

AMENDMENT NO. 107

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 JUNE 2007
THE STATEMENT OF DENTAL REMUNERATION,
AND HEREBY PUBLISH THE AMENDMENT

AMENDMENT NO. 107

1. This amendment shall take effect from the dates set out below.
 - (i) The revised Determinations I shall take effect from 1 June 2007;
 - (ii) The revised Determination II to XV shall take effect from 1 April 2007
2. The 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.

Statement of Dental Remuneration

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Statement of Dental Remuneration

DETERMINATION I SCALE OF FEES—JUNE 2007

Section I — Interpretation

1.—(1) In Sections I to XIV of this Scale of Fees unless the context otherwise requires

"an emergency" means in relation to item 60 only treatment required in response to trauma and/or urgent removal of a tooth;

"the Board" means the Scottish Dental Practice Board;

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

"consultant" means a medically and/or dentally qualified person who holds an appointment as an NHS Consultant or as an Honorary Consultant;

"evidence" means a past history of either extractions or decay into dentine;

"month" means a calendar month and, unless specified to the contrary, payments in respect of such periods shall be made pro rata;

"patient's charge" means the charge, authorised under the National Health Service (Dental Charges) (Scotland) Regulations 2003, to the patient within the meaning of those Regulations;

"repairing a fixed appliance" means in respect of item 32(c)(4) only the replacement of two or more brackets, bands, archwires or auxiliaries that have been broken, damaged beyond repair or lost but not including items cut, damaged or removed by the dentist.

"routine fixed appliance maintenance" means in respect of items 32(a)(2) and (3):

- the placement, adjustment, removal or removal and replacement of archwires, ligatures, brackets, elastic modules, bands, auxiliaries or any other components of fixation which are similar and/or perform the same or a similar function for the purpose of promoting the objectives of the treatment plan;
- the adjustment of archwires with or without removal of these from the mouth and/or replacement of archwires for the purpose of promoting the objectives of the treatment plan or for alleviating pain and discomfort of the patient;
- the placement, changing, replacing or removal of elastic chains, coil springs, torqueing, rotational or uprighting auxiliaries or any similar component which performs the same or a similar function to promote the objectives of the treatment plan;
- the setting up and maintenance of either intramaxillary or intermaxillary traction or both types of traction for the purpose of promoting the objectives of the treatment plan;
- the replacement, refixing or recementing of one bracket, band, archwire or auxiliary in one arch, if broken, damaged, lost or displaced as well as elastic and/or steel ligatures associated with a single de-bonded attachment;

- adjustment to or replacement of components for the correction of rotations, torque, arch co-ordination, active space closure, uprighting and root paralleling as part of the overall treatment plan.

"trauma" means damage to teeth, gingival tissues or alveoli caused by a force arising outside the mouth resulting in mobility, luxation, sub-luxation or fracture of the hard tissues or injury to the soft tissues, but excludes in the case of treatment for which a dentist is remunerated in accordance with Section X of this Determination tooth fracture which only involves enamel or enamel and dentine in the incisal two-thirds of the clinical crown of the tooth; and

"the same dentist" means:

- the dentist, or
- the partner or principal of the dentist, or
- any party to an associateship agreement to which the dentist is a party, or
- any other dentist with whom there are any financial arrangements connected with the provision of general dental services, or the partner, associate, deputy, or assistant of any of them, or
- where the dentist has any form of financial or legal relationship or arrangement with a body corporate, another dentist with such a relationship or arrangement with that body.

(2) Where an item [or sub-item] of treatment (including its provisos) is distinguished by an asterisk, it is an item of treatment for which the prior approval of the Board is required by virtue of Schedule 1 and Schedule 4 of the National Health Service (General Dental Services) (Scotland) Regulations 1996.

(3) Where the word "normally" is applied to a treatment, a dentist may provide treatments in excess of the number specified or in circumstances other than those specified but the Board may require the dentist to give reasons for the treatments.

(4) A reference to a "patient aged 18 years or over" includes a patient who is accepted for continuing care at any time during the month before he attains the age of 18 provided that he is not immediately before that date under a capitation arrangement with that dentist; and, in all cases, patients' age shall be counted at the beginning of the appropriate course of treatment.

(5) Wherever there is a requirement to take or provide radiographs, this shall not apply for patients whose medical or other condition contra-indicates radiographic examination or where the dentist is prevented from carrying out a radiographic examination by reason of the physical characteristics of the patient.

Section II — Diagnosis

1. **Examination and Report:** Fees for clinical examination, treatment planning, patient management, advice (including the issue of a prescription other than in connection with item 37 [treatment of acute conditions]) and report:

- 1(a) Clinical examination, advice, charting (including assessment and recording of any malocclusion and monitoring of periodontal status) and report including the examination of a patient in connection with trauma, where the patient is in a capitation or continuing care arrangement with the dentist:

		Dentist's Fee	Patient's Charge
0101	per course of treatment	£7.75	(£0.00)

- 1(b) Extensive clinical examination, advice, charting (including charting of periodontal status) and report:

0111	per course of treatment	£11.60	(£0.00)
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- 1(c) Full case assessment (including full charting and report of periodontal status), treatment planning and report:

- (i) in connection with item 10(c) [non-surgical treatment of chronic periodontal disease] where a report on periodontal status is required, including full pocket depth charting of each standing tooth; or
- (ii) in cases involving items 18 [bridges] and, where the treatment is of special complexity, 16 [veneers], 17 [inlays and crowns] and in dentate cases involving items 27(b) and 27(c) [provision of dentures]; or
- (iii) in orthodontic cases other than in respect of treatment involving only the extraction of deciduous teeth; or
- (iv) where the treatment required carries a total fee exceeding £600:

0121	per course of treatment	£24.20	(£0.00)
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- 1(d) Provision of a care and treatment summary for a patient, other than a patient only accepted for occasional treatment, when requested by a patient/parent who has indicated an intention to change dentist, showing information about the patient's dental health and/or treatment which would not be readily available from visual examination:

0131	per report	£3.80	(£3.04)
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Non-Orthodontic Provisos to Item 1:

Where fees are claimed on form GP 17 in connection with non-orthodontic treatment:—

1. no fees under item 1 shall be payable for examination of a group of patients in a school or institution;
2. only one examination fee shall be payable to the same dentist during the same course of treatment;

3. no fee shall be payable under item 1(a) except where urgent attention and advice are required in connection with trauma for an examination of a patient for whom the same dentist was paid, or is entitled to be paid, a fee under items 1(a), 1(b) or 1(c) for an examination carried out during the previous 5 complete calendar months;
4. in the case of a patient who is pregnant or has borne a child in the previous 12 complete calendar months and who is not edentulous, a fee under item 1(a) shall be payable for an examination during the period of pregnancy and 12 months after confinement, in addition to the fees which may otherwise be payable and such treatment may be provided at any time during this period;
5. no fee shall be payable under item 1(b) for an examination of a patient for whom the same dentist:—
 - (i) was paid, or is entitled to be paid, a fee under items 1(a), 1(b) or 1(c) for an examination during the previous 23 complete calendar months, or
 - (ii) was paid, or is entitled to be paid, a fee under item 32 [orthodontics];
6. no fee shall be payable under item 1(c) for an examination of a patient for whom the same dentist was paid, or is entitled to be paid, a fee under item 1(c) during the previous 23 complete calendar months, other than where the dentist is claiming under item 1(c)(iv).

Orthodontic Provisos to Item 1:

Where fees are claimed on Form GP 17(O) in connection with orthodontic treatment only:—

1. a fee under items 1(a), 1(b) or 1(c) shall be payable only to the dentist responsible for orthodontic treatment (see footnote);
2. only one examination fee shall be payable to the same dentist during the same course of treatment;
3. no fee shall be payable under item 1(a) for an examination of a patient for whom the same dentist was paid, or is entitled to be paid, a fee under items 1(a), 1(b) or 1(c) for an examination during the previous 5 complete calendar months;
4. no fee under item 1(b) shall be payable for an examination of a patient for whom the same dentist was paid, or is entitled to be paid, a fee under items 1(a), 1(b) or 1(c) of this fee scale during the previous 23 complete calendar months;
5. no fee under item 1(c) shall be payable for an examination of a patient for whom the same dentist was paid, or is entitled to be paid, a fee under item 1(c) during the previous 23 complete calendar months;
6. where a patient is receiving a course of orthodontic treatment no fee under items 1(a) or 1(c) shall be payable where no permanent teeth are present;
7. no fee under item 1(c) shall be payable unless study casts, and radiographs where appropriate, are available;
8. where orthodontic treatment only is provided any claim under items 1(a), 1(b) or 1(c) must be made on form GP 17(O);
9. where a routine examination under item 41(a) discloses a malocclusion a fee shall be payable under item 1(a) after assessment and recording of the malocclusion on form GP 17(O);

10. when the dentist who will be providing the orthodontic treatment examines the patient on the first occasion and considers that active treatment will not be required for at least 6 months, a fee under item 1(b) would be payable on completion of a GP17(O). The reason why orthodontic treatment is not being provided at that time should be given;
11. no fee shall be payable under item 1(c) for the examination of a patient for whom the same dentist was paid, or is entitled to be paid, a fee under items 1(a) or 1(b) during the previous 5 complete calendar months.

NOTE: Where a dentist is responsible for a patient's general care and undertakes orthodontic treatment, claims under item 1(c) on form GP 17(O) shall not preclude concurrent claims under item 1(a) or, for a single claim, under item 1(b) on form GP 17.

2. **Procedures to Assist Diagnosis and Treatment Planning:** Fees per course of treatment:

2(a) Radiographic examination and radiological report to include in the case of item 2(a)(5) tracing and analysis:

(1) small films (under 16 square centimetres):

	Dentist's Fee	Patient's Charge
1 film	£3.80	(£3.04)
2 films	£5.30	(£4.24)
3 films	£6.55	(£5.24)
each additional film	£1.75	(£1.40)
up to a maximum for additional films	£15.75	(£12.60)

0201

(2) medium films (16 to 50 square centimetres):

1 film	£5.05	(£4.04)
each additional film	£2.20	(£1.76)
up to a maximum for additional films	£4.50	(£3.60)

0202

(3) large films (over 50 square centimetres, other than panoral or lateral skull films):

1 film	£8.00	(£6.40)
each additional film	£3.80	(£3.04)
up to a maximum for additional films	£7.60	(£6.08)

0203

(4) panoral film, normally not more than one film to be taken every 3 years:

per film	£11.85	(£9.48)
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0204

(5) lateral headplates, using films of over 430 square centimetres: in connection with orthodontic treatment using a cephalometric technique, no more than 2 films per patient including those taken on the instruction of any other dentist:

per film	£17.50	(£14.00)
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0205

in other cases, normally not more than 1 film per patient:

per film	£14.15	(£11.32)
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0206

2(b) Study casts, where the treatment proposed is in connection with treatment under items 18 [bridges], or 32 [orthodontics], or in other cases of special complexity, or where requested by the Board:

per set	£17.10	(£13.68)
per duplicate set	£10.75	(£8.60)
per single cast	£8.45	(£6.76)

0211

0212

0213

Additional fee for occlusal analysis or in connection with treatment under items 17 [crowns], 18 [bridges], 27 [dentures], 29 [appliances], or 36(c) [occlusal equilibration] which requires the use of an adjustable articulator:

0221

such fee as the Board may determine

2(c) Duplication of panoramic films and lateral headplates:

0207

	Dentist's Fee	Patient's Charge
per duplicate film	£6.10	(£0.00)

Provisos to Item 2:

1. In cases of orthodontic treatment, a fee under item 2(b) shall only be payable:
 - where the dentist is responsible for orthodontic treatment and a fee under items 1(a) [clinical examination] or 1(b) [extensive clinical examination] is payable and the patient has permanent teeth and no fee has previously been paid under this item; or
 - where a fee under item 1(c) [full case assessment] is also payable; or
 - where casts are required by a hospital in respect of a patient referred for advice or treatment; or
 - where casts are required by the Board;
- *2. where the patient is under 18 years of age no more than 2 fees shall be payable for radiographs under item 2(a)(4) unless the prior approval of the Board is obtained;
3. a fee under item 2(c) shall only be payable to a dentist accepting orthodontic referrals from another dentist.

3. **Colour Photographs:** Fees for clinical colour photographs in connection with treatment under items 10 and 11 [periodontics], 16 [veneers], 17 [crowns], 18 [bridges] and 32 [orthodontics], normally before treatment and where a fee under item 1(a), 1(b) or 1(c) [examinations] is payable or has been paid under the same course of treatment:

0301

1 film	£3.80	(£3.04)
each additional film	£2.00	(£1.60)
up to a maximum for additional films	£4.00	(£3.20)

4. UNALLOCATED

5. UNALLOCATED

Section III — Preventive Care

6. **Intensive Instruction in the Prevention of Dental Disease:** Including advice on diet and on oral hygiene techniques, and normally requiring more than 1 visit per course of treatment:

	Dentist's Fee	Patient's Charge
0601	£8.45	(£6.76)

per course of treatment

Proviso to Item 6:

No fee under this item shall be payable where a fee under this item or under items 7(b) [topical fluoride] or 10(a), 10(b) or 10(c) [periodontics] has been paid, or is payable, to the same dentist for treatment provided during the previous 5 complete calendar months in the same or a previous course of treatment.

7. **Surface Applications as Primary Preventive Measures:**

7(a) Application of fissure sealants as a primary preventive measure to pits and fissures, of unfilled third molar teeth within 2 years of their eruption:

0701	per tooth	£7.60	(£6.08)
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7(b) Application of topical fluoride preparations to all teeth for patients who, because of their exceptional medical or dental conditions or because of their behavioural or habitual problems, show evidence of a high risk of rapidly advancing dental caries. Treatment normally requiring not less than three visits:

0711	per course of treatment	£36.20	(£28.96)
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Provisos to Item 7:

1. a fee under item 7(b) shall only be payable in connection with treatment under items 10(a), 10(b) or 10(c) [periodontics] or where a fee under items 10(a), 10(b) or 10(c) is payable, or has been paid, to the same dentist during the previous 3 complete calendar months, except where such treatment under item 7(b) is provided on referral;
2. no fee shall be payable under item 7(b) where the same dentist has been paid, or is entitled to be paid, a fee for treatment provided under this item during the previous 5 complete calendar months.

8. UNALLOCATED.

9. UNALLOCATED.

Section IV—Periodontal Treatment

10. Non-Surgical Treatment

- 10(a) Scaling, polishing and simple periodontal treatment, including oral hygiene instruction, normally only payable where at least two complete calendar months have elapsed since the last such treatment:

	Dentist's Fee	Patient's Charge
1001	per course of treatment	£12.20 (£9.76)

- 10(b) Treatment of periodontal disease requiring more than one visit, including oral hygiene instruction, scaling, polishing and marginal correction of fillings:

1011	per course of treatment	£29.50 (£23.60)
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- 10(c) Non-surgical treatment of chronic periodontal disease, including oral hygiene instruction, over a minimum of three visits, with not less than one month between the first and third visit, and with re-evaluation of the patient's condition (to include full periodontal charting) at a further visit not less than two complete calendar months after active treatment is complete. Treatment to include root-planning, deep scaling and, where required, marginal correction of restorations, irrigation of periodontal pockets, sub-gingival curettage and/or gingival packing of affected teeth, and all necessary scaling and polishing:

	with 1–4 affected teeth treated under this item	£37.55 (£30.04)
	with 5–9 affected teeth treated under this item	£45.90 (£36.72)
	with 10–16 affected teeth treated under this item	£54.25 (£43.40)
1021	with 17 or more affected teeth treated under this item	£60.80 (£48.64)

Additional fee payable in connection with item 10(c) for each sextant of the mouth treated:

1022	per sextant	£7.60 (£6.08)
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- 10(d) This item has been deleted

*10(e) Splinting of periodontally compromised teeth:

1041	such fee as the Board may determine
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Provisos to Item 10:

- only one fee under any one of items 10(a), 10(b) or 10(c) shall be payable during the same course of treatment;
- a fee under items 10(a) or 10(b) shall only be payable either in connection with treatment under items 1(a), 1(b) or 1(c) [examination] or where a fee under items 1(a), 1(b) or 1(c) is payable or has been paid to the same dentist, or to any other dentist who has taken over responsibility for the care and treatment of the patient, including the records of the patient, during the previous 11 complete calendar months;
- no fee under items 10(b) or 10(c) shall be payable if a fee has been paid, or is payable, to the same dentist for treatment provided under items 10(b) or 10(c) during the previous 9 complete calendar months;

4. a fee under item 10(c) shall only be payable where the same dentist has been paid, or is entitled to be paid, a fee for treatment provided under item 1(c) [full case assessment] for that patient in the previous 23 complete calendar months;
5. a fee under item 10(c) shall only be payable where appropriate radiographs are available.

11. **Surgical Treatment:**

- 11(a) Gingivectomy, gingivoplasty and other similar procedures, with post-operative instruction and management:

			Dentist's Fee	Patient's Charge
1101	upper	in each surgical procedure, the first two adjacent teeth in one jaw additional teeth per tooth up to a maximum per visit	£20.75	(£16.60)
1102	lower			
1103			£4.65	(£3.72)
			£47.55	(£38.04)

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- 11(b) Raising and replacement of a mucoperiosteal flap inclusive of any necessary curettage, root planing and bone resection, and including post-operative management and instruction:

1111	upper	in each surgical procedure, the first two adjacent teeth in one jaw additional teeth per tooth up to a maximum per visit	£45.90	(£36.72)
1112	lower			
1113			£6.25	(£5.00)
			£82.05	(£65.64)

Additional fee for each sextant of the mouth treated in the same jaw, under either item 11(a) or 11(b) alone or in combination:

1100	per sextant	£7.60	(£6.08)
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- 11(c) Free gingival grafts including raising tissue from a donor site and preparation of a recipient site, with post-operative instruction and management and normally with not more than 2 grafts per course of treatment:

1121	per graft	£73.90	(£59.12)
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- 11(d) Simple excision of soft tissue to lengthen crowns in connection with items 16 [veneers], 17 [crowns], 18 [bridges], 27 [dentures] and/or 29 [obturators] and normally with not more than two teeth treated:

1131	per tooth	£7.60	(£6.08)
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- *11(e) Other periodontal surgery:

1191	such fee as the Board may determine
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Provisos to Item 11:

1. no fee shall be payable under items 11(a), 11(b), 11(d) or 11(e) unless appropriate radiographs are available;
2. no fee shall be payable under items 11(a), 11(b), 11(c) or 11(e) unless a fee under items 10(a), 10(b) or 10(c) [non-surgical periodontal treatment] has been paid to the same dentist during the previous 11 complete calendar months, except where such treatment under items 11(a), 11(b), 11(c) or 11(e) is provided on referral.

12. UNALLOCATED.

13. UNALLOCATED.

Section V—Conservative Treatment

14. **Permanent Fillings:** Including any dressings, pulp capping, or other preparatory treatment, but excluding associated treatment appropriate to item 15 [endodontics]:

14(a) Amalgam fillings in permanent or retained deciduous teeth:

(1) 1 surface:

		Dentist's Fee	Patient's Charge
1401	per tooth	£8.25	(£6.60)

(2) 2 or more surfaces:

1402	per tooth	£12.20	(£9.76)
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(3) 2 or more surfaces where the mesio-occlusal or disto-occlusal surfaces are involved:

1403	per tooth	£16.05	(£12.84)
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(4) 3 or more surfaces where the mesio-occlusal and disto-occlusal surfaces are involved:

1404	per tooth	£21.25	(£17.00)
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14(b) Tunnel restorations in permanent or retained deciduous teeth, undertaken to conserve sound tooth structure as an alternative to treatment under items 14(a)(3) or 14(a)(4), involving the use of glass ionomer with composite materials or amalgam to restore the occlusal surface:

1411	per filling	£16.05	(£12.84)
1412	maximum per tooth	£21.25	(£17.00)

14(c) Other fillings in permanent or retained deciduous teeth:

(1) composite resin or synthetic resin filling, including acid etch retention:

1421	1 filling	£15.55	(£12.44)
1420	2 or more fillings in the same tooth	£24.20	(£19.36)

Additional fees for a restoration involving:

1422	1 incisal angle (mesial or distal)	£5.05	(£4.04)
1423	incisal edge not involving incisal angle	£1.00	(£0.80)
1424	2 incisal angles (mesial and distal)	£8.25	(£6.60)

Additional fee for restoration of a cusp tip of a premolar or a buccal cusp tip of a first molar tooth:

1425	per tooth	£11.85	(£9.48)
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(2) glass ionomer, silicate or silico-phosphate filling:

		Dentist's Fee	Patient's Charge
1426	1 filling	£14.15	(£11.32)
1427	2 or more fillings in the same tooth	£19.35	(£15.48)

14(d) Pin or screw retention in connection with treatment under items 14(a)(2), 14(a)(3), 14(a)(4) or 14(c):

1431	per tooth	£6.55	(£5.24)
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14(e) This item has been deleted

*14(f) Additional fee for patients with an exceptional medical condition for the replacement of one or more amalgam fillings or the provision of a restoration in permanent or retained deciduous teeth, where a fee is also payable under items 14(c)(1) or 14(c)(2) and where the request for approval is supported by an appropriate consultant's report:

1451	such fee as the Board may determine
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14(g) Treatment of any surface of a permanent tooth using glass ionomer cement, where the tooth would otherwise be extracted but this is contra-indicated by exceptional medical or dental conditions:

1461	per filling	£14.15	(£11.32)
1462	maximum per tooth	£21.05	(£16.84)

14(h) Treatment of early or small carious lesions in pits and fissures of permanent or retained deciduous teeth by the application of a fissure sealant to all pits and fissures, following removal of any enamel caries or defects using appropriate preparation methods:

1481	with sealant only	£7.60	(£6.08)
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14(i) Treatment of carious lesions in the pits and fissures of permanent or retained deciduous teeth, followed by restoration of resulting cavity by insertion of composite resin and sealing of all pits and fissures:

1482	with insertion of composite resin	£10.75	(£8.60)
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14(j) Treatment of carious lesions in the pits and fissures of permanent or retained deciduous teeth, followed by restoration of resulting cavity by insertion of glass ionomer and composite resin and sealing of all pits and fissures:

1483	with insertion of glass ionomer followed by composite resin	£16.05	(£12.84)
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Provisos to Item 14:

1. where more than one claim is made under item 14(a) for the same tooth in the same course of treatment, the higher fee only shall be paid;

1470 2. no fee in excess of £29.50 shall be payable for any combination of treatment in one tooth under items 14(a), 14(b), 14(c), 14(h), 14(i) and 14(j), except where an additional fee **1471** would be payable under item 14(c)(1) or 14(d) when the maximum shall be £32.85;

3. no fee shall be payable under item 14(h), 14(i) or 14(j) where a fee is payable under items 14(a)(2), 14(a)(3) or 14(a)(4) in respect of the same tooth;

4. no fee shall be payable under items 14(c)(1) or 14(c)(2) where the filling involves the occlusal surface of a molar or premolar tooth, except as in 14(f), 14(h), 14(i) and 14(j);

5. no fee shall be payable under item 14(g) where a fee is payable under items 14(a), 14(b), 14(c), 14(f), 14(h), 14(i) or 14(j) in respect of the same tooth;

6. no fee shall be payable under item 14(h) where the same dentist is receiving fees under item 41(d);

*7. no fee shall be payable under item 14(h) in any one course of treatment for five or more restorations unless the prior approval of the Board has been obtained and radiographs are available where appropriate.

15. **Endodontic Treatment:** Including opening root canal(s) for drainage, pulp extirpation, incision of an abscess and any necessary dressings and all other preparatory treatment and attention in connection therewith, except for treatment appropriate to items 2 [diagnosis], 14 [fillings], 16 [veneers], 17 [inlays and crowns], 18 [bridges] or 25 [sedation] and, except for the dressing or temporary protection of a tooth, where the permanent restoration is not provided:

15(a) Root filling of each root canal of a permanent tooth with a permanent radio-opaque filling material, normally not more than three teeth being treated under this item in a course of treatment:

	Dentist's Fee	Patient's Charge
1501 per incisor or canine tooth	£44.70	(£35.76)
1502 per upper premolar tooth	£60.85	(£48.68)
1503 per lower premolar tooth	£52.70	(£42.16)
1504 per molar tooth	£93.45	(£74.76)

15(b) Amputation of a vital pulp of a permanent tooth with an incomplete apex, consisting of removal of the coronal portion of the pulp and including any necessary dressing:

1511 per tooth **£17.75** **(£14.20)**

15(c) Apicectomy of a permanent tooth:

1521 per incisor or canine tooth	£39.45	(£31.56)
1522 per premolar tooth	£54.25	(£43.40)
1523 buccal root(s) of upper molar teeth per tooth	£63.95	(£51.16)

1531 all other roots such fee as the Board may determine

Additional fee for retrograde root filling of a permanent tooth:

	Dentist's Fee	Patient's Charge
1541	per tooth £8.45	(£6.76)

15(d) Endodontic treatment of a retained deciduous tooth:

1551	per tooth £22.05	(£17.64)
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Proviso to Item 15:

No fee shall be payable under item 15 unless appropriate radiographs are available.

16. **Porcelain Veneers:** Facing or refacing a permanent upper tooth anterior to the first premolar, normally for patients aged 17 years or over, and including acid etch retention, other necessary preparation of the enamel and temporary coverage of the tooth, but excluding associated treatment appropriate to item 15 [endodontics]:

1601	per tooth £98.50	(£78.80)
1600	additional fee for first or only tooth treated £7.60	(£6.08)

17. **Inlays and Crowns:** In permanent teeth and in retained deciduous teeth, normally for patients aged 17 years or over, inclusive of all preparation in connection therewith, including dressings, pulp capping, pins incorporated in castings, cores fabricated in the mouth and temporary coverage during construction, but excluding associated treatment appropriate to item 15 [endodontics]:

17(a) In alloys containing 60% or more fine gold:

(1) inlays or pinlays:

1701	1 surface cavity	£63.95	(£51.16)
1702	2 surface cavity	£90.30	(£72.24)
1703	2 surface cavity involving incisal angle	£82.05	(£65.64)
1704	3 or more surface cavity	£119.85	(£95.88)

(2) This item has been deleted

(3) This item has been deleted

17(b) In cast alloys:

(1) full or three quarter crown cast in precious metal alloy:

1711	per crown £106.70	(£85.36)
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(2) full or jacket crown cast in non-precious metal alloy:

1712	per crown £82.05	(£65.64)
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17(c) Porcelain jacket crown:

		Dentist's Fee	Patient's Charge
1716	per crown	£80.40	(£64.32)

17(d) Bonded crowns on teeth anterior to the first molar:

- (1) full or jacket crown cast in an alloy of fine gold or precious metal, with thermally bonded porcelain per crown:

1721	per crown	£122.35	(£97.88)
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- (2) full or jacket crown cast in non-precious metal alloy, with thermally bonded porcelain:

1722	per crown	£109.85	(£87.88)
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- (3) porcelain jacket crown thermally bonded to wrought platinum coping:

1723	per crown	£93.60	(£74.88)
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17(e) Jacket crown in synthetic resin:

1726	per crown	£65.60	(£52.48)
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Additional fee in connection with items 17(a)(1), 17(b), 17(c), 17(d) and 17(e) for the first or only inlay or crown in the same arch:

1700	per arch	£7.60	(£6.08)
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17(f) Additional items when necessary for crowns or inlays under items 17(a), 17(b), 17(c), 17(d) or 17(e):

- (1) This item has been deleted

- (2) core and post both cast in metal alloy:

1732	per tooth	£34.00	(£27.20)
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- (3) core and post prefabricated in non-precious metal alloy:

1733	per tooth	£17.75	(£14.20)
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- (4) pin or screw retention for a core fabricated in the mouth:

1734	per tooth	£8.45	(£6.76)
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- (5) provision of a facing with silicate, silico-phosphate, glass ionomer, synthetic resin or composite resin:

1735	per inlay	£9.85	(£7.88)
1736	per crown	£13.80	(£11.04)

- (6) This item has been deleted

	(7)	laboratory produced dovetail or slot in the metal component of a crown for the support and/or retention of a denture where the denture is to be provided within a reasonable period and normally not more than four dovetails or slots in one arch:		Dentist's Fee	Patient's Charge
1738			per dovetail	£16.75	(£13.40)
	(8)	laboratory produced parallel metallic surface of a crown for the support and/or retention of a denture where the denture is to be provided within a reasonable period:			
1739			per crown	£15.55	(£12.44)
	17(g)	Temporary crown provided prior to the preparation of a permanent crown as an immediately necessary palliative:			
1742			other than post retained	£14.15	(£11.32)
1743			post retained	£19.95	(£15.96)
	17(h)	Removal of a post fractured at or below a root face, necessitating the modification of the existing canal form:			
1744			per post	£15.50	(£12.40)
	*17(i)	Other forms of crown not included above:			
1751			such fee as the Board may determine		
1750			1st crown fee		
	17(j)	Repair of an inlay or crown:			
	(1)	renewal of a facing in silicate, silico-phosphate, glass ionomer, synthetic resin or composite resin:			
1761			per inlay	£9.85	(£7.88)
1762			per crown	£11.60	(£9.28)
	(2)	other repair of a crown:			
			such fee as the Board may determine not exceeding 70 per cent of the fee for a single or first new crown of the type being repaired		
1771			1st crown fee		
1770					
	17(k)	Refixing or recementing an inlay or crown:			
1781			per inlay	£10.20	(£8.16)
1782			per crown	£10.20	(£8.16)

18. **Provision of Bridges:** Normally for patients aged 17 years or over, normally at least 6 months after extraction and subject to satisfactory periapical condition of the abutment teeth, periodontal status, general standard of oral hygiene and occlusion. Fees are inclusive of all preparatory treatment in connection therewith, including dressing, pulp capping, pins incorporated in castings and cores fabricated in the mouth, but excluding associated treatment appropriate to item 2(b) [casts] and item 15 [endodontics]. Bridges should have an adequate retainer to pontic ratio: normally not more than one pontic per retainer in cantilever bridges, two pontics per retainer in fixed movable bridges and three pontics per two retainers in other bridges. Bridgework to replace molar teeth must be necessary for the stability of the occlusion:

18(a) Retainers for other than acid etch retained bridges:

(1) cast in alloy containing 60% or more fine gold (but see proviso 5):

		Dentist's Fee	Patient's Charge
1801	inlay or pinlay: compound cavity	£98.50	(£78.80)
1802	inlay or pinlay: compound confluent cavity or	£126.40	(£101.12)
1803	three-quarter crown	£134.60	(£107.68)
	full or jacket crown		

(2) in other alloys (but see proviso 5):

1804	full or jacket crown cast in precious metal	£115.50	(£92.40)
1805	full or jacket crown cast in non-precious metal	£90.30	(£72.24)

(3) porcelain, full or jacket crown:

1806	per retainer	£98.50	(£78.80)
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(4) bonded retainers:

full or jacket crown cast in an alloy of fine gold or precious metal with thermally bonded porcelain:

1807	per retainer	£129.45	(£103.56)
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full or jacket crown cast in an alloy of non-precious metal with thermally bonded porcelain:

1808	per retainer	£118.05	(£94.44)
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18(b) Additional items when necessary in connection with item 18(a):

(1) core and post both cast in precious metal alloy:

1811	per abutment tooth	£35.00	(£28.00)
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(2) core and post both cast in non-precious metal alloy:

1812	per abutment tooth	£24.20	(£19.36)
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	(3)	core and post prefabricated in non-precious metal alloy:		Dentist's Fee	Patient's Charge
1813			per abutment tooth	£17.75	(£14.20)
	(4)	pin or screw retention for a core fabricated in the mouth:			
1814			per abutment tooth	£8.45	(£6.76)
	(5)	laboratory produced dovetail or slot in the metal component of a retainer:			
1815		such fee as the Board may determine			
	(6)	laboratory processed composite facing in connection with full or jacket retainers under items 18(a)(1) or 18(a)(2) where the use of other types of retainer is clinically inappropriate:			
1816			per abutment tooth	£26.20	(£20.96)
	18(c)	Pontics (other than for acid etch retained bridges) constructed in:			
	(1)	cast alloy containing 60% or more fine gold (but see proviso 5):			
1821			per unit	£67.30	(£53.84)
	(2)	other alloys (but see proviso 5):			
1822		precious metal	per unit	£48.95	(£39.16)
1823		non-precious metal	per unit	£34.55	(£27.64)
	(3)	porcelain:			
1824			per unit	£49.20	(£39.36)
	(4)	bonded porcelain:			
		porcelain bonded to an alloy of fine gold or precious metal:			
1825			per unit	£73.55	(£58.84)
		porcelain bonded to an alloy of non-precious metal:			
1826			per unit	£63.95	(£51.16)
	(5)	laboratory processed composite facing in connection with pontics under items 18(c)(1) or 18(c)(2) where the use of other types of pontics is clinically inappropriate:			
1827			per unit	£26.35	(£21.08)

18(d) Acid etch retained bridges:

(1) retainer in cast metal:

1831

per unit

	Dentist's Fee	Patient's Charge
	£37.55	(£30.04)

(2) pontic in thermally bonded porcelain:

1832

per unit **£71.85** (**£57.48**)

*18(e) Bridge constructed in units not contained in items 18(a),18(b), 18(c) or 18(d) above:

1841

such fee as the Board may determine

18(f) Temporary bridge:

(1) fabricated in the laboratory in cases where the temporary bridge is to be retained for at least 3 months:

1851

per unit **£16.75** (**£13.40**)

(2) all other temporary bridges:

1852

per unit **£6.25** (**£5.00**)

18(g) Recementing or refixing:

(1) an acid etch retained bridge:

1861

per bridge **£27.90** (**£0.00**)

(2) any other bridge:

1862

per bridge **£14.80** (**£0.00**)

18(h) Repairing a bridge:

1871

such fee as the Board may determine

Provisos to Item 18:

1. no fee shall be payable for the provision of a bridge except where study casts and appropriate radiographs are available;
2. no fee shall be payable for more than one temporary bridge under items 18(f)(1) or 18(f)(2) per course of treatment per permanent bridge provided;
3. no fee shall be payable for an all-porcelain bridge of more than two units;
4. no fee shall be payable for the provision of an acid etch retained bridge in excess of a total of six units;
- *5. no fee shall be payable for a bridge which includes all-metal units anterior to the premolars

unless the prior approval of the Board is obtained.

