



SCOTTISH EXECUTIVE

Health Department
Directorate of Service Policy & Planning

St Andrew's House
Regent Road
EDINBURGH
EH1 3DG

Dear Colleague

GENERAL DENTAL SERVICES

- 1. AMENDMENT NO 85 TO THE STATEMENT OF DENTAL REMUNERATION**
- 2. AMENDMENT NO 12 TO SCOTTISH MINISTERS' DETERMINATION PAYMENTS IN CONSEQUENCE OF SUSPENSION MADE UNDER AN INTERIM SUSPENSION ORDER OF THE NHS TRIBUNAL**
- 3. VOCATIONAL TRAINERS - ADDITIONAL PAYMENT**

Summary

1. This letter notifies Primary Care Trusts, Island NHS Boards and Practitioners Services of the publication of an amendment to the Statement of Dental Remuneration (SDR), Amendment No 85, which takes effect from 1 April and 1 August 2002 and an amendment to the Scottish Ministers' Determination: Payments in Consequence of Suspension made under an Interim Suspension Order of the NHS Tribunal, Amendment No 12, which takes effect from 1 April 2002. It also advises of an additional payment to vocational trainers.

Background

Amendment No 85 to the Statement of Dental Remuneration

2. NHS Circular: PCS(DD)2002/3, issued on 9 April 2002, advised of new senior salaried dentist and specialist salaried dentist salary scales from 1 April 2002. The attached Amendment No 85 amends Determination II of the SDR to bring these scales in effect. The criteria for senior salaried dentists is contained in Appendix 3 to NHS Circular PCS(DD)2002/3. The criteria for special salaried dentists will be issued in due course.

3. Scottish Ministers' announced on 25 April a package of measures to recruit and retain dentists within the general dental services. Three key features of the package are:

5 July 2002

Addresses

For action

Chief Executives, Primary Care NHS
Trusts and
Island NHS Boards

Director,
Practitioners Services

For information

Chief Executives, Mainland NHS
Boards

Chief Executive,
Common Services Agency

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- 3.1 providing allowances of £3,000 to each newly qualified dentist taking up their vocational training in designated areas;
- 3.2 providing allowances of £5,040 over two years to dentists who join a Primary Care Trust or Island Health Board list within 3 months of completing their training. Where a dentist joins a Primary Care Trust or Island Health Board list in a designated area he/she will be entitled to an additional allowance of £5,040 over two years;
- 2.3 offering grants of up to £10,000 to dentists wishing to establish a new to vocational training practice, subject to abatement based on NHS commitment, to ensure that the appropriate standards are met in practices taking a trainee for the first time. Similar grants will be offered to current vocational training practices which require to make improvements to ensure that appropriate standards continue to be met.
3. The attached Memorandum and Amendment No 85 to the SDR provide information on the allowances described at paragraph 2.1 and 2.2 above. Information on the grants described at paragraph 2.3 above will be issued in due course.
4. Primary Care Trusts and Island NHS Boards are particularly asked to note that where a trainee in receipt of an allowance under Part I of Determination XIII or a dentist in receipt of an allowance under Part II of that Determination fails to meet the conditions of allowance they will be required to repay some or all of the allowance received.
5. The amount to be recovered by the Primary Care Trust or Island NHS Board from a trainee under Part I will be that proportion of the whole sum paid as equates to that proportion of vocational training not completed as compared to the whole period or 50%, whichever is the lesser.
6. The amount to be recovered by the Primary Care Trust or Island NHS Board from a dentist under Part II will be:
- 6.1 where a dentist ceases to have his name included in any Primary Care Trust/Island NHS Board dental list within 3 years of receiving the first payment under Part II then he/she will be required to repay to the Primary Care Trust or Island NHS Board the whole of the allowance received;
- 6.2 where a dentist ceases to have his name included in the dental list of a Primary Care Trust/Island NHS Board in a designated area but continues to have his/her name included in a dental list in a non-designated area he/she will be required to repay to the Primary Care Trust or Island NHS Board the whole of the additional allowance received;
- 6.3 where a dentists ceases to meet any of the other conditions of grant he/she will be required to repay the whole of the allowance received.
7. There is provision within both Parts I and II which allow the Primary Care Trust or Island NHS Board to waive repayment in any case where it considers that the dentist was

unable to meet any of the conditions because of exceptional circumstances. Although not exhaustive, examples of such circumstances are:

- 7.1 death of the trainee or dentist;
- 7.2 death of the vocational trainer who employs the trainee;
- 7.3 long term sick leave;
- 7.4 maternity leave.

