

2000 No. 606

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Injury Benefits) Amendment
Regulations 2000**

<i>Made</i>	- - -	<i>7th March 2000</i>
<i>Laid before Parliament</i>		<i>8th March 2000</i>
<i>Coming into force</i>		<i>1st April 2000</i>

The Secretary of State for Health, in exercise of the powers conferred by section 10(1), (2) and (3A) of, and Schedule 3 to, the Superannuation Act 1972(a) 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(b), and with the consent of the Treasury(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (Injury Benefits) Amendment Regulations 2000 and shall come into force on 1st April 2000.

Amendment of Regulations

2. The National Health Service (Injury Benefits) Regulations 1995(d) shall be amended in accordance with regulations 3 to 6 below.

Amendment of regulation 2

3. In paragraph (1) of regulation 2 (interpretation)–

- (a) in the definition of “dental pilot scheme employee”(e) for the words “an individual”, in the second place where those words occur, there shall be substituted the words “a person”;
- (b) in the definition of “employing authority”–
 - (i) for paragraph (a) there shall be substituted the following paragraphs:–
 - “(a) a Health Authority established under section 8 of the National Health Service Act 1977(f);

(a) 1972 c. 11. Section 10 was amended by Schedule 5 to the National Health Service Reorganisation Act 1973 (c. 32) and by section 4(2) of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
(b) See section 10(4) of the Superannuation Act 1972.
(c) See section 10(1) of the Superannuation Act 1972, and article 2 of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
(d) S.I. 1995/866; the relevant amending instruments are S.I. 1997/646, 1998/667 and 2217.
(e) This definition was inserted by S.I. 1998/2217.
(f) 1977 c. 49; section 8 was substituted by section 1 of the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and amended by paragraph 5 of Schedule 4 to the Health Act 1999 (c. 8) (“the 1999 Act”).

- (aa) a Special Health Authority established under section 11 of that Act**(a)**”;
- (ii) paragraph (b) shall be omitted,
- (iii) before paragraph (c) there shall be inserted the following paragraph:–
 - “(bb) a Primary Care Trust established under section 16A of that Act**(b)**”;
- (c) in the definition of “medical pilot scheme employee”**(c)** for the words “an individual”, in the second place where those words occur, there shall be substituted the words “a person”;
- (d) in the definition of “NHS dental employee”**(d)**–
 - (i) after paragraph (a) there shall be inserted the following paragraph:–
 - “(aa) a Primary Care Trust;”, and
 - (ii) after paragraph (b) there shall be inserted the following paragraph:–
 - “(bb) a Special Health Authority;”;
- (e) after that definition there shall be inserted the following definition:–
 - ““NHS employment” has the same meaning as in the National Health Service Pension Scheme Regulations 1995**(e)**”.

Amendment of regulation 3

- 4. In paragraph (1) of regulation 3 (persons to whom the regulations apply)–
 - (a) in sub-paragraph (j)**(f)** after the word “ trust” there shall be inserted the words “or a Primary Care Trust”; and
 - (b) after sub-paragraph (j) there shall be inserted the following sub-paragraph:–
 - “(k) is a practitioner or is in NHS employment, and is–
 - (i) a member of a Primary Care Trust by virtue of regulation 2(4)(b) or (c) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**(g)** (officer members), or
 - (ii) a member of the Executive Committee of a Primary Care Trust**(h)** by virtue of article 2(3)(c) of the Primary Care Trust Executive Committee Directions 2000 given by the Secretary of State on 10th February 2000**(i)**”.

Amendment of regulation 4

- 5. In regulation 4 (scale of benefits)**(j)** after paragraph (5) there shall be inserted the following paragraph:–
 - “(5A) Where, in the case of a person referred to in paragraph (1)(k) of regulation 3, paragraph (2) of that regulation applies with respect to any employment of his (within the meaning of that regulation) as a member of a Primary Care Trust or of its Executive Committee, paragraph (5) of this regulation shall apply to that person as if he were an officer employed by that Primary Care Trust.”.

Amendment of regulation 4A

- 6. In regulation 4A (recovery of costs)**(k)** for paragraph (6) there shall be substituted the following paragraphs:–
 - “(6) This regulation and regulation 4(5) shall apply–
 - (a) to a practitioner, as if he were an officer of the Health Authority in whose area he is providing services;

(a) Section 11 was amended by paragraph 2 of Schedule 1 to the 1995 Act and paragraph 6 of Schedule 4 to the 1999 Act.
 (b) Section 16A was inserted in the National Health Service Act 1977 (c. 49) by section 2(1) of the 1999 Act.
 (c) This definition was inserted by S.I. 1998/2217.
 (d) This definition was inserted by S.I. 1998/2217.
 (e) S.I. 1995/300; the relevant amending instruments are S.I. 1997/1888, 1998/666.
 (f) Sub-paragraph (j) was inserted by S.I. 1998/2217.
 (g) S.I. 2000/89.
 (h) See regulation 9(1) of S.I. 2000/89.
 (i) A copy of the directions may be obtained by writing to the Department of Health, PC-GMS, Room 7E60, Quarry House, Leeds LS2 7UE.
 (j) Regulation 4 was amended by S.I. 1997/646.
 (k) Regulation 4A was inserted by S.I. 1997/646 and amended by S.I. 1998/667 and 2217.

- (b) to—
- (i) 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, or
 - (ii) a dental pilot scheme employee who is employed as such otherwise than by a National Health Service Trust or a Primary Care Trust,
- as if he were an officer of the Health Authority with which the person providing the piloted services has agreed to provide them; and

- (c) to—
- (i) a person providing piloted services, or
 - (ii) a registered medical practitioner who is a medical pilot scheme employee,
- as if he were an officer of the Health Authority or, as the case may be, the Primary Care Trust with which the person providing the piloted services has agreed to provide them.

(7) Where, in the case of a person referred to in paragraph (1)(k) of regulation 3, paragraph (2) of that regulation applies with respect to any employment of his (within the meaning of that regulation) as a member of a Primary Care Trust or of its Executive Committee, this regulation shall apply to that person as if he were an officer employed by that Primary Care Trust.”.

Signed by authority of the Secretary of State for Health

6th March 2000

John Denham
Minister of State,
Department of Health

We consent

7th March 2000

Greg Pope
Jim Dowd
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Injury Benefits) Regulations 1995 (“the 1995 Regulations”) which provide for the payment, by the Secretary of State for Health, of injury benefits to or in respect of any person engaged in the National Health Service in England and Wales 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.

Amendments are made in regulations 2, 3, 4 and 4A of the 1995 Regulations so as to include provision for persons employed by the Primary Care Trusts established as a result of section 2 of the Health Act 1999 (regulations 3(b) and (d), 4(a) and 6), and for persons who are members of those Trusts or of their Executive Committees (regulations 3(e), 4(b), 5 and 6).

Changes are also made in the definitions of “dental pilot scheme employee” and “medical pilot scheme employee” to make clear that individuals who are employed by corporate bodies are included within those expressions (regulations 3(a) and (c)), and in other definitions to include references to a Special Health Authority, and to omit a reference to a Family Health Services Authority (regulation 3(b) and (d)).

These Regulations do not impose any costs on business.

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