19. UNALLOCATED.

20. UNALLOCATED.

Section VI—Surgical Treatment

21. Extractions of Teeth: Extractions and associated treatment:

Fee per course of treatment for extraction of:

	Dentist's Fee	Patient's Charge
1 tooth	£7.60	(£6.08)
2 teeth	£13.80	(£11.04)
3 or 4 teeth	£21.25	(£17.00)
5 to 9 teeth	£27.90	(£22.32)
10 to 16 teeth	£37.55	(£30.04)
17 or more teeth	£45.90	(£36.72)

2101

Additional fee for each visit for extraction, including the first:

2121

per visit **£6.25** **(£5.00)**

22. Extractions of Special Difficulty and Other Oral Surgery: Extractions and other oral surgery not included in items 10 [periodontics], 15 [endodontics] and 21 [extractions]:

22(a) Removal of buried root, unerupted tooth, impacted tooth or exostosed tooth, involving the raising and replacement of a surgical flap with any necessary suturing, including all associated attention except in connection with postoperative haemorrhage requiring additional visit(s):

(1) involving soft tissue only:

2201

per tooth **£21.25** **(£17.00)**

(2) involving bone removal for:

(i) incisors and canines:

2202

per tooth **£29.50** **(£23.60)**

(ii) premolars, molars other than impacted third molars:

2203

per tooth **£36.20** **(£28.96)**

(iii) impacted third molars not requiring division of roots or crowns:

2204

upper jaw

per tooth **£37.55** **(£30.04)**

2206

lower jaw

per tooth **£44.40** **(£35.52)**

(iv) impacted third molars requiring division of roots or crowns:

2205

upper jaw

per tooth **£47.55** **(£38.04)**

2207

lower jaw

per tooth **£52.60** **(£42.08)**

22(b) Fraenectomy:

	Dentist's Fee	Patient's Charge
2211	per course of treatment	£29.50 (£23.60)

*22(c) Other oral surgery and more complex operations justifying higher fees:

2221	such fee as the Board may determine
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Provisos to Item 22:

1. no fee shall be payable under item 22(a) unless appropriate radiographs are available;
2. no fee shall be payable under item 22(c) where bone removal is involved unless appropriate radiographs are available;
3. where the prior approval of the Board is required, appropriate radiographs must be submitted with the estimate.

23. Post-Operative Care:

23(a) Treatment for arrest of abnormal haemorrhage, including abnormal haemorrhage following dental treatment provided otherwise than as part of general dental services:

- (1) arrest of haemorrhage, other than under items 23(a)(2) and/or 23(b):

2301	per visit	£24.20 (£0.00)
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- (2) the removal of plugs and/or sutures:

2302	per visit	£7.60 (£0.00)
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23(b) Treatment of infected sockets and/or other sequelae:

2311	1 visit	£7.60 (£6.08)
	2 or more visits	£15.55 (£12.44)

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24. This item has been deleted.
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25. **Sedation:** Where, in the opinion of the dentist, any necessary treatment could not otherwise be provided because of a physical or mental handicap, or a form of mental illness requiring medical attention, or disproportionate dental anxiety:

25(a) Administration of a single intravenous sedative agent or inhalation sedation, using a dedicated machine capable of delivering a fixed maximum level of nitrous oxide and a fixed minimum level of oxygen when providing inhalation sedation, by a doctor or a dentist other than the dentist carrying out the treatment to include any preliminary investigation and blood testing:

(1) in connection with treatment provided under only item 21 [extractions] or, for patients under capitation, in connection with extractions only. Fee per visit, where the number of teeth extracted at the visit is:

		Dentist's Fee	Patient's Charge
2551	1-4	£24.20	(£19.36)
2552	5-9	£27.90	(£22.32)
2553	10-16	£32.85	(£26.28)
2554	17 or more	£40.90	(£32.72)
2560	up to a maximum per course of treatment	£81.80	(£65.44)

(2) for patients in continuing care in connection with any items, whether or not including treatment under item 21 [extractions], except those items involving the provision of dentures or the preparation and fitting of veneers, inlays, crowns or bridge retainers. Fee per visit, where the cost of treatment carried out under sedation at that visit is:

2555	up to and including £10.00	£24.20	(£19.36)
2556	from £10.01 to £25.00	£44.40	(£35.52)
2557	from £25.01 to £50.00	£63.95	(£51.16)
2558	greater than £50.00	£81.80	(£65.44)

(3) for patients under capitation in connection with any treatment other than extractions only:

2561	such fee as the Board may determine up to a maximum of £81.80
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(4) in connection with treatment which involves the preparation and fitting of veneers, inlays, crowns or bridge retainers:

2563	such fee as the Board may determine up to a maximum of £81.80
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25(b) Additional fee where the doctor or a dentist other than the dentist carrying out the treatment is called to the surgery where the dentist is to provide treatment in an emergency and where the distance travelled is:

2566	less than 1.61 kilometres (1 mile)	£27.90	(£0.00)
2567	1.61 kilometres (1 mile) or more	£49.20	(£0.00)

25(c) Administration of a single intravenous sedative agent or inhalation sedation, using a dedicated machine capable of delivering a fixed maximum level of nitrous oxide and a fixed minimum level of oxygen when providing inhalation sedation, by and under the direct and constant supervision of the dentist carrying out the treatment:

(1) This item has been deleted

(2) fee per patient visit, for administration by:

	Dentist's Fee	Patient's Charge
2573	£11.60	(£9.28)
	£5.50	(£0.00)
2574	£20.75	(£16.60)
	£7.15	(£0.00)

Provisos to Item 25:

1. no fee shall be payable under item 25(a)(1) where a fee is also payable under item 25(a)(2) for treatment provided at the same visit;
2. no fee shall be payable under item 25(b) where the attendance of the appropriately qualified dentist immediately precedes or follows any other attendance at that surgery on the same day.

26. UNALLOCATED.

Section VII— Protheses, Obturators and Other (Non-Orthodontic) Appliances

27. **Provision of Dentures:** Including all necessary clasps, rests and strengtheners, and all adjustments needed within a reasonable period of time after completion:

27(a) Treatment provided prior to the provision of denture(s):

(1) provision of synthetic resin additions to the occlusal surface of existing dentures to restore the vertical dimension:

		Dentist's Fee	Patient's Charge
2701	per course of treatment	£16.75	(£13.40)

(2) provision of a temporary base using auto-polymerising tissue conditioner to an existing denture where such lining is required because of the condition of the patient's alveolus:

2711	upper	per application	£22.30	(£17.84)
2712	lower	maximum per denture per course of treatment	£44.40	(£35.52)

(3) provision of other treatment prior to the provision of dentures:

2721	such fee as the Board may determine
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27(b) Provision of dentures in synthetic resin, including all necessary backing and tagging:

(1) full upper and full lower dentures:

2730	per set	£167.75	(£134.20)
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(2) full upper or full lower denture (one only):

2731	upper	per denture	£104.65	(£83.72)
2732	lower			

(3) partial denture bearing:

2733	upper	1, 2 or 3 teeth	£65.60	(£52.48)
2735	lower	4 to 8 teeth	£86.95	(£69.56)
		9 or more teeth	£103.45	(£82.76)

(4) additional fee for stainless steel lingual or palatal bar:

2734	per unit	£13.80	(£11.04)
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27(c) Provision of metal based dentures which may not be provided until such period after extraction (normally not less than three months) as the dentist thinks fit:

(1) full upper or full lower denture in chrome cobalt or stainless steel:

			Dentist's Fee	Patient's Charge
2741	upper			
2742	lower	per denture	£147.80	(£118.24)

(2) plate design partial denture bearing:

2743	upper	1, 2 or 3 teeth	£151.05	(£120.84)
2747	lower	4 to 8 teeth	£165.70	(£132.56)
		9 to 12 teeth	£172.30	(£137.84)

(3) skeleton design partial denture with single connecting bar bearing:

2744	upper	1, 2 or 3 teeth	£159.25	(£127.40)
2748	lower	4 or more teeth	£173.90	(£139.12)

(4) skeleton design partial denture with multiple connecting bars bearing:

2745	upper	1, 2 or 3 teeth	£165.70	(£132.56)
2749	lower	4 or more teeth	£185.55	(£148.44)

(5) additional fee where teeth are backed:

2746		per tooth	£10.45	(£8.36)
		up to a maximum per denture of	£62.40	(£49.92)

* (6) dentures in any other metal:

2751	such fee as the Board may determine
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27(d) Additional fee per denture for the provision of a soft lining or soft partial lining other than one polymerised in the mouth where such lining is required on account of the condition of the patient's alveolus:

2761	upper			
2762	lower	per denture	£34.55	(£27.64)

27(e) Additional fee for the use of laboratory-constructed special trays for the taking of final impressions:

2771	upper			
2772	lower	per denture	£16.75	(£13.40)

27(f) Additional fee for inclusion of a permanent patient-identification marker in a denture:

2781	upper			
2782	lower	per denture	£5.30	(£4.24)

Proviso to Item 27:

2738 No fee in excess of £202.05 shall be payable for any combination of treatment under items 27(b)(2) and /or 27(b)(3), except where treatment is also provided under items 27(b)(4), 27(d), 27(e) or 27(f) in which case these fees are payable in addition.

28. Repairs and Alterations to Dentures: Including adjustments, relinings, rebasings and additions:

28(a) Repairs to dentures:

- (1) repairing a crack or fracture, or renewal of gum (including provision of any strengthener), or refixing a tooth, or providing and fixing a replacement tooth (including any associated gum):

			Dentist's Fee	Patient's Charge
2801	upper	1 repair	£15.80	(£0.00)
2802	lower	each additional repair to the same denture	£5.50	(£0.00)

- (2) refixing a clasp, or providing and fixing a replacement clasp (including any associated gum):

2803	upper	1 repair	£22.95	(£0.00)
2804	lower	each additional repair to the same denture	£11.10	(£0.00)

- (3) other repairs. Fee appropriate to similar treatment under items 28(a)(1) and/or (2), together with an additional fee when attention to cast metal components is necessary:

2811 **such fee as the Board may determine**

- (4) additional fee where impression technique is necessary in connection with one or more repairs under item 28(a) [repairs to dentures]:

2821	upper	per denture	£7.30	(£0.00)
2822	lower			

28(b) Adjustments to dentures:

- (1) adjusting a denture (including any easing and/or polishing) other than a denture provided, relined or rebased by the same dentist within the preceding 5 complete calendar months:

2831	upper	per denture	£11.10	(£8.88)
2832	lower			

- (2) other adjustments. Fee appropriate to similar treatment under item 28(b)(1), together with an additional fee where attention to cast metal components is necessary:

2841 **such fee as the Board may determine**

28(c) Relining or rebasing dentures or provision or renewal of soft linings to existing dentures other than with a material polymerised in the mouth. Treatment to include all adjustments needed within a reasonable period of time after completion:

(1) for relining or rebasing only:

			Dentist's Fee	Patient's Charge
2851	upper			
2852	lower	per denture	£37.55	(£30.04)

(2) for relining or rebasing with the addition of a labial and/or buccal flange:

2853	upper			
2854	lower	per denture	£42.70	(£34.16)

(3) for provision or renewal of soft lining or soft partial lining to an existing denture where such lining is required on account of the condition of the patient's alveolus:

2855	upper			
2856	lower	per denture	£57.60	(£46.08)

28(d) Additions to dentures:

(1) addition of a clasp (including any associated gum):

2861	upper			
2862	lower	per addition	£31.15	(£24.92)

(2) addition of a tooth (including any associated gum):

2863	upper			
2864	lower	per addition	£26.20	(£20.96)

(3) addition of a new gum not associated with an addition under items 28(d)(1) or 28(d)(2):

2865	upper			
2866	lower	per addition	£26.20	(£20.96)

(4) other additions. Fee appropriate to similar treatment under items 28(d)(1) and/or 28(d)(2), together with an additional fee where attention to cast metal components is necessary:

2871	such fee as the Board may determine			
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Provisos to Item 28:

1. where combinations of repairs under items 28(a)(1) and 28(a)(2) are undertaken, the fee for one repair shall be at the highest appropriate fee for the single repair and the fee for each additional repair shall be £5.50;

2810	upper	2. no fee in excess of £36.20 per denture shall be payable under items 28(a)(1)
2820	lower	and 28(a)(2);

3. no fee shall be payable under item 28(a)(4) [impressions] where a fee is also payable under items 28(c) [relining] or 28(d) [additions] for the same denture;
4. no fee in excess of £44.40 per denture shall be payable under item 28(d) or for any combination of treatment under items 28(a) and 28(d), except where treatment is also provided under items 28(a)(3) and/or 28(d)(4) in which case these fees are payable in addition.

29. Obturators, Splints and Similar Appliances other than Orthodontic Appliances:—

29(a) Obturators. Fee per case, in addition to appropriate denture fee:

2901	such fee as the Board may determine
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29(b) Repairs to obturators:

2911	such fee as the Board may determine - no patient charge
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29(c) Splinting in connection with external trauma:

(1) provision of emergency splinting for luxated or mobile teeth consisting of cemented foil or other similar material designed to allow primary healing to take place:

2921	per splint	Dentist's Fee	Patient's Charge
		£22.95	(£18.36)

(2) provision of acid etch retained composite splint:

2922	per union	£16.75	(£13.40)
	up to a maximum per arch of	£60.80	(£48.64)

(3) additional fee for metal bar or wire insert in conjunction with treatment under item 29(c)(2):

2923	per splint	£3.55	(£2.84)
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(4) provision of laboratory fabricated heat cured acrylic splint designed to be retained normally for more than 6 weeks:

2924	per unit	£19.65	(£15.72)
	up to a maximum of	£68.90	(£55.12)

(5) provision of cast metal splint designed to be retained normally for more than 3 months:

2925	per unit	£42.70	(£34.16)
	up to a maximum of	£149.35	(£119.48)

(6) provision of any other type of splint:

2926

such fee as the Board may determine

29(d) Provision of a laboratory processed heat-cured acrylic occlusal appliance normally covering the occlusal and incisal surfaces of all the teeth in one jaw and used for diagnostic and/or therapeutic purposes. There should normally be three months between the first and last visit. Fee to include all adjustments.

2941

	Dentist's Fee	Patient's Charge
fee per appliance	£80.40	(£64.32)

*29(e) Treatment involving other appliances:

2991

such fee as the Board may determine

Proviso to Item 29:

No fee shall be payable under item 29(d) unless study casts are available.

30. UNALLOCATED.

31. UNALLOCATED.

Section VIII—Orthodontic Treatment

32. Orthodontic Treatment: Including appliances constructed of suitable materials and any necessary oral hygiene instruction and general patient management:—

32(a) Intra-oral appliances. Fee per appliance (including routine fixed appliance maintenance as necessary), where the treatment required for the permanent dentition is completed by the use of one or more of the following:

(1) removable spring and/or screw type appliance:

			Dentist's Fee	Patient's Charge
3201	upper			
3202	lower	per appliance	£116.45	(£93.16)

(2) simple fixed type appliance consisting of no more than 6 attachments:

3203	upper			
3204	lower	per appliance	£111.65	(£89.32)

(3) fixed multiband or multibracket appliance normally only payable where the active phase of treatment lasts 12 months:

3205	upper			
3206	lower	per appliance	£326.55	(£261.24)

(4) functional appliance:

3207		per appliance	£200.25	(£160.20)
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(5) bite plane appliance:

3211	upper			
3212	lower	per appliance	£85.45	(£68.36)

Additional fee for extra-oral traction or anchorage reinforcement where necessary, normally only payable once per course of treatment:

3221	upper	extra-oral traction		
3223	lower		per appliance	£47.55 (£38.04)
3222	upper	rigid anchorage reinforcement		
3224	lower		per appliance	£47.55 (£38.04)

32(b) Retention, normally to last for a minimum period of 12 months:

(1) supervision of retention for a period of not less than five complete calendar months to include at least 2 visits per course of treatment:

3231		per course of treatment	£29.50	(£23.60)
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Additional fee for each further period of supervision of not less than two complete calendar months, normally subject to a maximum of two such periods to include at least one visit per additional period:

		Dentist's Fee	Patient's Charge
3232		per additional period	£14.80 (£11.84)

(2) retention appliance, normally only 1 removable or 1 fixed retainer per arch and only provided after active appliance treatment. Fee per appliance:

3233	upper	(i) removable retainer in acrylic resin	£57.60 (£46.08)
3234	lower		
3235	upper	(ii) fixed or bonded retainer	£65.60 (£52.48)
3236	lower		
3237	upper	(iii) removable pressure formed retainer	£46.65 (£37.32)
3238	lower		

32(c) Repairs to orthodontic appliances:

(1) repairing cracks or fractures in the acrylic of a removable appliance:

3241	upper		
3247	lower	per appliance	£24.20 (£0.00)

(2) refixing a metal component or providing and fixing a replacement metal component on a removable appliance only. Fee per appliance:

3242	upper	one repair	£29.50 (£0.00)
3248	lower	each additional repair	£7.60 (£0.00)

(3) repairing a functional appliance:

3243		per appliance	£37.55 (£0.00)
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(4) repairing a fixed appliance involving the replacing of two or more brackets, bands, archwires or auxiliaries or any combination thereof in one arch:

3244	upper		
3249	lower	per appliance	£50.90 (£0.00)

Additional fee where an impression technique is necessary in connection with repairs under item 32(c)(1), 32(c)(2) or 32(c)(3) above. A second additional fee shall only be payable when necessary in connection with the repair of a functional appliance:

3245	upper		
3246	lower	per impression	£7.30 (£0.00)

32(d) Additions to or inclusions in orthodontic appliances of an artificial tooth to replace a missing natural tooth:

(1) addition or inclusion of an artificial tooth (including any associated gum) to a fixed appliance or fixed retainer:

			Dentist's Fee	Patient's Charge
3261	upper	first tooth	£12.70	(£10.16)
3262	lower	each additional tooth	£12.70	(£10.16)

(2) addition or inclusion of an artificial tooth (including any associated gum) to a removable appliance or removable retainer:

3263	upper	first tooth	£18.90	(£15.12)
3264	lower	each additional tooth	£18.90	(£15.12)

32(e) Replacement of appliances lost or damaged beyond repair:

(1) space maintainer or retention appliance:

3281	per appliance	£45.90	(£36.72)
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(2) removable spring and/or screw type appliance:

3282	per appliance	£62.40	(£49.92)
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(3) simple fixed type appliance consisting of no more than 6 attachments:

3283	per appliance	£63.95	(£51.16)
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(4) fixed multiband or multibracket appliance:

3284	per appliance	£119.85	(£95.88)
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(5) functional appliance:

3285	per appliance	£73.90	(£59.12)
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*32(f) Any other orthodontic treatment:

3291	such fee as the Board may determine
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Provisos to Item 32:

- *1. no fee under item 32(a) shall be payable for the closure of central diastemas where the associated permanent canines have not erupted unless the prior approval of the Board is obtained;
2. no fee shall be payable under items 32(a) or 32(f) unless a fee is also payable, or has been paid, under items 1(c) [full case assessment] except where an appropriate consultant's report is available;
3. no fee shall be payable under items 32(a) or 32(f) unless study casts, and radiographs where appropriate, are available;

4. no more than three fees per course of treatment shall be payable for extra-oral traction and/or anchorage reinforcement;
5. where a combination of repairs under items 32(c)(1) and 32(c)(2) is undertaken, the fee for the repair shall be the highest appropriate fee for the single repair and the fee for each additional repair shall be £7.60 up to a maximum of £15.55;
6. no fee in excess of £25.45 per appliance shall be paid under items 32(d)(1);
7. no fee in excess of £37.80 per appliance shall be paid under item 32(d)(2);
8. no fee shall be payable under item 32(b)(2)(iii) where the same dentist was paid, or is entitled to be paid, a fee under item 32(b)(2)(iii) during the previous 11 complete calendar months;
9. no fee shall be payable under item 32 unless any appliance provided under item 32 has been fitted by the dentist.

33. UNALLOCATED.

34. UNALLOCATED.

Section IX—Other Forms of Treatment

35. Domiciliary Visits and Recalled Attendance:—

35(a) Domiciliary visits including travel to one or more patients whose condition so requires at a location or locations other than the dentist's surgery. Normally no more than two claims would be appropriate for domiciliary visits in respect of any day. Fee per circuit where the total distance travelled is:

		Dentist's Fee	Patient's Charge
3501	less than 16.1 kilometres (10 miles)	£34.55	(£0.00)
3502	16.1 kilometres (10 miles) to 64.4 kilometres (40 miles)	£47.55	(£0.00)
3503	more than 64.4 kilometres (40 miles)	£62.40	(£0.00)

35(b) Recalled attendance to reopen the dentist's surgery and provide treatment at the surgery in an emergency under NHS arrangements at a time when the surgery would not normally be open. Fee per circuit where the total distance travelled is:

3511	less than 1.61 kilometres (1 mile)	£40.90	(£0.00)
3512	1.61 kilometres (1 mile) or more	£67.30	(£0.00)

36. Miscellaneous Treatments:

36(a) Taking of material for pathological examination:

3601	per course of treatment	£11.60	(£9.28)
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36(b) Stoning and smoothing the surface of a tooth including any necessary finishing and polishing (except in the case of treatment under item 10(c) [periodontics] and in respect of teeth filled or restored under items 14 [fillings], 17 [inlays and crowns] and/or 18 [bridges]):

3611	1 tooth	£2.70	(£2.16)
	2 or more teeth	£5.05	(£4.04)

*36(c) Occlusal equilibration. Estimates to include an outline of proposed treatment:

3621	such fee as the Board may determine
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36(d) Treatment of sensitive cementum or dentine:

3631	per course of treatment	£5.05	(£4.04)
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36(e) Issue of a prescription only (but see proviso):

3641	per prescription	£4.20	(£3.36)
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36(f) Re-implantation of a luxated permanent tooth following trauma:

3651	per tooth	£15.80	(£12.64)
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36(g) Removal of the fractured portion of a natural crown, where its dissection from the supporting soft tissues is necessary, prior to the provision of a permanent restoration:

	Dentist's Fee	Patient's Charge
3661	per tooth £8.00	(£6.40)

36(h) Removal of the coronal portion of a permanent tooth and the shaping and preparation of the root face, for the provision of an overdenture; normally not more than 4 teeth per arch:

3671	per tooth £10.75	(£8.60)
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Proviso to Item 36:

1. no fee shall be payable under item 36(e) in connection with any item of treatment other than items 35 [domiciliary visits and recalled attendance] and 45 [continuing care payments];
2. no fee shall be payable under item 36(a) in connection with any item of treatment under item 24.

37. **Treatment Urgently Required for Acute Conditions:** For conditions of the gingivae/oral mucosa (including pericoronitis, ulcers and herpetic lesions), including any necessary oral hygiene instruction and/or the issue of a prescription:—

3701	per course of treatment £7.30	(£5.84)
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38. UNALLOCATED.

39. UNALLOCATED.

*40. **Any Other Treatment:** For treatment necessary to secure and maintain oral health, but not included elsewhere in this fee scale:

4001	such fee as the Board may determine
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Section X—Treatment under Capitation

41. **Capitation Payments:** Fees for patients aged under 18 years and accepted into capitation for the care and treatment necessary to secure and maintain oral health including all necessary preventive measures:—

41(a) Basic fee for the care and treatment necessary to secure and maintain oral health including all necessary preventive measures:

		Dentist's Fee	Patient's Charge
0–2 years	per month	£1.60	(£0.00)
3–5 years	per month	£2.11	(£0.00)
6–12 years	per month	£3.71	(£0.00)
13–17 years	per month	£4.79	(£0.00)

41(b) Where the patient has a severe mental or physical disability or severe learning difficulties and where, to provide treatment, it is necessary for the dentist to spend at least double the normal amount of time for a patient of the same age:

per month double the appropriate basic fee [item 41(a)] (no patient charge)

41(c) Where the patient is aged 0–2 years the dentist shall receive an enhancement of the capitation fee according to the Deprivation Category (DEPCAT) of the practice postcode as follows:

DEPCAT 1 + 2	25%
DEPCAT 3 + 4	35%
DEPCAT 5 – 7	50%

Where the patient is aged 3–5 years the dentist shall receive an enhancement of the capitation fee according to the Deprivation Category of the practice postcode as follows:

DEPCAT 6 + 7	25%
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These enhancements will be paid monthly in arrears.

Dentists should ensure that the patient has access to appropriate preventive advice as described in the Memorandum to NHS: 1998 PCA(D)9 and all subsequent amendments. This should include the delivery of an appropriate preventive programme, the basic elements of which must include tooth-brushing instruction/demonstration and the provision of dietary advice to the patient and the adult accompanying the patient, as appropriate. Dietary advice should stress the role of sugar in the diet as it relates to dental decay. Patient and parents/carers should be advised of the benefits of fluoride to dental health, with appropriate supplements being offered as necessary.

41(d) This item has been deleted

Provisos to Item 41:

1. no fee shall be payable to the same dentist under both items 41(a) and 41(b) for the same patient;
2. where necessary to secure or maintain oral health, additional fees shall be payable to the same dentist under the following items: 1(d) [care and treatment summary], 2(b) [study casts], 3 [clinical photographs], 14 [permanent fillings], 15(a), 15(b) and 15(c) [endodontics], 16 [veneers], 17 [inlays and crowns], 18 [bridges], 21 [extractions], 22 [extractions of special difficulty and other oral surgery], 23(a)(1) [arrest of haemorrhage], 25 [sedations], 27(b) and 27(c) [provision of dentures], 27(e) [special trays], 27(f) [identification marker], 28(a) [repairs to dentures], 28(c) [relining and rebasing dentures], 28(d) [additions to dentures], 29 [appliances], 32 [orthodontics], 35 [domiciliary visits and recalled attendance], 40 [any other treatment—where lab cost is involved], 44 [treatment special to minors], 53(a)(1) [arrest of haemorrhage], 62 [incomplete dentures], 63(e) and 63(f) [incomplete endodontic treatment], 64 [incomplete porcelain veneers], 65 [incomplete crowns], 73 [any other incomplete treatment—where lab cost is involved] and, when in connection with orthodontic treatment, 1(a), 1(b) or 1(c) [examination] and 2 [radiographs] and, where in connection with treatment under item 14(h) [permanent fillings] where the prior approval of the Board is sought for 5 or more restorations, 2(a)(1) [radiographs];
3. where necessitated by trauma [see paragraph (1) of Section I—Interpretation], additional fees shall be payable for all items of treatment provided;
4. no fee shall be payable under item 41 for a patient in respect of whom the same dentist is providing occasional treatment or treatment on referral from another dentist;
5. where the total payments authorised under item 41(c) in any one month amount to a fraction of one whole penny the CSA shall round the payment to the nearest whole penny.

42. UNALLOCATED.

43. UNALLOCATED.

44. **Treatment Special to Minors:** Conservative treatment of deciduous teeth in patients under 18 years of age at the beginning of a course of treatment:—

44(a) Filling including any dressing, pulp capping and pin or screw or acid etch retention and other preparatory treatment, but excluding associated treatment appropriate to item 44(c) and 44(d):

	Dentist's Fee	Patient's Charge
4401	per tooth £7.60	(£0.00)

44(b) Conservation of a molar with a preformed metal cap inclusive of all preparation in connection therewith, including dressings, pulp cappings and pin or screw or acid etch retention, but excluding associated treatment in connection with item 44(c):

4402	per tooth £19.95	(£0.00)
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44(c) Amputation of the coronal portion of the vital pulp, including any necessary dressing:

4403	per tooth £8.00	(£0.00)
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44(d) Non vital pulpotomy including any necessary dressing:

4404

per tooth **£15.20** **(£0.00)**

44(e) In connection with treatment on referral: filling including any dressing, pulp capping and pin or screw or acid etch retention and other preparatory treatment, but excluding associated treatment appropriate to item 44(c) and 44(d):

4405

per tooth **£13.50** **(£0.00)**

44(f) Application of fissure sealants as a primary preventive measure to pits and fissures of unfilled permanent molar teeth within 2 years of their eruption:

4406

per tooth **£7.60** **(£0.00)**

Proviso to Item 44:

1. no fee under item 44(e) shall be payable where a fee has been paid, or is payable, to the same dentist under item 41;
2. only one fee under item 44(f) shall be payable for the same tooth by the same dentist

Section XI—Continuing Care and Patient Management

45. **Continuing Care Payments:** Fees payable for the provision of continuing care to patients aged 18 years or over:—

			Dentist's Fee	Patient's Charge
45(a)	18–64 years of age	per month	£0.93	(£0.00)
45(b)	65 or over	per month	£1.18	(£0.00)

45(c) Where the patient has a severe mental or physical disability or severe learning difficulties and where, to provide treatment, it is necessary for the dentist to spend at least double the normal amount of time for a patient of the same age:

per month double the appropriate basic fee [item 45(a) or (b)] (no patient charge)

Provisos to Item 45:

- no fee shall be payable under item 45 for a patient in respect of whom the same dentist is providing occasional treatment or treatment on referral from another dentist;
- where the Board authorises a payment under item 45 in respect of a patient aged 18 years or over and in continuing care on or after April 2007, the CSA shall pay to the dentist an additional sum equal to 0.3% of the amount so authorised. Where as a result, the total payments authorised under item 45 in any month amount to a fraction of one whole penny, the CSA shall round the payment to the nearest whole penny;
- no fee shall be payable to the same dentist under items 41(a) or (b) and (c) for the same patient.

