
STATUTORY INSTRUMENTS

1998 No. 667

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Injury
Benefits) Amendment Regulations 1998**

<i>Made</i>	- - - -	<i>10th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 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⁽¹⁾ 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⁽²⁾, and with the consent of the Treasury⁽³⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Injury Benefits) Amendment Regulations 1998 and shall come into force on 1st April 1998.

(2) In these Regulations “the principal Regulations” means the National Health Service (Injury Benefits) Regulations 1995⁽⁴⁾.

Amendment of regulation 2 of the principal Regulations

2. In paragraph (1) of regulation 2 of the principal Regulations (interpretation)—

(a) before the definition of “the 1961 regulations” insert the following definition—

““the 1997 Act” means the National Health Service (Primary Care) Act 1997⁽⁵⁾”

(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 instrument is S.I. 1997/646.

(5) 1997 c. 46.

- (b) in sub-paragraph (a) of the definition of “assistant practitioner” after the words “such practitioner” insert the words “, and for whose employment the consent of the Health Authority is required”;
- (c) in sub-paragraph (i) of the definition of “average remuneration” for “applies” substitute “applies”;
- (d) before the definition of “Dental Practice Board” insert the following definition—
“dental list” means a list prepared in accordance with regulations made under section 36(1)(a) of the National Health Service Act 1977(6);”;
- (e) after the definition of “employing authority” insert the following definitions—
“medical list” means a list prepared in accordance with regulations made under section 29(2)(a) of the National Health Service Act 1977;
“pilot scheme” has the meaning given in section 1(1) of the 1997 Act;
“pilot scheme employee” has the meaning given in section 2(3) of the 1997 Act;
“piloted services” has the meaning given in section 1(4) of the 1997 Act;”;
- (f) for the definition of “practitioner” substitute the following definition—
“practitioner” means—
(a) a medical practitioner or a dental practitioner on the medical list or, as the case may be, the dental list of a Health Authority;
(b) an assistant practitioner;
(c) a medical practitioner who is providing piloted services under a pilot scheme;
and
(d) a medical practitioner who is a pilot scheme employee, and—
(i) whose name appears on the medical list of a Health Authority; or
(ii) who was an assistant practitioner;
prior to the commencement of the pilot scheme;”
- (g) for the definition of “relevant pension scheme” substitute the following definition—
“relevant pension scheme” means any form of arrangement, whether subsisting by virtue of an Act of Parliament, trust, contract or otherwise for the provision of pension benefits in connection with employment mentioned in regulation 3(1), including a personal pension scheme as defined in section 1 of the Pension Schemes Act 1993(7), or an additional pension referred to in section 44(3)(b) of the Social Security Contributions and Benefits Act 1992(8), but excluding—
(a) any arrangements for the provision of benefits under legislation related to social security, other than the said additional pension;
(b) any arrangement for the provision of benefits paid for by additional voluntary contributions under which the rate or amount of benefit payable is calculated by reference to the proceeds of the investment of those contributions;”.

Amendment of regulation 3 of the principal Regulations

3. In regulation 3 of the principal Regulations (persons to whom the regulations apply)—
(a) in paragraph (1)—

(6) 1977 c. 49.
(7) 1993 c. 48.
(8) 1992 c. 4.

- (i) in sub-paragraph (c) delete the word “or”;
- (ii) in sub-paragraph (d) after the word “approve” delete “,” and insert “;”;
- (iii) after sub-paragraph (d) insert the following sub-paragraphs—
 - “(e) is providing piloted services under a pilot scheme; or
 - (f) is a medical practitioner who is a pilot scheme employee and for whose employment the consent of the Health Authority, with which the person providing piloted services has agreed to provide piloted services, is required,”;
- (b) in paragraph (2) insert “wholly or mainly” immediately before the word “attributable” in each place where that word appears.

Amendment of regulation 4 of the principal Regulations

4. In paragraph (6)(b)(ii) of regulation 4 of the principal Regulations (scale of benefits) for “sections 53(2)” to “that Act” substitute “sections 80 (dependent children), 86A(9) (increase for adult dependants) and 87(10) (rate of increase where associated retirement pension is attributable to reduced contributions) of that Act”.

Amendment of regulation 4A of the principal Regulations

5. After paragraph (5) of regulation 4A (recovery of costs)(11) insert the following paragraph—

“(6) This regulation shall apply to—

- (a) a practitioner;
- (b) a person providing piloted services; and
- (c) a medical practitioner who is a pilot scheme employee;

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.

10th March 1998

Alan Milburn
Minister of State,
Department of Health

(9) Section 86A was inserted by section 2(5) of the Social Security (Incapacity for Work) Act 1994 (c. 18).
(10) Section 87(1)(a) was substituted by paragraph 26 of Schedule 2 to the Jobseekers Act 1995 (c. 18). The words “or invalidity pension” in section 87(1)(b) and (2) were repealed by the Social Security (Incapacity for Work) Act 1994, Schedule 1, paragraph 24(3) and Schedule 2. The words in section 87(1) were substituted by paragraph 24(4) of Schedule 1 to the Social Security (Incapacity for Work) Act 1994.
(11) Regulation 4A was inserted by S.I. 1997/646.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We consent to the making of these Regulations.

10th March 1998

Jon Owen Jones
Graham Allen
Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Injury Benefits) Regulations 1995 (“the principal Regulations”), principally in consequence of the coming into force of Part I of the National Health Service (Primary Care) Act 1997.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 amends the interpretation section of the principal Regulations to extend the operation of the principal Regulations to all pilot scheme providers and medical practitioners who are pilot scheme employees, and in respect of whose employment by the pilot scheme the Health Authority’s consent has been obtained. The Health Authority in question is that which is a party to the pilot scheme agreement. A minor typographical error in the definition of “average remuneration” in regulation 2(1) of the principal Regulations is corrected. The term “relevant pension scheme” in regulation 2(1) of the principal Regulations has been redefined to include pension benefits derived from a personal pension or the State Earnings Related Pension Scheme.

Regulation 3 amends regulation 3(1) of the principal Regulations to ensure that that regulation applies to providers of piloted services under a pilot scheme, and to registered medical practitioners who are pilot scheme employees in respect of whose employment the Health Authority’s consent has been obtained. The Health Authority in question is that which is a party to the pilot scheme agreement.

Regulation 3(2) of the principal Regulations is amended in order to provide that an injury sustained or a disease contracted in the course of a person’s employment must be wholly or mainly attributable to his employment.

Minor amendments are made to regulation 4(6)(b)(ii) of the principal Regulations in order to update references to the Social Security Contributions and Benefits Act 1992 concerning increases in incapacity benefit (regulation 4).

Regulation 5 amends regulation 4A of the principal Regulations in order to clarify that for the purposes of that regulation the Health Authority will be deemed to be the employing authority of a practitioner, pilot scheme provider or a medical practitioner who is a pilot scheme employee. The Health Authority in question is that which is a party to the agreement for the pilot scheme in which the practitioner is participating, or in whose area the practitioner is practising.

These Regulations do not impose any costs on business.