8. In view of the conditions attached to the payment of allowances under Part II it is important that the Primary Care Trust/Island NHS Board informs Practitioner Services immediately where a dentist in receipt of an allowances resigns from its dental list.

Scottish Ministers' Determination: Payments in Consequence of a Suspension made under an Interim Suspension Order of the NHS Tribunal

9. Scottish Ministers' Determination on payments in consequence of suspension under an interim suspension order of the NHS Tribunal is amended to:

- 9.1 remove the cap on payments which a dentist can receive in respect of each week; while suspended and
- 9.2 to correct an error in Amendment No 11.

10. The changes are contained in the attached Amendment No 12 to Scottish Ministers' Determination on payments in consequence of suspension under an interim suspension order of the NHS Tribunal.

Vocational Trainers - Additional Payments

12. In recognition of the work involved in the new assessment of vocational trainees a one-off payment of £2,000 will be made to all current vocational trainers in Scotland. The payment will be made by NHS Education for Scotland in August or shortly thereafter.

Action

13. Primary Care Trusts, Island NHS Boards and Practitioner Services are asked:

- 13.1 to note the amendments to the SDR brought into effect by Amendment No 85, which is attached to the Memorandum to this letter;
- 13.2 to ensure that Practitioner Services are notified immediately where a dentist in receipt of an allowance under Part II of Determination XIII of the SDR resigns from its dental list;
- 13.3 to initiate repayment of any allowance received under Parts I or II of Determination XIII of the SDR where the trainee or the dentist in receipt of the allowance fails to meet any of the conditions of payment.

14. A new claim forms GP218 (Application for a vocational trainee designated area allowance) is being produced and an initial supply will be sent to those Primary Care Trusts/Island NHS Board in designated areas in due course. A new claim for GP219 (Application for an allowance on first having name included in a dental list following completion of training) is also being produced and initial supplies will be sent to all Primary Care Trusts/Island NHS Boards in due course.

15. Copies of the Memorandum to this letter are being sent directly to all dentists on Primary Care Trust/Island Health Board dental lists

Yours sincerely

DR HAMISH WILSON

**DENTISTS
NATIONAL HEALTH SERVICE
GENERAL DENTAL SERVICES**

- 1. AMENDMENT NO 85 TO THE STATEMENT OF DENTAL REMUNERATION**
- 2. AMENDMENT NO 12 TO SCOTTISH MINISTERS' DETERMINATION PAYMENTS IN CONSEQUENCE OF SUSPENSION MADE UNDER AN INTERIM SUSPENSION ORDER OF THE NHS TRIBUNAL**
- 3. VOCATIONAL TRAINERS - ADDITIONAL PAYMENT**

1. This Memorandum advises dentists of the publication of an amendment to the Statement of Dental Remuneration (SDR), Amendment No 85, which takes effect from 1 April and August 2002, and of an amendment to the Scottish Ministers' Determination: Payments in Consequence of Suspension made under an Interim Suspension Order of the NHS Tribunal, Amendment No 12, which takes effect from 1 April 2002. It also advises of an additional payment to vocational trainers.

Amendment No 85 to the Statement of Dental Remuneration

2. The changes the SDR contained in Amendment No 85 are outlined below.

Amendment to Determination II - Rates of Remuneration for a Salaried Dentist and the Provision of Emergency Dental Services

3. Determination II is amended to include new salary scales for senior salaried dentists and specialist salaried dentists in Scotland. The new scales are contained in paragraphs 3(2) and (3) of the attached amendment No 85.
4. The criteria for senior salaried dentists is contained in Appendix 3 to NHS Circular: PCS(DD)2002/3. The criteria for special salaried dentists will be issued in due course.

Amendment to Determination X - Allowances and Grants for Practice Improvements

5. Information on the new grants for establishing an approved new to vocational training practice in Scotland and for upgrading current vocational training practice will be issued in due course.

