SCOTTISH STATUTORY INSTRUMENTS

1999 No. 195

NATIONAL HEALTH SERVICE

The National Health Service (Scotland) (Injury Benefits) Amendment (No.2) Regulations 1999

Made - - - -	*17th December 1999*
Laid before the Scottish Parliament - - - -	*23rd December1999*
Coming into force - -	*1st April 2000*

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

Citation and commencement

1. These Regulations may be cited as the National Health Service (Scotland) (Injury Benefits) Amendment (No. 2) Regulations 1999 and shall come into force on 1st April 2000.

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) after the definition of "practitioner" insert–

> ""quarter" means a 3 month period ending on the last day of March, June, September or December.".

(**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(2), (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; the functions of the Secretary of State in relation to making subordinate legislation concerning the Scottish National Health Service pensions scheme were transferred to the Scottish Ministers by virtue of article 2 of and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750).

(**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, amended by S.I. 1999/444.

Recovery of costs

4. After regulation 4 insert–

"**Recovery of costs**

4A.—(1) Where, on or after 1st April 2000, an allowance under regulation 4(5) is paid or becomes payable to a person to whom regulation 3(1) of these Regulations applies, or as the case may be, a person to whom regulation 3(1) of the previous Regulations applies, that person's employing authority shall make contributions to the Scottish Ministers in accordance with paragraph (3) representing the total amount of the allowance.

(2) Where, on or after 1st April 2000, an allowance or lump sum is paid or becomes payable under paragraph (2), (3), (4) or (9) of regulation 4, or under regulation 7, 8, 9, or 11 to or in respect of a person to whom regulation 3(1) of the previous Regulations applies, then, on payment by the Scottish Ministers of the allowance or any part of it, or, as the case may be, of the lump sum that person's employing authority shall make contributions to the Scottish Ministers in accordance with paragraph (3) representing–

(a) the total amount of such allowance or such part of it; or

(b) the total amount of such lump sum,

together with the cost of providing increases under Part I of the Pensions (Increase) Act 1971(**4**).

(3) Contributions payable to the Scottish Ministers under paragraph (1) or (2) shall be paid not later than one month from the end of the quarter in which the allowance or any part of it, or, as the case may be, the lump sum was paid.

(4) For the purpose of determining the person's employing authority, this regulation shall apply in relation to–

(a) a practitioner,

(b) a person providing piloted services,

(c) 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,

(d) a registered medical practitioner who is a medical pilot scheme employee, and

(e) a dental pilot scheme employee, who is employed as such otherwise than by a National Health Service Trust,

as if he were an officer employed by the Health Board in whose area he is providing services or, as the case may be, the Health Board with which the person providing piloted services has agreed to provide piloted services.".

St Andrew's House,Edinburgh
12th December 1999

SAM GALBRAITH
A member of the Scottish Executive

(**4**) 1971 c. 56