46. **Treatment on Referral:** Fee for patient management where the patient is being treated on referral from another dentist with whom the patient has a continuing care or capitation agreement.

per whole or part 3 month period £6.55 (£0.00)

Provisos to Item 46:

- fees shall only be payable under this item in connection with treatment which the referring dentist is unable to carry out because of a lack of necessary facilities, experience or expertise;
- additional fees under Section I–X inclusive and Section XIII shall be payable for all items of treatment, subject to proviso 1, other than where the referral is for occasional treatment in which case fees shall be payable only for items listed in Section XII [occasional treatment];
- where the treatment is required because of trauma or where the patient is judged to be in pain, the prior approval of the Board shall not be required;
- at least one patient visit shall occur within each 3 month period for which a fee is claimed;
- no more than eight such quarterly fees, or in the case of orthodontic referrals 12 such quarterly fees, are payable, per referral, for any one patient;
- no fee shall be payable under this item where the referral is for examination or diagnosis only or where the referral is for occasional treatment.

Section XII—Occasional Treatment

47. Assessment and Advice:—

47(a) Fee for the assessment (including assessment of oral mucosal) of, and the giving of advice to a patient:

	Dentist's Fee	Patient's Charge
4701	£7.75	(£0.00)

per course of treatment

Provisos to Item 47:

1. no fee under item 47(a) shall be payable for assessment of patients in a school or institution;
2. only 1 assessment fee shall be payable to the same dentist during the same course of treatment;
3. no fee shall be payable under item 47(a), except where urgent attention and advice are required in connection with trauma, for an assessment of a patient for whom the same dentist was paid, or is entitled to be paid, a fee under item 47(a) for an assessment carried out during the previous 5 complete calendar months.

48. Issue of a Prescription Only:—

4801	£4.20	(£3.36)
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per prescription

Proviso to Item 48:

No fee shall be payable under item 48 in connection with any treatment other than item 57 [domiciliary visits and recalled attendance].

49. Radiographic Examination and Radiological Report: Fee per course of occasional treatment:—

49(a) Small films (under 16 square centimetres):

	1 film	£3.80	(£3.04)
	2 films	£5.30	(£4.24)
	3 films	£6.55	(£5.24)
	each additional film	£1.75	(£1.40)
4901	up to a maximum for additional films	£15.75	(£12.60)

49(b) Medium films (16 to 50 square centimetres):

	1 film	£5.05	(£4.04)
	each additional film	£2.20	(£1.76)
4911	up to a maximum for additional films	£4.50	(£3.60)

49(c) Large films (over 50 square centimetres, other than panoral or lateral skull films):

	Dentist's Fee	Patient's Charge
4921	1 film £8.00	(£6.40)
	each additional film £3.80	(£3.04)
	up to a maximum for additional films £7.60	(£6.08)

49(d) Panoral film, normally not more than one film to be taken every 3 years:

4931	per film £11.85	(£9.48)
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Proviso to Item 49:

Where the patient is under 18 years of age no more than 2 fees shall be payable for radiographs under item 49(d) unless the prior approval of the Board is obtained.

50. Dressing of Deciduous or Permanent Teeth and Other Palliative Treatment:—

50(a) Dressings, including any preparatory treatment:

5001	1 tooth £5.80	(£4.64)
	2 teeth £8.25	(£6.60)
	each additional tooth £2.20	(£1.76)
	up to a maximum of £17.15	(£13.72)

50(b) Incising an abscess:

5011	per abscess £7.60	(£6.08)
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50(c) Opening root canal(s) for drainage:

5021	per tooth £8.70	(£6.96)
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50(d) Pulp extirpation and dressing to seal cavities in permanent teeth:

5031	one canal	per tooth £12.20	(£9.76)
5032	more than one canal	per tooth £18.25	(£14.60)

50(e) Stoning and smoothing the surface of a tooth, including any necessary finishing and polishing (except in respect of teeth treated under items 51 [inlays, crowns and bridges] and/or 58(b), 58(c) and 58(e) [fillings]):

5041	1 tooth £2.70	(£2.16)
	2 or more teeth £5.05	(£4.04)

50(f) Treatment of sensitive cementum or dentine:

5051	per course of treatment £5.05	(£4.04)
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50(g) Splinting in connection with external trauma:

- (1) provision of emergency splinting for luxated or mobile teeth consisting of cemented foil or other similar material designed to allow primary healing to take place:

		Dentist's Fee	Patient's Charge
5061	per splint	£22.95	(£18.36)

- (2) provision of an acid etch retained composite splint:

	per union	£16.75	(£13.40)
5062	up to a maximum per arch of	£60.80	(£48.64)

- (3) additional fee for metal bar or wire insert in connection with treatment under item 50(g)(2):

5063	per splint	£3.55	(£2.84)
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50(h) Re-implantation of a luxated permanent tooth following trauma:

5071	per tooth	£15.80	(£12.64)
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- 50(i) Removal of the fractured portion of a natural crown, where its dissection from supporting soft tissue is necessary, prior to the provision of a permanent restoration:

5075	per tooth	£8.00	(£6.40)
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- 50(j) Any other treatment immediately necessary as a result of trauma:

5081	such fee as the Board may determine		
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51. **Inlays, Crowns and Bridges:—**

- 51(a) Temporary crown provided as an immediately necessary palliative:

5102	other than post retained	£14.15	(£11.32)
5103	post retained	£19.95	(£15.96)

- 51(b) Removal of a post fractured at or below a root face, necessitating the modification of the existing canal form:

5104	per post	£15.50	(£12.40)
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- 51(c) Refixing or recementing an inlay or crown:

5111	per inlay	£10.20	(£8.16)
5112	per crown	£10.20	(£8.16)

51(d) Refixing or recementing:

(1) an acid etch retained bridge:

5121

	Dentist's Fee	Patient's Charge
per bridge	£27.90	(£0.00)

(2) any other bridge:

5122

per bridge	£14.80	(£0.00)
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51(e) Repairing a bridge:

5131

such fee as the Board may determine

52. **Extractions of Teeth:—**

52(a) Fee per course of treatment for extraction of:

5201

1 tooth	£7.60	(£6.08)
2 teeth	£13.80	(£11.04)
3 or 4 teeth	£21.25	(£17.00)
5 to 9 teeth	£27.90	(£22.32)
10 to 16 teeth	£37.55	(£30.04)
17 or more teeth	£45.90	(£36.72)

Additional fee for each visit for extractions, including the first:

5206

per visit	£6.25	(£5.00)
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52(b) Removal of buried root, unerupted tooth, impacted tooth or exostosed tooth, involving the raising and replacement of a surgical flap with any necessary suturing, including all associated attention except in connection with postoperative haemorrhage requiring additional visit(s):

(1) involving soft tissue only:

5211

per tooth	£21.25	(£17.00)
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(2) involving bone removal for:

(i) incisor and canines:

5212

per tooth	£29.50	(£23.60)
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(ii) premolars, molars other than impacted third molars:

5213

per tooth	£36.20	(£28.96)
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(iii) impacted third molars not requiring division of roots or crown:

			Dentist's Fee	Patient's Charge
5214	upper jaw	per tooth	£37.55	(£30.04)
5216	lower jaw	per tooth	£44.40	(£35.52)

(iv) impacted third molars requiring division of roots or crown:

5215	upper jaw	per tooth	£47.55	(£38.04)
5217	lower jaw	per tooth	£52.60	(£42.08)

Provisos to Item 52:

No fee shall be payable under item 52(b) unless appropriate radiographs are available.

53. Post Operative Care:—

53(a) Treatment for arrest of haemorrhage, including abnormal haemorrhage following dental treatment provided otherwise than as part of general dental services:

(1) arrest of haemorrhage other than under item 53(a)(2) and/or 53(b):

5301	per visit	£24.20	(£0.00)
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(2) removal of plugs and/or sutures:

5302	per visit	£7.60	(£0.00)
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53(b) Treatment of infected sockets and/or other sequelae:

5311	1 visit	£7.60	(£6.08)
	2 or more visits	£15.55	(£12.44)

54. **Sedation:** Where, in the opinion of the dentist, any necessary treatment could not otherwise be provided because of a physical or mental handicap, or a form of mental illness requiring medical attention, or disproportionate dental anxiety:

54(b) Administration of a single intravenous sedative agent or inhalation sedation, using a dedicated machine capable of delivering a fixed maximum level of nitrous oxide and a fixed minimum level of oxygen when providing inhalation sedation, by a doctor or dentist other than the dentist carrying out the treatment to include any preliminary investigation and blood testing:

(1) in connection with treatment provided under only item 52(a) [extractions]. Fee per visit, where the number of teeth extracted at the visit is:

5451	1–4	£24.20	(£19.36)
5452	5–9	£27.90	(£22.32)
5453	10–16	£32.85	(£26.28)
5454	17 or more	£40.90	(£32.72)
5460	up to a maximum per course of treatment	£81.80	(£65.44)

- (2) in connection with treatment under item 50 [dressings], 52(b) [extractions of special difficulty] and/or item 58(a)–(f) [conservation]. Fee per visit, where the cost of treatment carried out under sedation at that visit is:

		Dentist's Fee	Patient's Charge
5455	up to and including £10.00	£24.20	(£19.36)
5456	from £10.01 to £25.00	£44.40	(£35.52)
5457	from £25.01 to £50.00	£63.95	(£51.16)
5458	greater than £50.00	£81.80	(£65.44)

- (3) additional fee where a doctor or a dentist other than the dentist carrying out the treatment is called to the surgery where the dentist is to provide treatment in an emergency and where the distance travelled is:

5466	less than 1.61 kilometres (1 mile)	£27.90	(£0.00)
5467	1.61 kilometres (1 mile) or more	£49.20	(£0.00)

- 54(c) Administration of a single intravenous sedative agent or inhalation sedation, using a dedicated machine capable of delivering a fixed maximum level of nitrous oxide and a fixed minimum level of oxygen when providing inhalation sedation, by and under the direct and constant supervision of the dentist carrying out the treatment.

- (1) This item has been deleted
- (2) Fee per patient visit, for administration by:

5473	inhalation supplement	£11.60	(£9.28)
		£5.50	(£0.00)
5474	injection supplement	£20.75	(£16.60)
		£7.15	(£0.00)

Provisos to Item 54:

- no fee shall be payable under item 54(b)(1) where a fee is also payable under item 54(b)(2) for treatment provided at the same visit;
- no fee shall be payable under item 54(b)(3) where the attendance of the appropriately qualified doctor immediately precedes or follows any other attendance at that surgery on the same day.

55. Repairs and Alterations to Dentures and Other Appliances:—

- 55(a) Repairs to dentures:

- (1) repairing a crack or fracture, or renewal of gum (including provision of any strengthener), or refixing a tooth, or providing and fixing a replacement tooth (including any associated gum):

5501	upper	1 repair	£15.80	(£0.00)
5502	lower	each additional repair to the same denture	£5.50	(£0.00)

- (2) refixing a clasp, or providing and fixing a replacement clasp (including any associated gum):

			Dentist's Fee	Patient's Charge
5503	upper	1 repair	£22.95	(£0.00)
5504	lower	each additional repair to the same denture	£11.10	(£0.00)

- (3) other repairs. Fee appropriate to similar treatment under items 55(a)(1) and/or 55(a)(2), together with an additional fee when attention to cast metal components is necessary:

5511	such fee as the Board may determine
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- (4) additional fee where impression technique is necessary in connection with one or more repairs under item 55(a) [repairs to dentures]:

5521	upper	per denture	£7.30	(£0.00)
5522	lower			

55(b) Adjustments to dentures:

- (1) adjusting a denture (including any easing and/or polishing) other than a denture provided, relined or rebased by the same dentist within the preceding 5 complete calendar months:

5531	upper	per denture	£11.10	(£8.88)
5532	lower			

- (2) other adjustments. Fee appropriate to similar treatment under item 55(b)(1), together with an additional fee where attention to cast metal components is necessary:

5541	such fee as the Board may determine
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55(c) Relining or rebasing dentures or provision or renewal of soft linings to existing dentures other than with a material polymerised in the mouth. Treatment to include all adjustments needed within a reasonable period of time after completion:

- (1) for relining or rebasing only:

5551	upper	per denture	£37.55	(£30.04)
5552	lower			

- (2) for relining or rebasing with the addition of a labial and/or buccal flange:

5553	upper	per denture	£42.70	(£34.16)
5554	lower			

- (3) for provision or renewal of soft lining or soft partial lining to an existing denture where such lining is required on account of the condition of the patient's alveolus:

			Dentist's Fee	Patient's Charge
5555	upper			
5556	lower	per denture	£57.60	(£46.08)

55(d) Additions to dentures:

- (1) addition of a clasp (including any associated gum):

5561	upper			
5562	lower	per addition	£31.15	(£24.92)

- (2) addition of a tooth (including any associated gum):

5563	upper			
5564	lower	per addition	£26.20	(£20.96)

- (3) addition of a new gum not associated with an addition under items 55(d)(1) or 55(d)(2):

5565	upper			
5566	lower	per addition	£26.20	(£20.96)

- (4) other additions. Fee appropriate to similar treatment under items 55(d)(1) and/or 55(d)(2), together with an additional fee where attention to cast metal components is necessary:

5571 such fee as the Board may determine

55(e) Repairs to orthodontic appliances:

- (1) repairing cracks or fractures in the acrylic of a removable appliance:

5581	upper			
5587	lower	per appliance	£24.20	(£0.00)

- (2) refixing a metal component or providing and fixing a replacement metal component on a removable appliance only. Fee per appliance:

5582	upper	one repair	£29.50	(£0.00)
5588	lower	each additional repair	£7.60	(£0.00)

- (3) repairing a functional appliance:

5583 per appliance **£37.55** **(£0.00)**

- (4) repairing a fixed appliance involving the replacement of one or more brackets, bands, archwires or auxiliaries or any combination thereof in one arch:

		Dentist's Fee	Patient's Charge
5584	upper	per appliance £50.90	(£0.00)
5589	lower		

Additional fee where an impression technique is necessary in connection with repairs under items 55(e)(1), 55(e)(2) or 55(e)(3) above. A second additional fee shall only be payable when necessary in connection with the repair of a functional appliance:

5585	upper	per impression £7.30	(£0.00)
5586	lower		

55(f) Other repair or adjustment to a fixed or removable appliance:

5591	such fee as the Board may determine
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Provisos to Item 55:

- where combinations of repairs under items 55(a)(1) and 55(a)(2) are undertaken, the fee for one repair shall be at the highest appropriate fee for the single repair and the fee for each additional repair shall be £5.50;
- no fee in excess of £36.20 denture shall be payable under items 55(a)(1) and 55(a)(2);
- no fee shall be payable under item 55(a)(4)[impressions] where a fee is also payable under items 55(c) [relining] or 55(d) [additions] for the same denture;
- no fee in excess of £44.40 denture shall be payable under item 55(d) or for any combination of treatment under items 55(a) and 55(d), except where treatment is also provided under items 55(a)(3) and/or 55(d)(4) in which case these fees are payable in addition;
- where a combination of repairs under items 55(e)(1) and 55(e)(2) is undertaken, the fee for the repair shall be the highest appropriate fee for the single repair and the fee for each additional repair shall be £7.60 to a maximum of £15.55.

56. **Treatment Urgently Required for Acute Conditions:** For conditions of the gingivae/oral mucosa (including pericoronitis, ulcers and herpetic lesions), including any necessary oral hygiene instruction and/or the issue of a prescription:

5601	per course of treatment £7.30	(£5.84)
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57. **Domiciliary Visits and Recalled Attendance:**

57(a) Domiciliary visits including travel to one or more patients whose condition so requires at a location or locations other than the dentist's surgery to provide treatment under NHS arrangements. Normally no more than two claims would be appropriate for domiciliary visits in respect of any day. Fee per circuit where the total distance travelled is:

		Dentist's Fee	Patient's Charge
5701	less than 16.1 kilometres (10 miles)	£34.55	(£0.00)
5702	16.1 kilometres (10 miles) to 64.4 kilometres (40 miles)	£47.55	(£0.00)
5703	over 64.4 kilometres (40 miles)	£62.40	(£0.00)

57(b) Recalled attendance to reopen the dentist's surgery and provide treatment at the surgery in an emergency under NHS arrangements at a time when the surgery would not normally be open. Fee per circuit where the total distance travelled is:

5711	less than 1.61 kilometres (1 mile)	£40.90	(£0.00)
5712	1.61 kilometres (1 mile) or more	£67.30	(£0.00)

58. **Conservative Treatment:**

58(a) UNALLOCATED

58(b) Permanent amalgam fillings, including any dressings, pulp capping and other preparatory treatment, in permanent or retained deciduous teeth:

(1) 1 surface:

5811	per tooth	£8.25	(£6.60)
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(2) 2 or more surfaces:

5812	per tooth	£12.20	(£9.76)
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(3) 2 or more surfaces where the mesio-occlusal or disto-occlusal surfaces are involved:

5813	per tooth	£16.05	(£12.84)
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(4) 3 or more surfaces where the mesio-occlusal and disto-occlusal surfaces are involved:

5814	per tooth	£21.25	(£17.00)
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58(c) Other permanent fillings, including any dressings, pulp capping or other preparatory treatment, in permanent or retained deciduous teeth:

(1) composite resin or synthetic resin filling, including acid etch retention:

5821	1 filling	£15.55	(£12.44)
5820	two or more fillings in the same tooth	£24.20	(£19.36)

Additional fees for a restoration involving:

		Dentist's Fee	Patient's Charge
5822	1 incisal angle (mesial or distal)	£5.05	(£4.04)
5823	incisal edge not involving incisal angle	£1.00	(£0.80)
5824	2 incisal angles (mesial and distal)	£8.25	(£6.60)

Additional fee for restoration of a cusp tip of a premolar or a buccal cusp tip of a first molar tooth:

5825	per tooth	£11.85	(£9.48)
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(2) glass ionomer, silicate or silico-phosphate filling:

5826	1 filling	£14.15	(£11.32)
5827	two or more fillings in the same tooth	£19.35	(£15.48)

58(d) Pin or screw retention in connection with treatment under item 58(b)(2), 58(b)(3), 58(b)(4) or 58(c):

5831	per tooth	£6.55	(£5.24)
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58(e) Treatment of any surface of a permanent tooth using glass ionomer cement, where the tooth would otherwise be extracted but this is contra-indicated by exceptional medical or dental conditions:

5836	per filling	£14.15	(£11.32)
5837	maximum per tooth	£21.05	(£16.84)

58(f) For teeth anterior to the first molar, root filling of each root canal with a permanent radio-opaque filling material, not more than 2 teeth being treated under this item unless in connection with trauma, including all attention in connection therewith except for treatment appropriate to items 49 [radiographs], 51 [inlays, crowns and bridges], 54 [sedation], 58(b), 58(c) and 58(e) [fillings], 58(g) [replacement of a temporary bridge], and except for the dressing or temporary protection of a tooth where a permanent restoration is not provided:

5841	incisor or canine tooth	£44.70	(£35.76)
5842	upper premolar tooth	£60.85	(£48.68)
5843	lower premolar tooth	£52.70	(£42.16)

58(g) Replacement of a temporary bridge where the original is lost or damaged beyond repair:

(1) fabricated in the laboratory in cases where the temporary bridge is to be retained for at least 3 months:

5851	per unit	£16.75	(£13.40)
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(2) all other temporary bridges:

5852	per unit	£6.25	(£5.00)
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Provisos to Item 58:

1. where more than one claim is made under item 58(b) for the same tooth in the same course of treatment, the higher fee only shall be paid;
2. no fee shall be payable to the same dentist in respect of the same patient under items 58(b) or 58(c) for more than two permanent or retained deciduous teeth;

5838 3. no fee in excess of £29.50 shall be payable for any combination of treatment in one tooth under items 58(b) and 58(c), except where an additional fee would be payable under items 58(c)(1) or 58(d) when the maximum shall be £32.85;

5839 4. no fee shall be payable under item 58(e) where a fee is payable under items 58(b), 58(c) or 58(f) in respect of the same tooth;

5. no fee shall be payable under item 58(f) unless appropriate radiographs are available.

59. **Appliances:** Replacement of a denture bearing one or more teeth anterior to the first premolar where there are no unsound teeth in the same arch, including any necessary clasps, rests and strengtheners and all adjustments needed within a reasonable period after completion, where the original is lost or damaged beyond repair or where new dentures are necessitated by trauma or exceptionally by extraction:

59(a) Replacement of dentures in synthetic resin, including all necessary backing and tagging:

(1) full upper and full lower dentures:

	Dentist's Fee	Patient's Charge
5900	per set £167.75	(£134.20)

(2) full upper or full lower denture (one only):

5901 upper	per denture	£104.65	(£83.72)
5902 lower			

(3) partial denture bearing:

5903 upper	1, 2 or 3 teeth	£65.60	(£52.48)
5905 lower	4 to 8 teeth	£86.95	(£69.56)
	9 or more teeth	£103.45	(£82.76)

(4) additional fee for stainless steel lingual or palatal bar:

5904	per unit	£13.80	(£11.04)
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59(b) Replacement of a metal based denture:

(1) full dentures in chrome cobalt or stainless steel:

5911 upper	full upper or full lower denture	£147.80	(£118.24)
5912 lower			

(2) This item has been deleted.

(3) This item has been deleted.

(4) This item has been deleted.

(5) additional fee where teeth are backed:

		Dentist's Fee	Patient's Charge
5916	per tooth	£10.45	(£8.36)
	up to a maximum per denture of	£62.40	(£49.92)

*(6) dentures in any other metal:

5921 such fee as the Board may determine

59(c) Additional fee per denture for the provision of a soft lining or soft partial lining other than one polymerised in the mouth where such lining is required on account of the condition of the patient's alveolus:

5931	upper	per denture	£34.55	(£27.64)
5932	lower			

59(d) Additional fee for the use of laboratory constructed special trays for the taking of final impressions:

5941	upper	per denture	£16.75	(£13.40)
5942	lower			

59(e) Additional fee for inclusion of a permanent patient-identification marker in a denture:

5951	upper	per denture	£5.30	(£4.24)
5952	lower			

Proviso to Item 59:

5910 No fee in excess of £208.10 shall be payable for any combination of treatment under items 59(a)(2) or 59(a)(3), except where treatment is also provided under items 59(a)(4), 59(c), 59(d) or 59(e) in which case these fees are payable in addition.

60. **Treatment Special to Minors:** Conservative treatment of not more than two deciduous teeth in patients under 18 years of age at the beginning of a course of treatment.

60(a) Filling including any dressing, pulp capping and pin or screw or acid etch retention and any other preparatory treatment, but excluding associated treatment appropriate to item 60(c) and 60(d):

6001	per tooth	£13.50	(£0.00)
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60(b) Conservation of a molar with a preformed metal cap inclusive of all preparation in connection therewith, including dressings, pulp cappings and pin or screw or acid etch retention but excluding associated treatment in connection with item 60(c):

	Dentist's Fee	Patient's Charge
6002	per tooth £19.95	(£0.00)

60(c) Vital pulpotomy consisting of removal of the coronal portion of the pulp, including any necessary dressing:

6003	per tooth £8.00	(£0.00)
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60(d) Non-vital pulpotomy, including any necessary dressing:

6004	per tooth £15.20	(£0.00)
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Proviso to Item 60:

Where treatment is required in an emergency or in association with sedation there is no restriction on the number of teeth which can be treated in a course of treatment.

61. UNALLOCATED

Section XIII—Incomplete Treatment

Fees under this section should normally be claimed only after the elapse of at least 2 months since the last patient attendance. When fees for veneers, inlays, pinlays, crowns, dentures, bridges and other appliances are claimed under this section the appliance must be retained for at least 12 months after the date of payment and submitted to the Board on request. If the patient resumes treatment, normally only the balance of fees will be subsequently payable.

62. **Dentures in Synthetic Resin:** Treatment begun under items 27 or 59, but either not completed or not fitted.

In Synthetic Resin:

62(a) Impression taken and occlusal rims constructed

	25% of the appropriate scale fee for a synthetic resin denture
6200	Full upper and lower
6201	Full upper
6202	Partial upper
6203	Full lower
6204	Partial lower
6205	Maximum combinations

62(b) Set-up to try-in stage

	50% of the appropriate scale fee for a synthetic resin denture
6210	Full upper and lower
6211	Full upper
6212	Partial upper
6213	Full lower
6214	Partial lower
6215	Maximum combinations

62(c) Tried-in in the wax state

	66^{2/3} % of the appropriate scale fee for a synthetic resin denture
6220	Full upper and lower
6221	Full upper
6222	Partial upper
6223	Full lower
6224	Partial lower
6225	Maximum combinations

62(d) Completed but not fitted

**95% of the appropriate scale
fee for a synthetic resin denture**

6230	Full upper and lower
6231	Full upper
6232	Partial upper
6233	Full lower
6234	Partial lower
6235	Maximum combinations

In Chrome Cobalt or Stainless Steel:

62(e) Impression taken and occlusal rims constructed

**25% of the appropriate scale
fee for a synthetic resin denture**

6240	Full upper and lower
6241	Full upper
6242	Partial upper
6243	Full lower
6244	Partial lower
6245	Maximum combinations

62(f) Set-up to try-in stage—no metal cast

**50% of the appropriate scale
fee for a synthetic resin denture**

6250	Full upper and lower
6251	Full upper
6252	Partial upper
6253	Full lower
6254	Partial lower
6255	Maximum combinations

62(g) Set-up to try-in stage—metal cast:

(1) full upper or full lower denture

6261	upper	70% of the appropriate scale fee for a metal denture
6262	lower	

(2) plate design partial denture

6263	upper	70% of the appropriate scale fee for a metal denture
6266	lower	

(3) skeleton design partial denture with single connecting bar

6264	upper	70% of the appropriate scale fee for a metal denture
6267	lower	

(4) skeleton design partial denture with multiple connecting bars

6265	upper	70% of the appropriate scale fee for a metal denture
6268	lower	

62(h) Tried-in in the wax state

(1) full upper or full lower denture

6271	upper	85% of the appropriate scale fee for a metal denture
6272	lower	

(2) plate design partial denture

6273	upper	85% of the appropriate scale fee for a metal denture
6276	lower	

(3) skeleton design partial denture with single connecting bar

6274	upper	85% of the appropriate scale fee for a metal denture
6277	lower	

(4) skeleton design partial denture with multiple connecting bar

6275	upper	85% of the appropriate scale fee for a metal denture
6278	lower	

62(i) Completed but not fitted

(1) full upper or full lower denture

6281	upper	95% of the appropriate scale fee for a metal denture
6282	lower	

(2) plate design partial denture

6283	upper	95% of the appropriate scale fee for a metal denture
6286	lower	

(3) skeleton design partial denture with single connecting bar

6284	upper	95% of the appropriate scale fee for a metal denture
6287	lower	

(4) skeleton design partial denture with multiple connecting bar

6285	upper	95% of the appropriate scale fee for a metal denture
6288	lower	

63. **Fillings and Endodontic Treatment:** Treatment begun under items 14, 15 or 58, but not completed.

63(a) Dressings, including any preparatory treatment:

	Dentist's Fee	Patient's Charge
6301	1 tooth £5.80	(£4.64)
	2 teeth £8.25	(£6.60)
	each additional tooth £2.20	(£1.76)
	up to a maximum of £17.15	(£13.72)

63(b) Incising an abscess:

6311	per abscess £7.60	(£6.08)
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63(c) Opening root canal(s) for drainage:

6321	per tooth £8.70	(£6.96)
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63(d) Pulp extirpation and dressing to seal cavities in permanent teeth:

6331	one canal per tooth £12.20	(£9.76)
6332	more than one canal per tooth £18.25	(£14.60)

63(e) Any other endodontic treatment (including combinations of 63(b), 63(c) and 63(d)), involving one visit only:

6341	per incisor or canine tooth £16.25	(£13.00)
6342	per upper premolar tooth £24.20	(£19.36)
6343	per lower premolar tooth £19.65	(£15.72)
6344	per molar tooth £39.45	(£31.56)

63(f) Any other endodontic treatment (including combinations of 63(b), 63(c) and 63(d)), involving more than one visit:

6351	per incisor or canine tooth £24.65	(£19.72)
6352	per upper premolar tooth £36.20	(£28.96)
6353	per lower premolar tooth £29.50	(£23.60)
6354	per molar tooth £59.05	(£47.24)

Proviso to Item 63:

Only one fee shall be payable under this item for the same tooth in the same course of treatment.

64. **Porcelain Veneers:** Made under item 16 but not fitted:

6401	per tooth £86.95	(£69.56)
6400	additional fee for first or only tooth treated £7.60	(£6.08)

65. **Crowns:** Made under item 17 but not fitted:

65(a) Porcelain jacket crown:

		Dentist's Fee	Patient's Charge
6501	per crown	£70.65	(£56.52)

65(b) Bonded crowns:

(1) full or jacket crown cast in an alloy of fine gold or precious metal, with thermally bonded porcelain:

6511	per crown	£103.15	(£82.52)
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(2) full or jacket crown cast in non-precious metal alloy, with thermally bonded porcelain:

6512	per crown	£98.50	(£78.80)
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(3) porcelain jacket crown thermally bonded to wrought platinum coping:

6513	per crown	£80.40	(£64.32)
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65(c) Cast full or jacket crowns:

(1) This item has been deleted:

6521
6520

(2) in precious metal alloy:

6522	per crown	£87.45	(£69.96)
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(3) in non-precious metal alloy:

6523	per crown	£70.65	(£56.52)
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65(d) Additional fee in connection with items 65(a), 65(b) and 65(c) for the first or only crown in the same arch:

6500	per arch	£7.60	(£6.08)
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66. UNALLOCATED

67. UNALLOCATED

68. UNALLOCATED

69. UNALLOCATED

70. UNALLOCATED

71. UNALLOCATED

72. UNALLOCATED

73. **Any Other Incomplete Treatment**

7301

such fee as the Board may determine

Section XIV—Additional Payments

74. Additions in respect of earlier payments

Where the Board sends to the CSA an authorisation of payment under Determination I on or after 1 April 2007 but before 1 June 2007 in respect of a contract or arrangement entered into on or after 1 April 2007 but before 1 June 2007, the CSA shall pay the dentist an additional sum equal to 3% of the payment so authorised.