New Determination XIII - Recruitment and Retention Allowances

6. This new Determination provides for an allowance to be paid to vocational trainees entering their training year in a "designated area" and also for allowances to dentists who have completed their training and who are entering substantive general dental practice. Full details are contained in Determination XIII of the attached Amendment No 85.

7. A "designated area" for the first year will be Borders, Dumfries & Galloway, Grampian, Highland, Orkney, Shetland and Western Isles NHS Board areas and, within the area of Argyll & Clyde NHS Board, Campletown, Dunoon, Lochgilphead, Lochgoilhead, Oban, Rothesay, Tarbert, and the Isles of Mull, Iona, Colonsay, Tiree, Islay and Jura.

Vocational Trainee Designated Area Allowance

8. With effect from 1 August 2002 trainees entering vocational training in a designated area in Scotland will be entitled to receive a one-off allowance of £3,000. The allowance will be paid by Practitioner Services (Dental) (PS(D)) directly to the vocational trainee on receipt of a claim form. Claims for an allowance must be received by PS(D) within 2 months of the trainee beginning vocational training in a designated area.

9. Where a trainee moves from a designated area during vocational training, fails to complete vocational training or terminates or has his contract of employment or contract of service terminated during vocational training he will require to repay some of the allowance received. The sum to be repaid will be that proportion of the whole sum paid as equates to the proportion of the vocational training not completed compared with the whole of that period or 50% of the allowance, whichever is the lesser.

10. If the area where the trainee is undertaking vocational training ceases to be classed as a designated area he will not require to repay the allowance.

11. A new form GP218 has been produced. Copies of the form will be sent to Primary Care Trusts/Island NHS Boards when available and will be issued to trainees on request.

12. Vocational trainers in designated areas are asked to bring this to the attention of their trainees.

Allowance on First Having Name Included in a Dental List Following Completion of Training

13. With effect from 1 August 2002 dentists having their name included in a Primary Care Trust or Island Health Board dental list in Scotland for the first time following completion of training will be entitled to an allowance of £5,040 over two years. Dentists having their name included in a dental list in a designated area will be entitled to an allowance of £5,040, a total allowance of £10,080, over two years. For the purposes of payment of this allowance "training" is defined as one year's vocational training or two year's general professional training.

14. In order to receive an allowance a dentist will have to have his/her name included in a Primary Care Trust/Island Health Board dental list within 3 months of completion of training and undertake:

- that his/her NHS earnings for each of the 3 years following receipt of the first payment will represent not less than 80% of his/her total earnings for each of those years;

- to provide the full range of general dental services (except for specialist services where referral may be appropriate) to all categories of NHS patients during each of the 3 years following receipt of the first payment; and
- that his/her name will remain included in a dental list for 3 years following receipt of the first payment.

15. In order to receive an additional allowance a dentist will, in addition to the conditions at paragraph 14 above, have to undertake:

- to provide general dental services in a designated area; and
- continue to provide general dental services in a designated area for 3 years following receipt of the first payment.

16. An allowance will be paid by PS(D) monthly in arrears on receipt of a claim form. Claims for an allowance must be received by PS(D) within 2 months of the dentist's name first being included in a dental list. An allowance will be paid over a two year period as follows:

- £500.00 per month for the first 6 months;
- £200.00 per month for the next 6 months; and
- £70.00 per month for the remaining 12 months.

The amount to be paid to a dentist in a designated area will be double the above amount per month.

17. Payments will terminate if a dentist ceases to have his name included in any dental list in Scotland.

18. Additional payments will terminate if the dentist ceases to have his name included in a dental list in Scotland or he/she ceases to provide general dental services in a designated area.

19. Where a dentist ceases to have his name included in any dental list in Scotland or fails to meet any of the conditions of payment within 3 years of receiving the first payment he/she will be required to repay to the Primary Care Trust or Island NHS Board the full amount of the allowance received.

20. Where a dentist ceases to provide general dental services in a designated area or fails to meet any of the conditions of payment within 3 years of receiving the first payment he/she will be required to repay to the Primary Care Trust or Island NHS Board the full amount of the additional payment received. Provided that the dentist's name remains on a dental list in Scotland and he continues to meet the other conditions of grant he/she will be entitled to continue to receive the basic allowance.

