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STATUTORY INSTRUMENTS

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**1999 No. 444 (S. 28)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Scotland) (Injury Benefits) Amendment Regulations 1999**

<i>Made</i>	- - - -	<i>15th February 1999</i>
<i>Laid before Parliament</i>		<i>26th February 1999</i>
<i>Coming into force</i>	- -	<i>19th March 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 10 and 12 of, and Schedule 3 to, the Superannuation Act 1972(1) and of all other powers enabling him in that behalf, after consulting such representatives of persons likely to be affected by these Regulations as appear to him to be appropriate in accordance with section 10(4) of that Act, and with the consent of the Treasury(2), hereby makes the following Regulations:

**Citation, commencement and effect**

1. These Regulations may be cited as the National Health Service (Scotland) (Injury Benefits) Amendment Regulations 1999 and shall come into force on 19th March 1999, but shall have effect from 1st October 1998.

**Amendment of the National Health Service (Scotland) (Injury Benefits) Regulations 1998**

2. The National Health Service (Scotland) (Injury Benefits) Regulations 1998(3) shall be amended in accordance with regulations 3 and 4 below.

**Interpretation**

3. In regulation 2(1)–
- (a) after the definition of “the previous Regulations” insert–

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(1) 1972 c. 11; section 10 was amended by Part II of Schedule 7 to the National Health Service (Scotland) Act 1972 (c. 58) and sections 10(2A), (3A) and (6) and 12(4A) were inserted, and sections 10(1) and 12(2) and (4) amended, by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), sections 4(2), 8(5) and 10; section 10(6) was amended by the Pension Schemes Act 1993 (c. 48), Schedule 8, paragraph 7.

(2) See the Superannuation Act 1972, section 10(1) and the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I.1981/1670), article 2.

(3) S.I. 1998/1594.

““the health service” has the meaning given in section 108 of the National Health Service (Scotland) Act 1978(4);”;

(b) after the definition of “average remuneration” insert–

““dental hygienist” means a person whose name is included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986(5);”;

(c) after the definition of “dental list” insert–

““dental pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual or body providing those services;

“dental therapist” means a person whose name is included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986;”;

(d) after the definition of “medical list” insert–

““medical pilot scheme employee” means an individual who, in connection with the provision of personal medical services in accordance with a pilot scheme, is employed by an individual or body providing those services;

“NHS dental employee” means an individual who, in connection with the provision of services in the health service, is employed by–

(a) a National Health Service Trust;

(b) a Health Board;

(c) a registered dentist including one who is providing personal dental services in accordance with a pilot scheme;

“personal dental services” has the meaning given in section 1(8) of the 1997 Act;

“personal medical services” has the meaning given in section 1(8) of the 1997 Act;”;

(e) delete the definition of “pilot scheme employee”;

(f) for the definition of “practitioner” substitute–

““practitioner” means–

(a) a registered medical practitioner or a registered dentist whose name is included on the medical list or, as the case may be, on the dental list of a Health Board, other than a registered dentist who is employed by a Health Board;

(b) an assistant practitioner;

(c) a registered medical practitioner or a registered dentist who is providing piloted services;

(d) a registered dentist who is engaged, under a contract for services, by a person providing piloted services to carry out personal dental services in accordance with a pilot scheme; and

(e) a registered medical practitioner or a registered dentist who is a medical pilot scheme employee or a dental pilot scheme employee, as the case may be, and–

(i) whose name appears on the medical list or, as the case may be, the dental list of a Health Board, other than a registered dentist who was employed by a Health Board; or

(ii) who was an assistant practitioner;

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(4) 1978 c. 29.

(5) S.I. 1986/887 to which there are amendments not relevant to these Regulations.

immediately before the commencement of employment as a medical or dental pilot scheme employee;”;

(g) after the definition of “practitioner” insert–

““registered dentist” has the meaning given in section 53(1) of the Dentists Act 1984(6);”;

(h) after the definition of “relevant pension scheme” insert–

““the Scheme” means the National Health Service Superannuation Scheme for Scotland, the rules of which are set out in the Superannuation Scheme Regulations;”.

### **Persons to whom the Regulations apply**

4.—(1) In regulation 3(1)–

(a) for sub-paragraph (e) substitute–

“(e) is a provider of piloted services other than a person to whom paragraph (1A) applies;”;

(b) for sub-paragraph (f) substitute–

“(f) is a registered medical practitioner who is a medical pilot scheme employee and for whose employment the consent of the Health Board which is a participant in the pilot scheme in question has been obtained;”;

(c) after sub-paragraph (f) insert–

“(g) is a registered dentist who is a dental pilot scheme employee;

(h) is a registered dentist who is engaged, under a contract for services, by a person providing piloted services to carry out personal dental services in accordance with a pilot scheme;

(i) is a dental therapist who is a dental pilot scheme employee; or

(j) is a dental hygienist who–

(i) is employed as a dental pilot scheme employee otherwise than by a National Health Service Trust; and

(ii) was, immediately before the commencement of such employment, a member of the Scheme, to whom these Regulations apply.”.

(2) After regulation 3(1) insert–

“(1A) This paragraph applies to a person who is neither a registered dentist nor a dental therapist, and–

(a) who–

(i) immediately before the commencement of the pilot scheme, was employed by a National Health Service Trust as a NHS dental employee, and

(ii) was not at that time a member of the Scheme; or

(b) to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme.”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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11th February 1999

*Helen Liddell*  
Minister of State, Scottish Office

We consent

15th February 1999

*Clive Betts*  
*Jim Dowd*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

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

These Regulations amend the National Health Service (Scotland) (Injury Benefits) Regulations 1998 (“the principal Regulations”), which provide for the payment, by the Secretary of State, of injury benefits to or in respect of any person engaged in the National Health Service in Scotland whose earning ability is reduced or who dies as a result of an injury suffered or a disease contracted in the course of his or her duties. They have retrospective effect from 1st October 1998, as authorised by section 12(1) of the Superannuation Act 1972.

Regulation 3 amends the interpretation provisions in regulation 2 of the principal Regulations to add further definitions concerned with the introduction of piloted dental services under the National Health Service (Primary Care) Act 1997.

Regulation 4 amends regulation 3 of the principal Regulations so as to apply them to persons involved in the operation of dental pilot schemes, principally the providers of piloted services (with some exceptions) and registered dentists, dental therapists and certain dental hygienists, who are all pilot scheme employees.

These Regulations do not impose any costs on business.