75. Scale additions:

Where the Board sends to the CSA an authorisation of payment under Determination I dated on or after 1 April 2007 in respect of a contract or arrangement entered into or made:

- (a) before 1 June 2003, the CSA shall pay to the dentist an additional sum equal to 12.53% of the payment so authorised.
- (b) on or after 1 June 2003 and before 1 August 2003, the CSA shall pay to the dentist an additional sum equal to 10.28% of the payment so authorised.
- (c) on or after 1 August 2003 and before 1 May 2004, the CSA shall pay to the dentist an additional sum equal to 9.3% of the payment so authorised.
- (d) on or after 1 May 2004 and before 1 April 2005, the CSA shall pay to the dentist an additional sum equal to 6.4% of the payment so authorised.
- (e) on or after 1 April 2005 and before 1 June 2006; the CSA shall pay to the dentist an additional sum equal to 3% of the payment so authorised.
- (f) on or after 1 June 2006 and before 1 April 2007, no additional payment shall be made.
- (g) on or after 1 April 2007 and before 1 June 2007, the CSA shall pay the dentist an additional sum equal to 3% of the payment so authorised;
- (h) on or after 1 June 2007 no additional payment shall be made.

Proviso to Item 75

No additional payments under item 75 will be made on payments on account already paid by the CSA pending completion of care and treatment.

76. Point of Treatment Checks

- 76(a) Fee per course of treatment where the patient is an adult and has claimed entitlement to exemption from, or remission of, the Patient's Charge:

	Dentist's Fee	Patient's Charge
per course of treatment	£0.12	(£0.00)

Provisos to Item 76:

1. fees shall only be payable under item 76(a) where the patient is aged 18 or over;

2. only one claim under item 76(a) is allowed per course of treatment;
3. fees shall only be payable under item 76(a) where the dentist has met the obligations under paragraph 27A of Schedule 1 to the National Health Service (General Dental Services) (Scotland) Regulation 1996 with regard to the checking of a patient's entitlement to exemption from, or remission of, the Patient's Charge.

Section XV—Conditions of Payment of Remuneration

Interpretation

1.—(1) In this Section, unless the context otherwise requires:—

"the Board" means the Scottish Dental Practice Board;

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

"dental list" means a dental list prepared by a Health Board in accordance with Regulation 4(1) of the Regulations;

"dental payment claim form" means—

- (a) in respect of the provision of general dental services other than orthodontic care and treatment, the form GP17, supplied by the Health Board for the purposes of payment for such services, or a form to like effect;
- (b) in respect of the provision of orthodontic care and treatment, the form GP17(O), supplied by the Health Board for the purposes of payment for such care and treatment, or a form to like effect;

and "appropriate dental payment claim form" shall be construed accordingly;

"dentist" means a registered dental practitioner whose name is included on the dental list of a Health Board otherwise than as a salaried dentist;

"emergency dental services" shall have the same meaning as in the Regulations;

"practice record form" means a form supplied by the Health Board and completed for the purpose of obtaining general dental services in circumstances where the dentist intends to use a computer to make a claim for remuneration;

"Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1996.

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

Conditions of Payment

2.—(1) It shall be a condition of the payment of remuneration for the provision of general dental services that a dentist satisfies the conditions specified in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) are that the dentist—

- (a) shall make a claim for remuneration on the relevant part of the appropriate dental payment claim form completed and sent to the Board in accordance with paragraph 3 (completion of forms);
- (b) shall comply with paragraph 4 (time limits); and
- (c) shall comply with paragraph 6 (conditions as to materials).

Completion of Appropriate Dental Payment Claim Form

3.—(1) Subject to sub-paragraph (2) and paragraph 5 (use of computers), in providing general dental services, a dentist shall, at the appropriate time—

- (a) complete each relevant part of the appropriate dental payment claim form; and
- (b) secure the completion of that form as far as applicable, by the patient or any person acting on behalf of the patient;

in accordance with instructions given by the Scottish Executive Health Department for completion of dental payment claim forms and send that form to the Board.

(2) A dentist may, where the patient is accepted into a continuing care arrangement without an examination by the dentist or requires care and treatment under such an arrangement which is likely to last more than 3 months, use an appropriate dental payment claim form supplied by the Health Board for the purposes of payment for such an arrangement, or a form to like effect, and shall—

- (a) complete the relevant part of that form; and
- (b) secure the completion of that form as far as applicable by the patient;

in accordance with instructions given by the Scottish Executive Health Department for completion of dental payment claim forms and send that form to the Board.

Time Limits

4.—(1) A dentist shall:—

- (a) where care and treatment for a patient is provided under a continuing care or a capitation arrangement, send the appropriate dental payment claim form to the Board within three months of the completion of such care and treatment;
- (b) send the appropriate dental payment claim form, referred to in paragraph 3(2), to the Board within three months of the patient being accepted into a continuing care arrangement;
- (c) when making a claim for payment under Section X, paragraph 41 (capitation payments) of this Determination, send the appropriate dental payment claim form to the Board within three months of the patient being accepted into the capitation arrangement or the arrangement being extended;
- (d) in the case of treatment on referral, send the appropriate dental payment claim form to the Board within three months of the completion of such treatment on referral; or
- (e) in the case of occasional treatment, send the appropriate dental payment claim form to the Board within three months of the completion of such occasional treatment.

(2) In very exceptional circumstances where an adequate reason is provided the Board may have discretion to pay dentists for claim forms received outwith the time limit. Each claim form will be considered by the Board on its merits under this discretionary power. Batches of claims will not be considered under this discretionary power.

Use of Computers

5.—(1) A dentist who is required by paragraph 3 to make a claim for remuneration by completing and sending a dental payment claim form to the Board may, by arrangement with the Board, use a computer to make that claim for remuneration.

(2) A dentist who, in accordance with sub-paragraph (1), uses a computer to make a claim for remuneration—

- (a) shall, at the appropriate time, secure the completion so far as applicable, by the patient or any person acting on behalf of the patient, of the practice record form; and
- (b) shall use only such computer program as the Board has approved as suitable for the purpose;
- (c) shall include with the claim for remuneration—
 - (i) the number by which his arrangement with the Health Board is identified, the patient's name and address, sex and date of birth and details of the care and treatment provided; and
 - (ii) the personal identification number allocated to him by the Board for the purpose; and
- (d) shall ensure so far as is reasonably possible, that the data is transmitted to the Board in the format required by the Board.

(3) A dentist who uses a computer to make a claim for remuneration is deemed to have accepted responsibility for any claim for remuneration which is made by computer using the personal identification number allocated to him by the Board for that purpose.

Conditions as to Materials

6.—(1) A dentist shall not, without the prior approval of the Board, use materials other than dental amalgam, silicate, silico-phosphate or glass ionomer cements or composites or other self-polymerising synthetic resin filling materials for the filling of permanent teeth.

(2) A dentist:—

- (a) shall only use in metal denture bases—
 - (i) an alloy containing not less than 33¹/₃% fine gold, platinum or palladium and not more than 20% base metal; or
 - (ii) stainless steel; or
 - (iii) cobalt chromium casting alloy;
- (b) shall only use in bands and clasps—
 - (i) an alloy containing not less than 40% precious metal of fine gold, platinum or palladium, and including not less than 15% fine gold, and not more than 20% base metal; or
 - (ii) stainless steel; or
 - (iii) cobalt chromium casting alloy;

- (c) shall only use in cusps, backing posts and tags—
 - (i) an alloy containing not less than 33^{1/3}% fine gold, platinum or palladium and not more than 20% base metal; or
 - (ii) stainless steel; or
 - (iii) cobalt chromium casting alloy; or
 - (iv) nickel chromium casting alloy;

provided that he shall only use metal cusps in cases of close bite where porcelain or synthetic resin teeth cannot be used:

- (d) shall only use lingual or palatal bar castings which contain not less than 75% gold;
- (e) shall only use in crowns—
 - (i) an alloy containing not less than 33^{1/3}% fine gold, platinum or palladium and not more than 20% base metal; or
 - (ii) stainless steel; or
 - (iii) cobalt chromium casting alloy; or
 - (iv) nickel chromium casting alloy;
- (f) shall only use in inlays and bridges—
 - (i) an alloy containing not less than 33^{1/3}% of fine gold, platinum or palladium and not more than 20% base metal; or
 - (ii) cobalt chromium casting alloy; or
 - (iii) nickel chromium casting alloy; and
- (g) shall only use in inlay or three-quarter crown construction, synthetic resin for the provision of any facing or core.

Claims for Repairs and Replacements

7.—(1) Where a dentist:—

- (a) in the course of a continuing care arrangement, repairs or replaces in accordance with paragraph 7 of Schedule 1 to the Regulations, a restoration which he or another dentist on his behalf has provided;
- (b) in the course of a capitation arrangement, repairs or replaces any restoration specified in sub-paragraph (3), which he or another dentist on his behalf has provided and for which remuneration apart from the capitation fee is payable; or
- (c) in the course of providing treatment on referral, repairs or replaces in accordance with paragraph 13 of Schedule 1 to the Regulations, a restoration which he has provided;

he may, unless he considers the failure was due to some fault on his part, make a claim to the Board for payment of the fee in full for that repair or replacement.

(2) Where a dentist makes a claim under sub-paragraph (1), the Board shall authorise in accordance with the Scale of Fees the remuneration to be paid by the CSA to the dentist in respect of that repair or replacement unless it is satisfied that the need for the repair or replacement was the fault of the dentist who repaired or replaced the restoration.

(3) The restorations referred to in sub-paragraph (1)(b) are any filling, root filling, inlay, pinlay or crown which, within 12 months of the date on which it was provided, has to be repaired or replaced to secure oral health.

(4) Where a dentist, in the course of a continuing care arrangement or capitation arrangement transferred to him, repairs or replaces in accordance with paragraph 7 of Schedule 1 to the Regulations, a restoration which was provided by or on behalf of the dentist from whom the arrangement was transferred, he may make a claim to the Board for payment of the fee in full for that repair or replacement.

(5) Where a dentist makes a claim under sub-paragraph (4), the Board shall authorise in accordance with the Scale of Fees the remuneration to be paid by the CSA to the dentist in respect of that repair or replacement.

Claims for Repairs and Replacements – Occasional Treatment

8.—(1) Where a dentist in the course of occasional treatment repairs or replaces in accordance with paragraph 17 of Schedule 1 to the Regulations, a restoration which he or another dentist on his behalf has provided he may, unless he considers the failure was due to some fault on his part, make a claim to the Board for payment of the fee in full for that repair or replacement.

(2) Where a dentist makes a claim under sub-paragraph (1), the Board shall authorise in accordance with the Scale of Fees the remuneration to be paid by the CSA to the dentist in respect of that repair or replacement unless it is satisfied that the need for the repair or replacement was the fault of the dentist who repaired or replaced the restoration.

(3) The restorations referred to in sub-paragraph (1), are any filling or root filling which, within 12 months of the date it was provided, has to be repaired or replaced to secure oral health.

Emergency Dental Services

9. Where a dentist provides, pursuant to arrangements made under regulation 17 of the Regulations, emergency dental services to a patient who has a continuing care or capitation arrangement with him, he shall not be entitled to claim item of service fees in respect of any treatment provided to that patient as part of emergency dental services.

Application of this Section

10. This section applies where the contract or arrangement leading to the provision of general dental services is made on or after 1 October 1990.

Statement of Dental Remuneration

DETERMINATION II

RATES OF REMUNERATION FOR A SALARIED DENTIST AND THE PROVISION OF EMERGENCY DENTAL SERVICES

Part I—General

Application

1.—(1) The provisions of Parts I, IV, V, VI and VII of this Determination shall apply to a salaried dentist including such a dentist who is employed by a Health Board in accordance with the salary plus bonus scheme.

(2) The provisions of Part II of this Determination shall apply to a salaried dentist except where such a dentist is employed by a Health Board in accordance with the salary plus bonus scheme.

(3) The provisions of Part III of this Determination shall apply to a salaried dentist where he is employed by a Health Board in accordance with the salary plus bonus scheme.

Interpretation

2.—(1) In this Determination, unless the context otherwise requires:—

"appropriate salary scale" means for the period from 1 April 2007, the salary scale set out in paragraph 3;

"community dental service" means the dental service in Scotland provided under section 1 and 39(2) of the National Health Service (Scotland) Act 1978;

"dental officer" means any dentist employed within the community dental service;

"dentist" means a registered dental practitioner whose name is included on a dental list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

"designated area" means the areas of Borders, Dumfries & Galloway, Fife, Grampian, Highland, Orkney, Shetland and Western Isles Health Boards and within the area of Ayrshire & Arran Health Board, the Isle of Arran;

"EEA" means European Economics Area;

"local postgraduate education resource centre" means the postgraduate centres in Aberdeen, Dundee, Edinburgh, Glasgow and Inverness;

"quarter" means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December;

"registerable higher qualification" means any dental qualification held by the dentist (other than the dental qualification which entitled him to be registered as a dental practitioner under section 14 of the Dentists Act 1984) which is registerable pursuant to section 19(1)(c) of that Act;

"remote dentist" means a salaried dentist who is employed by a Health Board to provide general dental services on an island in Scotland or in an area which has less than 0.5 persons per hectare;

"salaried dentist" means a dentist, employed by a Health Board who undertakes to provide general dental services at a health centre, hospital or from any vehicle or moveable facility;

"salaried plus bonus dentist" means a salaried dentist employed by a Health Board in accordance with the salary plus bonus scheme;

"trainee" means a dentist who is employed by a Health Board as an assistant to a salaried dentist in accordance with paragraph 19 of this Determination;

"trainer" means a salaried dentist who supervises a trainee as an assistant in accordance with paragraph 19 of this Determination;

"training" means a period of one year's vocational training or two year's general professional training or in the case of a dentist who is registered by virtue of section 15(1)(b) or (2A) of the Dentists Act 1984 (registration of nationals of a EEA State who hold an appropriate European diploma) or is in any way a person in respect of whom a member State is prohibited by Common law from imposing such a requirement, evidence of suitable postgraduate experience as approved by NHS Education for Scotland.

"year" means the period beginning on 1 April in one year and ending on 31 March in the next year.

(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 II—Salaried Dentists

Remuneration

3.—(1) Subject to paragraph 6, the remuneration payable by a Health Board to a salaried dentist who is employed full-time shall be with effect from 1 April 2007, £33,041 per annum increasing to £46,407 per annum by annual increments as follows:

Salary Scale (£)

- 33,041 (minimum point)
- 35,714 (2nd point)
- 38,387 (3rd point)
- 41,061 (4th point)
- 43,734 (5th point)
- 46,407 (maximum point)
- 49,080 (*discretionary point)
- 51,754 (*new discretionary point)

* Details on the application of discretionary points are contained in NHS: 2000 PCA(D)10

(2) Subject to paragraph 6, the remuneration payable by a Health Board to a senior salaried dentist who is employed full-time shall be with effect from 1 April 2007, £47,215 per annum increasing to £63,810 per annum by annual increments as follows:

Senior Salary Scale (£)

- 47,215 (minimum point)
- 50,952 (2nd point)
- 54,689 (3rd point)
- 58,426 (4th point)
- 62,163 (maximum point)
- 62,987 (performance based increment)
- 63,810 (performance based increment)

(3) Subject to paragraph 6, the remuneration payable by a Health Board to a specialist salaried dentist who is employed full-time shall be with effect from 1 April 2007, £62,741 per annum increasing to £67,597 per annum by annual increments as follows:

Specialist Salary Scale (£)

- 62,741 (minimum point)
- 63,712 (2nd point)
- 64,683 (3rd point)
- 66,654 (4th point)
- 66,625 (performance based increment)
- 67,597 (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 2007, at the sessional rate of £81.67.

Rates of Remuneration

6.—(1) A Health Board 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 salaried dentist shall, on appointment, be paid at the minimum point on the salary scale.

(3) The Health Board 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 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 hour session with effect from 1 April 2007, at the sessional rate of £81.67.

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 £38.46 per hour or part hour, or £115.37 per 3-hour session, with effect from 1 April 2007.

Emergency Dental Services

9. Where a dentist enters into arrangements with a Health Board 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 2007, of £115.37 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.

Part III—Salaried Plus Bonus Dentists

10.—(1) The remuneration payable by a Health Board to a salaried plus bonus dentist shall be in accordance with this paragraph.

(2) Salary payment will be made monthly with the bonus being paid quarterly based on the previous 3 months' work. The Health Board will recover any amount overpaid by way of bonus on the annual amount due to the salaried dentist.

(3) The salary will be payable at an annual rate determined by Scottish Ministers with a bonus for gross fee income in excess of 2 times that annual salary rate. With effect from 1 April 2007:—

- (a) the salary will be payable at annual rate of £29,083; and
- (b) the bonus payable will be 37.1% of the amount of gross fee income in excess of £57,170.

Part IV – Recruitment Allowance

Conditions of Entitlement

11.—(1) A dentist who satisfies the conditions specified in sub-paragraph (4) and who is employed by a Health Board as a salaried dentist shall be entitled to an allowance as ascertained and payable in accordance with paragraph 12(1).

(2) A dentist who satisfies the conditions specified in sub-paragraph (5) and who is employed by a Health Board as a salaried dentist shall be entitled to an allowance as ascertained and payable in accordance with paragraph 12(2).

(3) A salaried dentist who is entitled to an allowance under sub-paragraph (1) or (2), who is employed by a Health Board in a designated area will be entitled to an additional allowance as ascertained and payable in accordance with paragraph 12(3).

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

- (a) subject to sub-paragraph (7), the dentist is employed for at least 2 days a week by a Health Board as a salaried dentist within 3 months of completion of training;
- (b) the dentist understands that they must continue to be employed for at least 2 days a week by a Health Board as a salaried dentist for 3 years following receipt of the first payment under paragraph 12.

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

- (a) the dentist is not currently employed, except as a locum, by a Health Board as a salaried dentist or as a dental officer within the community dental service and does not currently provide general dental services in a Health Board area except as a locum salaried dentist;
- (b) the dentist understands that they must continue to be employed for at least 2 days a week by a Health Board as a salaried dentist for 3 years following receipt of the first payment under paragraph 12;
- (c) in the case of a dentist who is registered by virtue of section 15(1)(b) or (2A) of the Dentists Act 1984 (registration of nationals of a EEA State who hold an appropriate European diplomas) or is in any way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement, evidence of suitable postgraduate experience as approved by NHS Education for Scotland.

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

- (a) the salaried dentist has been employed in a designated area;
- (b) the salaried dentist will continue to be employed in a designated area for 3 years following receipt of the first payment under paragraph 12.

(7) Where the dentist cannot be employed by a Health Board within the 3 month period referred to in sub-paragraph (4)(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

12.—(1) The amount of allowance to be paid in accordance with paragraph 11(1) shall with effect from 1 April 2004 be £10,000 paid over a 2 year period at £5,000 per annum.

(2) The amount of allowance to be paid in accordance with paragraph 11(2) shall with effect from 1 April 2004 be £5,000 paid over a 2 year period at £2,500 per annum.

(3) The amount of the additional allowance to be paid in accordance with paragraph 11(3) shall be an amount equal to that calculated in accordance with sub-paragraph (1) or (2) and shall be payable in the same manner.

(4) Payments under sub-paragraph (1) or (2) shall terminate if the dentist ceases to be employed by a Health Board as a salaried dentist.

(5) Payments under sub-paragraph (3) shall terminate if the dentist ceases to be employed by a Health Board as a salaried dentist or, subject to paragraph 14(1), if he ceases to be employed as a salaried dentist in a designated area.

(6) Only one allowance under either sub-paragraph 11(1) or (2) can be paid to a salaried dentist.

Failure to Meet Conditions of Allowance

13.—(1) Where a salaried dentist ceases within 3 years of receiving the first payment under paragraph 12 to be employed as a salaried dentist he shall be required to repay to the Health Board the full amount of any allowance received.

(2) Where a salaried dentist ceases within 3 years of receiving the first payment under paragraph 12 to be employed as a salaried dentist in a designated area but he remains employed as a salaried dentist he shall be required to repay to the Health Board the full amount of the additional allowance received.

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

Changes to Status of Designated Area

14.—(1) A salaried dentist who is in receipt of an additional allowance in accordance with paragraph 11(3) will continue to be eligible to receive payments in respect of that allowance if the area in which he is employed as a salaried dentist 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 salaried dentist in receipt of an allowance under paragraph 11(1) or (2) will not be entitled to receive an additional allowance in accordance with paragraph 11(3) where the area in which he is employed as a salaried dentist is subsequently classed as a designated area.

Part V - Out of Hours Allowance

Conditions of Entitlement

15. A salaried dentist who undertakes to provide, to the extent required by the NHS Board, out of hours emergency treatment to registered patients or takes part in an out of hours rota to provide such emergency treatment shall be entitled to an allowance of an amount ascertained in accordance with paragraph 16 or 17.

Amount of Allowance

16. The amount of allowance to be paid monthly in arrears by a Health Board to a salaried dentist who is required to provide out of hours emergency treatment as a single-handed practitioner will be £4,600 with effect from 1 April 2005.

17. The allowance to be paid to a salaried dentist who takes part in an out of hours rota will be based on the intensity of the out of hours commitment which the salaried dentist undertakes in a quarter. The intensity is based on the number of emergency dental service sessions or out of hours on-call periods undertaken by a salaried dentist in a quarter. The levels of intensity are:

High	6 or more three hour emergency dental service sessions and/or 6 or more out of hours on-call periods
Medium	Between 3 and 5 three hour emergency dental service sessions and/or between 3 and 5 out of hours on-call periods
Low	1 or 2 three hour emergency dental service sessions and/or 1 or 2 out of hours on-call periods

18. The amount of allowance to be paid to a salaried dentist in accordance with paragraph 17 shall with effect from 1 April 2006 be:

High intensity of out of hours commitment	£900 per quarter
Medium intensity of out of hour commitment	£600 per quarter
Low intensity of out of hours commitment	£300 per quarter
No out of hours commitment	Nil

Payment

19. The allowance at paragraph 18 shall be paid quarterly in arrears based on the level of intensity of out of hours commitment in the quarter.

Part VI - Remote Areas Allowances

Conditions of Entitlement

20. A salaried dentist who is a remote dentist shall be entitled to an allowance of an amount ascertained in accordance with paragraph 21.

Amount of Allowance

21.—(1) The amount of allowance to be paid by a Health Board where a salaried dentist has satisfied the condition in paragraph 20 shall be £4,500.00 per annum payable on the date of commencement of employment on or after 1 April 2005 until the dentist has been so employed for a continuous period of 3 years when the amount of allowance shall be £9,000 per annum.

(2) Where a salaried dentist was employed as a remote dentist immediately before 1st April 2004 and continues to be so employed after that date, the amount of allowance to be paid by a Health Board shall be £4,500 per annum payable from 1st April 2005. Once a period of 3 years continuous employment from the date of commencement of employment has been reached, the amount of allowance payable from 1 April 2005 shall be £9,000 per annum, but the allowance is only payable from a date not earlier than 1 April 2004.

(3) The amount of allowance to be paid by a Health Board to a salaried dentist who is employed otherwise than full-time as a remote dentist shall be a pro-rata sum calculated on the basis of a whole-time week of 37 hours.

(4) Only one allowance shall be payable to a salaried dentist in a year.

Payment

22. The allowance at paragraph 21 shall be paid monthly in arrears in 12 equal installments.

Transitional Arrangement

23. A salaried dentist who does not fall within the definition of a "remote dentist" in paragraph 20 who fell within the definition of a "remote dentist" in effect prior to 1 April 2006 will continue to be entitled to receive a remote area allowance so long as he is employed to provide general dental services as a salaried dentist from the address which entitled him to receive such an allowance, that address being 90 minutes or more, as determined by the AA Route Planner 2005 package (using default settings), traveling time by car to his local postgraduate education resource centre in Scotland.

Part VII - Vocational Training Allowance

Entitlement

24.—(1) A salaried dentist who is a trainer who satisfies the conditions specified in sub-paragraph (2) shall be entitled to the allowance specified in paragraph 25.

(2) The conditions referred to in sub-paragraph (1) are:—

- (a) the trainer is employed as a salaried dentist by a Health Board;
- (b) the trainer's application to act as a trainer in a vocational training scheme for general dental practice has been approved by the Postgraduate Dental Dean;
- (c) the Health Board has engaged a trainee under a contract of employment as an assistant who will be supervised by the trainer for a period of one year's full time employment (or an equivalent period of part-time employment) or for such additional period, not exceeding three months' full-time employment or the part-time equivalent, as the Postgraduate Dental Dean has authorised as necessary for the completion of vocational training and the trainee is for the time being employed by the Health Board under such a contract; and
- (d) the trainer agrees to meet all the conditions of the assessment system required for satisfactory completion as set down by NHS Education for Scotland.

Amount of Allowances

25.—(1) The allowance referred to in paragraph 24 to be paid by a Health Board to a salaried dentist who is a trainer is £3,500 per annum.

(2) The amount of allowance to be paid by a Health Board to a salaried dentist who is a trainer otherwise than full-time shall be a pro-rata sum calculated on the basis of a whole-time week of 37 hours.

(3) No allowance under sub-paragraph (1) is payable to a senior or specialist salaried dentist.

Payment

26. The allowance at paragraph 24 shall be paid monthly in arrears in 12 equal installments.

Statement of Dental Remuneration

DETERMINATION III SENIORITY PAYMENTS

Interpretation

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

"accumulated gross fees" means gross fees authorised for payment by the Board in respect of a period since 1 April 2007;

"approved postgraduate education session" means a session of not less than two-and-a-half hours' duration which forms the whole or a part of a course approved by a postgraduate dean;

"Board" means the Scottish Dental Practice Board;

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

"financial year" means the period beginning on 1 April in one year and ending on 31 March in the next year;

"payment period" means a period since 1 April 2007;

"pensionable earnings" means that remuneration defined—

- (a) in Schedule 1 to the National Health Service Superannuation Scheme (Scotland) Regulations 1995; or
- (b) in Schedule 2 to the National Health Service Pension Scheme Regulations 1995;

which is paid to a dentist for the provision of general dental services whether or not such a dentist is entitled to participate in the benefits provided under those Regulations, as if that definition—

- (i) excluded payments made under this Determination and remuneration as a salaried practitioner; and
- (ii) disregarded any limit on remuneration of which account shall be taken under those Regulations;

"quarter" means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December;

"seniority payment" has the meaning assigned to it in paragraph 2 of this Determination;

"superannuation benefit" means any payment, other than a refund of contributions, made to a dentist by virtue of the application of the (a) National Health Service Pension Scheme Regulations 1995; or (b) the National Health Service Superannuation Scheme (Scotland) Regulations 1995 or (c) the corresponding provisions of the law in force in Northern Ireland; as a result of his providing general dental services.

(2) In this Determination a reference to any enactment or statutory instrument is to that enactment or statutory instrument as amended or re-enacted by any subsequent enactment or statutory instrument.

(3) 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.

Entitlement

2.—(1) Subject to the provisions of sub-paragraph (5), the CSA shall, with effect from the first day of a quarter on which a dentist shall have fulfilled the conditions set out in sub-paragraphs (2) and (3) and complied with the requirements set out in sub-paragraph (4), pay to the dentist in accordance with the provisions of paragraph 4 such additional remuneration as is appropriate. This additional remuneration will be referred to as a seniority payment.

(2) The conditions referred to in sub-paragraph (1) are:—

- (a) the dentist has reached the age of 55 years on or before the first day of the relevant quarter;
- (b) the dentist has provided general dental services other than as a salaried dentist or as an assistant for a period of not less than 10 years since July 1948, of which not less than a period of 5 years (whether or not either of such periods has been continuous) has been within the period of 10 years ending on the first day of the relevant quarter; and
- (c) the dentist has, within the 10 years ending 31 March 2007, received pensionable earnings of not less than £223,510.

(3) A dentist, who becomes entitled to seniority payments for the first time on or after 1 April 1992, shall have undertaken not less than 2 approved postgraduate education sessions in the 5 financial quarters prior to the first day of the quarter to which the claim relates.

(4) The requirements referred to in sub-paragraph (1) are that an application for a seniority payment shall be made on a form which shall be obtained from a Health Board on whose dental list the dentist is included, shall be made by recorded delivery to the CSA, and shall include particulars of the fulfillment by the dentist of the conditions set out in sub-paragraphs (2) and (3).

(5) The CSA shall not be liable to pay a seniority payment to a dentist:—

- (a) to whom a seniority payment has by virtue of the preceding sub-paragraphs of this paragraph become payable in respect of another Health Board; and
- (b) for a quarter in which he ceases to be on the Health Board's dental list from whom he obtained the application form and in respect of which a seniority payment becomes payable in respect of another Health Board.

3. A dentist shall cease from being entitled to a seniority payment from the beginning of the first day of the quarter immediately following any quarter in which he receives a superannuation benefit.

Payments

4.—(1) A seniority payment shall be calculated and payable as follows: —

- (a) for the period from 1 April 2007, where a dentist is or becomes entitled to seniority payments on or after 1 April 2007 by virtue of the provisions of paragraph 2, a seniority payment shall be payable in the first and each subsequent quarter in which he is entitled, provided —
- (i) that his accumulated gross fees to the end of the relevant quarter amount to at least the sums listed below—

<i>Quarter ending</i>	<i>Accumulated gross fees</i>
30 June 2007	£6,631
30 September 2007	£13,261
31 December 2007	£19,891
31 March 2008	£26,523

or

- (ii) if his accumulated gross fees are less than the minimum figures stipulated in sub-paragraph (a), but at least 90% of his earnings from dentistry was attributable to accumulated gross fees; and he applies for a seniority payment by completing the form provided to him, for that purpose, by the Health Board on whose dental list his name is included and sending it to the CSA;

the seniority payments shall be 10% of accumulated gross fees in the relevant quarter, less any seniority payment already made in respect of any previous quarter or quarters in the payment period (or in the case of a dentist who becomes eligible for seniority payments after 1 April 2007, less an amount equal to any seniority payment that would have been made if he had been eligible for seniority payments on 1 April 2007), up to a maximum accumulated gross fee income by the end of the relevant quarter as listed below—

<i>Quarter ending</i>	<i>Accumulated gross fees</i>
30 June 2007	£37,100
30 September 2007	£74,250
31 December 2007	£111,450
31 March 2008	£148,550

- (b) subject to sub-paragraph (c), a seniority payment shall be payable at the end of the quarter following the one to which it relates;
- (c) no seniority payment shall be made by the CSA to a dentist in respect of any period before the quarter immediately preceding the quarter in which his application for a seniority payment is delivered to the CSA.

Statement of Dental Remuneration

DETERMINATION IV VOCATIONAL TRAINING ALLOWANCES

Interpretation

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

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

"EEA" means European Economic Area;

"trainee" means a dentist who is employed by a trainer as an assistant in accordance with paragraph 2 of this Determination;

"trainer" means a dentist who employs a trainee as an assistant in accordance with paragraph 2 of this Determination.

(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.

Entitlement

2.—(1) A trainer who satisfies the conditions specified in sub-paragraph (2) and who makes a claim to NHS Education for Scotland in accordance with paragraph 5 shall be entitled to the allowances specified in paragraph 3.

