STATUTORY INSTRUMENTS

1972 No. 1842

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Dental Services—Seniority Payments) Regulations 1972

Made - - -	30*th November* 1972
Laid before Parliament	7*th December* 1972
Coming into Operation	1*st January* 1973

The Secretary of State for Social Services in exercise of powers conferred by section 40 of the National Health Service Act 1946(**a**) and now vested in him(**b**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the National Health Service (General Dental Services—Seniority Payments) Regulations 1972 and shall come into operation on 1st January 1973.

2.—(1) In these regulations, unless the context otherwise requires—

"Council" means an Executive Council constituted under the provisions of section 31 of the National Health Service Act 1946 or section 32 of the National Health Service (Scotland) Act 1947(**c**);

"dentist" means a registered dental practitioner on a dental list of a Council and providing general dental services otherwise than as a salaried practitioner or as an assistant, notwithstanding that he is also a salaried practitioner or an assistant;

"general dental services" means services provided by a dentist by virtue of arrangements made under section 40 of the National Health Service Act 1946 or section 39 of the National Health Service (Scotland) Act 1947 and includes the provision of dental services under the corresponding provisions of the law in force in Northern Ireland or the Isle of Man;

"the principal regulations" means the National Health Service (General Dental Services) Regulations 1967(**d**) as amended(**e**);

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

(**a**) 1946 c. 81.
(**b**) S.I. 1968/1699 (1968 III, p. 4585).
(**c**) 1947 c. 27.
(**d**) S.I. 1967/937 (1967 II, p. 2816).
(**e**) There is no amendment which relates expressly to the subject matter of these regulations.

"reckonable remuneration" means such remuneration as defined

(*a*) in regulation 64 of the National Health Service (Superannuation) Regulations 1961(**a**) as amended by regulation 50 of the National Health Service (Superannuation) (Amendment) Regulations 1966(**b**);

(*b*) in regulation 61 of the National Health Service (Superannuation) (Scotland) Regulations 1961(**c**) as amended by regulation 49 of the National Health Service (Superannuation) (Scotland) Amendment Regulations 1966(**d**)

as is paid to a dentist in respect of the provision of general dental services whether or not such dentist is entitled to participate in the benefits provided under those regulations, as if that definition

(i) excluded payments made under these regulations and remuneration as a salaried practitioner,

(ii) disregarded any limit on remuneration of which account shall be taken under those regulations as amended;

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

"superannuation benefit" means any payment, other than a return of contributions, made to a dentist by virtue of the application of

(*a*) the National Health Service (Superannuation) Regulations 1961 as amended(**e**);

(*b*) the National Health Service (Superannuation) (Scotland) Regulations 1961 as amended(**f**);

(*c*) the corresponding provisions of the law in force in Northern Ireland or the Isle of Man

consequent upon the provision by him of general dental services.

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

(3) Unless the context otherwise requires, reference 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) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(5) The Interpretation Act 1889(**g**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Subject to the provisions of paragraph (4) a Council shall with effect from such date being the first day of a quarter on which a dentist shall have fulfilled the conditions set out in paragraph (2) and complied with the require-

(**a**) S.I. 1961/1441 (1961 II, p. 2824). (**b**) S.I. 1966/1523 (1966 III, p. 4309).
(**c**) S.I. 1961/1398 (1961 II p. 2697). (**d**) S.I. 1966/1522 (1966 III, p. 4268).
(**e**) S.I. 1966/1523, 1972/1339, 1537 (1966 III, p. 4309: 1972 II, p. 4054: III, p. 4512).
(**f**) S.I. 1966/1522, 1972/1356, 1604 (1966 III, p. 4268: 1972 III. p. 4192: III, p. 4709).
(**g**) 1889 c. 63.

ments set out in paragraph (3) pay in accordance with the provisions of regulation 5 to such dentist additional remuneration which shall be referred to as a seniority payment.

(2) The conditions referred to in paragraph (1) are—

(*a*) the dentist has attained the age of 55 years on or before that date; and

(*b*) the dentist has provided general dental services otherwise than as a salaried practitioner or as an assistant for a period of not less than 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 that date; and

(*c*) the dentist has within the 10 years ending 31st March last preceding that date, received reckonable remuneration totalling not less than £7,500.

(3) The requirements referred to in paragraph (1) are that an application for a seniority payment shall be made on a form which shall be obtained from a Council on whose dental list the dentist is included, shall be made by recorded delivery to that Council and shall include particulars of the fulfilment by the dentist of the conditions set out in paragraph (2).

(4) A Council shall not be liable to pay a seniority payment to a dentist

(*a*) to whom a seniority payment has by virtue of the preceding paragraphs of this regulation become payable by another Council;

(*b*) who ceases from being on the dental list of the Council so however that such dentist may make a further application in accordance with the preceding paragraphs of this regulation to a Council on whose dental list he is included.

4. A dentist shall cease from being entitled to a seniority payment with effect from the first day of any quarter in which—

(1) he attains the age of 70 years, or

(2) he receives a superannuation benefit.

