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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 512**

**The National Health Service (Superannuation Scheme,  
Injury Benefits and Compensation for Premature  
Retirement) (Scotland) Amendment Regulations 2005**

**PART III**

**AMENDMENT OF THE NATIONAL HEALTH SERVICE  
(SCOTLAND) (INJURY BENEFITS) REGULATIONS 1998(1)**

**Interpretation**

**30.** In regulation 2(1)–

- (a) for the definition of “assistant practitioner”, substitute–
  - ““assistant practitioner” means–
  - (a) a GP performer who is not a GP provider but who is–
    - (i) employed (whether under a contract of service or for services) by a GMS practice, a section 17C agreement provider, an HBPMS contractor, an OOH provider or a Health Board; and
    - (ii) who in that employment is engaged wholly or mainly in assisting his employer in the discharge of the employer’s duties as a GMS practice, a section 17C agreement provider, an HBPMS contractor, an OOH provider or a Health Board; or
  - (b) an employee of a dental practitioner on the list of a Health Board, being himself a dental practitioner who, in such employment, is engaged in assisting his employer in the actual discharge of their duties as such practitioner and for whose employment the consent of the Health Board has been obtained;”;
- (b) in the definition of “employing Authority”, omit sub-paragraph (cc)(2);
- (c) in the definition of “NHS dental employee”, omit “or Primary Care NHS Trust”(3);
- (d) in the definition of “practitioner”–
  - (i) omit “or Primary Care NHS Trust(4)” in each place where it occurs; and
  - (ii) in sub-paragraph (f)(5)–
    - (aa) after “medical practitioner”, insert “(other than a locum practitioner)”; and
    - (bb) at the end of sub-paragraph (f)(ii), insert–

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(1) [S.S.I. 1998/1594](#) as amended by [S.I.1999/195](#) and [1999/444](#) and [S.S.I. 2001/437](#) and [2004/212](#).  
(2) Sub-paragraph (cc) was inserted by [S.S.I. 2001/437](#), regulation 20.  
(3) These words were inserted by [S.S.I. 2001/437](#), regulation 20.  
(4) These words were inserted by [S.S.I. 2001/437](#), regulation 20.  
(5) Sub-paragraph (f) was inserted by [S.S.I. 2004/212](#), Schedule 1.

“; or

(iii) an HBPMS contract”; and

(e) insert the following definitions in alphabetical order in the appropriate place—

““enhanced services”, with regard to—

(a) a GMS practice, has the meaning given in regulation 2(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004<sup>(6)</sup>; or

(b) any other performer or provider of primary medical services, means services which, if provided by a GMS practice, would be enhanced services within the meaning given in regulation 2(1) of those Regulations;”;

““essential services” has the same meaning as in the Superannuation Scheme Regulations;”;

““GP performer” has the same meaning as in the Superannuation Scheme Regulations;”;

““GP provider” has the same meaning as in the Superannuation Scheme Regulations;”;

““GMS practice” has the same meaning as in the Superannuation Scheme Regulations;”;

““HBPMS contract” has the same meaning as in the Superannuation Scheme Regulations;”;

““HBPMS contractor” has the same meaning as in the Superannuation Scheme Regulations;”;

““non GP provider” has the same meaning as in the Superannuation Scheme Regulations;”;

““OOH provider” has the same meaning as in the Superannuation Scheme Regulations;”;

““section 17C agreement provider” has the same meaning as in the Superannuation Scheme Regulations;”.

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

**31.** In regulation 3(1)(j) (persons to whom the Regulations apply)—

(a) in sub paragraph (i) omit “or Primary Care NHS Trust”<sup>(7)</sup>; and

(b) at the end, insert—

“; or

(k) is a non GP provider”.

### **Recovery of costs**

**32.** In regulation 4A(4)<sup>(8)</sup>—

(a) in sub-paragraph (c) omit “and”;

(b) in sub-paragraph (e), for “National Health Service Trust or Primary Care NHS Trust;” substitute “Health Board; and”;

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<sup>(6)</sup> S.S.I. 2004/115.

<sup>(7)</sup> These words were inserted by S.S.I. 2001/437, regulation 21.

<sup>(8)</sup> Regulation 4A was inserted by S.I. 1999/195 and amended by S.S.I. 2001/437.

- (c) after sub-paragraph (e), insert—
  - “(f) a person providing services under a section 17C agreement as if he was a whole time officer of that Health Board, and
  - (g) a non GP provider as if he were a whole time officer of the Health Board that has entered into the GMS contract or HBPMS contract,”; and
- (d) omit “or Primary Care Trust” in both places where it occurs.