STATUTORY INSTRUMENTS

1970 No. 241 (S.15)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Dental Services—Seniority Payments) (Scotland) Regulations 1970

Made - - -	17*th February* 1970
Laid before Parliament	25*th February* 1970
Coming into Operation	26*th February* 1970

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—Seniority Payments) (Scotland) Regulations 1970 and shall come into operation on 26th February 1970.

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

"the principal regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1966(**b**) as amended (**c**);

"quarter" means a period of 3 months ending on 31st March, 30th June, 30th September or 31st December ;

"reckonable remuneration" means superannuable remuneration less any seniority payments paid under these regulations, and in assessing such reckonable remuneration any provision in proviso (*d*) to regulation 61(2) of the National Health Service (Superannuation) (Scotland) Regulations 1961(**d**) as amended by regulation 49(*b*) of the National Health Service (Superannuation) (Scotland) Amendment Regulations 1966(**e**) that no account shall be taken of any remuneration in excess of a specified amount shall be disregarded ;

"seniority payment" has the meaning assigned to it in regulation 3 of these regulations ;

"superannuable remuneration" means remuneration in respect of general dental services as defined in regulation 61(2) of the National Health Service (Superannuation) (Scotland) Regulations 1961 as amended by regulation 49 of the National Health Service (Superannuation) (Scotland) Amendment Regulations 1966, less any earnings from a salaried appointment at a health centre, whether or not the practitioner is entitled to participate in the benefits provided under those regulations.

(**a**) 1947 c. 27.
(**b**) S.I. 1966/1449 (1966 III, p. 3802).
(**c**) The amending regulations are not relevant to the subject matter of these regulations
(**d**) 1961/1398 (1961 II, p. 2697).
(**e**) 1966/1522 (1966 III, p. 4268).

(2) Unless the context otherwise requires, words and expressions used in these regulations have the same meanings as in the principal regulations.

(3) Unless the context otherwise requires, references in these regulations to any enactment or statutory instrument are references to that enactment or statutory instrument as amended or re-enacted by any subsequent enactment or statutory instrument.

(4) The Interpretation Act 1889(**a**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3.—(1) Subject to these regulations, a practitioner providing general dental services who duly makes application on a form provided for the purpose—

(*a*) if he is on the dental list of only one Council, to that Council ; or

(*b*) if he is on the dental list of more than one Council, to only one of those Councils ;

shall, if he has complied with the conditions of eligibility set out in paragraph 2(*a*) and (*b*) of this regulation, be entitled, so long as he complies with the further conditions of eligibility set out in paragraph (2)(*c*), (*d*) and (*e*) of this regulation to receive from that Council a payment (hereinafter referred to as a "seniority payment") calculated in accordance with paragraph (4) of this regulation in respect of any quarter (hereinafter referred to as a "relevant quarter") beginning on or after the beginning of the financial year ending on 31st March 1970.

(2) A practitioner shall be eligible for payment of a seniority payment if—

(*a*) on the first day of the first quarter to which his application relates he is a person—

(i) who has provided general dental services, otherwise than as a salaried practitioner at a health centre or as an assistant, in Scotland, England, Wales, Northern Ireland or the Isle of Man for a period of 10 years since 5th July 1948, of which not less than a period of 5 years (whether or not either of such periods has been continuous) has been within the period of 10 years ending on the first day of that quarter ; and

(ii) who has during the period of 10 years ending on 31st March last preceding the first day of that quarter received superannuable remuneration totalling £5,000 or more ; and

(iii) who has attained the age of 55 years ; and

(*b*) he has duly made application for payment of a seniority payment—

(i) in the case of an application in respect of a relevant quarter ending on or before 31st December 1969, not later than 31st March 1970 or such later date as the Secretary of State may, in any particular case, specify, or

(ii) in the case of an application in respect of any other relevant quarter, not later than the end of the quarter next following that relevant quarter ; and

(*c*) he has not before the first day of any relevant quarter been awarded a superannuation benefit, other than a return of contributions, in respect of the provision of general dental services in Scotland, England, Wales, Northern Ireland or the Isle of Man ; and

(*d*) he has at any time during any relevant quarter been included in the

(a) 1889 c. 63.

dental list of a Council in Scotland as a practitioner undertaking to provide general dental services, otherwise than as a salaried practitioner at a health centre or as an assistant, whether or not he has also been such a salaried practitioner or assistant; and

(*e*) on the last day of any relevant quarter he has not attained the age of 70 years.