21. A dentist in receipt of an additional allowance will continue to be entitled to that allowance if the area where he/she is providing general dental services ceases to be classed as a designated area.

22. A dentist will not be entitled to receive an additional allowance if the area where he/she is providing general dental services is subsequently classed as a designated area.

23. A new form GP219 has been produced. Copies of the form will be sent to Primary Care Trusts/Island NHS Boards when available and will be issued to dentists on request.

Scottish Ministers' Determination: Payments in Consequence of a Suspension made under an Interim Suspension Order of the NHS Tribunal

24. Scottish Ministers' Determination on payments in consequence of suspension under an interim suspension order of the NHS Tribunal is amended to:

24.1 remove the cap on payments which a dentist can receive in respect of each week; while suspended and

24.2 to correct an error in Amendment No 11.

25. The changes are contained in the attached Amendment No 12 to Scottish Ministers' Determination on payments in consequence of suspension under an interim suspension order of the NHS Tribunal.

Vocational Trainers - Additional Payment

26. In recognition of the work involved in the new assessment of vocational trainees a one-off payment of £2,000 will be made to all current vocational trainers in Scotland. The payment will be made by NHS Education for Scotland in August or shortly thereafter.

Enquiries

27. Any enquires arising from this Memorandum should be taken up with your Primary Care Trust/Island NHS Board

SCOTTISH EXECUTIVE HEALTH DEPARTMENT
5 July 2002

STATEMENT OF DENTAL REMUNERATION

Pursuant to Regulation 22(3) of the National Health Service (General Dental Services) (Scotland) Regulations 1996, as amended, Scottish Ministers have amended on 1 August 2002 the Statement of Dental Remuneration, and hereby publish the Amendment.

Amendment No 85

1. This amendment shall take effect from the date set out below.
 - (i) The amendments to Determination II shall take effect from 1 April 2002; and
 - (ii) The new Determination XIII shall take effect from 1 August 2002.
2. This amendment shall not affect any rights or liabilities acquired or incurred under or by virtue of any provision of the Statement of Dental Remuneration amended or replaced by this amendment.

Part II — Salaried Dentists

Remuneration

3.—(1) Subject to paragraph 6, the remuneration payable by a Health Board or a primary care NHS trust to a salaried dentist who is employed full-time shall be with effect from 1 April 2002, £28,445 per annum increasing to £40,295 per annum by annual increments as follows:

Salary Scale (£)

(minimum removed)
28,445 (2 nd point - new minimum point)
30,815 (3 rd point)
33,185 (4 th point)
35,555 (5 th point)
37,925 (6 th point)
40,295 (new maximum point)
42,665 (*discretionary point)
44,035 (*new discretionary point)

*Details on the application of discretionary points are contained in NHS: 2002 PCA(D)10

(2) Subject to paragraph 6, the remuneration payable by a Health Board or primary care NHS trust to a senior salaried dentist who is employed full-time shall be with effect from 1 April 2002, £41,030 per annum increasing to £54,290 per annum by annual increment as follows:

Senior Salary Scale (£)

41,030 (minimum point)
44,345 (2 nd point)
47,660 (3 rd point)
50,975 (4 th point)
54,290 (maximum point)
55,024 (performance based increment)
55,760 (performance based increment)

(3) Subject to paragraph 6, the remuneration payable by a Health Board or primary care NHS trust to a specialist salaried dentist who is employed full-time shall be with effect from 1 April 2002, £54,815 per annum increasing to £57,395 per annum by annual increments as follows:

Specialist Salary Scale (£)

54,815 (minimum point)
55,675 (2 nd point)
56,535 (3 rd point)
57,395 (4 th point)
58,255 (performance based increment)
59,115 (performance based increment)

Salaried Dentists Employed Otherwise than Full-time but for More than 18 Hours a Week

4. Subject to paragraph 6, a salaried dentist who is employed otherwise than full-time but for more than 18 hours a week shall be paid pro-rata to the appropriate salary scale, receiving the

appropriate fraction of the increments to the scale annually, and calculated on the basis of a whole-time week of 37 hours.

Salaried Dentists Employed for 6 or Less 3 Hour Sessions a Week

5. A salaried dentist who is employed for 6 or less 3 hour sessions a week shall be paid for each session with effect from 1 April 2002, at the session rate of £70.05.