(2) The conditions referred to in sub-paragraph (1) are:—

- (a) the trainer's name is included in the dental list of a Health Board;
- (b) the trainer's application to act as a trainer in a vocational training scheme for general dental practice has been approved by the Postgraduate Dental Dean;
- (c) the trainer has engaged a trainee under a contract of employment as an assistant in his dental practice for a period of one year's full time employment (or an equivalent period of part-time employment) or for such additional period, not exceeding three months' full-time employment or the part-time equivalent, as the Postgraduate Dental Dean has authorised as necessary for the completion of vocational training and the trainee is for the time being employed by the trainer under such a contract;
- (d) the trainer has agreed to pay the trainee a monthly salary at the rate specified in respect of the remuneration of the trainee in this Determination; and
- (e) the trainer agrees to meet all the conditions of the assessment system required for satisfactory completion as set down by NHS Education for Scotland.

(3) No allowances will be made under this Determination in respect of trainees who are overseas nationals (other than EEA nationals);

(a) who hold a work permit from the Department for Education and Employment issued under the Training and Work Experience Scheme, or

(b) who do not have a right to work in the United Kingdom for a period greater than 12 months from the date of commencement of the training contract.

Allowances

3.—(1) NHS Education for Scotland shall pay the following allowances to the trainer each month during the currency of the training contract:—

- (a) a training grant:
 - (i) in any case where the trainee's contract provides for employment of at least 35 hours each week, inclusive of any attendance by the trainee at a day release course in connection with the vocational training scheme, the sum specified in paragraph 4(a); or
 - (ii) in any case where the trainee's contract provides for employment of less than 35 hours each week as defined above, a sum proportionate to the sum specified in paragraph 4(a), calculated by reference to the number of hours for which the contract provides;
- (b) reimbursement of the salary which the trainer has paid to the trainee;
 - (i) in any case where the trainee's contract provides for employment of at least 35 hours each week inclusive of any attendance by the trainee at a day release course in connection with the vocational training scheme, the sum specified in paragraph 4(b); or
 - (ii) in any case where the trainee's contract provides for employment of less than 35 hours each week as defined above, a sum proportionate to the sum specified in paragraph 4(b), calculated by reference to the number of hours for which the contract provides; and
- (c) reimbursement of the amount of the national insurance contributions which the trainer has paid each month as the employer of the trainee.

Amount of Allowances

4. The sums referred to in paragraph 3 are as follows:—

- (a) training grant in respect of a contract providing for employment of at least 35 hours each week with effect from 1 April 2007, £1,045.00 a month;
- (b) reimbursement of salary paid to the trainee under a contract providing for employment of at least 35 hours each week with effect from 1 April 2007, £2,419.00 a month.

Claim for Allowances

5.—(1) The trainer shall make the claim for the allowances on a form supplied by NHS Education for Scotland for the purpose, or on a form to like effect.

(2) The dentist shall notify NHS Education for Scotland of any change in his circumstances which may affect his entitlement to the payment of the allowances.

Failure to Meet Conditions of Allowance

6.—(1) Where the trainer fails to meet the condition set out in paragraph 2(2)(e) he shall be required to repay to NHS Education for Scotland a proportion of the allowance received.

(2) The amount of the allowance to be recovered shall not exceed 30% of the allowance paid.

(3) NHS Education for Scotland may waive repayment of the allowance in any case where it considers that the failure to meet the conditions was because of exceptional circumstances.

Termination of Contract

7. If the contract between the trainer and the trainee is terminated by either party before it has run its full course and the trainee does not serve out a period of notice but instead is paid an amount equal to the salary due in respect of the period of notice, the trainer will be reimbursed the amount of the salary which he has paid to the trainee up to a maximum of one month's salary. In these circumstances the payment of the training grant will cease from the date of the expiry of the period of notice.

Statement of Dental Remuneration

DETERMINATION V MATERNITY PAYMENTS, PATERNITY PAYMENTS AND ADOPTIVE LEAVE PAYMENTS

Interpretation

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

"confinement" means the birth of a living child, or the birth of a child, whether living or not, after 24 weeks of pregnancy;

"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 dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996 or any equivalent to such list prepared by an equivalent body in England, Northern Ireland or Wales;

"dentist" means a registered dental practitioner;

"the earnings requirement" means that either—

(a) the dentist's gross earnings for the test period amount to—

(i) in a case where the test period begins on 1 April in any of the financial years listed below, not less than the sum listed below in respect of that financial year,

(ii) in a case where the test period begins after 1 April and falls across two financial years, not less than the total of the amounts which, in respect of each of those years, are in the same proportion to the figure listed for that year as is that part of the test period falling in that financial year to a full year;

The sums referred to in paragraphs (i) and (ii) are as follows—

for 2005/06	£25,000
for 2006/07	£25,750
for 2007/08	£26,500; or

(b) at least 90 per cent of the dentist's earnings from the practice of dentistry during the test period was attributable to gross earnings;

"expected date of confinement" means the date on which the birth of a child is expected;

"expected week of confinement" means the week in which the birth of a child is expected;

"financial year" means the period beginning on 1 April in one year and ending on 31 March in the next year;

"gross earnings" means the dentist's gross earnings from the provision of general dental services under the National Health Service (Scotland) Act 1978, the National Health Service Act 2006 prior to 1 April 2006 or the Health and Personal Services (Northern Ireland) Order 1972, as amended, and does not include remuneration by way of salary and, where the dentist's name is included in two or more dental lists during any part of the test period, shall include all gross earnings on an aggregated basis;

"gross earnings for the test period" means the dentist's gross earnings over the duration of the test period;

"net earnings" means the dentist's net earnings over the test period, where net earnings are calculated as a percentage of gross earnings over the test period. The percentage to be applied in respect of earnings in 2005/06, 2006/07 and 2007/08 is 42.6 per cent;

"partner" means a member of a couple who, in the case of a man and a woman are living as husband and wife, and, in any other case, are living in a relationship which has the characteristics of the relationship between husband and wife except that the couple are of the same sex;

"payment" means a maternity payment, a paternity payment, or an adoptive leave payment, as the case may be;

"paternity payment" includes payment for the adoptive leave for an adoptive parent who is not the main care provider;

"pay period" means—

- (a) in the case of a maternity payment, a period not exceeding 26 weeks commencing on or after 1 April 2007, which is commenced—
 - (i) not earlier than the 11th week before the expected week of confinement, nor later than the expected week of confinement; or
 - (ii) on the Monday immediately before the actual date of confinement, if confinement occurs prior to the 11th week before the expected week of confinement;
- (b) in the case of a paternity payment, either a period not exceeding 2 weeks commencing on or after 1 April 2007, which is within 26 weeks of the date of birth or adoption;
- (c) in the case of an adoptive leave payment, a period not exceeding 26 weeks commencing on or after 1 April 2007, which immediately follows the date of the adoption;

"test period" means the period of 12 months—

- (a) beginning, in the case of a maternity payment, on the date which falls 21 months before the expected date of confinement;
- (b) beginning, in the case of a paternity payment, on the date which falls 12 months before the date of birth or adoption;
- (c) beginning, in the case of an adoptive leave payment, on the date which falls 12 months before the date of adoption; and

"week" means a period of 7 days beginning with midnight between Sunday and Monday.

(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.

Conditions of Entitlement

2.—(1) Subject to sub-paragraphs (5) and (6), a dentist who, at the date when the claim is made, satisfies the conditions specified in sub-paragraph (2), (3) or (4) and who makes a claim to the CSA, in accordance with paragraph 5, shall be entitled to a maternity, paternity or adoptive leave payment calculated in accordance with paragraph 3.

(2) The maternity payment conditions are that:—

- (a) subject to sub-paragraph (5), that the dentist's name has been included in a dental list for a period of at least 2 years, the last 26 weeks of which period must be continuous and immediately precede the 15th week before the expected week of confinement;
- (b) the dentist has become pregnant and has reached, or been confined before reaching, the commencement of the 11th week before the expected week of confinement;
- (c) the dentist has ceased to provide general dental services, wholly or partly because of pregnancy or confinement, although her name remains included in the dental list; and
- (d) the dentist has met the earnings requirement.

(3) The paternity payment conditions are that—

- (a) subject to sub-paragraph (5), the dentist's name has been included in a dental list for a period of at least 2 years, the last 26 weeks of which must be continuous and immediately precede the date of birth or adoption;

- (b) the dentist's wife or partner has—
 - (i) given birth, or
 - (ii) has adopted a child and will be the main care provider and the dentist is also an adoptive parent of that child;
- (c) the dentist has met the earnings requirement.

(4) The adoptive leave payment conditions are that—

- (a) subject to sub-paragraph (5), the dentist's name has been included in a dental list for a period of at least 2 years, the last 26 weeks of which period must be continuous and immediately precede the date of adoption;
- (b) the dentist has become the adoptive parent of a child and is the main care provider for that child;
- (c) the dentist has ceased to provide general dental services, wholly or partly because of that adoption, although the dentist's name remains included in the dental list; and
- (d) the dentist has met the earnings requirement.

(5) In the case of a dentist who has undergone one year's approved vocational training, the two years mentioned in sub-paragraph (2)(a), (3)(a) and (4)(a) shall be reduced to one year.

(6) A dentist who is in receipt of—

- (a) payments in consequence of suspension under Scottish Ministers' Determination made under Regulation 32 of the National Health Service (General Dental Services) (Scotland) Regulations 1996; or
- (b) payments in consequence of suspension under Part V of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

shall not be entitled to payments under this Determination.

Calculation of the Amount of Payments

3.—(1) Subject to sub-paragraphs (2), (4) and (5), the amount of the payment payable in respect of each week is the weekly rate equivalent of the dentist's net earnings.

(2) The amount of the payment payable in respect of each week may not exceed £1,333.00.

(3) Where, for any part of the test period, a dentist, was employed as a vocational trainee, the dentist shall be treated for each financial year or part thereof in that test period as having had gross earnings calculated as follows in relation to the figures listed below—

- (a) where that dentist's contracted hours of employment each week were 35 hours or more, a sum equivalent to such proportion of the figure listed as the period of vocational training bears to the test period; or
- (b) where that dentist's contracted hours of employment each week were less than 35 hours, a sum calculated in accordance with sub-paragraph (a) and discounted by a percentage equivalent to the difference between those contracted hours and 35;

and, for the purposes of calculating the dentist's gross earnings over the test period, that amount shall be added to that dentist's gross earnings for the remainder of the test period.

The sums referred to in sub-paragraphs (a) and (b) are

for 2005/06 £128,333
for 2006/07 £132,183
for 2007/08 £136,148.

(4) Where, prior to 1 April 2007 a dentist has received maternity payments under an entitlement beginning before and continuing after that date, the payments already calculated under that entitlement falling due on or after that date shall be increased by 3.0 per cent.

(5) Where sub-paragraph (4) does not apply, and any part of the test period falls before 1 April 2006, then, for the purposes of calculation of the amount of payments only, the gross earnings earned in this part of the test period shall be increased by 6.1 per cent.

(6) Where sub-paragraph (4) does not apply, and any part of the test period falls after 1 April 2006 and before 1 April 2007, then, for the purposes of calculation of the amount of payments only, the gross earnings earned in this part of the test period shall be increased by 3.0 per cent.

Duration and Payment of Payments

4.—(1) Subject to sub-paragraph (3), a payment calculated in accordance with paragraph 3 shall be payable in respect of each week during the pay period.

(2) Payments:—

- (a) shall be payable monthly in arrears and only for complete weeks; and
- (b) shall not be payable in respect of any week falling more than 5 weeks before the date on which the dentist makes the claim.

(3) A payment shall not be payable in respect of any week in the pay period during which the dentist provides general dental services for any Health Board in whose dental list that dentist's name is included.

(4) Where a dentist who is in receipt of payment dies before the end of the pay period, the CSA shall pay to that dentist's executor or personal representatives the balance of payments due for as many weeks of the pay period as were not paid at the date on which the dentist died.

(5) The payments shall be included in the dentist's monthly schedule of fees paid by the CSA.

Claims for Payment

5.—(1) A dentist shall make a claim for payments on a form supplied by the Health Board, or a form to like effect, and shall include with the claim the intended dates of the pay period and:—

- (a) in the case of claim for a maternity payment, the documents required under sub-paragraph (2);
- (b) in the case of a claim for a paternity payment, the documents required under sub-paragraph (3); or
- (c) in the case of a claim for an adoptive leave payment, the documents required under sub-paragraphs (4) and (5).

(2) The documents required under this sub-paragraph are—

- (a) a maternity certificate or other statement completed by a registered medical practitioner or registered midwife, giving the expected week of confinement or, as the case may be, the date of confinement; and
- (b) a declaration in writing that she intends to return to dental practice to provide general dental services within a period of one year after the date of confinement and that she agrees to repay any maternity payment made to her if she fails to do so; and
- (c) a declaration in writing that she has not made a claim for maternity payments in respect of the expected confinement or confinement in respect of any other Health Board on whose dental list her name is included.

(3) The documents required under this sub-paragraph are—

- (a) in respect of the birth of a child, declarations by the dentist—
 - (i) of the expected or actual date of birth; and
 - (ii) that the dentist is the husband or partner of the mother, will share responsibility for the child's upbringing and is taking time off to support the mother or to care for the child; or
- (b) in respect of the adoption of a child, documents showing the date on which the child is expected to be placed for adoption or the actual date of the placement, the date the adopter was notified of having been matched with the child and declarations that the dentist—
 - (i) is the partner of the main care provider;
 - (ii) will share responsibility for the child's upbringing; and
 - (iii) is taking time off to support his partner or to care for the child;

and in either case a declaration in writing that he has not made a claim for paternity payments in respect of the birth or adoption in respect of any other Health Board on whose dental list his name is included.

(4) The documents required under this sub-paragraph are documents showing—

- (a) the date on which the child is expected to be placed for adoption or the actual date of the placement and the date the adopter was notified of having been matched with the child endorsed by the appropriate adopting agency with its name and address and a matching certificate giving equivalent details; or
- (b) in the case of an inter-country adoption—
 - (i) the date on which the adopter received official notification;
 - (ii) the expected date the child will enter the United Kingdom or the date upon which the child did so enter; and
 - (iii) a copy of the official notification and evidence of the date of the child's arrival; and

that the dentist will be the main care provider or that child.

(5) The documents required under this sub-paragraph are declarations in writing that the dentist—

- (a) intends to return to the dental practice to provide general dental services within a period of one year after the adoption and that the dentist agrees to repay any payment made if the dentist fails to do so; and

- (b) has not made a claim for payment in respect of the adoption in respect of any other Health Board on whose dental list the dentist's name is included.

(6) Where a dentist's name is included in the dental list of more than one Health Board, the dentist shall make the claim for payments in respect of the Health Board for whom that dentist provides the greater or greatest proportion of general dental services at the date of claim.

(7) Where a dentist's entitlement to payments depends on a period during which the dentist's name was included in a dental list in England, Northern Ireland or Wales or gross earnings for such a period, the claim for payments must include sufficient information to enable the CSA to determine entitlement and consent to the disclosure of information by an equivalent authority covering England, Northern Ireland or Wales, where appropriate.

Failure to Return to Work

6.—(1) Subject to sub-paragraphs (2) and (3), a dentist who does not return to dental practice to provide general dental services within 1 year of the date of confinement or the date of the adoption, as the case may be, shall repay to the Health Board all payments made under this Determination, if required to do so by the Health Board, within such period as the Health Board consider to be reasonable.

(2) Sub-paragraph (1) shall not apply in any case where a dentist is unable to return to dental practice because of sickness or such other circumstances as the Health Board consider reasonable provided that the dentist eventually returns to dental practice to provide general dental service for at least a calendar month.

(3) The Health Board may waive repayment of payment in any case where it considers that a dentist is unable to return to work because of exceptional circumstances.

Statement of Dental Remuneration

DETERMINATION VI LONG TERM SICKNESS PAYMENTS

Interpretation

1.—(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 dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

"dentist" means a registered dental practitioner;

"financial year" means the period beginning on 1 April in one year and ending on 31 March in the next year;

"gross earnings" means the dentist's gross earnings from the provision of general dental services under the National Health Service (Scotland) Act 1978, as amended, and does not include remuneration by way of salary and, where the dentist's name is included in two or more dental lists during any part of the test period, shall include all gross earnings on an aggregated basis;

"gross earnings for the test period" means the dentist's gross earnings over the duration of the test period;

"net earnings" means the dentist's net earnings over the test period, where net earnings are calculated as a percentage of gross earnings over the test period. The percentage to be applied in respect of earnings in 2005/06, 2006/07 and 2007/08 is 42.6 per cent;

"period of sickness" means the period beginning with the date on which the dentist ceases to provide general dental services because of sickness and ending with the date on which the dentist returns to dental practice to provide general dental services; and

"test period" means the period of 2 years immediately before the commencement of the period of sickness.

(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.

Conditions of Entitlement

2.—(1) Subject to sub-paragraph (4), a dentist who, at the date when the claim is made, satisfies the conditions specified in sub-paragraph (2) and who makes a claim to the CSA in accordance with paragraph 5, shall be entitled to sickness payments calculated in accordance with paragraph 3.

(2) The conditions referred to in sub-paragraph (1) are:—

- (a) subject to sub-paragraph (3), that the dentist's name has been included in a dental list for a period of at least 2 years which need not be continuous, with the same Health Board, or immediately preceding the period of sickness;

- (b) that the dentist has been unable to provide general dental services for at least four weeks because of sickness; and
- (c) either that—
 - (i) the gross earnings of the test period amount to—
 - (aa) in a case where the test period begins on 1 April in any of the financial years listed below, not less than the total of the amounts listed below for each of the financial years in which the test period falls;
 - (bb) in a case where the test period begins after 1 April and falls across three financial years, not less than the total of the amounts which, in respect of each of those years, are in the same proportion to the figure listed for that year as in that part of the test period falling in that financial year to a full year.

The sums referred to in sub-heads (aa) and (bb) are as follows—

for 2005/06	£25,000
for 2006/07	£25,750
for 2007/08	£26,500; or

- (ii) at least 90 per cent of the dentist's earnings from the practice of dentistry during the test period were attributable to gross earnings.

(3) In the case of any dentist who has undergone one year's approved vocational training, the two years mentioned in sub-paragraph 2(a) shall be reduced to one year.

(4) A dentist who is in receipt of—

- (a) payments in consequence of suspension under Scottish Ministers' Determination made under Regulation 32 of the National Health Service (General Dental Services) (Scotland) Regulations 1996; or
- (b) payments in consequence of suspension under Part V of the National Health Service (General Dental Services) (Scotland) Regulations 1996; or
- (c) maternity payments under Determination V of the Statement of Dental Remuneration;

shall not be entitled to sickness payments under this Determination.

Calculation of the Amount of Sickness Payment

3.—(1) Subject to sub-paragraphs (2), (4) and (5) the amount of the sickness payment payable in respect of each week is the weekly rate equivalent of 25 per cent of the dentist's net earnings.

(2) The amount of the sickness payment payable in respect of each week may not exceed £333.00.

(3) Where, for any part of the test period, a dentist was employed as a vocational trainee, he shall be treated for each financial year or part thereof in that test period as having had gross earnings calculated as follows in relation to the figures listed below—

- (a) where his contracted hours of employment each week were 35 hours or more, a sum equivalent to such proportion of the figure listed as the period of vocational training bears to the test period; or
- (b) where his contracted hours of employment each week were less than 35 hours, a sum calculated in accordance with sub-paragraph (a) and discounted by a percentage equivalent to the difference between his contracted hours and 35;

and, for the purposes of calculating the dentist's gross earnings over the test period, that amount shall be added to his gross earnings for the remainder of the test period.

The sums referred to in paragraphs (a) and (b) are

for 2005/06	£128,333
for 2006/07	£132,183
for 2007/08	£136,148.

(4) Where, prior to 1 April 2007 a dentist has received sickness payments under an entitlement beginning before and continuing after that date, payments already calculated under that entitlement falling due on or after that date shall be increased by 3.0 per cent.

(5) Where sub-paragraph (4) does not apply, and any part of the test period falls before 1 April 2006, then, for the purposes of calculation of the amount of sickness payments only, the gross earnings earned in this part of the test period shall be increased by 6.1 per cent.

(6) Where sub-paragraph (4) does not apply, and any part of the test period falls after 1 April 2006 and before 1 April 2007, then, for the purposes of calculation of the amount of sickness payments only, the gross earnings earned in this part of the test period shall be increased by 3.0 per cent.

Duration and Payment of Sickness Payments

4.—(1) Subject to sub-paragraphs (2) and (4), sickness payments calculated in accordance with paragraph 3 shall be payable in respect of any complete week during the period of sickness which a dentist is unable to provide general dental services because of sickness.

(2) Sickness payments:—

- (a) shall not be payable in respect of the first four weeks of any period of sickness;
- (b) shall be payable in respect of a maximum of 22 weeks in any period of sickness; and
- (c) shall terminate when the dentist returns to dental practice to provide general dental services or withdraws his name from the dental list, whichever occurs first.

(3) Sickness payments shall be payable monthly in arrears and only for complete weeks and

may be backdated.

(4) Where a dentist who is in receipt of sickness payments dies before the end of the period of sickness, the CSA shall pay to his executor or personal representatives the balance of the sickness payments due for as many of the 22 weeks as were not paid at the date on which he died.

(5) Sickness payments shall be included in the dentist's monthly schedule of fees paid by the CSA.

Claim for Sickness Payments

5.—(1) A dentist shall make a claim for sickness payments on a form supplied by the Health Board for the purpose, or a form to like effect, and shall include with that claim a medical certificate, or other statement, completed by a registered medical practitioner to the effect that he is incapable of work by reason of sickness.

(2) Where a dentist's name is included in the dental list of more than one Health Board, he shall make the claim for sickness payments in respect of the Health Board for whom he provides the greater or greatest proportion of general dental services at the date of claim.

(3) A dentist shall furnish the CSA with appropriate medical certificates, or other statements completed by a registered medical practitioner throughout the period of sickness.

Statement of Dental Remuneration

DETERMINATION VII CONTINUING PROFESSIONAL DEVELOPMENT ALLOWANCES

Interpretation

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

"approved postgraduate course" means a course approved by the Postgraduate Dental Dean, NHS Education for Scotland;

"CPD" means verifiable continuing professional development, as described in the General Dental Council's publication of April 2000, "Lifelong Learning – Taking Dentistry Forward", and may include attendance at approved postgraduate education courses but does not include any clinical audit activities within the meaning of paragraph 31E of Schedule 1 to the National Health Service (General Dental Services) (Scotland) Regulations 1996 in respect of which he is claiming an allowance in accordance with Determination XI of this Statement;

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

"dentist" means a registered dental practitioner but does not include a dentist who is an assistant, or a trainee within the meaning of Determination IV of this Statement;

"remote dentist" means a dentist who has to travel 90 minutes or more, as determined by the Microsoft Auto-Route 2002 package (using default settings), by car from the address included in respect of him in the dental list to his local postgraduate education resource centre in Scotland;

"total earnings" means all of the dentist's gross earnings from the practice of dentistry by him in person, and "NHS earnings" means the dentist's gross earnings from the provision by him in person of general dental services under the National Health Service (Scotland) Act 1978, as amended, including where the dentist's name is included in two or more dental lists in Scotland, but neither his total earnings nor his NHS earnings shall be taken to include any remuneration by way of salary;

"year" means the period beginning on 1 April in one year and ending on 31 March in the next year.

(2) Where a question arises as to whether a dentist is a remote dentist this will be determined by the CSA whose decision is final.

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

Conditions of Entitlement

2.—(1) A dentist who satisfies the conditions specified in sub-paragraph (2) and who makes a claim to the CSA in accordance with paragraph 4 shall be paid a CPD allowance of an amount ascertained in accordance with paragraph 3.

(2) For the purposes of sub-paragraph (1) the specified conditions are that:—

- (a) the dentist's name is included in a dental list;
- (b) subject to sub-paragraph (3), either—
 - (i) the dentist's NHS earnings in the year prior to that in respect of which the allowance is to be paid are not less than the sum listed below:—

for 2006/07 £25,750; or
 - (ii) at least 90 per cent of the dentist's earnings from the practice of dentistry in the year prior to that in respect of which the allowance is to be paid were attributable to NHS earnings.

(3) The condition referred to in sub-paragraph 2(b) does not apply to any dentist whose name has been included in a dental list for less than 1 year on 1 April in the year in respect of which his claim is made.

(4) A dentist who is a remote dentist and who makes a claim in accordance with paragraph 4 shall be paid an additional allowance of an amount ascertained in accordance with paragraph 3(4) and (5).

Amount of Allowance

3.—(1) The amount of CPD allowance to be paid where a dentist has satisfied the conditions in paragraph 2(2) and made a claim in accordance with paragraph 4 for attendance at an approved postgraduate course shall be:

Duration of Educational Time	Amount of Allowance
1 hour or less	Nil
½ session of more than 1 hour and up to 2 hours	£110.10
1 session of more than 2 hours and up to 3½ hours	£220.20

less any abatement in accordance with sub-paragraph (3).

(2) Payments under sub-paragraph (1) shall not exceed £1,321.20 for the year, less any abatement in accordance with sub-paragraph (3).

(3) Subject to paragraph 2(2)(b), the abatement to be applied is the amount which represents the percentage of the dentist's total earnings which is specified in column 2 of the Table below as corresponding to the proportion in column 1 of that Table which his NHS earnings bear to his total earnings in the year prior to that in respect of which the allowance is to be paid.

TABLE			
<i>Column 1</i>	<i>Column 2</i>		
<i>Proportion which NHS earnings bear to the total earnings</i>	<i>Percentage of earnings</i>	<i>Full Session</i>	<i>Half Session</i>
90% or more	no abatement	£220.20	£110.10
80% or more but less than 90%	10%	£198.18	£99.09
70% or more but less than 80%	20%	£176.16	£88.08
60% or more but less than 70%	30%	£154.14	£77.07
50% or more but less than 60%	40%	£132.12	£66.06
40% or more but less than 50%	50%	£110.10	£55.05
30% or more but less than 40%	60%	£88.08	£44.04
20% or more but less than 30%	70%	£66.06	£33.03
10% or more but less than 20%	80%	£44.04	£22.02
Less than 10%	90%	£22.02	£11.01

(4) The amount of additional CPD allowance to be paid where a remote island dentist has made a claim in accordance with paragraph 4 for attendance at an approved postgraduate course shall be:

£220.20 for each ½ session of educational time of more than 1 hour and up to 2 hours
 £440.40 for each session of educational time of more than 2 hours and up to 3½ hours

less any abatement in accordance with sub-paragraph (3).

(5) The amount of additional CPD allowance to be paid where a remote mainland dentist has made a claim in accordance with paragraph 4 for attendance at an approved postgraduate course shall be:

£110.10 for each ½ session of educational time of more than 1 hour and up to 2 hours
 £220.20 for each session of educational time of more than 2 hours and up to 3½ hours

less any abatement in accordance with sub-paragraph (3).

(6) Payments under sub-paragraph (4) shall not exceed £2,642.40 for a remote island dentist for the year, less any abatement in accordance with sub-paragraph (3).

(7) Payment under sub-paragraph (5) shall not exceed £1,321.20 for a remote mainland dentist for the year, less any abatement in accordance with sub-paragraph (3).

Claim for Allowance

4.—(1) A dentist shall make a claim for CPD allowance to the CSA, on a form supplied by the course organiser for the purpose, in which he states:

(a) the percentage of his NHS earnings from the provision by him in person of general

dental services in relation to his total earnings for the practice financial year prior to the year in which his claim is made; and

- (b) that if requested to do so by the CSA in the year following one in which he has been paid a CPD allowance, he will provide to the CSA at his own expense:
 - (i) 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 three months of the request being made; or
 - (ii) certificates or course registration documents of the kind required by the General Dental Council in respect of verifiable CPD undertaken in the previous year, and that he will provide such certificates or documents within 28 days of the request being made.

(2) Where the dentist is a remote dentist the claim shall include a declaration:

- (a) that the dentist is a remote dentist; and
- (b) of the number of additional sessions to be claimed.

(3) Where a dentist's name is included in the dental list of more than one Health Board he shall make the claim in respect of the Health Board for which he provides the greater or greatest proportion of general dental services at the date of his claim.

(4) A claim for an allowance under sub-paragraph 1 shall be made within 6 months of completion of the approved postgraduate course.

Application of Determination

5. This Determination applies to any dentist who attends an approved postgraduate course on or after 1 April 2002.

Statement of Dental Remuneration

DETERMINATION VIII REIMBURSEMENT OF NON-DOMESTIC RATES

Interpretation

1.—(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;

"demand note" means the note issued by the rating authority, in relation to the premises for the purpose of levying non-domestic rates prescribed by Scottish Ministers for the financial year, in respect of which a claim is made under this Determination;

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

"dentist" means a registered dental practitioner;

"financial year" means the period beginning on 1 April in one year and ending on 31 March in the next year, except where defined as the "relevant period";

"gross earnings" in relation to premises means the gross earnings of the premises as a whole from the provision of general dental services under the National Health Service (Scotland) Act 1978, as amended;

"gross income" in relation to premises means the gross income of the premises as a whole;

"non-domestic rates" means the non-domestic rate levied in accordance with Section 7 of the Local Government (Scotland) Act 1975, as amended;

"premises" means relevant lands and heritages in respect of which non-domestic rates may be levied pursuant to section 7 of the Local Government (Scotland) Act 1975, as amended;

"rate payer" means the person who is liable to pay under section 8 of the Local Government (Scotland) Act 1975, as amended, an amount in respect of non-domestic rates;

"rating authority" has the same meaning as in the Local Government (Scotland) Act 1973, as amended;

"relevant period" means the rate payers last financial year ending in the year preceding that in respect of which a claim is made under this Determination.

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

Conditions of Entitlement

2.—(1) Subject to sub-paragraph (4), a dentist who satisfies the conditions specified in sub-paragraph (2) and who makes a claim to the CSA in accordance with paragraph 4 shall be entitled to be reimbursed an amount, calculated in accordance with paragraph 3, in respect of the non-domestic rates payable in any financial year in relation to any premises at which he provides general dental services.

(2) The conditions referred to in sub-paragraph (1) are:—

- (a) the dentist is the rate payer, or is a partner in a partnership of dentists which is the rate payer, or is a director of a limited company carrying on the business of dentistry which is the rate payer, in relation to the premises in respect of which the claim is made ("the premises");
- (b) the dentist's name is included in the dental list of the Health Board in whose locality the premises are situated and in respect of which the claim is made;
- (c) subject to sub-paragraph (3), the gross earnings of the premises for the financial year preceding that in respect of which the claim is made are not less than the sum listed below—

for 2005/06 £25,000

for 2006/07 £25,750

for 2007/08 £26,500.

(3) The CSA may waive the condition in sub-paragraph (2)(c) in any case where it considers it is reasonable in all the circumstances to do so.

(4) Where the dentist satisfies the conditions in sub-paragraph (2) but the Health Board considers that that part of the premises to which paragraph 33(1) and 33(3) of Schedule 1 to the Regulations applies ("the premises"), does not satisfy the requirements of that paragraph, the CSA shall be entitled to delay payment of the reimbursement of an amount under this Determination until such time as the Health Board is satisfied the premises comply with the requirements of that paragraph.

Amount of Reimbursement of Non-Domestic Rates

3.—(1) The amount of any reimbursement shall be the amount specified in the demand note less, where the gross income of the premises as a whole is not exclusively derived from the provision of general dental services, any amount ("the abatement") calculated in accordance with subparagraph (2).

(2) The abatement shall be the amount which represents the percentage of the non-domestic rates or, where the dentist pays the non-domestic rates in two equal installments, the percentage of the half of the non-domestic rates which is specified in column 2 of the Table below as corresponding to the proportion in column 1 of that Table which the gross earnings bear to the gross income of the premises during the relevant period.