5. A seniority payment shall be calculated and payable as follows—

(1) where in any quarter the reckonable remuneration of a dentist to whom a seniority payment has become payable by virtue of the provisions of regulation 3 falls within a range of remuneration listed in column 1 of the Schedule to these regulations, the seniority payment shall be the amount set out in column 2 of that Schedule opposite that range of remuneration;

(2) subject to paragraph (3) a seniority payment shall be payable by the end of the quarter next following that to which it relates;

(3) no seniority payment shall be made by a Council to a dentist in respect of any period before the quarter immediately preceding the quarter in which his application for a seniority payment is delivered to that Council.

6. Where a Council has pursuant to the provisions of the National Health Service (General Dental Services—Seniority Payments) Regulations 1970(**a**)

(**a**) S.I. 1970/181 (1970 I, p. 765).

become liable to pay in respect of any quarter in the period beginning 1st April 1972 and ending 31st December 1972, a seniority payment to a dentist whose reckonable remuneration in that quarter exceeded £225, it shall pay to that dentist an additional payment of a sum of £1 for each £3 by which his reckonable remuneration in that quarter exceeded £225 or of £25 whichever is the less.

7. Regulation 33 (Recovery of Overpayments) of the principal regulations shall apply to any payment made to a practitioner under these regulations.

8. The National Health Service (General Dental Services—Seniority Payments) Regulations 1970 are hereby revoked.

Provided that such revocation shall not affect any application for seniority payment made under those regulations and any such application shall, so far as it could have been made under these regulations, have effect as if it had been so made.

Keith Joseph,
Secretary of State for Social Services.

30th November 1972.

SCHEDULE

Scale of Seniority Payments

Regulation 5(1)

Column (1) Reckonable Remuneration in a Quarter	Column (2) Seniority Payment
£300 or more	£75
£297 or more but less than £300	£74
£294 „ „ „ „ „ £297	£73
£291 „ „ „ „ „ £294	£72
£288 „ „ „ „ „ £291	£71
£285 „ „ „ „ „ £288	£70
£282 „ „ „ „ „ £285	£69
£279 „ „ „ „ „ £282	£68
£276 „ „ „ „ „ £279	£67
£273 „ „ „ „ „ £276	£66
£270 „ „ „ „ „ £273	£65
£267 „ „ „ „ „ £270	£64
£264 „ „ „ „ „ £267	£63
£261 „ „ „ „ „ £264	£62
£258 „ „ „ „ „ £261	£61
£255 „ „ „ „ „ £258	£60

£252 „ „ „ „ „	£255	£59
£249 „ „ „ „ „	£252	£58
£246 „ „ „ „ „	£249	£57
£243 „ „ „ „ „	£246	£56
£240 „ „ „ „ „	£243	£55
£237 „ „ „ „ „	£240	£54
£234 „ „ „ „ „	£237	£53
£231 „ „ „ „ „	£234	£52
£228 „ „ „ „ „	£231	£51
£225 „ „ „ „ „	£228	£50
£222 „ „ „ „ „	£225	£49
£219 „ „ „ „ „	£222	£48
£216 „ „ „ „ „	£219	£47
£213 „ „ „ „ „	£216	£46
£210 „ „ „ „ „	£213	£45
£207 „ „ „ „ „	£210	£44
£204 „ „ „ „ „	£207	£43
£201 „ „ „ „ „	£204	£42
£198 „ „ „ „ „	£201	£41
£195 „ „ „ „ „	£198	£40
£192 „ „ „ „ „	£195	£39
£189 „ „ „ „ „	£192	£38
£186 „ „ „ „ „	£189	£37
£183 „ „ „ „ „	£186	£36
£180 „ „ „ „ „	£183	£35
£177 „ „ „ „ „	£180	£34
£174 „ „ „ „ „	£177	£33
£171 „ „ „ „ „	£174	£32
£168 „ „ „ „ „	£171	£31
£165 „ „ „ „ „	£168	£30
£162 „ „ „ „ „	£165	£29
£159 „ „ „ „ „	£162	£28
£156 „ „ „ „ „	£159	£27
£153 „ „ „ „ „	£156	£26
£150 „ „ „ „ „	£153	£25
£147 „ „ „ „ „	£150	£24
£144 „ „ „ „ „	£147	£23
£141 „ „ „ „ „	£144	£22
£138 „ „ „ „ „	£141	£21
£135 „ „ „ „ „	£138	£20
£132 „ „ „ „ „	£135	£19
£129 „ „ „ „ „	£132	£18
£126 „ „ „ „ „	£129	£17
£123 „ „ „ „ „	£126	£16
£120 „ „ „ „ „	£123	£15
£117 „ „ „ „ „	£120	£14
£114 „ „ „ „ „	£117	£13
£111 „ „ „ „ „	£114	£12
£108 „ „ „ „ „	£111	£11
£105 „ „ „ „ „	£108	£10
£102 „ „ „ „ „	£105	£9
£99 „ „ „ „ „	£102	£8
£96 „ „ „ „ „	£99	£7
£93 „ „ „ „ „	£96	£6
£90 „ „ „ „ „	£93	£5
£87 „ „ „ „ „	£90	£4
£84 „ „ „ „ „	£87	£3
£81 „ „ „ „ „	£84	£2
£78 „ „ „ „ „	£81	£1
Less than £78	... ...	NIL

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the payment of "seniority payments" to dentists who provide general dental services, other than assistants and salaried practitioners as defined in the principal regulations. 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. Provision is also made for additional remuneration to some such dentists who have already received seniority payments.

SI 1972/1842
ISBN 0-11-021842-6

