authorised fees in excess of that product, excluding for all the purposes of this paragraph the month of January, 1949.

(iii) At the end of the year 1949 and each succeeding year an adjustment shall be made for the purpose of securing that the practitioner's remuneration for the year shall be whichever is the smaller of the following amounts—

(*a*) an amount equal to the total of the authorised fees, or

(*b*) an amount equal to the product of the standard sum multiplied by the number of months in the year in which the practitioner has provided general dental services, together with one half of any authorised fees in excess of that product :

(a) 10 & 11 Geo. 6. c. 27. (b) S.I. 1948 No. 1393, p. 2384 above.
(c) 52 & 53 Vict. c. 63.

Provided that for the purpose of this paragraph any reference to a year shall in relation to the year 1949 be construed as a reference to the period commencing on the 1st day of February and ending on the 31st day of December in that year.

(iv) In the case of a partnership the adjustment made under paragraph (iii) of this regulation shall secure that the total remuneration of all the partners on the dental list shall be the smaller of the following amounts—

(*a*) the total of the authorised fees of all the partners, or

(*b*) the total of the products for each partner of the standard sum multiplied by the number of months of his service together with half the total authorised fees for all the partners in excess of that total.

4.—(1) Where dental practitioners on the dental list are practising in partnership and the authorised fees of one partner are in any month less than the standard sum, the standard sum in relation to the other partner shall for the purposes of paragraphs (i) and (ii) of the last foregoing regulation be deemed to be increased by an amount equal to the difference between the standard sum and the amount of the said fees. If there is more than one other partner the standard sum shall in the case of each of them be increased by an amount equal to the said difference divided by the number of such other partners.

(2) Where a practitioner employs an assistant who is not employed by any other practitioner, but who by reason of the fact that he submits dental estimate forms in his own name is not an assistant as defined by regulation 2, this regulation shall apply in the case of that practitioner and that assistant as if they were partners.

5. Where a dental practitioner is entitled to remuneration for general dental services from more than one Executive Council and the fees are subject to adjustment in any month under these regulations the liability shall be apportioned between the Councils in such manner as they shall agree or, in the absence of agreement, as may be determined by the Secretary of State.

6. Nothing in these regulations shall operate to reduce the remuneration payable to a dental practitioner in the period from the 1st February to 31st December in the year 1949 to a smaller sum than the amount of the fees payable under the principal fees regulations in respect of work which he shows to the satisfaction of the Secretary of State to have been undertaken by him before the date of these regulations and not to have been paid for before the 1st day of February, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th December, 1948.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Regulations amend the National Health Service (General Dental Services Fees) (Scotland) Regulations, 1948, by providing for a reduction of the fees payable to dental practitioners when the fees payable under those Regulations exceed a rate of £400 a month. The amount of the reduction is one half of the fees in excess of that figure.