Rates of Remuneration

6.—(1) A Health Board or primary care NHS trust shall determine the rate of remuneration payable to a salaried dentist under paragraph 3 or 4 in accordance with sub-paragraphs (2), (3), and (4).

(2) Subject to sub-paragraphs (3) and (4), the dentist shall, on appointment, be paid at the minimum point on the salary scale.

(3) The Health Board or a primary care NHS trust may appoint a salaried dentist under paragraph 3(1) to a point other than the minimum point on the appropriate salary scale and in determining that point may: —

(a) allow additional increments up to the 4th point on the appropriate salary scale on the basis of one increment for each year of experience in dental practice; and

(b) where the dentist has a registerable higher qualification, allow an additional increment provided that the point on the appropriate salary scale to which the dentist is appointed does not exceed the 5th point on that scale.

(4) The Health Board or a primary care NHS trust may appoint a salaried dentist under paragraphs 3(2) or 3(3) to a point other than the minimum point on the appropriate salary scale and in determining that point shall take into account the dentist's experience and qualifications.

(5) The payment of the annual increments for which provision is made in paragraph 3 shall be conditional on the salaried dentist providing satisfactory service.

Additional Sessional Work

7. Where a salaried dentist employed full-time or for more than 18 hours a week undertakes to provide any additional 3 hour session(s), he shall be paid for each additional 3 hours session with effect from 1 April 2002, at the sessional rate of £70.05.

8. Where a salaried dentist attends a surgery at a Health Centre outside his normal working hours, to provide treatment under emergency cover arrangements, he shall be paid at the rate of £33.00 per hour or part hour, or £99.00 per 3-hour session, with effect from 1 April 2002.

Emergency Dental Services

9. Where a dentist enters into arrangements with a Health Board or a primary care NHS trust to provide emergency dental services under Regulation 17, he shall: —

(a) be paid a fee for each 3 hour session he undertakes with effect from 1 April 2002, of £99.00 plus a pro-rata sum appropriate to the sessional fee for each hour or part hour worked in excess of that 3 hour session; and

(b) be paid for the mileage travelled in excess of 32.2 kilometres (20 miles) (for each round trip to an emergency session) at normal NHS rates.

Statement of Dental Remuneration

DETERMINATION XIII RECRUITMENT AND RETENTION ALLOWANCES

Interpretation

1.—In this Determination unless the context otherwise requires: —

"the CSA" means the Common Services Agency for the Scottish Health Service constituted under Section 10 of the National Health Service (Scotland) Act 1978;

"dental list" means a list prepared by a Health Board or primary care NHS trust in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

"dentist" means a registered dental practitioner;

"designated area" means the areas of Borders, Dumfries and Galloway, Grampian, Highland, Orkney and Shetland Health Boards, Western Isles and, within the area of Argyll and Clyde Health Board, Campbletown, Dunoon, Lochgilphead, Lochgoilhead, Oban, Rothesay, Tarbert, and the Isles of Mull, Iona, Colonsay, Tiree, Islay and Jura;

"total earnings" means the dentist's gross earnings, excluding any remuneration by way of salary, from the practice of dentistry by him in person;

"NHS earnings" means the dentist's gross earnings, excluding any remuneration by way of salary, from the provision by him in person of general dental services under the National Health Service (Scotland) Act 1978;

"trainee" means a dentist who is employed by a trainer as an assistant in accordance with paragraph 2 of Determination IV or where the trainer is a salaried dentist, under a contract of service with a Health Board or primary care NHS trust;

"trainer" means a dentist who employs a trainee as an assistant in accordance with paragraph 2 of Determination IV or a salaried dentist who has been approved to undertake vocational training;

"training period" means a period of one year's vocational training or two year's general professional training;

"vocational training" has the meaning given in regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

(2) In this Determination, a reference to a numbered paragraph is to the paragraph bearing that number in this Determination and a reference in a paragraph to a numbered sub-paragraph is to the sub-paragraph bearing that number in that paragraph.

