1972. No. 360 [C]

HEALTH SERVICES

General Dental Services—Seniority Payments

REGULATIONS, DATED 22ND DECEMBER 1972, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services, on behalf of the Secretary of State, and in exercise of the powers conferred on it by sections 13, 87 and 88 of the Health Services Act (Northern Ireland) 1971(a) (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf and in conjunction with the Ministry of Finance hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Health Services (General Dental Services—Seniority Payments) Regulations (Northern Ireland) 1972 and shall come into operation on 1st January 1973.

Interpretation

2.—(1) In these regulations:—

"the Board" means the Northern Ireland General Health Services Board constituted under the provisions of section 5 of the Act;

"dentist" means a registered dental practitioner on the dental list of the Board and providing general dental services otherwise than as a salaried practitioner or as an assistant, notwithstanding that he is also a salaried practitioner or an assistant;

"Executive Council" means an Executive Council constituted under the provisions of section 31 of the National Health Service Act 1946(b) or section 32 of the National Health Service (Scotland) Act 1947(c);

"general dental services" means services provided by a dentist by virtue of arrangements made under section 13 of the Act and includes dental services under the corresponding provisions of the law in force in Great Britain or the Isle of Man;

"the principal regulations" means the Health Services (General Dental Services) Regulations (Northern Ireland) 1964(d);

"quarter" means a period of 3 months ending on 31st March, 30th June, 30th September or 31st December;

"reckonable remuneration" means such remuneration as defined

(*a*) in regulation 54(2) of the Health Services (Superannuation) Regulations (Northern Ireland) 1962(e); or

(*b*) in corresponding legislation in Great Britain or the Isle of Man

as is paid to a dentist in respect of the provision of general dental services whether or not such dentist is entitled to participate in the benefits provided under those regulations as if that definition

(a) 1971, c. 1 (N.I.).
(b) 9 & 10 Geo. 6. c. 81.
(c) 10 & 11 Geo. 6. c. 27.
(d) S.R. & O. (N.I.) 1964, No. 60.
(e) S.R. & O. (N.I.) 1962, No. 237.

(i) excluded payments made under these regulations and remuneration as a salaried practitioner,

(ii) disregarded any limit on remuneration of which account shall be taken under those regulations;

"salaried practitioner" means a dentist employed under a contract of service by the Board or an Executive Council in Great Britain, as the case may be, to provide general dental services at a health centre;

"seniority payment" has the meaning assigned to it in regulation 3;

"superannuation benefit" means any payment, other than a return of contributions, made to a dentist by virtue of the application of

(*a*) the Health Services (Superannuation) Regulations (Northern Ireland) 1962; or

(*b*) the corresponding legislation in Great Britain or the Isle of Man consequent upon the provision by him of general dental services.

(2) Other words and expressions used have the same meanings as in the principal regulations.

Eligibility and payment

3.—(1) Subject to these regulations the Board shall with effect from such date being the first day of a quarter on which a dentist shall have fulfilled the conditions set out in paragraph (2) and complied with the requirements set out in paragraph (3) pay in accordance with the provisions of regulation 5 to such dentist additional remuneration which shall be referred to as a seniority payment.

(2) The conditions referred to in paragraph (1) are—

(*a*) the dentist has attained the age of 55 years on or before that date; and

(*b*) the dentist has provided general dental services otherwise than as a salaried practitioner or as an assistant for a period of not less than 10 years since 5th July 1948, of which not less than a period of 5 years (whether or not either of such periods has been continuous) has been within the period of 10 years ending on that date; and

(*c*) the dentist has within the 10 years ending 31st March last preceding that date, received reckonable remuneration totalling not less than £7,500.

(3) The requirements referred to in paragraph (1) are that an application for a seniority payment shall be made on a form which shall be obtained from the Board; shall be made by recorded delivery to the Board and shall include particulars of the fulfilment by the dentist of the conditions set out in paragraph (2).

4. A dentist shall cease from being entitled to a seniority payment with effect from the first day of any quarter in which—

(1) he attains the age of 70 years, or

(2) he receives a superannuation benefit.

5. A seniority payment shall be calculated and payable as follows—

(1) where in any quarter the reckonable remuneration of a dentist to whom a seniority payment has become payable by virtue of the provisions of regulation 3 falls within a range of remuneration listed in column 1 of the Schedule to these regulations, the seniority payment shall be the amount set out in column 2 of that Schedule opposite that range of remuneration;