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STATUTORY INSTRUMENTS

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**1998 No. 2217**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Injury Benefits)  
Amendment (No. 2) Regulations 1998**

<i>Made</i>	- - - -	<i>9th September 1998</i>
		<i>10th September</i>
<i>Laid before Parliament</i>		<i>1998-</i>
<i>Coming into force</i>	- -	<i>1st October 1998</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<sup>(1)</sup> 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<sup>(2)</sup>, and with the consent of the Treasury<sup>(3)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Injury Benefits) Amendment (No. 2) Regulations 1998 and shall come into force on 1st October 1998.

**Amendment of the National Health Service (Injury Benefits) Regulations 1995**

2. The National Health Service (Injury Benefits) Regulations 1995<sup>(4)</sup> shall be amended in accordance with regulations 3 to 5 below.

**Amendment of regulation 2**

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

(a) for the definition of “assistant practitioner” substitute the following definition–

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(1) 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).  
(2) See section 10(4) of the Superannuation Act 1972.  
(3) 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).  
(4) S.I. 1995/866; the relevant amending instruments are S.I. 1997/646 and S.I. 1998/667.

““assistant practitioner” means an employee of a medical practitioner or dental practitioner on the list of a Health Authority being himself a medical practitioner or dental practitioner who, in such employment, is engaged in assisting his employer in the actual discharge of his duties as such practitioner, and for whose employment the consent of the Health Authority is required;”;

(b) after the definition of “average remuneration” insert the following definition–

““dental hygienist” means a person whose name is included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986(5);”;

(c) after the definition of “dental list”(6) insert the following definition–

““dental pilot scheme employee” means an individual who is performing personal dental services in accordance with a pilot scheme, and is employed by an individual providing those services;”;

(d) after the definition of “Dental Practice Board” insert the following definition–

““dental therapist” means a person whose name is included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986;”;

(e) after the definition of “employing authority”, insert the following definition–

““the health service” has the meaning given in section 128(1)(7) of the 1977 Act;”;

(f) after the definition of “medical list”(8) insert the following definitions–

““medical pilot scheme employee” means an individual who, in connection with the provision of personal medical services in accordance with a pilot scheme, is employed by an individual providing those services;

“NHS dental employee” means an individual who, in connection with the provision of services in the health service, is employed by–

- (a) a National Health Service trust;
- (b) a Health Authority;
- (c) a registered dentist; or
- (d) a registered dentist who is providing personal dental services in accordance with a pilot scheme;

“personal dental services” has the meaning given in section 1(8) of the 1997 Act;

“personal medical services” has the meaning given in section 1(8) of the 1997 Act;”;

(g) the definition of “pilot scheme employee” shall be deleted;

(h) for the definition of “practitioner”(9) substitute the following definition–

““practitioner” means–

- (a) a registered medical practitioner or a registered dentist whose name is included on the medical list or, as the case may be, on the dental list of a Health Authority, other than a registered dentist who is employed by a Health Authority;
- (b) an assistant practitioner;

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(5) S.I. 1986/887 to which there are amendments not relevant to these Regulations.

(6) This definition was inserted by S.I. 1998/667.

(7) This definition was amended by paragraph 77(c) of Schedule 1 to the Health Services Act 1980 (c. 53).

(8) This definition was inserted by S.I. 1998/667.

(9) The definition of “practitioner” was substituted by S.I. 1998/667.

- (c) a registered medical practitioner or a registered dentist who is providing piloted services under a pilot scheme;
- (d) a registered dentist who contracts with a person providing piloted services to carry out personal dental services in accordance with a pilot scheme; and
- (e) a registered medical practitioner or a registered dentist who is a medical pilot scheme employee or a dental pilot scheme employee, as the case may be, and—
  - (i) whose name appears on the medical list or, as the case may be, the dental list of a Health Authority, other than a registered dentist who was employed by a Health Authority; or
  - (ii) who was an assistant practitioner; immediately prior to the commencement of employment as a medical or dental pilot scheme employee;”;
- (i) after the definition of “practitioner” insert the following definition—

““registered dentist” has the meaning given in section 53(1) of the Dentists Act 1984(10);”;
- (j) after the definition of “relevant pension scheme” insert the following definition—

““the Scheme” means the National Health Service Pension Scheme for England and Wales, the rules of which are set out in the pension scheme regulations;”.

### **Amendment of regulation 3**

- 4.—(1) In paragraph (1) of regulation 3 (persons to whom the regulations apply)(11)—
- (a) for sub-paragraph (e) substitute the following sub-paragraph—

“(e) is a provider of piloted services other than a person to whom paragraph (1A) applies;”;
  - (b) for sub-paragraph (f) substitute the following sub-paragraph—

“(f) is a registered medical practitioner who is a medical pilot scheme employee and whose employment as such requires the consent of the Health Authority with which the person providing piloted services has agreed to provide piloted services;”;
  - (c) after sub-paragraph (f) insert the following sub-paragraphs—
    - “(g) is a registered dentist who is a dental pilot scheme employee;
    - (h) is 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;
    - (i) is a dental therapist who is a dental pilot scheme employee; or
    - (j) is a dental hygienist who—
      - (i) is employed as a dental pilot scheme employee otherwise than by a National Health Service trust; and
      - (ii) was, immediately before the commencement of such employment, a member of the Scheme, to whom these Regulations applied.”.
- (2) After paragraph (1) of regulation 3 insert the following paragraph—

(10) 1984 c. 24.

(11) Regulation 3 was amended by S.I. 1998/667.

“(1A) This paragraph applies to a provider of personal dental services under a pilot scheme who is neither a registered dentist nor a dental therapist, and–

- (a) who–
  - (i) immediately prior to the commencement of the pilot scheme, was an NHS dental employee, and
  - (ii) was not at that time a member of the Scheme; or
- (b) to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme.”.

**Amendment of regulation 4A**

5. For paragraph (6) of regulation 4A (recovery of costs)(12) substitute the following paragraph–

“(6) This regulation shall apply 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 Authority in whose area he is providing services or, as the case may be, the Health Authority with which the person providing piloted services has agreed to provide piloted services.”.

Signed by authority of the Secretary of State for Health.

7th September 1998

*Alan Milburn*  
Minister of State,  
Department of Health

We consent to the making of these Regulations.

9th September 1998

*Jim Dowd*  
*David Jamieson*  
Lords Commissioners of Her Majesty’s Treasury

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(12) Regulation 4A was inserted by S.I. [1997/646](#) and amended by S.I. [1998/667](#).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Injury Benefits) Regulations 1995 (“the principal 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.

Regulation 3 amends the interpretation provisions in regulation 2 of the principal Regulations and adds further definitions concerned with the introduction of piloted dental services under the National Health Service (Primary Care) Act 1997.

Regulation 4 amends regulation 3 of the principal Regulations to provide for how the principal Regulations apply to persons involved in the operation of dental pilot schemes.

Regulation 5 amends regulation 4A of the principal Regulations to provide for how the costs of providing injury benefits to those eligible persons involved in the operation of dental pilot schemes are to be met.

These Regulations do not impose any costs on business.