PART I

Conditions of Entitlement

2. A trainee who on or after 1 August 2002 is engaged-
 - (a) in a contract of employment as an assistant to a trainer whose name is on the dental list in a designated area, or
 - (b) under a contract of service with a Health Board or primary care NHS trust in a designated area,

and who makes a claim to the CSA in accordance with paragraph 4(1) shall be entitled to an allowance as ascertained in accordance with paragraph 3(1).

Amount of Allowance

- 3.—(1) The amount of allowance to be paid in accordance with paragraph 2 shall be:

for 2002/2003 £3,000.00.
- (2) Only one allowance mentioned in sub-paragraph (1) shall be payable to a trainee.

Claim for Allowances

4.—(1) A trainee shall make a claim for an allowance under paragraph 2 to the CSA on a form supplied by the Health Board or primary care NHS trust and shall include with the claim a declaration in writing that he will provide general dental services in a designated area for the duration of his vocational training.

(2) A claim under sub-paragraph (1) shall be made within 2 months of the trainee beginning vocational training in a designated area.

Failure to Meet Conditions of Allowances

5.—(1) Where a trainee moves from a designed area during vocational training, fails to complete vocational training or terminates or has his contract of employment or contract of service terminated during vocational training he shall be required to repay to the Health Board or primary care NHS trust such part of the allowance paid as is calculated in accordance with sub-paragraph (2).

(2) The amount to be repaid under sub-paragraph (1) shall be that proportion of the whole sum paid as equates to that proportion of vocational training not completed as compared to the whole of that period or 50% of the allowance, whichever is the lesser.

(3) The Health Board or primary care NHS trust may waive repayment in any case where it considers that the trainee was unable to remain in the designated area because of exceptional circumstances.

Change of status of a designated area

6. Trainees in receipt of an allowance in accordance with paragraph 2 shall not be liable to return the sum received if the area in which he is undertaking his vocational training ceases to be classed as a designated area.

PART II

Conditions of Entitlement

7.—(1) A dentist who satisfied the conditions specified in sub-paragraph (3) and who makes a claim to the CSA in accordance with paragraph 9(1) shall be entitled to an allowance as ascertained and payable in accordance with paragraph 8(1).

(2) A dentist who is entitled to an allowance under sub-paragraph (1), who also satisfies the conditions specified in sub-paragraph (4) and who makes a claim to the CSA in accordance with paragraph 9(1) and (2) will be entitled to an additional allowance as ascertained and payable in accordance with paragraph 8(2).

(3) The conditions referred to in sub-paragraph (1) are that-

- (a) subject to sub-paragraph (5), the dentist's name is first included in a dental list within 3 months of completion of training;
- (b) the dentist's NHS earnings for each of the 3 years following receipt of the first payment under paragraph 8 will represent not less than 80% of his total earnings for each of those years;
- (c) the dentist undertakes to provide the full range of general dental services (except for specialist services where referral may be appropriate) to all categories of NHS patients during each of the 3 years following receipt of the first payment under paragraph 8; and
- (d) the dentist's name will remain included in a dental list for 3 years following receipt of the first payment under paragraph 8.

(4) The conditions referred to in sub-paragraph (2) are that-

- (a) the dentist has undertaken to provide general dental services in a designated area;
- (b) the dentist will continue to provide general dental services in a designated area for 3 years following receipt of the first payment under paragraph 8.

(5) Where the name of the dentist cannot be included in a dental list within the 3 month period referred to in sub-paragraph (3)(a) due to maternity or certified sick leave the 3 month period shall commence at the end of the period of that maternity or certified sick leave.

Amount of Allowance

8.—(1) The amount of allowance to be paid in accordance with paragraph 7(1) shall with effect from 1 August 2002 be £5,040.00 paid over a 2 year period monthly in arrears as follows:

£500.00 per month for the first period of 6 months;

£200.00 per month for the second period of 6 months; and

£70.00 per month for the remaining 12 months.

(2) The amount of the additional allowance to be paid in accordance with paragraph 7(2) shall be an amount equal to that calculated in accordance with sub-paragraph (1) and shall be payable in the same manner.

(3) Where the name of the dentist is included in more than one dental list the allowance and, if applicable, additional allowance mentioned in sub-paragraphs (1) and (2) respectively shall be payable in respect of the Health Board or primary care NHS trust for which he provides the greater or greatest proportion of general dental services at the date of the claim.