(3) If a practitioner who has been entitled to receive seniority payments ceases to be included in the dental list of the Council to whom he has duly made application under this regulation, but subsequently makes application not later than the date specified in paragraph 2(*b*)(ii) of this regulation on a form provided for the purpose to a Council, whether or not it is a Council from whom he has been entitled to receive seniority payments, in whose dental list he is included at the time of such application, he shall, subject to paragraph (2)(*c*), (*d*) and (*e*) of this regulation, be entitled to receive seniority payments from that Council calculated in accordance with paragraph (4) of this regulation.

(4) The payment in respect of any quarter which a practitioner shall be entitled to receive under these regulations shall, if his reckonable remuneration in that quarter was an amount specified in column (1) of the Schedule to these regulations, be the amount specified opposite to that amount in column (2) of that Schedule.

(5) Any seniority payments shall be in addition to any payments payable under the principal regulations and paragraph 6 of Part I of Schedule I to the principal regulations (Fees and remuneration) shall not apply to any seniority payments.

4. Regulation 32 (Claims, Payments and Recovery of overpayments) of the principal regulations shall apply to any payment made to a practitioner under these regulations.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

17th February 1970.

Regulation 3(4)

SCHEDULE

Scale of Seniority Payments

Column (1) Amount of Reckonable Remuneration in the quarter	Column (2) Amount of Seniority Payment for the quarter
£200 or more	£50
£197 or more but less than £200	£49
£194 or more but less than £197	£48
£191 or more but less than £194	£47
£188 or more but less than £191	£46
£185 or more but less than £188	£45
£182 or more but less than £185	£44
£179 or more but less than £182	£43

£176 or more but less than £179	£42
£173 or more but less than £176	£41
£170 or more but less than £173	£40
£167 or more but less than £170	£39
£164 or more but less than £167	£38
£161 or more but less than £164	£37
£158 or more but less than £161	£36
£155 or more but less than £158	£35
£152 or more but less than £155	£34
£149 or more but less than £152	£33
£146 or more but less than £149	£32
£143 or more but less than £146	£31
£140 or more but less than £143	£30
£137 or more but less than £140	£29
£134 or more but less than £137	£28
£131 or more but less than £134	£27
£128 or more but less than £131	£26
£125 or more but less than £128	£25
£122 or more but less than £125	£24
£119 or more but less than £122	£23
£116 or more but less than £119	£22
£113 or more but less than £116	£21
£110 or more but less than £113	£20
£107 or more but less than £110	£19
£104 or more but less than £107	£18
£101 or more but less than £104	£17
£98 or more but less than £101	£16
£95 or more but less than £98	£15
£92 or more but less than £95	£14
£89 or more but less than £92	£13
£86 or more but less than £89	£12
£83 or more but less than £86	£11
£80 or more but less than £83	£10
£77 or more but less than £80	£9
£74 or more but less than £77	£8
£71 or more but less than £74	£7
£68 or more but less than £71	£6
£65 or more but less than £68	£5
£62 or more but less than £65	£4
£59 or more but less than £62	£3
£56 or more but less than £59	£2
£53 or more but less than £56	£1
less than £53	Nil

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the payment of "seniority payments" to dentists providing general dental services, other than as salaried practitioners providing those services at a health centre or as assistants. These payments are payable to a dentist aged between 55 and 70 who has not been awarded a superannuation benefit and are calculated by reference to his earnings during a preceding quarter.

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