



Health and Medicines Act 1988

1988 CHAPTER 49

Retirement etc.

8 Retirement of practitioners.

- (1) The Secretary of State shall by regulations made by statutory instrument provide for the removal—
 - (a) from any list maintained under section 29 of the ^{M1}National Health Service Act 1977 or section 19 of the ^{M2}National Health Service (Scotland) Act 1978;
 - (b) from any list maintained under section 36 of the National Health Service Act 1977 or section 25(2) of the National Health Service (Scotland) Act 1978,of the name of any person who has attained an age specified in the regulations.
- (2) If at the time when his application is determined an applicant for inclusion in a list of any description mentioned in paragraph ^{F1}... (b) of subsection (1) above is over the age specified in relation to a list of that description in regulations under that subsection, his application shall be refused.
- (3) The Secretary of State may pay—
 - (a) to persons whose names are removed by virtue of regulations under subsection (1) above from a list such as is mentioned in paragraph (b) of that subsection; or
 - (b) to any description of such persons,such amounts as he may determine in respect of any loss that he accepts that they have suffered as a consequence of the coming into force of regulations under subsection (1) above.
- (4) Before making such a determination the Secretary of State shall consult such organisations as appear to the Secretary of State to be representative of persons providing general dental services.
- (5) Regulations under this section may make such incidental or supplementary provision as the Secretary of State considers appropriate.

Status: Point in time view as at 12/10/1998.

Changes to legislation: Health and Medicines Act 1988, Cross Heading: Retirement etc. is up to date with all changes known to be in force on or before 02 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Payments of amounts under this section shall be made out of money provided by Parliament.

Textual Amendments

F1 Words in s. 8(2) repealed (10.12.1998) by 1997 c. 46, s. 41(10)(12), Sch. 2 Pt. I, para. 64(3), **Sch. 3 Pt. I**; S.I. 1998/2840, art. 2(3), **Sch.**

Modifications etc. (not altering text)

C1 S. 8: transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1(2), 2, **Sch. 1**

Marginal Citations

M1 1977 c. 49.

M2 1978 c. 29.

8 Retirement of practitioners. **E+W+S**

- (1) The Secretary of State shall by regulations made by statutory instrument provide for the removal—
- from any list maintained under section 29 of the ^{M5}National Health Service Act 1977 or section 19 of the ^{M6}National Health Service (Scotland) Act 1978;
 - from any list maintained under section 36 of the National Health Service Act 1977 or section 25(2) of the National Health Service (Scotland) Act 1978,
- of the name of any person who has attained an age specified in the regulations.
- (2) If at the time when his application is determined an applicant for inclusion in a list of any description mentioned in paragraph (a) or (b) of subsection (1) above is over the age specified in relation to a list of that description in regulations under that subsection, his application shall be refused.
- (3) The Secretary of State may pay—
- to persons whose names are removed by virtue of regulations under subsection (1) above from a list such as is mentioned in paragraph (b) of that subsection; or
 - to any description of such persons,
- such amounts as he may determine in respect of any loss that he accepts that they have suffered as a consequence of the coming into force of regulations under subsection (1) above.
- (4) Before making such a determination the Secretary of State shall consult such organisations as appear to the Secretary of State to be representative of persons providing general dental services.
- (5) Regulations under this section may make such incidental or supplementary provision as the Secretary of State considers appropriate.
- (6) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 12/10/1998.

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(7) Payments of amounts under this section shall be made out of money provided by Parliament.

Marginal Citations

M5 1977 c. 49.

M6 1978 c. 29.

9 Reduction of pension on re-employment after attaining 65.

Regulation 76 of the ^{M3}National Health Service (Superannuation) Regulations 1980 and Regulation 75 of the ^{M4}National Health Service (Superannuation) (Scotland) Regulations 1980 (under which further employment as a practitioner between the ages of 65 and 70 years in the case of a person who became entitled to a pension as a practitioner on or after attaining the age of 65 years is to be disregarded for the purpose of determining whether his pension is to be reduced) are hereby revoked.

Modifications etc. (not altering text)

C2 S. 9 excluded by S.I. 1989/1893, **reg. 2** and by S.I. 1989/2369, **reg. 2**

Marginal Citations

M3 S.I. 1980 No. 362.

M4 S.I. 1980 No. 1177.

Status:

Point in time view as at 12/10/1998.

Changes to legislation:

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