(4) Payments under sub-paragraph (1) shall terminate if the dentist ceases to have his name included in a dental list.

(5) Payments under sub-paragraph (2) shall terminate if the dentist ceases to have his name included in a dental list or, subject to paragraph 11(1), if he ceases to provide general dental services in a designated area.

Claim for Allowance

9.—(1) A dentist shall make a claim for an allowance under paragraph 7(1) to the CSA on a form supplied by the Health Board or primary care NHS trust and shall include with the claim a declaration in writing:

(a) that his name will remain on a dental list for 3 years following receipt of the first payment under paragraph 8;

(b) stating that his NHS earnings for each of the 3 years following receipt of the first payment under paragraph 8 will represent not less than 80% of his total earnings for each of those years;

(c) stating that if requested to do so by the CSA in the year following one in which he has received a payment under paragraph 8, he will provide to the CSA at his own expense a certificate signed by an accountant stating the proportion that his NHS earnings bore to his total earnings and that he will provide the certificate within 3 months of the request being made; and

(d) that he will undertake to provide the full range of general dental services (except for specialist services where referral may be appropriate) to all categories of NHS patients for 3 years following receipt of the first payment under paragraph 8.

(2) Where the dentist claims an additional allowance under paragraph 7(2) he shall, when making a claim under sub-paragraph (1), also include a declaration in writing that he will continue to provide general dental services in a designated area for 3 years following receipt of the first payment under paragraph 8.

(3) A claim under sub-paragraph (1) or (2) shall be made within 2 months of the dentist's name first being included in a dental list.

(4) The dentist shall notify the CSA within one month of any change in his circumstances which may affect his entitlement to the payment of an allowance under paragraph 8(1) or (2).

Failure to meet Conditions of Allowance

10.—(1) Where a dentist fails to meet the conditions set out in paragraph 7(3)(b) or (c) or ceases within 3 years of receiving the first payment under paragraph 8 to have his name included in any dental list he shall be required to repay to the Health Board or primary care NHS trust the full amount of any allowance received.

(2) Where a dentist fails to meet the conditions set out in paragraph 7(3)(b) or (c) or ceases within 3 years of receiving the first payment under paragraph 8 to provide general dental services in a designated area but his name remains on a dental list he shall be required to repay to the Health Board or primary care NHS trust the full amount of the additional allowance received.

(3) The Health Board or primary care NHS trust may waive repayment in any case where it considers that the dentist was unable to meet any of the conditions because of exceptional circumstances.

Change of Status as a Designated Area

11.—(1) A dentist who is receipt of an additional allowance in accordance with paragraph 7(2) will continue to be eligible to receive payments in respect of that allowance if the area in which he provides general dental services for which he is receiving the additional allowance ceases to be classed as a designated area and he shall not be liable to return the sum received.

(2) A dentist in receipt of an allowance under paragraph 7(1) will not be entitled to receive an additional allowance in accordance with paragraph 7(2) where the area in which he provides general dental services is subsequently classed as a designated area.

Application of Determination

12. This Determination applies to any trainee who is engaged in a contract of employment or contract of service as an assistant in a designated area or any dentist who joins a dental list on completion of his training period on or after 1 August 2002.

Scottish Ministers' Determination: Made under Regulation 32

Pursuant to Regulation 32 of the National Health Service (General Dental Services) (Scotland) Regulations 1996, Scottish Ministers have amended on 1 April 2002 the Determination (previously known as Determination IX) on payments in consequence of suspension under an interim suspension order of the Tribunal, and hereby publish the Amendment.

Amendment No. 12

1. This amendment shall take effect from the date set out below:
 - (i) The amendment to the Scottish Ministers' Determination on payments in consequence of suspension under an interim suspension order of the Tribunal shall take effect from 1 April 2002.
2. This amendment shall not affect any rights or liabilities acquired or incurred under or by virtue of any provision of the Scottish Ministers' Determination on payments in consequence of suspension under an interim suspension order of the Tribunal or replaced by this amendment.
3. On page 3:
 - 3.1 paragraph 3(2) shall be deleted; and
 - 3.2 in paragraph 3(5) for "7.64 per cent" there shall be inserted "7.6 per cent".