TABLE	
<i>Column 1</i>	<i>Column 2</i>
<i>Proportion which the gross earnings bear to the gross income of the premises during the relevant period</i>	<i>Proportion of non-domestic rates to be abated</i>
90% or more	no abatement
80% or more but less than 90%	10%
70% or more but less than 80%	20%
60% or more but less than 70%	30%
50% or more but less than 60%	40%
40% or more but less than 50%	50%
30% or more but less than 40%	60%
20% or more but less than 30%	70%
10% or more but less than 20%	80%
Less than 10%	90%

Claim for Reimbursement

4.—(1) A dentist shall make a claim for reimbursement on a form supplied by the Health Board for the purpose, or on a form to like effect, and shall include with the claim:—

- (i) the demand note or a copy thereof certified by the rating authority;
- (ii) unless the provisions of sub-paragraph (4) apply, a receipt from the rating authority for the whole amount or, as the case may be, half the amount specified in the demand note;
- (iii) a declaration in writing, as to the proportion, expressed as a percentage, which the gross earnings of the premises bear to the gross income of the premises during the relevant period;
- (iv) a declaration in writing, that if requested to do so by the CSA he will provide to the CSA at his own expense a certificate signed by an accountant stating the proportion that the premises gross earnings bore to the premises gross income in the relevant period and that he will provide the certificate within three months of the request being made; and
- (v) where the dentist is a partner or a director of a limited company a declaration in writing that no claim for reimbursement in respect of the same financial year has been made by another partner or, as the case may be, on behalf of the limited company.

(2) Where a dentist seeks reimbursement of an amount in respect of non-domestic rates in relation to more than one premise, he shall submit to the CSA a claim in relation to each such premise.

(3) Except where the provisions of sub-paragraph (4) apply, a claim for reimbursement of non-domestic rates, whether it is for the whole amount or half the amount specified in the demand note, shall be made within 6 months of the date that the rating authority has specified that payment should be made.

(4) Where a dentist pays the non-domestic rates in monthly installments he shall send to the CSA at the end of the financial year in respect of which the claim is made a receipt from the rating authority for the whole amount specified in the demand note, and the claim for reimbursement should be made—

- (a) where the dentist wishes to be reimbursed in monthly installments, within 6 months of the date on which payment of the first monthly installment falls due and the dentist shall include with the claim, details of the amount to be paid each month, the date the payments are due to commence and the date the payments are due to cease; or
- (b) where the dentist wishes to be reimbursed in a lump sum after payment of all the installments, within 6 months of the date on which payment of the last installment falls due.

(5) The dentist shall notify the Health Board and the CSA of any change in his circumstances which may affect his entitlement to reimbursement of an amount under this Determination.

(6) Where a dentist has died and at the time of his death he satisfied the conditions set out in paragraph 2(2), for so long as his name remains on the dental list in accordance with the proviso to regulation 11(2) of the Regulations, his executor shall be entitled to make a claim for reimbursement of an amount under this Determination.

(7) Where the CSA is satisfied that the dentist is entitled to reimbursement of an amount under this Determination—

- (a) in the case of a dentist who pays the non-domestic rates in monthly installments, it shall pay that amount to the dentist in monthly installments;
- (b) in any other case, it shall pay that amount to the dentist.

Application of this Determination

5. This Determination shall take effect on 1 April 1992 and shall not apply to any liability to pay non-domestic rates in respect of any period before that date.

Statement of Dental Remuneration

DETERMINATION IX COMMITMENT PAYMENTS

Interpretation

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

"assistant" has the meaning given in regulation 2(1) of the GDS Regulations;

"commitment payment" has the meaning assigned to it in paragraph 2 of this Determination;

"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 dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996, or any equivalent to such list prepared by an equivalent body in England, Northern Ireland or Wales;

"dentist" means a registered dental practitioner;

"GDS-related activities" means activities carried out by a dentist and are associated with the provision of general dental services including acting as an adviser to a Health Board, acting as a vocational training adviser (but not as a vocational trainer within the meaning of Determination IV), acting as a clinical tutor and acting in connection with clinical audit;

"GDS" Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1996;

"gross earnings" means the dentist's gross earnings from the provision of general dental services under the National Health Service (Scotland) Act 1978, the National Health Service Act 2006 prior to 1 April 2006 or NI equivalent other than—

- (i) remuneration attributable to any care or treatment carried out by any assistant of the dentist; and
- (ii) remuneration in respect of any patient whose continuing care or capitation arrangement has been transferred to the dentist, where that remuneration relates to any period prior to the date that transfer was effected;

but shall include—

- (i) remuneration under Determinations I, IV (other than paragraph 4(b) of that Determination) VI, VII, XI and XIII of this Statement; and
- (ii) where the dentist's name has been included in 2 or more dental lists simultaneously, other than any such list in England, Northern Ireland or Wales, during all or any part of the relevant earnings period, all remuneration on an aggregate basis;

"principal dentist" means a dentist on a dental list, who has one or more assistants whose work is included in the claims made by that dentist to the CSA and in relation to whose work the dentist receives payment from the CSA;

"quarter" means a period of three months ending on 30 June, 30 September, 31 December and 31 March;

"registration level" means the average number of patients registered with a dentist over the relevant quarter, but does not include patients whose registration is assigned by a dentist to an assistant or trainee of his;

"relevant earnings period" means the period of 12 months ending on the last day of the processing date, as fixed by the CSA, in the quarter for which the commitment payment is to be determined;

"relevant year" means a period of twelve consecutive months, as fixed by the CSA, beginning with the scheduling month of April.

(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.

Entitlement

2.—(1) Subject to the provisions of sub-paragraphs (4) to (6), the CSA is authorised, with effect from the first day of a quarter on which a dentist has fulfilled the conditions set out in sub-paragraph (2) or paragraph 4, as the case may be, and complied with any applicable requirement of sub-paragraph (3), to pay to the dentist (or if the dentist is an assistant dentist, to the principal dentist) additional remuneration in accordance with the provisions of paragraph 3 or 4. This additional remuneration will be referred to as a commitment payment.

(2) Subject to paragraph 4, the conditions referred to in sub-paragraph (1) are:—

- (a) that one of the following applies—
 - (i) the dentist's name was first entered on a dental list at least 5 years prior to the day before the first day of the relevant quarter;
 - (ii) the dentist's name is entered on a dental list and for at least 5 years prior to the day before the first day of the relevant quarter either his name was entered on such a list or he was employed by a principal dentist as a dentist; or
 - (iii) the dentist is an assistant who was first employed by a principal dentist at least 5 years prior to the day before the first day of the relevant quarter by a principal dentist;
- (b) the dentist has earned at least £26,500 during the relevant earnings period and provided or assisted in providing general dental services, otherwise than as a salaried dentist, and—
 - (i) received qualifying gross earnings, for not less than 5 relevant years (whether or not such period has been continuous); or
 - (ii) where the dentist is one to whom sub-paragraph (2)(a)(ii) or (iii) above applies, and he undertook vocational training for a period of

one year, that he received qualifying gross earnings for not less than 4 relevant years (whether or not such period has been continuous);

(c) for the purposes of this paragraph, qualifying gross earnings are—

Relevant Year	Qualifying Gross Earnings
1997/1998	£22,900
1998/1999	£24,200
1999/2000	£25,000
2000/2001	£25,800
2001/2002	£26,800
2002/2003	£22,800
2003/2004	£23,500
2004/2005	£24,200
2005/2006	£24,900
2006/2007	£25,600

(3) The requirement referred to in sub-paragraph (1) is that, where a dentist's entitlement to a commitment payment depends on a period during which his name was on a dental list in England, Northern Ireland or Wales or on his gross earnings from such a period, the dentist shall send the CSA a claim in writing within 3 months following the last day of the relevant quarter. The written claim must provide sufficient information to enable the CSA to determine entitlement and consent to the disclosure of information by an equivalent authority covering England, Northern Ireland or Wales, where applicable.

(4) Where neither of the circumstances in sub-paragraph (3) apply the CSA will determine the dentist's entitlement from its own information.

(5) Where a dentist undertakes GDS-related activities to the extent referred to in paragraph 3(12), he must submit details of these activities to the CSA in writing within 3 months of the last day of the relevant quarter and he shall notify the CSA immediately of any change in his circumstances which may affect his entitlement to any payment made in accordance with paragraph 3(12).

(6) Where a dentist has submitted details of GDS-related activities to the CSA in accordance with sub-paragraph (5) above, the CSA shall determine the number of half days a week to be treated as GDS-related activity.

Payment

3.—(1) For the period from 1 April 2007, where a dentist is or becomes eligible for commitment payments by virtue of paragraph 2, a commitment payment shall be payable for the first and each subsequent quarter in which he is eligible and will be calculated as set out below.

(2) Subject to sub-paragraphs (3) to (8), where the dentist achieves gross earnings for the relevant earnings period which fall within a range given in column 1 of the table below, he will be entitled to the quarterly payment specified opposite that range in column 2.

<i>Column 1</i> <i>Gross earnings</i>	<i>Column 2</i> <i>Quarterly payment</i>
£26,500–£47,499.99	£129 ("level 1 payment")
£47,500–£62,499.99	£434 ("level 2 payment")
£62,500–£74,499.99	£560 ("level 3 payment")
£74,500–£85,499.99	£671 ("level 4 payment")
£85,500–£98,999.99	£783 ("level 5 payment")
£99,000–£110,999.99	£891 ("level 6 payment")
£111,000–£122,999.99	£1005 ("level 7 payment")
£123,000–£135,999.99	£1118 ("level 8 payment")
£136,000–£148,499.99	£1228 ("level 9 payment")
£148,500 or more	£1339 ("level 10 payment")

(3) In order to be eligible for a level 8 payment, a dentist whose gross earnings for the relevant earnings period are £123,000 to £135,999.99 must also have a registration level of at least 1,500 patients, otherwise a level 7 payment will be made.

(4) In order to be eligible for a level 9 payment, a dentist whose gross earnings for the relevant earnings period are £136,000 to £148,499.99 must also have a registration level of at least 1,650 patients; if he does not have this registration level but has a registration level of 1,500 patients he is entitled to a level 8 payment, otherwise a level 7 payment will be made.

(5) In order to be eligible for a level 10 payment, a dentist whose gross earnings for the relevant earnings period are £148,500 or more must also have a registration level of at least 1,800 patients; if he does not have this registration level but has a registration level of at least 1,650 patients he is entitled to a level 9 payment, if he does not have this registration level but has a registration level of at least 1,500 patients he is entitled to a level 8 payment otherwise a level 7 payment will be made.

(6) For the purposes of sub-paragraphs (3) to (5) where the CSA authorises a patient dental claim over the relevant earnings period in respect of treatment on referral fees, a dentist is entitled to treat that as adding 4.5 additional registered patients, to his registration level provided no patient is counted more than once in the relevant earnings period.

(7) For the purposes of sub-paragraphs (3) to (5) where the CSA authorises patient dental claims over the relevant earnings period in respect of occasional patient examinations (item 47 in Determination I of this Statement), a dentist is entitled to treat 2 occasional patient examinations as adding 1 additional registered patients, to his registration level; provided that no patient is counted more than once in the relevant earnings period.

(8) Subject to paragraph (9), in determining a dentist's registration level, the CSA shall use the information available to it at the time of its determination.

(9) Where the CSA is satisfied that, in the particular circumstances of the case, it would be just and equitable to amend a figure for a dentist's registration level, it may do so.

(10) A dentist who is aged 45 or over on the day before the first day of the relevant quarter shall be entitled to a quarterly payment which is 50% higher than he would otherwise be entitled to under this paragraph, except where he receives a level 1 payment.

(11) A dentist who is aged under 45 on the day before the first day of the relevant quarter shall be entitled to a quarterly payment which is 50% higher than he would otherwise be entitled to under this paragraph, except where he receives a level 1 payment if—

- (a) the dentist name was first entered on a dental list at least 20 years prior to the day before the first day of the relevant quarter; or
- (b) the dentist was first employed as a dentist at least 20 years prior to the day before the first day of the relevant quarter by another dentist whose name was on a dental list.

(12) Where a dentist who is entitled to a commitment payment of level 2 or higher regularly undertakes GDS-related activities which are equivalent to at least one half day of 3.5 hours a week during the relevant quarter, his payment level shall be increased in respect of that quarter by one level for each such half day, up to a maximum of four such increases up to level 10, which ever occurs first, and sub-paragraphs (3) to (5) above shall not apply to such payment level increases.

(13) Where a dentist who is entitled to commitment payments under this Determination receives a maternity payment in accordance with Determination V of this Statement, for the purposes of calculating the commitment payment payable she shall be deemed to have received gross earnings of an amount equal to the weekly rate of her gross earnings during the "test period" as defined in Determination V for each week that she receives such a maternity payment, up to a maximum of £3,131.20 per week.

Conditions for part-time dentists

4.—(1) Provided that the conditions set out in sub-paragraph (3) are met for the period from 1 April 2004, in the case of a dentist who does not meet the conditions in paragraph 2(2)(b) and (c), but does meet the other conditions in paragraph 2, a commitment payment for the first and each subsequent quarter in which he is eligible may nonetheless be made and the amount of that payment shall be a level 1 payment, as stipulated in the Table in paragraph 3(2).

(2) A dentist who for the period from 1 April 2005 is entitled to a commitment payment of level 1, as stipulated in the Table in paragraph 3(2), and who meets the conditions set out in sub-paragraph (3) shall have his payment level increased to level 2 as stipulated in the aforementioned Table.

(3) The conditions referred to in sub-paragraph (1) and (2) are that—

- (a) at least 90 percent of the dentist's earnings from dentistry was attributable to gross earnings; and
- (b) the dentist applies for a commitment payment by completing the form provided to him, for that purpose, by the Health Board and sending it to the CSA

Relation to other Determinations

5. Payments made under this Determination shall not be included in the calculation of any payments due under any other Determinations in this Statement.

Statement of Dental Remuneration

DETERMINATION X ALLOWANCES AND GRANTS FOR PRACTICE IMPROVEMENTS

Interpretation

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

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

"dentist" means a registered dental practitioner;

"financial year" means the period beginning on 1 April in one year and ending on 31 March in the next year;

"gross earnings" means the dentist's gross earnings from the provision of general dental services under the National Health Service (Scotland) Act 1978 and does not include remuneration by way of salary;

"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;

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

"trainee" means a dentist who is employed by a trainer as an assistant in accordance with paragraph 2 of Determination IV;

"trainer" means a dentist who employs a trainee as an assistant in accordance with paragraph 2 of Determination IV;

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

"training practice" means a practice which has been assessed as being an appropriate standard to undertake vocational training to standards determined by NHS Education for Scotland;

"training surgery" means a surgery which is used by a trainee to provide general dental services;

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

"vocational training cycle" means a period beginning on 1 August in one year and ending on 31 July in the next year;

"year" means a vocational training cycle.

(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 - Allowances for Practice Improvements

General

2. Allowances under this determination may be paid, at the Health Board's discretion, to dentists towards the cost of improving existing dental practices. The Health Board shall exercise discretion in accordance with this determination and having regard to its pre-determined priorities and to its cash allocation for the relevant period. It may be determined that a dentist will not receive an allowance at all.

Eligibility

3. An allowance under this determination may only be paid where either—

(a) a dentist's gross earnings in the financial year prior to that in respect of which the allowance is to be made are not less than the sum listed below—

for 2005/06 of £25,000
for 2006/07 of £25,750 or

(b) at least 90 per cent of the dentist's earnings from the practice of dentistry during the financial year prior to that in respect of which the allowance is to be paid were attributable to gross earnings.

Projects Eligible for an Allowance

4. Allowances may be paid for or towards the purchase, renewal or upgrade of practice equipment or for the modification or improvement of practice premises, which will result in improvements to patient safety, the practice environment for the benefit of patients or practice efficiency.

Amounts

5. A Health Board shall not make allowances under this scheme, which taken together over a period of a financial year, exceed the amount allocated to the Health Board by the Scottish Ministers in respect of this Determination.

Applications for Allowances

6. Applications for allowances shall be made by dentists to a Health Board in such manner as the Health Board may determine.

Payment of Allowance

7. The Health Board may, if it thinks fit, pay the allowance either in the form of cash or in the form of other assistance which may include providing or securing the provision of the new practice equipment or renewal or upgrade of practice equipment or modification or improvement of practice premises.

Conditions

8.—(1) Any allowance shall be paid subject to the condition that the dentist to whom the allowance is paid, or where appropriate his successor, shall continue to meet the eligibility criteria for a period of not less than 3 years after the allowance is paid and to such other conditions as the Health Board may think fit.

(2) An allowance under this Part shall not be paid for any improvements for which and grant has been paid under Part II or Part III of this Determination or for which a Scottish Dental Access Initiative grant has been awarded

Part II - Grants for Practice Improvements: New Vocational Training Practices

Conditions of Entitlement

9.—(1) A dentist who wishes to become a trainer, who satisfies the conditions specified in sub-paragraph (2) and who makes a claim to the Health Board in accordance with paragraph 11 shall be entitled to a grant as specified in paragraph 10.

(2) The conditions referred to in sub-paragraph (1) are:

- (a) no dentist has provided vocational training within the proposed trainer's current training practice during the 5 years prior to his application to become a trainer; and
- (b) the dentist has been provisionally assessed by NHS Education for Scotland as suitable to become a trainer, pending improvements to the proposed training practice to satisfy vocational training standards.

Amount of Grant

10.—(1) The amount of grant to be paid where a dentist has satisfied the conditions in paragraph 9 and made a claim in accordance with paragraph 11 shall be up to £10,000 less any abatement in accordance with sub-paragraph (2).

(2) The abatement to be applied is the amount in column 2 of the Table below corresponding to the proportion in column 1 of that Table which the dentist's NHS earnings bear to his total earnings in the financial year prior to that in respect of which the allowance is to be paid.

TABLE

<i>Column 1</i> <i>Proportion which NHS earnings bear to total earnings</i>	<i>Column 2</i> <i>Percentage of abatement</i>
90% or more	no abatement
80% or more but less than 90%	10%
70% or more but less than 80%	20%
60% or more but less than 70%	30%
50% or more but less than 60%	40%
40% or more but less than 50%	50%
30% or more but less than 40%	60%
20% or more but less than 30%	70%
10% or more but less than 20%	80%
Less than 10%	90%

(3) The grant shall be paid to one equity holding dentist per training practice on behalf of all dentists at that practice.

(4) Only one grant shall be payable per training surgery within a proposed training practice. Where a dentist will be a trainer otherwise than full-time the grant to be paid shall be a pro-rata sum calculated on the basis of a whole-time week of 35 hours.

(5) A grant under this Part shall not be paid for any improvements for which an allowance has been paid under Part I of this Determination or for which a Scottish Dental Access Initiative grant has been awarded.

Application for Grant

11.—(1) A dentist shall make a claim for a grant under paragraph 10 to the Health Board, on a form supplied by the Health Board, and shall include with the claim a declaration:

- (a) in which he states the percentage of his NHS earnings in relation to his total earnings for the financial year prior to the year in which his claim is made;
- (b) that by the end of the second vocational training cycle of receiving a grant under paragraph 10:
 - (i) he will employ a trainee; or
 - (ii) where he does not employ a trainee, the surgery which was to be used by the trainee shall be used for the provision of general dental services by a dentist who has completed his training within the previous 3 months prior to joining the practice;
- (c) that the surgery shall continue to be used for vocational training or for the provision of general dental services for a period of 3 years following commencement of its use in accordance with sub-paragraph (1)(b) and the full range of general dental services (except for specialist services where referral may be appropriate) will be provided to all categories of NHS patients throughout that period.

(2) A grant shall be payable on production of receipts for the work undertaken to meet vocational training standards.

(3) A grant can only be made for those items identified by NHS Education for Scotland as requiring upgrading to satisfy vocational training standards.

(4) Where the prospective trainer is not an owner of the proposed training practice, any application shall be made jointly by the owner(s) of the practice and the prospective trainer and the conditions in sub-paragraph (1)(b) and (c) will apply equally to both the trainer and the owner(s).

Part III - Grants for Practice Improvements: Established Vocational Training Practices

Conditions of Entitlement

12.—(1) A dentist who is a trainer, who satisfies the condition specified in sub-paragraph (2) and who makes a claim to the Health Board in accordance with paragraph 14 shall be entitled to a grant as specified in paragraph 13.

(2) The condition referred to in sub-paragraph (1) is NHS Education for Scotland determines that:

- (a) as part of its 3 year programme of training practice inspections, the training practice requires subsequent improvements to continue to satisfy vocational training standards; or
- (b) the training practice is suitable for expansion to become a multiple training practice, pending improvements to the training practice to satisfy vocational training standards.

(3) Where improvements to an existing training practice are required which are identified out with NHS Education for Scotland's 3 year programme of training practice inspections a claim for a grant can be made provided that NHS Education for Scotland has determined that the improvements are required in order to continue to meet vocational training standards.

Amount of Grant

13.—(1) The amount of grant to be paid where a dentist has satisfied the condition in paragraph 12 and made a claim in accordance with paragraph 14 shall be up to £10,000 less any abatement in accordance with sub-paragraph (2).

(2) The abatement to be applied is the amount in column 2 of the Table below corresponding to the proportion in column 1 of that Table which the trainer's NHS earnings bear to his total earnings in the financial year prior to that in respect of which the allowance is to be paid.

<i>Column 1</i>	<i>Column 2</i>
<i>Proportion which NHS earnings bear to total earnings</i>	<i>Percentage of abatement</i>
90% or more	No abatement
80% or more but less than 90%	10%
70% or more but less than 80%	20%
60% or more but less than 70%	30%
50% or more but less than 60%	40%
40% or more but less than 50%	50%
30% or more but less than 40%	60%
20% or more but less than 30%	70%
10% or more but less than 20%	80%
Less than 10%	90%

(3) The grant shall be paid to one equity holding dentist per training practice on behalf of all dentists at that training practice.

(4) Only one grant shall be payable per training surgery within a training practice. Where a dentist is a trainer otherwise than full-time the grant to be paid shall be a pro-rata sum calculated on the basis of a whole-time week of 35 hours.

(5) A grant under this Part shall not be paid for any improvements for which an allowance or grant has been paid under either Part I or Part II of this Determination or for which a Scottish Dental Access Initiative grant has been awarded.

Application for Grant

14.—(1) A trainer shall make a claim for a grant under paragraph 13 to the Health Board, on a form supplied by the Health Board, and shall include with the claim a declaration:

(a) in which he states the percentage of his NHS earnings in relation to his total earnings for the financial year prior to the year in which his claim is made; and

(b) that the training practice shall continue to provide vocational training for a period of 3 years following receipt of a grant and that the trainee shall provide the full range of general dental services (except for specialist services where referral may be appropriate) to all categories of NHS patients throughout that period or

(c) that where he does not employ a trainee during any year within the 3 year period, the surgery which was to be used by the trainee shall be used for the provision of general dental services by the dentist to whom the trainer has provided training which has been completed within the previous 3 months.

(2) A grant shall be payable on production of receipts for the work undertaken to continue to meet vocational training standards.

(3) A grant can only be made for those items identified by NHS Education for Scotland as requiring upgrading to continue to satisfy vocational training standards.

(4) Where the trainer is not an owner of the training practice, any application shall be made jointly by the owner(s) and the trainer and the condition in sub-paragraph (1)(b) will apply equally to both the trainer and the owner(s).

Part IV - Repayment of Allowances and Grants

15.—(1) Where there has been a breach of paragraph 8 above, the allowance will be recovered in whole or in part by taking back one third for each financial year in which the relevant condition was unmet. In such circumstances, payment must be made within three months of demand. If the dentist fails to repay the amount due, appropriate recovery action by the Health Board will follow.

(2) Where there has been a breach of paragraph 11(1) or 14(1)(b) above, the grant will be repaid in full or by an amount calculated by taking the percentage of the number of months unserved compared with the agreed period of 24/36 months plus 20%, whichever is the lesser. In such circumstances, payment must be made within 3 months of demand. If the dentist fails to repay the amount due, appropriate recovery action by the Health Board will follow.

Statement of Dental Remuneration

DETERMINATION XI CLINICAL AUDIT ALLOWANCES

Interpretation

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

"approved project" means a project of clinical audit activities which has been approved by NHS Education for Scotland and "first approved project" means the first such project undertaken in the relevant period;

"assistant" has the meaning given in regulation 2(1) of the Regulations;

"clinical audit activities" has the meaning given in paragraph 31E(2) of Schedule 1 to the Regulations, namely activities which involve the systematic and critical analysis of the quality of dental care provided, including the processes used for diagnosis, intervention and treatment and use of resources;

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

"dentist" means a registered dental practitioner but does not include a dentist who is an assistant;

"dental list" means a dental list prepared by a Health Board in accordance with regulation 4(1A) of the Regulations;

"relevant period" has the meaning given in paragraph 31E(2) of Schedule 1 to the Regulations, namely—

- (a) subject to head (b) below, where a dentist's name is included in a dental list and he is providing general dental services—
 - (i) on 1 April 2002, the period of 3 years commencing on that date,
 - (ii) from a date after 1 April 2002, the period of 3 years commencing with that later date, and each successive period of three years thereafter,
- (b) where a dentist's name remains included in a dental list but he does not provide general dental services during any continuous period in excess of thirteen weeks, the period specified in head (a), to which is added any such continuous period during which he is not providing dental services;

"the Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1996;

"three year period" in relation to an assistant means—

- (a) subject to head (b) below, where an assistant is employed—
 - (i) on 1 April 2002, the period of three years commencing on that date,

- (ii) from a date after 1 April 2002, the period of 3 years commencing with that later date, and each successive period of three years thereafter,
- (b) where an assistant does not provide general dental services during any continuous period in excess of thirteen weeks, the period specified in head (a), to which is added any such continuous period during which he is not providing general dental services.

(2) In this Determination, any 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.

Conditions of Entitlement

2.—(1) A dentist who:—

- (a) satisfies the conditions specified in sub-paragraph (2) or, in respect of an assistant of his, sub-paragraph (3), and
- (b) makes a claim to the CSA in accordance with paragraph 4,

shall be entitled to an allowance of an amount ascertained in accordance with paragraph 3.

(2) The conditions are that:—

- (a) at the time of undertaking an approved project, and at the time of making the claim, the dentist's name is included in a dental list and he is providing general dental services, and
- (b) the first approved project undertaken by the dentist is one of not less than 5 hours' duration except where NHS Education for Scotland has approved a shorter first project.

(3) The conditions are that:-

- (a) at the time an assistant undertakes an approved project, and at the time of making the claim in respect of the assistant, the dentist's name is included in a dental list and he is providing general dental services, and
- (b) subject to sub-paragraph (4), the first approved project which the assistant undertakes is of not less than 5 hours' duration except where NHS Education for Scotland has approved a shorter first project.

(4) The conditions specified in sub-paragraph (3)(b) shall not apply where an assistant was previously employed as such by another dentist and undertook an approved project in that previous employment of not less than 5 hours' duration.

Amount of Allowance

3.—(1) Subject to the following sub-paragraphs, the allowance payable for undertaking approved projects in the relevant period is to be calculated at an hourly rate of £62.93.

(2) After the first approved project is completed a dentist may claim in respect of periods of not less than half an hour which he has spent undertaking an approved project.

(3) The number of hours for which an allowance is payable to any dentist, in respect of his undertaking any approved project over the relevant period, is 15 hours.

(4) Subject to sub-paragraph (5), where an assistant undertakes any approved project the number of hours for which the allowance is payable to the dentist in respect of that assistant is 15 hours in the three year period in question.

(5) Where in a three year period an assistant who was previously employed as such by another dentist undertook an approved project in that previous employment for which a claim was made in accordance with this Determination, the number of hours for which an allowance is payable is 15 hours, less the number of hours in respect of which any earlier claim was made.

(6) After an assistant has participated in a first approved project a dentist may claim in respect of the assistant's participation in subsequent approved projects for periods of not less than half an hour.

Claims for Allowance

4.—(1) A dentist shall make a claim for an allowance on a form supplied by the Health Board for the purpose, or a form to like effect, and shall include with the claim a certificate of completion of the approved project in respect of which the claim is made, signed by a member of NHS Education for Scotland which approved the project.

(2) Where a dentist makes a claim in respect of an assistant of his he shall include a signed statement from the assistant to the effect that the assistant's payments under the contract of employment with the dentist were not reduced on account of his participation in the approved project in respect of which the claim is being made.

(3) Where in a three year period the assistant was previously employed as such by another dentist and undertook an approved project in that previous employment for which a claim was made in accordance with this Determination, the statement referred to at sub-paragraph (2) shall also specify the number of hours in respect of which any earlier claim was made.

(4) Where a dentist's name is included in the dental list of more than one Health Board he shall make the claim in respect of the Health Board for whom he provides the greater or greatest proportion of general dental services at the date of the claim.

Statement of Dental Remuneration

DETERMINATION XII REMOTE AREAS ALLOWANCES

Interpretation

1.—(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 dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

"dentist" means a registered dental practitioner;

"local postgraduate education resource centre" means the postgraduate centres in Aberdeen, Dundee, Edinburgh, Glasgow and Inverness;

"remote dentist" means a dentist who provides general dental services on an island in Scotland or in an area which has less than 0.5 persons per hectare;

"total earnings" means all of a dentist's gross earnings from the practice of dentistry by him in person, and "NHS earnings" means the dentist's gross earnings from the provision by him in person of general dental services under the National Health Service (Scotland) Act 1978, including where the dentist's name is included in two or more dental lists in Scotland, but neither his total earnings nor his NHS earnings shall be taken to include any remuneration by way of salary;

"year" means the period beginning on 1 April one year and ending on 31 March in the next year.

(2) Where a question arises as to whether a dentist is a remote dentist this will be determined by the CSA whose decision will be final.

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

Conditions of Entitlement

2.—(1) A dentist who satisfies the conditions specified in sub-paragraph (2) and who makes a claim to the CSA in accordance with paragraph 4 shall be entitled to an allowance of an amount ascertained in accordance with paragraph 3.

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

- (a) the dentist's name is included in a dental list;
- (b) the dentist is a remote dentist.

(3) Where a dentist has more than one address listed in a dental list the CSA will not be liable

to pay a remote areas allowance to the dentist if the address from which he provides general dental services for the greatest proportion of his time results in the dentist not being a remote dentist.

Amount of Payment

3.—(1) The amount of allowance to be paid where a dentist has satisfied the conditions in paragraph 2(2) and made a claim in accordance with paragraph 4 shall be:

for 2002/03	£1,500.00
for 2003/04	£3,000.00
for 2004/05	£6,000.00
for 2005/06	£9,000.00

less any abatement calculated in accordance with paragraph (2).

(2) The abatement to be applied is the amount which represents the percentage of the dentist's total earnings which is specified in column 2 of the Table below as corresponding to the proportion in column 1 of that Table which his NHS earnings bear to his total earnings in the year prior to that in respect of which the allowance is to be paid.

<i>Column 1</i>	<i>Column 2</i>
<i>Proportion which NHS earnings bear to total earnings</i>	<i>Percentage of abatement</i>
90% or more	No abatement
80% or more but less than 90%	10%
70% or more but less than 80%	20%
60% or more but less than 70%	30%
50% or more but less than 60%	40%
40% or more but less than 50%	50%
30% or more but less than 40%	60%
20% or more but less than 30%	70%
10% or more but less than 20%	80%
Less than 10%	90%

(3) Only one allowance shall be payable to a dentist in a year.

