
STATUTORY RULES OF NORTHERN IRELAND

1993 No. 326

General Dental Services Regulations (Northern Ireland) 1993

PART V

PAYMENTS IN CONSEQUENCE OF SUSPENSION

Interpretation

24. In this Part—

- (a) “claimant” means a person claiming to be entitled to, or receiving, payments;
“erasure” means the erasure of a person's name from the register;
“fees” does not include remuneration by way of salary;
“immediate suspension” means suspension by virtue of an order under section 30(3) of the Dentists Act except suspension which is terminated by the court under section 30(6) of that Act;
“interim suspension order” means an order under section 32 of the Dentists Act;
“payment” means a payment under this Part;
“register” means the register kept under section 14 of the Dentists Act and
“registration” means registration in that register;
“suspension date” means the date on which suspension of a person's registration takes effect;
- (b) a reference to a direction or an order of the Health Committee is to a direction or an order of that Committee under the Dentists Act.

Entitlement to payments

25.—(1) Payments shall be made as provided for by this Part to a person whose registration is suspended by an interim suspension order or by a direction or an order of the Health Committee.

(2) Subject to paragraph (3), no payment shall be made to a person—

- (a) whose registration has been suspended by a direction or an order of the Health Committee once he has received payments in respect of 12 months' such suspension, whether in respect of the same or a previous period of such suspension and whether or not those 12 months formed a continuous period;
- (b) in respect of any part of a period of suspension where in the period of 2 years immediately preceding the suspension date he received no fees for the provision of general dental services.

(3) In calculating whether a person has received payments in respect of 12 months' suspension under paragraph (2)(a), no account shall be taken of any payment made in consequence of the suspension of his registration by a direction or order of the Health Committee more than 5 years previously.

(4) No payment shall be made to a person for a period (whether the whole or part of a period of suspension)—

- (a) earlier than 8 weeks before the date on which an application for payments is received by the Board, unless the Board is satisfied that the lateness of the application is due to illness or some other reasonable cause;
- (b) during which his name is not included in the dental list;
- (c) during which he is absent from the United Kingdom;
- (d) for which he is entitled to any benefit under a contract of insurance against the risk of the suspension of his registration or of the circumstances which led to it or for which the Board is satisfied he could have been so entitled but for his failure to enter into such a contract or to pay any premium due under such a contract;
- (e) during which he is serving a term of imprisonment;
- (f) during which he is remanded in custody in connection with a criminal offence for which he is (then or later) convicted; or
- (g) during which he is in breach of any condition of bail in connection with a criminal offence for which he is (then or later) convicted.

Application for payments

26. An application for payment shall be made to the Board and shall—

- (a) be made in writing;
- (b) be made by the claimant or, where he is incapable of applying, on his behalf; and
- (c) contain or be supported by such information as the Board may reasonably require for the purpose of establishing the claimant's entitlement to payments.

Amount and time of payments

27.—(1) A Board to whom an application for payments is made in accordance with regulation 26 shall, having made such enquiries as it considers relevant, if satisfied that the claimant is entitled to payments by virtue of regulation 25, determine that he shall, in respect of any period for which he is so entitled, receive payments which, subject to paragraphs (2) to (6), shall be of the following amounts—

- (a) where his registration is suspended by a direction or an order of the Health Committee—
 - (i) £2,984 per month for each of the first 6 months for which payments are made to him, whether in respect of that or a previous period of such suspension and whether or not those 6 months form a continuous period, and
 - (ii) £1,492 per month thereafter;
- (b) where his registration is suspended by an interim suspension order—
 - (i) where the period of interim suspension ends with an order for erasure or immediate suspension, £1,492 per month, and
 - (ii) in any other case, £2,984 per month.

(2) Where in the period of 2 years immediately preceding the suspension date the total amount of a claimant's gross fees received for the provision of general dental services was less than £ 142,242, the amount of payments made to him shall (subject to any further reduction under paragraph (3)) be the same proportion of the amount otherwise payable in accordance with paragraph (1) as that total amount of fees is of £142,242.

(3) Where a claimant's name was included in the dental list for a period of less than 2 years immediately preceding the suspension date the amount of payments made to him shall be the same proportion of the amount otherwise payable in accordance with paragraph (1) or paragraph (2) as the number of complete months in that lesser period is of 24.

(4) Where a claimant's registration has been suspended by an interim suspension order or by a direction or an order of the Health Committee within a period of 2 years after the expiry of a previous period of any such suspension, the references in paragraphs (2) and (3) to the suspension date shall be taken as references to the suspension date as respects that previous period.

(5) Where the Board has to make a determination as to payments at a time when it does not know whether or not the period of a person's interim suspension will end with an order for erasure or immediate suspension, or whether or not he will be convicted of a criminal offence, it shall make that determination as though his period of interim suspension did so end or he was convicted of the offence; but it shall review that determination and determine that a claimant is entitled to an appropriate payment of any arrears if subsequently that period does not so end or he is not convicted of the offence.

(6) Where the Board determines that a claimant is entitled to a payment, it shall inform the Agency of the amount of that payment and authorise the Agency to make the payment to the claimant.

(7) The Agency shall make to the claimant any payments authorised by the Board.

(8) Payments under paragraph (7) shall be made monthly in arrears, and an appropriate proportion of the amount for a full month shall be paid where the claimant is entitled to a payment for part only of a month.

Changes of circumstances

28.—(1) A claimant shall notify the Board in writing immediately of any changes in his circumstances which he might reasonably be expected to know might affect his entitlement to, or the amount of, any payment made or to be made to him, and in particular of any erasure, immediate suspension, or termination of suspension, of his registration.

(2) Where the Board considers, whether or not following a notification under paragraph (1), that there has been a change of circumstances affecting a claimant's payments it shall determine the adjustment as respects those payments which is appropriate to take account of that change and notify the Agency accordingly.

Overpayments

29. Where the Agency considers that a payment has been made to a person owing to an error, or in circumstances where it was not due, it shall, except to the extent that the Department on the Agency's application directs otherwise, draw the overpayment to the attention of that person and—

- (a) where he admits the overpayment; or
- (b) where he does not admit the overpayment but the matter having been referred under regulation 4(2) of the Services Committee Regulations for investigation, the Agency, or the Department on appeal, decides that there has been an overpayment,

the overpayment shall be recoverable either by deduction from that person's remuneration or payments or in some other manner.