



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—
 - ^{F1}(a)
 - (b) from any list maintained under ^{F2}... 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 ^{F3}... (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.
- (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Status: Point in time view as at 01/04/2006.

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 10 May 2023. 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)

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

Textual Amendments

- F1** S. 8(1)(a) omitted (1.4.2004) by virtue of [The Primary Medical Services \(Scotland\) Act 2004 \(Consequential Modifications\) Order 2004 \(S.I. 2004/957\)](#), art. 1, **Sch. para. 6(3)** and [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(h) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(h) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, art. 6(2)(h) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(h) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F2** Words in s. 8(1)(b) repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(f); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(f)
- F3** 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**

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

Regulation 76 of the ^{M1}National Health Service (Superannuation) Regulations 1980 and Regulation 75 of the ^{M2}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

- M1** S.I. 1980 No. 362.
M2 S.I. 1980 No. 1177.

Status:

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