Claim for Allowance

4.—(1) A dentist shall make a claim for a remote allowance on a form supplied by the Health Board for the purpose, in which he states the percentage his gross earnings from the provision by him in person of general dental services bore to his total earnings in the practice financial year prior to the year in which his claim is made.

(2) Where a dentist's name is included in the dental list of more than one Health Board and he meets the conditions at paragraph 2(1) for each area he shall only make the claim in respect of the Health Board for which he provides the greater or greatest proportion of general dental services.

Transitional Application of Determination

5. A dentist who does not fall within the definition of a "remote dentist" in paragraph 1(1) who fell within the definition of a "remote dentist" in effect prior to 1 April 2006 will continue to be entitled to receive a remote area allowance so long as he provides general dental services from the address in the dental list which entitled him to receive such an allowance, that address being 90 minutes or more, as determined by the AA Route Planner 2005 package (using default settings), traveling time by car to his local postgraduate education resource centre in Scotland.

Statement of Dental Remuneration

DETERMINATION XIII RECRUITMENT AND RETENTION ALLOWANCES

Interpretation

1.—(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 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 & Galloway, Fife, Grampian, Highland, Orkney, Shetland and Western Isles Health Boards and within the area of Ayrshire & Arran Health Board, the Isle of Arran;

"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;

"session" means a period of not less than 3.5 hours;

"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;

"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" means a period of one year's vocational training or two year's general professional training or in the case of a dentist who is registered by virtue of section 15(1)(b) or (2A) of the Dentists' Act 1984 (registration of nationals of a EEA State who hold an appropriate European diploma) or is in any way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement, evidence of suitable postgraduate experience as approved by NHS Education for Scotland ;

"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.—(1) A trainee who on or after 1 August 2004 is engaged—

- (a) in a contract of employment as an assistant to a trainer whose name is on the dental,
or
- (b) under a contract of service with a Health Board,

and who makes a claim to NHS Education for Scotland in accordance with paragraph 4(1) shall be entitled to an allowance as ascertained in accordance with paragraph 3(1).

(2) A trainee who is entitled to an allowance under sub-paragraph (1) who is engaged—

- (a) in a contract of employment as an assistant to a trainer whose name is included on the dental list in a designated area, or
- (b) under a contract of service with a Health Board in a designated area,

and who makes a claim to NHS Education for Scotland in accordance with paragraph 4(1) and (2) shall be entitled to an additional allowance as ascertained in accordance with paragraph 3(2).

Amount of Allowance

3.—(1) The amount of allowance to be paid in accordance with paragraph 2(1) shall be £3,000.

(2) The amount of the additional allowance to be paid in accordance with paragraph 2(2) shall be an amount equal to the amount in sub-paragraph (1).

(3) Only one allowance shall be payable to a trainee.

Claim for Allowance

4.—(1) A trainee shall make a claim for an allowance under paragraph 2(1) to NHS Education for Scotland on a form supplied by the Health Board.

(2) Where a trainee claims an additional allowance under paragraph 2(2) he shall when making a claim under sub-paragraph (1), also include a declaration in writing that he will provide general dental services in a designated area for the duration of his vocational training.

(3) A claim under sub-paragraph (1) or (2) shall be made within 2 months of the trainee beginning vocational training.

Failure to Meet Conditions of Allowance

5.—(1) Where a trainee 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 such part of the allowance paid as is calculated in accordance with sub-paragraph (3).

(2) Where a trainee moves from a designated area during vocational training but continues to be engaged in a contract of employment as an assistant to a trainer or contract of service with a Health Board he shall be required to repay to the Health Board the full amount of the additional allowance received.

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

(4) The Health Board 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(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 satisfies the conditions specified in sub-paragraph (4) 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 satisfies the conditions specified in sub-paragraph (5) 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(2).

(3) A dentist who is entitled to an allowance under sub-paragraph (1) or (2), who also satisfies the conditions specified in sub-paragraph (6), and who makes a claim to the CSA in accordance with paragraphs 9(1) and (2) will be entitled to an additional allowance as ascertained and payable in accordance with paragraph 8(3).

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

- (a) subject to sub-paragraph (7), the dentist's name is first included in a dental list within 3 months of completion of training;
- (b) the dentist undertakes to provide at least 4 sessions of general dental services each week in each of the 3 years following receipt of the first payment under paragraph 8;
- (c) 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 earning for each of those years;
- (d) 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
- (e) the dentist's name will remain included in a dental list for 3 years following receipt of the first payment under paragraph 8.

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

- (a) the dentist's name is being included in a dental list for the first time or the dentist's name is being included in a dental list having not been on such a list for the previous 5 years;
- (b) the dentist undertakes to provide at least 4 sessions of general dental services each week in each of the 3 years following receipt of the first payment under paragraph 8;
- (c) 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 earning for each of those years;
- (d) 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;

(e) the dentist's name will remain included in a dental list for 3 years following receipt of the first payment under paragraph 8; and

(f) in the case of a dentist who is registered by virtue of section 15(1)(b) or (2A) of the Dentist's Act 1984 (registration of nationals of a EEA State who hold an appropriate European diploma) or is in any way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement, evidence of suitable postgraduate experience as approved by NHS Education for Scotland.

(6) The conditions referred to in sub-paragraph (3) 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.

(7) Where the name of the dentist cannot be included in a dental list within the 3 month period referred to in sub-paragraph (4)(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 April 2004 be £10,000 paid over a 2 year period at £5,000 per annum.

(2) The amount of allowance to be paid in accordance with paragraph 7(2) shall with effect from 1 April 2004 be £5,000 paid over a 2 year period at £2,500 per annum.

(3) The amount of the additional allowance to be paid in accordance with paragraph 7(3) shall be an amount equal to that calculated in accordance with sub-paragraph (1) or (2) and shall be payable in the same manner.

(4) 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) or (2) and (3) respectively shall be payable in respect of the Health Board for which he provides the greater or greatest proportion of general dental services at the date of the claim.

(5) Payments under sub-paragraph (1) or (2) shall terminate if the dentist ceases to have his name included in a dental list.

(6) Payments under sub-paragraph (3) 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) or (2) to the CSA on a form supplied by the Health Board 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(3) 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), (2) or (3) shall be made within 2 months of the dentist's name first being included in a dental list or within 2 months of his name being included in a dental list following a period of 5 years when his name did not appear in a dental list.

(4) The dentist shall notify the CSA within one month of any changes in his circumstances which may affect his entitlement to the payment of an allowance under paragraph 8(1), (2) or (3).

(5) Only one claim for an allowance under either sub-paragraph 7(1) or (2) can be made by a dentist.

Failure to Meet Conditions of Allowance

10—(1) Where a dentist fails to meet the conditions set out in paragraph 7(4)(b), (c) or (d) or 7(5)(b), (c), or (d) 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 within 3 months the full amount of any allowance received.

(2) Where a dentist fails to meet the conditions set out in paragraph 7(4)(b) or (c) or 7(5)(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 the full amount of the additional allowance received.

(3) The Health Board 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 in Status of Designated Area

11.—(1) A dentist who is in receipt of an additional allowance in accordance with paragraph 7(3) 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) or (2) will not be entitled to receive an additional allowance in accordance with paragraph 7(3) 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—

- (a) any trainee who is engaged in a contract of employment or contract of service as an assistant on or after 1 August 2004, or
- (b) any dentist who joins a dental list on completion of his training or who joins a dental list in Scotland for the first time or following a period of 5 years when his name did not appear in a dental list on or after 1 April 2004.

Statement of Dental Remuneration

DETERMINATION XIV PRACTICE ALLOWANCES

Interpretation

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

"assistant" in relation to Part I has the meaning given in regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 1996 but excludes those assistants who are vocational trainees;

"accumulative gross practice earnings" means the gross earnings of all of the dentists on the dental list within the practice and all of the assistants within the practice for the preceding 3 scheduled payments prior to the quarter end in respect of which the allowance is to be paid;

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

"category of patients" in relation to Part I means:

(a) exempt patients, ie children under 18, those aged 18 in full-time education, pregnant women and nursing mothers;

(b) fully or partially remitted patients, ie those patients and their partners in receipt of income support, income-based jobseekers' allowance, pension credit guarantee credit, NHS Low Income certificates HC2 and HC3 holders and those patients and their partners entitled to, or named on, a NHS tax credit exemption certificate; and

(c) fee paying adult patients ie those patients who do not fall within either category (a) or category (b),

and "categories of patients" shall be construed accordingly.

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

"dentist" in relation to Part I means a registered dental practitioner and includes a dentist who is an assistant;

"dentist" in relation to Part II and III means a registered dental practitioner and excludes a dentist who is an assistant;

"designated dentist" means that dentist, excluding a dentist who is an assistant, deemed designated and recorded by the CSA on the last day of the quarter in which the payment is to be made;

"financial year" means the period beginning on 1 April in one year and ending on 31 March in the next year;

"the GDS Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1996, as amended;

"GDS-related activities" means in relation to Part I:

- Fees for undertaking practice inspections
- Dental Practice Adviser allowance
- NHS Board lead general dental practitioner allowance
- NHS Education for Scotland adviser remuneration
- CPD tutors or directors remuneration
- Dental Reference Officer remuneration.

"gross earnings" in relation to Part I means the dentist's gross earnings, excluding any remuneration by way of salary as a salaried dentist, from the provision of general dental services under the National Health Service (Scotland) Act 1978, including;

- Item of service payments
- Continuing care and capitation payments
- Seniority payments
- Vocational trainers grant
- Continuing professional development allowance
- Remote area allowance
- Recruitment and retention allowance
- Clinical audit allowance
- Maternity payments, paternity payments and adoptive leave payments
- Fees for undertaking practice inspections
- Dental Practice Adviser allowance
- NHS Board lead general dental practitioner allowance
- NHS Education for Scotland adviser remuneration
- CPD tutors or directors remuneration
- Dental Reference Officer remuneration
- Items of service fees for providing NHS general dental services within the Scottish Prison Service.

"a practice" means a single geographical location from which general dental services are provided, this location being the practice address on a Health Board list;

"NHS committed practice" in relation to Part I means:

- (a) in relation to a specialised orthodontic practice, a practice from which:
- (i) the dentists accept orthodontic referrals under general dental services for all categories of patients;
 - (ii) payment has been received for an average of at least 500 claims per dentist (full or part-time) under item 46 (treatment on referral) of Determination I;
 - (iii) payment has been received for an average of at least 100 claims per dentist (full or part-time) under item 1(c) (full case assessment) of Determination I; and
 - (iv) the dentists have average gross earnings of £75,000 or above per dentist (full or part-time) in the period of 12 months immediately proceeding the last day of the quarter for which the allowance is payable.
- (b) in relation to other specialised practices, a practice from which:
- (i) the dentists accept referrals for treatment under general dental services for all categories of patients;

- (ii) payment has been received for an average of at least 500 claims per dentist (full or part-time) under item 46 (treatment on referral) of Determination I;
 - (iii) payment has been received for an average of at least 100 claims per dentist (full or part-time) under item 1(a), 1(b) and/or 1(c) of Determination I; and
 - (iv) the dentists have average gross earnings of £75,000 or above per dentist (full or part-time) in the period of 12 months immediately proceeding the last day of the quarter for which the allowance is payable.
- (c) in relation to non-specialised practices, a practice which:
- (i) the dentists provide general dental services to all categories of patients
 - (ii) the dentists have an average of at least 500 patients per dentist accepted for care and treatment under capitation and continuing care arrangements (full or part-time) of which at least an average of 100 per dentist must be fee paying adults; and
 - (iii) the dentists have average gross earnings of £50,000 or above per dentist (full or part-time) in the period of 12 months immediately proceeding the last day of the quarter for which the allowance is payable.

"NHS earnings" in relation to Part II means the gross earnings, excluding any remuneration by way of salary, of all of the dentists within the practice from the provision by each such dentist in person of general dental services under the National Health Service (Scotland) Act 1978;

"non-specialised practice" means a practice where the dentists within the practice do not restrict their services under general dental services to orthodontic care and treatment, oral surgery, sedation, paediatric dentistry, endodontics, prosthodontics or restorative periodontology on referral;

"other specialised practice" means a practice where the dentists restrict their services under general dental services and provide only oral surgery, sedation, paediatric dentistry, endodontics, prosthodontics or restorative periodontology on referral;

"quarter" means a period of 3 months ending on 30 June, 30 September, 31 December and 31 March;

"specialised orthodontic practice" means a practice which restricts its services under general dental services and provides only orthodontic care and treatment on referral;

"total earnings" in relation to Part II means the gross earnings, excluding any remuneration by way of salary, of all of the dentists within the practice from the provision of dentistry by each such dentist in person;

"trainee" means a dentist who is employed as a trainee by a trainer as an assistant in accordance with paragraph 2 of Determination IV;

"trainer" means a dentist who employs a trainee as an assistant in accordance with paragraph 2 of Determination IV;

"vocational training practice" means a practice which has a trainer who employs a trainee;

"year" in relation to Part I means the period beginning on 1 April in one year and ending on 31 March in the next year;

"year" in relation to Part III means the period beginning on 1 August in one year and ending on 31 July in the next year.

(2) In this Determination, a reference to a numbered paragraph is to the paragraph bearing that number in the 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 - General Dental Practice Allowance

Conditions of Entitlement

2.—(1) Subject to the conditions of sub-paragraph (3), the CSA shall pay in accordance with paragraph 3(1) an allowance to a designated dentist within a practice to help address the increasing practice requirements in relation to the provision of high quality premises, health and safety, staffing support and information collection and provision.

(2) Where the conditions specified in sub-paragraph (4) are satisfied by the dentists in a practice in respect of which an allowance under sub-paragraph (1) is payable to the designated dentist, the CSA shall pay to the designated dentist within the practice an additional allowance in accordance with paragraph 3(2).

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

- (a) the names of the dentists in respect of which the claim is being made are, with the exception of those dentists who are assistants, included in the dental list of the Health Board in whose area the practice is situated;
- (b) the names of any dentists who are assistants, in respect of which the claim is being made, and who provide general dental services within the practice have been notified to the Health Board in whose area the practice is situated;
- (c) the practice has been satisfactorily inspected by the Health Board in whose area the practice is situated within the 3 years prior to that in respect of which the allowance is to be paid.

(4) The conditions referred to in sub-paragraph (2) are that during the period for which the additional allowance is payable:

- (a) the practice is an NHS committed practice;
- (b) the dentists within the practice maintain or increase the number of patients accepted for care and treatment under capitation and continuing care arrangements with the dentists within the practice at 1 October 2005 where the practice is a non-specialised practice; and
- (c) the dentists within the practice meet, and continue to meet, their NHS terms of service, as set out in Schedule 1 to the GDS Regulations.

Payments

3.—(1) The amount of allowance to be paid in terms of paragraph 2(1) where the dentists within the practice satisfied the conditions in paragraph 2(3) will be 6% of the accumulative gross earnings of the dentists in the practice.

(2) The amount of additional allowance to be paid in terms of paragraph 2(2) where the dentists within a practice satisfied the conditions in paragraph 2(4) will be 6% of the accumulative gross earnings of the dentists in the practice.

(3) The allowance and any additional allowance shall be payable quarterly in the month following the quarter to which the calculation is made.

(4) The allowance and any additional allowance shall be paid to a designated dentist within the practice on behalf of all of the dentists at the practice.

Count of Dentists in Respect of an NHS Committed Practice

4.—(1) Where a dentist within a practice has ceased to provide general dental services at that practice and has been replaced with another dentist who has commenced providing general dental services at that practice these dentists will be counted as one for the purposes of determining whether or not the practice is a NHS committed practice.

(2) Any dentists within a practice who fall within sub-paragraph (1) shall advise the CSA in writing of the names of the dentists concerned.

Conditions for a New and Additional Dentist in Respect of an NHS Committed Practice

5.—(1) Subject to sub-paragraph (2), where the dentists within a practice are not entitled to payment of an additional allowance under paragraph 3(2) due not meeting the conditions in head:

- (i) (a)(ii), (iii) and (iv) or head (iv) only in respect of a specialist orthodontic practice; or
- (ii) (b)(ii), (iii) and (iv) or head (iv) only in respect of another specialist practice; or
- (iii) (c)(ii) and (ii) or head (iii) only in respect of a non-specialist practice;

of the definition of an NHS committed practice due to a new and additional dentist providing general dental services within the practice in the 12 months immediately prior to the last day of the first quarter for which the allowance is payable the new and additional dentist will be deemed to meet these conditions for the payment of an additional allowance.

(2) Any dentist under sub-paragraph (1) will only be deemed to fully meet the conditions of the definition of NHS committed practice for the first and 3 subsequent quarters for which the additional allowance is payable following the dentist beginning to provide general dental services at the practice.

Conditions for a New Practice in Respect of an NHS Committed Practice

6.—(1) Subject to sub-paragraph (2) and (3), where the dentists within a practice are not entitled to payment of an additional allowance under paragraph 3(2) due to the dentists within the practice not fully meeting the conditions in head:

- (i) (a)(ii), (iii) and (iv) or head (iv) only in respect of a specialised orthodontic practice;
or
- (ii) (b)(ii), (iii) and (iv) or head (iv) only in respect of another specialised practice; or
- (iii) (c)(ii) and (ii) or head (iii) only in respect of a non-specialised practice;

of the definition of NHS committed practice due to the practice address not being on the Health Board's dental list for the 12 months immediately proceeding the last day of the first quarter for which the allowance is payable the dentists within the practice will be deemed to meet these conditions for the payment of an additional allowance.

(2) Any dentists under paragraph (1) will only be deemed to fully meet the conditions of the definition of NHS committed practice for the first and 3 subsequent quarters, in the case of an other specialised or non-specialised practice, and the first and 7 subsequent quarters, in the case of a specialised orthodontic practice, for which the additional allowance is payable following the practice address being included on the Health Board's dental list.

(3) A practice which has re-located from one address to another in a Health Board area will not be counted as a new practice.

Conditions for part-time dentists in Respect of an NHS Committed Practice

7.—(1) Where the dentists within a specialised orthodontic practice are not entitled to payment of an additional allowance under paragraph 3(2) due to one or more dentists within the practice not fully contributing to meeting the conditions in head (a)(ii), (iii) and (iv) or head (a)(iv) only of the definition of NHS committed practice the dentists within the practice may nonetheless be entitled to be considered for payment of an additional allowance provided that:

(a) the dentists within the practice who do not meet the conditions in head (a)(ii), (iii) and (iv) or head (a)(iv) only of the definition of NHS committed practice otherwise meet the definition of an NHS committed practice and the conditions of entitlement in paragraph 2; and

(b) the dentists within the practice who do not meet the conditions in head (a)(ii), (iii) and (iv) or head (a)(iv) only of the definition of NHS committed practice meet the conditions set out in sub-paragraph (2) or complete and submit a form in accordance with sub-paragraph (3).

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

(a) at least 90 percent of the dentist's earnings from practising as a dentist in the year prior to that in which the additional allowance is payable was attributable to gross earnings in which case the dentist will be deemed to have gross earnings of £75,000 and to have 500 claims under item 46 and 100 claims under item 1(c) of Determination I; and

(b) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board together with:

(i) a declaration in writing of the percentage of his gross earnings in relation to his total earnings from practising as a dentist in the year prior to that in which the additional allowance is payable (which must not be less than ninety percent); and

(ii) a declaration in writing, that if requested to do so by the CSA he will provide to the CSA at his own expense within three months of the request being made a certificate signed by an accountant certifying the proportion that his gross earnings bore to his total earnings from practising as a dentist in the year prior to that in which the additional allowance is payable.

(3) A dentist may complete and submit to the CSA a form referred to in sub-paragraph (1)(b) provided to him, for that purpose, by the Health Board which shall include a declaration of the total number of hours which the dentist spent on clinical dentistry as a whole (including community, hospital and private dentistry) plus non-clinical time spent on GDS-related activities in an average week, which will be used to determine the dentist's whole time equivalence when calculating the practice's NHS commitment on the following basis:

Hours	Whole Time Equivalent
<3.5	0.1
>3.5 to 7	0.2
>7 to 10.5	0.3
>10.5 to 14	0.4
>14 to 17.5	0.5
>17.5 to 21	0.6
>21 to 24.5	0.7
>14.5 to 28	0.8
>28 to 31.5	0.9
>31.5	1.0

(4) Where the dentists within another specialised practice are not entitled to payment of an additional allowance under paragraph 3(2) due to one or more dentists within the practice not fully contributing to meeting the conditions in head (b)(ii), (iii) and (iv) or head (b)(iv) only of the definition of NHS committed practice the dentists within the practice may nonetheless be entitled to be considered for payment of an additional allowance provided that:

- (a) the dentists within the practice who do not meet the conditions in head (b)(ii), (iii) and (iv) or head (b)(iv) only of the definition of NHS committed practice otherwise meet the definition of an NHS committed practice and the conditions of entitlement in paragraph 2; and
- (b) the dentists within the practice who do not meet the conditions in head (b)(ii), (iii) and (iv) or head (b)(iv) only of the definition of NHS committed practice meet the conditions set out in sub-paragraph (5) or complete and submit a form in accordance with sub-paragraph (6).

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

- (a) at least 90 percent of the dentist's earnings from practising as a dentist in the year prior to that in which the additional allowance is payable was attributable to gross earnings in which case the dentist will be deemed to have gross earnings of £75,000 and to have 500 claims under item 46 and 500 claims under item 1(a), 1(b) and/or 1(c) of Determination I; and
- (b) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board together with:
 - (i) a declaration in writing of the percentage of his gross earnings in relation to his total earnings from practising as a dentist in the year prior to that in which the additional allowance is payable (which must not be less than ninety percent); and
 - (ii) a declaration in writing, that if requested to do so by the CSA he will provide to the CSA at his own expense within three months of the request being made a certificate signed by an accountant certifying the proportion that his gross earnings bore to his total earnings from practising as a dentist in the year prior to that in which the additional allowance is payable.

(6) A dentist may complete and submit to the CSA a form referred to in sub-paragraph (4)(b) provided to him, for that purpose, by the Health Board which shall include a declaration of the total number of hours which the dentist spent on clinical dentistry as a whole (including community, hospital and private dentistry) plus non-clinical time spent on GDS-related activities in an average week, which will be used to determine the dentist's whole time equivalence when calculating the practice's NHS commitment on the following basis:

Hours	Whole Time Equivalent
<3.5	0.1
>3.5 to 7	0.2
>7 to 10.5	0.3
>10.5 to 14	0.4
>14 to 17.5	0.5
>17.5 to 21	0.6
>21 to 24.5	0.7
>14.5 to 28	0.8
>28 to 31.5	0.9
>31.5	1.0

(7) Where the dentists within a non-specialised practice are not entitled to payment of an additional allowance under paragraph 3(2) due to one or more dentists within the practice not fully contributing to meeting the conditions in head (c)(ii) and (iii) or head (c)(iii) only of the definition of NHS committed practice the dentists within the practice may nonetheless be entitled to be considered for payment of an additional allowance provided that:

- (a) the dentists within the practice who do not meet the conditions in head (c)(ii) and (iii) or head (c)(iii) only of the definition of NHS committed practice otherwise meet the definition of an NHS committed practice and the conditions of entitlement in paragraph 2; and
- (b) the dentists within the practice who do not meet the conditions in head (c)(ii) and (iii) or head (c)(iii) only of the definition of NHS committed practice meet the conditions set out in sub-paragraph (8) or complete and submit a form in accordance with sub-paragraph (9).

(8) The conditions referred to in sub-paragraph (7) are that –

- (a) at least 90 percent of the dentist's earnings from practising as a dentist in the year prior to that in which the additional allowance is payable was attributable to gross earnings in which case the dentist will be deemed to have gross earnings of £50,000 and to have 500 patients, including 100 fee paying adults, accepted into continuing care and capitation arrangements; and
- (b) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board together with:
 - (i) a declaration in writing of the percentage of his gross earnings in relation to his total earnings from practising as a dentist in the year prior to that in which the additional allowance is payable (which must not be less than ninety percent); and
 - (ii) a declaration in writing, that if requested to do so by the CSA he will provide to the CSA at his own expense within three months of the request being made a certificate signed by an accountant certifying the proportion that his gross earnings bore to his total earnings from practising as a dentist in the year prior to that in which the additional allowance is payable.

(9) A dentist may complete and submit to the CSA a form referred to in sub-paragraph (7)(b) provided to him, for that purpose, by the Health Board which shall include a declaration of the total number of hours which the dentist spent on clinical dentistry as a whole (including community, hospital and private dentistry) plus non-clinical time spent on GDS-related activities in an average week, which will be used to determine the dentist's whole time equivalence when calculating the practice's NHS commitment on the following basis:

Hours	Whole Time Equivalent
<3.5	0.1
>3.5 to 7	0.2
>7 to 10.5	0.3
>10.5 to 14	0.4
>14 to 17.5	0.5
>17.5 to 21	0.6
>21 to 24.5	0.7
>14.5 to 28	0.8
>28 to 31.5	0.9
>31.5	1.0

(10) A form under sub-paragraph (2)(b), (3), (5)(b), (6), (8)(b) or (9) must be submitted annually.

Change of Circumstances

8.—The designated dentist for the practice shall notify the CSA within one month of any change in circumstances of any of the dentists included in the calculation of the allowance which may affect entitlement to a practice allowance under paragraph 3(1), and of any circumstances which may affect entitlement to an additional allowance under paragraph 3(2).

Failure to Meet Conditions of Additional Allowance

9.—(1) Where the dentists within a practice fail to meet the conditions set out in paragraph 2(4) the additional allowance payable under paragraph 3(2) will cease 4 months after non-compliance with these conditions is notified unless, within the 4 month notification period, the dentists within the practice again fully meet the conditions. Where the payments have ceased at the end of the 4 month notification period they will not again commence during any period of non-compliance with the conditions set out in paragraph 2(4).

(2) The Health Board may waive the ceasing of the additional allowance in any case where it considers that the failure to meet the conditions set out in paragraph 2(4) was because of exceptional circumstances.

Part II - Sedation Practice Allowance

Conditions of Entitlement

10.—(1) A dentist who satisfies the conditions specified in sub-paragraph (2) and who makes a claim on behalf of a practice to the CSA in accordance with paragraph 12 shall be entitled to an allowance as ascertained in accordance with paragraph 11.

(2) The conditions referred to in sub-paragraph (1) are:

- (a) the names of the dentists in respect of which the claim is being made are included in the dental list of the Health Board in whose area the practice is situated;
- (b) the practice undertook, in the year prior to that in respect of which the allowance is to be paid, a minimum of 40 sedation treatments under general dental services, of which at least 30 must be intravenous where different sedation techniques are used; and
- (c) the practice has been satisfactory inspected by the Health Board in whose area the practice is situated within the 3 years prior to that in respect of which the allowance is to be paid.

Amount of Allowance

11.—(1) Subject to sub-paragraph (2), the amount of allowance to be paid where a dentist has satisfied the conditions in paragraph 10 and made a claim in accordance with paragraph 12 shall be:

- | | | |
|------|----------------------|---------------|
| (i) | Relative Analgesia | £3,000.00; or |
| (ii) | Intravenous Sedation | £2,000.00 |

less any abatement in accordance with sub-paragraph (3).

(2) Only one allowance under either sub-paragraph (1)(i) or (ii) shall be payable. The allowance to be paid shall be determined by the sedation techniques used by the practice in the year prior to that in respect of which the allowance is to be paid. Where the practice used:

- (a) only relative analgesia then the allowance at sub-paragraph (1)(i) shall be payable;
- (b) only intravenous sedation then the allowance at sub-paragraph (1)(ii) shall be payable;
- (c) both relative analgesia and intravenous sedation then, provided that the practice provided at least 20 relative analgesia sedations, the allowance at sub-paragraph (1)(i) shall be payable. Where the practice provided less than 20 relative analgesia sedations then the allowance at sub-paragraph (1)(ii) shall be payable.

(3) The abatement to be applied is the amount in column 2 of the Table below corresponding to the proportion in column 1 of that Table which the practice's NHS earnings bear to its total earnings in the financial year prior to that in respect of which the allowance is to be paid.

TABLE

<i>Column 1 Percentage which the practice's NHS earnings bear to total earnings</i>	<i>Column 2 Percentage of Practice Allowance to be abated</i>
50% or more	nil
25% or more but less than 50%	50%
Less than 25%	100%

(4) Where a practice provided more than 250 sedations in each of the 2 years prior to that in respect of which the allowance is to be paid an additional allowance will be payable. Subject to sub-paragraph (2), the additional allowance payable will be:

£2,000.00

less any abatement in accordance with sub-paragraph (3).

(5) The allowance shall be paid to one dentist within the practice on behalf of all of the dentists at that practice. Only one allowance shall be payable to a practice in a year.

(6) Where a dentist provides sedation services under general dental services from more than one practice the NHS and total earnings of the practice shall be determined by the relevant earnings of each practice.

Claim for Allowance

12.—(1) Where there is more than one dentist on a dental list within a practice any application shall be made by one dentist on behalf of all of the dentists within the practice but the conditions in paragraph 10, and 11 will apply equally to all of the dentists.

(2) One dentist shall make a claim, on behalf of the whole practice, for an allowance under paragraph 11 to the CSA, on a form supplied by the Health Board, in which he shall state the percentage of the practice's NHS earnings from the provision of general dental services in relation to the practice's total earnings for the financial year prior to that in respect of which the allowance is to be paid. He shall include with the claim a declaration that he shall make the practice available for a two yearly sedation practice inspection.

(3) The dentist making the claim and who is receiving the allowance shall notify the CSA within one month of any change in the circumstances of any of the dentists included in the claim which may affect entitlement to a practice allowance under paragraph 11.

(4) A claim for an allowance under sub-paragraph (1) shall be made within 3 months of the start of the financial year.

Part III - Vocational Training Practice Allowance

Conditions of Entitlement

13.—(1) The CSA shall, where a dentist who is a trainer has satisfied the conditions specified in sub-paragraph (2), pay to the dentist on behalf of the vocational training practice an allowance as specified in paragraph 14.

(2) The condition referred to in sub-paragraph (1) is that the dentist has employed a trainee in the year in which the allowance is to be paid.

Amount of Allowance

14.—(1) The amount of allowance to be paid where the dentist has satisfied the condition in sub-paragraph 13(2) shall be:

£1,500.00.

(2) The amount of allowance to be paid to a dentist who is a trainer otherwise than full-time will be a pro-rata sum calculated on the basis of a whole-time week of 35 hours.

(3) Only one allowance shall be payable to a trainer in a year.

Part IV – Application of Determination

15. This Determination shall take effect from:

(i) 1 April 2005 in respect of Part I other than paragraphs 2(2), 2(4), 3(2), 4 and 6 which shall take effect from 1 September 2005; and

(ii) 1 April 2003 in respect of Part II and III.

