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STATUTORY INSTRUMENTS

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**2016 No. 298**

**The National Health Service (Primary Dental Services  
–Miscellaneous Amendments and Directions to the  
NHS Business Services Authority) Regulations 2016**

**PART 3**

**Amendment of the PDS Regulations**

**Insertion of new regulation 17A into the PDS Regulations**

**20.** After regulation 17 of the PDS Regulations (finance), insert—

**“Publication of information about earnings**

**17A.**—(1) Using the information that it has obtained to make the payments to contractors mentioned in regulation 17(1)(a), the Board must publish the information specified in paragraph (2).

(2) The information specified in this paragraph is, in respect of each agreement—

- (a) the number of dental performers who during the previous financial year performed services under the agreement;
- (b) a figure representing the aggregate net pensionable earnings in respect of the previous financial year of those dental performers under the agreement, taking into account the amount by which the employing authority of those performers would reduce those earnings to take account of expenses; and
- (c) an average figure of net pensionable earnings of each performer based on the figures referred to in sub-paragraphs (a) and (b).

(3) In relation to the financial year ending on 31st March 2015, the information specified in paragraph (2) must be published by 31st May 2016; and for each subsequent financial year, it must be published before the end of the financial year following the financial year to which the information relates.

(4) The NHSBSA is directed to perform the Board’s functions under this regulation, and must publish the information on its website **(1)** in such form and such manner as it sees fit.

(5) For the purposes of this regulation, net pensionable earnings are to be calculated in accordance with paragraph 3(2B) (meaning of pensionable earnings) of Schedule 2 (medical and dental practitioners) to the National Health Service Pension Scheme Regulations 1995**(2)**, regulation 3.A.7(4) (meaning of pensionable earnings) of the National Health

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**(1)** The NHS Business Services Authority’s website address is [www.nhsbsa.nhs.uk](http://www.nhsbsa.nhs.uk). The postal address for enquiries to the NHS Business Services Authority is NHS Business Services Authority, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne, NE15 8NY.

**(2)** *S.I. 1995/300*. Sub-paragraph 3(2B) of Schedule 2 was inserted by *S.I. 2006/600*, and was amended by *S.I. 2008/2263* and *2013/413*.

Service Pension Scheme Regulations 2008<sup>(3)</sup> and paragraph 3 (dental practitioner) of Schedule 10 (practitioner income) to the National Health Service Pension Scheme Regulations 2015<sup>(4)</sup>.

(6) For the purposes of this regulation—

“dental performer” means a dental practitioner whose name is included in the dental performers list;

“employing authority” has the meaning given in—

- (a) regulation A2 (interpretation) of the National Health Service Pension Scheme Regulations 1995<sup>(5)</sup>;
- (b) regulation 2.A.1 (interpretation: general) of the National Health Service Pension Scheme Regulations 2008<sup>(6)</sup>; and
- (c) regulation 33(6) (contributions by employing authorities) of the National Health Service Pension Scheme Regulations 2015; and

“the NHSBSA” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)<sup>(7)</sup>”.

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<sup>(3)</sup> S.I. 2008/653. Regulation 3.A.7(4) was amended by S.I. 2013/413.

<sup>(4)</sup> S.I. 2015/94.

<sup>(5)</sup> The definition of “employing authority” in regulation A2 was amended by S.I. 1997/1888, 1998/666, 2000/605, 2002/2469, 2003/631, 2004/696, 2005/661, 2007/3280, 2008/2263, 2009/2446, 2013/413 and 2014/570.

<sup>(6)</sup> The definition of “employing authority” in regulation 2.A.1 was amended by S.I. 2013/413 and 2014/570.

<sup>(7)</sup> The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) was established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution Order 2005) (S.I. 2005/2414), as amended by S.I. 2006/632, 2007/1201, 2013/235 and 2015/1862.