DETERMINATION XV REIMBURSEMENT OF PRACTICE EXPENSES

Interpretation

1.—(1) In this determination, unless the context otherwise requires:-

"assistant" has the meaning given in regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 1996 but excludes those assistants who are vocational trainees;

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

"category of patients" means:

(a) exempt patients, ie children under 18, those aged 18 in full-time education, pregnant women and nursing mothers;

(b) fully or partially remitted patients, ie those patients and their partners in receipt of income support, income-based jobseekers' allowance, pension credit guarantee credit, NHS Low Income certificates HC2 and HC3 holders and those patients and their partners entitled to, or named on, a NHS tax credit exemption certificate; and

(c) fee paying adult patients, ie those patients who do not fall within either category (a) or (b),

and "category of patient" shall be construed accordingly;

"current market rent" means the rent as assessed by the valuer appointed by the Scottish Executive Health Department for the purposes of valuing dental premises for the purposes of reimbursement of rental costs under this Determination;

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

"dentist" means a registered dental practitioner and includes a dentist who is an assistant;

"designated dentist" means that dentist, excluding a dentist who is an assistant, deemed designated and recorded by the CSA on the last day of the quarter in which the payment is to be made;

"financial year" means beginning on 1 April in one year and ending on 31 March in the next year;

"the GDS Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1996, as amended;

"GDS-related activities" means in relation to Part I:

- Fees for undertaking practice inspections
- Dental Practice Adviser allowance
- NHS Board lead general dental practitioner allowance
- NHS Education for Scotland adviser remuneration
- CPD tutors or directors remuneration
- Dental Reference Officer remuneration.

"gross earnings" means the dentist's gross earnings, excluding any remuneration by way of salary as a salaried dentist, from the provision of general dental services under the National Health Service (Scotland) Act 1978, including;

- Item of service payments
- Continuing care and capitation payments
- Seniority payments
- Vocational trainers grant
- Continuing professional development allowance
- Remote area allowance
- Recruitment and retention allowance
- Clinical audit allowance
- Maternity payments, paternity payments and adoptive leave payments
- Fees for undertaking practice inspections
- Dental Practice Adviser allowance
- NHS Board lead general dental practitioner allowance
- NHS Education for Scotland adviser remuneration
- CPD tutors or directors remuneration
- Dental Reference Officer remuneration
- Items of service fees for providing NHS general dental services within the Scottish Prison Service.

"NHS committed practice" means:

- (a) in relation to a specialised orthodontic practice, a practice from which:
- (i) the dentists accept referrals for orthodontic treatment under general dental services for all categories of patients;
 - (ii) payment has been received for an average of at least 500 claims per dentist (full or part-time) under item 46 (treatment on referral) of Determination I;
 - (iii) payment has been received for an average of at least 100 claims per dentist (full or part-time) under item 1(c) (full case assessment) of Determination I; and
 - (iv) the dentists have average gross earnings of £75,000 or above per dentist (full or part-time) in the period of 12 months immediately preceding the last day of the quarter for which reimbursement is payable.
- (b) in relation to other specialised practices, a practice from which:
- (i) the dentists accept referrals for treatment under general dental services for all categories of patients;
 - (ii) payment has been received for an average of at least 500 claims per dentist (full or part-time) under item 46 (treatment on referral) of Determination I;

- (iii) payment has been received for an average of at least 100 claims per dentist (full or part-time) under item 1(a), 1(b) and/or 1(c) of Determination I; and
 - (iv) the dentists have average gross earnings of £75,000 or above per dentist (full or part-time) in the period of 12 months immediately proceeding the last day of the quarter for which reimbursement is payable.
- (c) in relation to non-specialised practices, a practice which:
- (i) the dentists provide general dental services to all categories of patients;
 - (ii) the dentists have an average of at least 500 patients per dentist accepted for care and treatment under capitation and continuing care arrangements (full or part-time) of which at least an average of 100 per dentist must be fee paying adults; and
 - (iii) the dentists have average gross earnings of £50,000 or above per dentist (full or part-time) in the period of 12 months immediately proceeding the last day of the quarter for which reimbursement is payable.

“non-specialised practice” means a practice where the dentists within the practice do not restrict their services under general dental services to orthodontic care and treatment, oral surgery, sedation, paediatric dentistry, endodontics, prosthodontics or restorative periodontology on referral;

"other specialised practice" means a practice where the dentists restrict their services under general dental services and provide only oral surgery, sedation, paediatric dentistry, endodontics, prosthodontics or restorative periodontology on referral;

“a practice” means a single geographical location from which general dental services are provided, this location being the practice address on a Health Board list;

“quarter” means a period of 3 months ending on 30 June, 30 September, 31 December and 31 March;

"specialised orthodontic practice" means a practice where the dentists restrict their services under general dental services and provide only orthodontic care and treatment on referral;

"vocational trainee" means a dentist who is employed as a trainee by a trainer as an assistant in accordance with paragraph 2 of Determination IV;

“year” means the period beginning on 1 April in one year and ending on 31 March in the next year.

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

Reimbursement of Practice Rental Costs

Conditions of Entitlement for Reimbursement of Rental Costs

2.—(1) Subject to paragraphs (2), the CSA shall pay to a designated dentist within a practice an amount calculated in accordance with paragraph 3 in respect of reimbursement of practice rental cost in respect of any financial year commencing on or after 1 April 2006.

(2) The conditions which the dentists in a practice in respect of which reimbursement referred to in sub-paragraph (1) is payable are:

(a) the names of the dentists in respect of which the payment is being made are included in the dental list of the Health Board in whose area the practice is situated;

(b) the practice is an NHS committed practice;

(c) the dentists within the practice maintain or increase the number of patients accepted for care and treatment under capitation and continuing care arrangements with the dentists within the practice at 1 October 2005 where the practice is a non-specialised practice;

(d) the dentists within the practice meet, and continue to meet, their NHS terms of service as set out in Schedule 1 to the GDS Regulations; and

(e) the practice has been satisfactorily inspected by the Health Board in whose area the practice is situated within the 3 years prior to that in respect of which the allowance is to be paid. In the case of a new practice which opens in the year in which the allowance is to be paid the practice will require to have been satisfactorily inspected by the Health Board in whose area the practice is situated prior to the allowance for that year being paid.

Amount of Reimbursement of Rental Costs

3.—(1) The amount of reimbursement in respect of dentists who are leaseholders shall be the leasehold rental costs as detailed in sub-paragraph (2). The amount of reimbursement in respect of dentists who are owner occupiers shall be the notional rent in accordance with sub-paragraph (4).

(2) Subject to sub-paragraph (6), the amount of leasehold rental costs to be reimbursed is:

(a) the current market rent for the premises; or

(b) the actual lease rent for the premises;

whichever is the lower amount, including any Value Added Tax (VAT) payable by the dentist if this is properly charged to the dentist by the landlord, where the practice is not VAT registered. If requested to do so by the CSA the dentist will be required to provide to the CSA proof of his VAT status in the form of a VAT invoice.

(3) The current market rental value will be reviewed by the Health Board as part of a three yearly review, although this review should be brought forward if a dentist is in receipt of payments under sub-paragraph (b) in respect of the practice's actual lease rent and:

(i) there is further capital investment in the practice; and

(ii) that investment (including the details of the finalised project plan) had the prior approval of the Health Board as being consistent with the Health Board's dental premises strategy;

(iii) the practice re-locates to new practice premises consistent with the Health Board's dental premises strategy;

the designated dentist may be paid a notional rent supplement in accordance with sub-paragraph (7). The Health Board should make the calculation and advise the CSA of the outcome.

(4) Subject to sub-paragraph (6), the amount to be paid in respect of notional rent is the current market rental value of the practice premises. The current market rental value will be reviewed by the Health Board as part of a three yearly review of the notional rent, although this review should be brought forward if:

- (a) there is a change to the purpose for which the practice is used;
- (b) there is further capital investment in the practice; or
- (c) the practice re-locates to new practice premises consistent with the Health Board's dental premises strategy.

The Health Board must advise the CSA of the outcome of any such review.

(5) Where:

- (a) NHS capital contributes to the cost of building or refurbishment work done in respect of the practice; and
- (b) that contribution of NHS capital was made after 1 January 2007;

on completion of the building or refurbishment work, the amount of the notional rent payable in respect of a dentist who is an owner occupier must be the abated rent for the practice, calculated in accordance with paragraph 4, rather than the full notional rent, determined in accordance with sub-paragraph (4). After a period of 7 years the full notional rent will become payable. The Health Board should make the calculation and advise the CSA of the outcome.

(6) In circumstances where a Health Board rents part of the practice premises from the dentist the amount of reimbursement to be paid will be reduced by the amount which the Health Board pays to the dentist for the rental of that part of the premises. The Health Board should advise the CSA of the amount of rent to be reduced.

(7) Where payment of an amount in accordance with sub-paragraph (2) is to be made the amount of the notional rent supplement is the value of the enhancement of the current market rent for the premises arising from the further capital investment, which is to be determined in accordance with paragraph 5.

Notional Rent Abatement

4.—(1) Where NHS funds have contributed to the cost of building or refurbishment work done in respect of the practice, the notional rent payable in respect of those payments is to be abated (in proportion to the level of NHS contribution) as follows—

- (a) determine the current market rent for the practice prior to improvement (P_u);
- (b) determine the current market rent for the whole of the improved practice (P_i);

- (c) subtract one from the other ($P_i - P_u$), which will produce the current market rent value of the enhancement (I);
 - (d) determine the amount of the capital provided by the dentist as a proportion of the whole cost of the improvement, expressed as a percentage (A);
 - (e) (A) is then to be enhanced by adding 10% of (I) to cover normal landlord expenses, which is then applied to (I) and the resultant is added to (P_u). $A + 10\%$ must not exceed 100.
- (2) Accordingly, expressed as a formula, the post improvement notional rent is—

$$I \times (A+10)\% + P_u.$$

Notional Rent Supplement

5. Where a notional rent supplement is to be calculated, the amount of that supplement, expressed as a formula, is: $I \times (A+10)\%$.

Practices Eligible for Rent Reimbursement

6. Practices eligible for rent reimbursement are those which either:
- (i) have been in use for the provision of general dental services since 1 April 2006, and,
 - (ii) have been satisfactorily inspected by the Health Board in whose area the practice is situated within the 3 years prior to that in respect of which the allowance is to be paid,
- or
- (iii) are first in use for provision of general dental services after 1 April 2006; and,
 - (iv) been satisfactorily inspected by the Health Board in whose area the practice is situated prior to the allowance in respect of that year being paid.

Reimbursement Arrangements for Rental Costs

7.—(1) For the period from 1 April 2006, where the dentists within a practice are or become eligible for reimbursement by virtue of paragraph 2, reimbursement of rental costs will be payable in arrears for the first quarter in which the dentists within the practice are eligible. Thereafter reimbursement will continue at the same rate subject to any revision by the dentist and/or review by the valuer appointed by the Scottish Executive Health Department for the purposes of valuing dental premises and the dentists within the practice continuing to be eligible for reimbursement by virtue of paragraph 2.

(2) Payments will be made to a designated dentist within the practice on behalf of all of the dentists at the practice.

Count of Dentists in Respect of an NHS Committed Practice

8.—(1) Where a dentist within a practice has ceased to provide general dental services at that practice and has been replaced with another dentist who has commenced providing general dental services at that practice these dentists will be counted as one for the purposes of determining whether or not the practice is a NHS committed practice.

(2) Any dentists within a practice who fall within sub-paragraph (1) shall advise the CSA in writing of the names of the dentists concerned.

Conditions for a New and Additional Dentist in Respect of an NHS Committed Practice

9.—(1) Subject to sub-paragraph (2), where the dentists within a practice are not entitled to reimbursement of practice rental costs under paragraph 3 due not meeting the conditions in head:

- (i) (a)(ii), (iii) and (iv) or head (iv) only in respect of a specialised orthodontic practice; or
- (ii) (b)(ii), (iii) and (iv) or head (iv) only in respect of another specialised practice; or
- (iii) (c)(ii) and (ii) or head (iii) only in respect of a non-specialised practice;

of the definition of an NHS committed practice due to a new and additional dentist providing general dental services within the practice in the 12 months immediately prior to the last day of the first quarter for which the allowance is payable the new and additional dentist will be deemed to meet these conditions for reimbursement of practice rental costs.

(2) Any dentist under sub-paragraph (1) will only be deemed to fully meet the conditions of the definition of NHS committed practice for the first and 3 subsequent quarters for which the additional allowance is payable following the dentist beginning to provide general dental services at the practice.

Conditions for a New Practice in Respect of an NHS Committed Practice

10.—(1) Subject to sub-paragraph (2) and (3), where the dentists within a practice are not entitled to reimbursement of practice rental costs under paragraph 3 due to the dentists within the practice not fully meeting the conditions in head:

- (i) (a)(ii), (iii) and (iv) or head (iv) only in respect of a specialist orthodontic practice; or
- (ii) (b)(ii), (iii) and (iv) or head (iv) only in respect of another specialist practice; or
- (iii) (c)(ii) and (ii) or head (iii) only in respect of a non-specialist practice;

of the definition of NHS committed practice due to the practice address not being on the Health Board's dental list for the 12 months immediately prior to the last day of the first quarter for which the allowance is payable the dentists within the practice will be deemed to meet these conditions for reimbursement of practice rental costs.

(2) Any dentists under paragraph (1) will only be deemed to fully meet the conditions of the definition of NHS committed practice for the first and 3 subsequent quarters, in the case of an other specialised or non-specialised practice, and the first and 7 subsequent quarters, in the case of a specialised orthodontic practice, for which the additional allowance is payable following the practice address being included on the Health Board's dental list.

(3) A practice which has re-located from one address to another in a Health Board area will not be counted as a new practice.

Conditions for Part-Time Dentists in Respect of an NHS Committed Practice

11.—(1) Where the dentists within a specialised orthodontic practice are not entitled to reimbursement of practice rental costs under paragraph 3 due to one or more dentists within the practice not fully contributing to meeting the conditions in head (a)(ii), (iii) and (iv) or head (c)(iv) only of the definition of NHS committed practice the dentists within the practice may nonetheless be entitled to be considered for reimbursement of practice rental costs provided that:

(a) the dentists within the practice who do not meet the conditions in head (a)(ii), (iii) and (iv) or head (a)(iv) only of the definition of NHS committed practice otherwise meet the definition of an NHS committed practice and the conditions of entitlement in paragraph 2; and

(b) the dentists within the practice who do not meet the conditions in head (a)(ii), (iii) and (iv) or head (a)(iv) only of the definition of NHS committed practice meet the conditions set out in sub-paragraph (2) or complete and submit a form in accordance with sub-paragraph (3).

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

(a) at least 90 percent of the dentist's earnings from practising as a dentist in the year prior to that in which reimbursement of practice rental costs is payable was attributable to gross earnings in which case the dentist will be deemed to have gross earnings of £75,000 and to have 500 claims under item 46 and 100 claims under item 1(c) of Determination I; and

(b) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board together with:

(i) a declaration in writing of the percentage of his gross earnings in relation to his total earnings from practising as a dentist in the year prior to that in which the reimbursement of practice rental costs is payable (which must not be less than ninety percent); and

(ii) a declaration in writing, that if requested to do so by the CSA he will provide to the CSA at his own expense within three months of the request being made a certificate signed by an accountant certifying the proportion that his gross earnings bore to his total earnings from practising as a dentist in the year prior to that in which the reimbursement of practice rental costs is payable.

(3) A dentist may complete and submit to the CSA a form referred to in sub-paragraph (1)(b) provided to him, for that purpose, by the Health Board which shall include a declaration of the total number of hours which the dentist spent on clinical dentistry as a whole (including community, hospital and private dentistry) plus non-clinical time spent on GDS-related activities in an average week, which will be used to determine the dentist's whole time equivalence when calculating the practice's NHS commitment on the following basis:

Hours	Whole Time Equivalent
<3.5	0.1
>3.5 to 7	0.2
>7 to 10.5	0.3
>10.5 to 14	0.4
>14 to 17.5	0.5
>17.5 to 21	0.6
>21 to 24.5	0.7
>14.5 to 28	0.8
>28 to 31.5	0.9
>31.5	1.0

(4) Where the dentists within another specialised practice are not entitled to reimbursement of practice rental costs under paragraph 3 due to one or more dentists within the practice not fully contributing to meeting the conditions in head (b)(ii), (iii) and (iv) or head (b)(iv) only of the definition of NHS committed practice the dentists within the practice may nonetheless be entitled to be considered for payment of reimbursement of practice rental costs provided that:

(a) the dentists within the practice who do not meet the conditions in head (b)(ii), (iii) and (iv) or head (b)(iv) only of the definition of NHS committed practice otherwise meet the definition of an NHS committed practice and the conditions of entitlement in paragraph 2; and

(b) the dentists within the practice who do not meet the conditions in head (b)(ii), (iii) and (iv) or head (b)(iv) only of the definition of NHS committed practice meet the conditions set out in sub-paragraph (5) or complete and submit a form in accordance with sub-paragraph (6).

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

(a) at least 90 percent of the dentist's earnings from practising as a dentist in the year prior to that in which reimbursement of practice rental costs is payable was attributable to gross earnings in which case the dentist will be deemed to have gross earnings of £75,000 and to have 500 claims under item 46 and 500 claims under item 1(a), 1(b) and/or 1(c) of Determination I; and

(b) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board together with:

(i) a declaration in writing of the percentage of his gross earnings in relation to his total earnings from practising as a dentist in the year prior to that in which reimbursement of practice rental costs is payable (which must not be less than ninety percent); and

(ii) a declaration in writing, that if requested to do so by the CSA he will provide to the CSA at his own expense within three months of the request being made a certificate signed by an accountant certifying the proportion that his gross earnings bore to his total earnings from practising as a dentist in the year prior to that in which reimbursement of practice rental costs is payable.

(6) A dentist may complete and submit to the CSA a form referred to in sub-paragraph (4)(b) provided to him, for that purpose, by the Health Board which shall include a declaration of the total number of hours which the dentist spent on clinical dentistry as a whole (including community, hospital and private dentistry) plus non-clinical time spent on GDS-related activities in an average

week, which will be used to determine the dentist's whole time equivalence when calculating the practice's NHS commitment on the following basis:

Hours	Whole Time Equivalent
<3.5	0.1
>3.5 to 7	0.2
>7 to 10.5	0.3
>10.5 to 14	0.4
>14 to 17.5	0.5
>17.5 to 21	0.6
>21 to 24.5	0.7
>24.5 to 28	0.8
>28 to 31.5	0.9
>31.5	1.0

(7) Where the dentists within a non-specialised practice are not entitled to reimbursement of practice rental costs under paragraph 3 due to one or more dentists within the practice not fully contributing to meeting the conditions in head (c)(ii) and (iii) or head (c)(iii) only of the definition of NHS committed practice the dentists within the practice may nonetheless be entitled to be considered for payment of reimbursement of rental costs provided that:

- (a) the dentists within the practice who do not meet the conditions in head (c)(ii) and (iii) or head (c)(iii) only of the definition of NHS committed practice otherwise meet the definition of an NHS committed practice and the conditions of entitlement in paragraph 2; and
- (b) the dentists within the practice who do not meet the conditions in head (c)(ii) and (iii) or head (c)(iii) only of the definition of NHS committed practice meet the conditions set out in sub-paragraph (8) or complete and submit a form in accordance with sub-paragraph (9).

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

- (a) at least 90 percent of the dentist's earnings from practising as a dentist in the year prior to that in which reimbursement of practice rental costs is payable was attributable to gross earnings in which case the dentist will be deemed to have gross earnings of £50,000 and to have 500 patients, including 100 fee paying adults, accepted into continuing care and capitation arrangements; and
- (b) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board together with:
 - (i) a declaration in writing of the percentage of his gross earnings in relation to his total earnings from practising as a dentist in the year prior to that in which reimbursement of practice rental costs is payable (which must not be less than ninety percent); and
 - (ii) a declaration in writing, that if requested to do so by the CSA he will provide to the CSA at his own expense within three months of the request being made a certificate signed by an accountant certifying the proportion that his gross earnings bore to his total earnings from practising as a dentist in the year prior to that in which reimbursement of practice rental costs is payable.

(9) A dentist may complete and submit to the CSA a form referred to in sub-paragraph (7)(b) provided to him, for that purpose, by the Health Board which shall include a declaration of the total

number of hours which the dentist spent on clinical dentistry as a whole (including community, hospital and private dentistry) plus non-clinical time spent on GDS-related activities in an average week, which will be used to determine the dentist's whole time equivalence when calculating the practice's NHS commitment on the following basis:

Hours	Whole Time Equivalent
<3.5	0.1
>3.5 to 7	0.2
>7 to 10.5	0.3
>10.5 to 14	0.4
>14 to 17.5	0.5
>17.5 to 21	0.6
>21 to 24.5	0.7
>24.5 to 28	0.8
>28 to 31.5	0.9
>31.5	1.0

(10) A form under sub-paragraph (2)(b), (3), (5)(b), (6), (8)(b) or (9) must be submitted annually.

Change of Circumstances

12.—The designated dentist for the practice shall notify the CSA within one month of any change in circumstances of any of the dentists included in the practice which may affect entitlement to a reimbursement of rental costs under paragraph 11.

Failure to Meet Conditions of Reimbursement of Rental Costs

13.—(1) Where the dentists within a practice fail to meet the conditions set out in paragraph 2(2) payment under paragraph 7(1) will cease 4 months after non-compliance with these conditions is notified unless, within the 4 month notification period, the dentists within the practice again fully meet the conditions. Where the payments have ceased at the end of the 4 month notification period they will not again commence during any period of non-compliance with the conditions set out in paragraph 2(2).

(2) The Health Board may waive the ceasing of the payment in any case where it considers that the failure to meet the conditions set out in paragraph 2(2) was because of exceptional circumstances.

Application of this Determination

14. This determination shall take effect from:

- (a) 1 April 2006 where it relates to non-specialised practices; and
- (b) 1 April 2005 where it relates to specialised practices.

Statement of Dental Remuneration

DETERMINATION XVI DEPRIVED AREAS ALLOWANCE

Interpretation

1.—(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 dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996;

"dentist" means a registered dental practitioner;

"deprived area" means an area within a Social Index of Multiple Deprivation area of 5;

"total earnings" means all of a dentist's gross earnings from the practice of dentistry by him in person, and "NHS earnings" means the dentist's gross earnings from the provision by him in person of general dental services under the National Health Service (Scotland) Act 1978, including where the dentist's name is included in two or more dental lists in Scotland, but neither his total earnings nor his NHS earnings shall be taken to include any remuneration by way of salary;

"year" means the period beginning on 1 April one year and ending on 31 March in the next year.

(2) Where a question arises as to whether a dentist provides general dental services in a deprived area this will be determined by the CSA whose decision will be final.

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

Conditions of Entitlement

2.—(1) A dentist who satisfies the conditions specified in sub-paragraph (2) and who makes a claim to the CSA in accordance with paragraph 4 shall be entitled to an allowance of an amount ascertained in accordance with paragraph 3.

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

- (a) the dentist's name is included in a dental list;
- (b) the dentist provides general dental services in a deprived area.

(3) Where a dentist has more than one address listed in a dental list the CSA will not be liable

to pay a deprived area allowance to the dentist if the address from which he provides general dental services for the greatest proportion of his time is not in a deprived area.

Amount of Payment

3.—(1) The amount of allowance to be paid where a dentist has satisfied the conditions in paragraph 2(2) and made a claim in accordance with paragraph 4 shall be:

for 2006/07 £9,000.00

less any abatement calculated in accordance with paragraph (2).

(2) The abatement to be applied is the amount which represents the percentage of the dentist's total earnings which is specified in column 2 of the Table below as corresponding to the proportion in column 1 of that Table which his NHS earnings bear to his total earnings in the year prior to that in respect of which the allowance is to be paid.

<i>Column 1</i>	<i>Column 2</i>
<i>Proportion which NHS earnings bear to total earnings</i>	<i>Percentage of abatement</i>
90% or more	No abatement
80% or more but less than 90%	10%
70% or more but less than 80%	20%
60% or more but less than 70%	30%
50% or more but less than 60%	40%
40% or more but less than 50%	50%
30% or more but less than 40%	60%
20% or more but less than 30%	70%
10% or more but less than 20%	80%
Less than 10%	90%

(3) Only one allowance shall be payable to a dentist in a year.

Claim for Allowance

4.—(1) A dentist shall make a claim for a deprived area allowance on a form supplied by the Health Board for the purpose, in which he states the percentage his gross earnings from the provision by him in person of general dental services bore to his total earnings in the practice financial year prior to the year in which his claim is made.

(2) Where a dentist's name is included in the dental list of more than one Health Board and he meets the conditions at paragraph 2(1) for each area he shall only make the claim in respect of the Health Board for which he provides the greater or greatest proportion of general dental services.

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 2007 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. 18

1. This amendment shall take effect from the date set out below.
 - (i) The revised Determination shall take effect from 1 April 2007.
2. The 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.

Scottish Ministers' Determination: Made under Regulation 32

SCOTTISH MINISTERS' DETERMINATION—PAYMENTS IN CONSEQUENCE OF SUSPENSION UNDER AN INTERIM SUSPENSION ORDER OF THE NHS TRIBUNAL

Interpretation

1.—(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;

"date of suspension" means the date of the direction of the Tribunal made pursuant to section 32A(2) of the National Health Service (Amendment) Act 1995 or the date of a suspension made under any provision in force in England, Northern Ireland or Wales corresponding to section 32A(2);

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

"dentist" means a registered dental practitioner;

"financial year" means a period beginning on 1 April in one year and ending on 31 March in the next year;

"gross earnings" means the dentist's gross earnings from the provision of general dental services under the National Health Services (Scotland) Act 1978, as amended, and does not include remuneration by way of salary, and, where the dentist's name is included in 2 or more dental lists during any part of the test period, shall include gross earnings on an aggregated basis;

"gross earnings for the test period" means the dentist's gross earnings over the duration of the test period;

"period of suspension" means the period beginning with the date of the suspension order of the NHS Tribunal or any corresponding Tribunal in Northern Ireland and ending once the Tribunal has disposed of the case except where no appeal is brought against the decision to make a direction, until the end of the period for bringing an appeal, and where an appeal is brought against that decision, until the appeal process has been exhausted or in England and Wales once a decision in respect of removal has been made, when a decision to remove is made, in which case, until the end of the period for bringing an appeal, that and, where an appeal is brought against that decision, until the appeal process has been exhausted;

"suspended by direction of the Tribunal" means suspended as respects the provision of general dental services to patients by a direction of the Tribunal made pursuant to section 32A(2) or section 32B(1) of the National Health Service (Amendment) Act 1995 or to any provisions in force in England, Wales or Northern Ireland corresponding to those provisions;

"suspension" means suspended from a dental list;

"test period" means the period of 12 months beginning on the date which falls 12 months before the date of suspension.

(2) In this Determination, a reference to an enactment or statutory instrument is to that enactment or statutory instrument as amended or re-enacted by any subsequent enactment or statutory instrument.

(3) 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.

Conditions of Entitlement

2.—(1) A dentist who, at the date when the claim is made, satisfies the conditions specified in sub-paragraph (2) and who makes a claim to the Health Board in accordance with paragraph 5, shall be entitled to payments in consequence of suspension calculated in accordance with paragraph 3.

(2) subject to sub-paragraph (3), the condition referred to in sub-paragraph (1) is that the dentist's name has been included in a dental list for a period of at least one year, the last 26 weeks of which must be continuous and immediately precede the date of suspension.

(3) In the case of a dentist who has undergone one year's approved vocational training immediately prior to his name being included in a dental list the one year referred to in sub-paragraph (2) shall be reduced to 26 weeks. This period must be continuous and immediately precede the date of suspension.

Calculation of the Amount of Payments to be made in Consequence of Suspension

3.—(1) Subject to sub-paragraph (3), the amount of the payment in consequence of suspension payable in respect of each week is the weekly rate equivalent of 80% of the dentist's gross earnings over the test period.

(2) Where, for part of the test period, a dentist was employed as a vocational trainee, he shall be treated for each financial year or part thereof in that test period as having had gross earnings calculated as follows in relation to the figures listed below:—

- (a) where his contracted hours of employment each week were 35 hours or more, a sum equivalent to such proportion of the figure listed as the period of vocational training bears to the test period; or
- (b) where his contracted hours of employment each week were less than 35 hours, a sum calculated in accordance with paragraph (a) and discounted by a percentage equivalent to the difference between his contracted hours and 35,

and, for the purpose of calculating the dentist's gross earnings over the test period, that amount shall be added to his gross earnings for the remainder of the test period.

The sums referred to in sub-paragraphs (a) and (b) are

for 2005/06 £128,333
for 2006/07 £132,183
for 2007/08 £136,148.

(3) Where, prior to 1 April 2007 a dentist has received payments in consequence of suspension under an entitlement beginning before and continuing after that date, the payments already calculated under that entitlement falling due on or after that date shall be increased by 3.0 per cent.

(4) Where sub-paragraph (3) does not apply, and any part of the test period falls before 1 April 2006, then, for the purposes of calculation of the amount of payment in consequence of suspension only, the gross earnings earned in this part of the test period shall be increased by 6.1 per cent.

(5) Where sub-paragraph (3) does not apply, and any of the test period falls after 1 April 2006 and before 1 April 2007 then, for the purposes of calculation of the amount of payment in consequence of suspension only, the gross earnings earned in this part of the test period shall be increased by 3.0 per cent.

(6) In a case to which section 32B(3) of the Act applies, payments made under this determination shall be reduced to take account of any payments which the dentist receives for providing general dental services other than as a principal.

Duration and Payment of Payments in Consequence of Suspension

4.—(1) A payment in consequence of suspension calculated in accordance with paragraph 3 shall be payable in respect of each week during the period of suspension.

(2) Payments in consequence of suspension:—

- (a) shall be payable monthly in arrears and only for complete weeks; and
- (b) shall not be payable in respect of any week prior to the date of suspension nor any week falling more than 8 weeks before the date on which the dentist makes his claim unless the Health Board is satisfied that the lateness of the application is due to illness or some other reasonable cause;
- (c) shall, subject to sub-paragraph (d), cease to be payable once the Tribunal has disposed of the case;
- (d) Sub-paragraph (c) shall not apply:—
 - (i) where no appeal is brought against the decision to make a direction, until the end of the period for bringing an appeal, or
 - (ii) where an appeal is brought against that decision, until the appeal process has been exhausted.

(3) A dentist whose name has been removed from the dental list in accordance with regulation 12 of the 1996 Regulations (removal on the grounds of age) shall cease to be entitled to payments in consequence of suspension under this Determination from the date that the Health Board was entitled to remove his name from the dental list.

(4) Where a dentist who is in receipt of payments in consequence of suspension dies during the period of suspension the Health Board shall

- (a) inform the CSA of his death and of the name and address of his executor or other personal representative; and
- (b) shall subject to paragraph 4(2) authorise the CSA to pay to his executor or personal representative the balance of the payments due for the period of suspension prior to his death as were not paid at the date on which he died.

Claims for Payments in Consequence of Suspension

5.—(1) A dentist or, where he is incapable of applying, the person legally appointed to handle the dentist's financial affairs, shall make a claim for payments in consequence of suspension in writing to the Health Board in whose dental list the dentist's name was included immediately before the date of suspension. The claim shall contain or be supported by such information as the Health Board may reasonably require for the purpose of establishing the dentist's entitlement to payments.

(2) Where a dentist's name is included in the dental list of more than one Health Board he shall make the claim for payments in consequence of suspension to the Health Board for whom he provides the greater or greatest proportion of general dental services at the date of claim.

Authorisation to the CSA

6. Where the Health Board determines that a dentist is entitled to a payment in consequence of suspension, it shall inform the CSA of the amount of that payment and authorise the CSA to make payment to the dentist.