

AMENDMENT NO. 144

STATEMENT OF DENTAL REMUNERATION

PURSUANT TO REGULATION 22(3)
OF THE NATIONAL HEALTH SERVICE
(GENERAL DENTAL SERVICES) (SCOTLAND)
REGULATIONS 2010, AS AMENDED,
SCOTTISH MINISTERS HAVE
AMENDED ON 22 JUNE 2020
THE STATEMENT OF DENTAL REMUNERATION,
AND HEREBY PUBLISH THE AMENDMENT

AMENDMENT NO. 144

1. This amendment shall take effect from the dates set out below.
 - (i) The amendments to Determinations I and VII shall take effect from 22 June 2020;
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

CONTENTS		Page
DETERMINATION I:	SCALE OF FEES 22 JUNE 2020	3
Section I	Interpretation	3
Section II	Diagnosis	5
Section III	Unallocated	5
Section IV	Unallocated	5
Section V	Conservative Treatment	6
Section VI	Surgical Treatment	7
Section VII	Prostheses, Obturators and Other (non-Orthodontic) Appliances	8
Section VIII	Orthodontic Treatment	9
Section IX	Other Forms of Treatment	10
Section X	Treatment Under Capitation	11
Section XI	Continuing Care and Patient Management	14
Section XII	Occasional Treatment	15
Section XIII	Unallocated	23
Section XIV	Additional Payments	23
Section XV	Triage Activity	24
Section XVI	Submission of Dental Activity	25
DETERMINATION II:	RATES OF REMUNERATION FOR A SALARIED DENTIST	27
DETERMINATION III:	SENIORITY PAYMENTS	29
DETERMINATION IV:	VOCATIONAL TRAINING ALLOWANCES	33
DETERMINATION V:	MATERNITY PAYMENTS, PATERNITY PAYMENTS AND ADOPTIVE LEAVE PAYMENTS	36
DETERMINATION VI:	LONG-TERM SICKNESS PAYMENTS	43
DETERMINATION VII:	CONTINUING PROFESSIONAL DEVELOPMENT ALLOWANCES	47
DETERMINATION VIII:	REIMBURSEMENT OF NON-DOMESTIC RATES	51
DETERMINATION IX:	COMMITMENT PAYMENTS	55
DETERMINATION X:	ALLOWANCE AND GRANTS FOR PRACTICE IMPROVEMENTS	61
DETERMINATION XI:	QUALITY IMPROVEMENT ALLOWANCES	69
DETERMINATION XII	REMOTE AREAS ALLOWANCES	72
DETERMINATION XIII	RECRUITMENT AND RETENTION ALLOWANCES	75
DETERMINATION XIV	PRACTICE ALLOWANCES	81
DETERMINATION XV	REIMBURSEMENT OF PRACTICE EXPENSES	96
DETERMINATION XVI	ENHANCED SKILLS ALLOWANCES	109

Statement of Dental Remuneration

DETERMINATION I SCALE OF FEES—22 JUNE 2020

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;

"assigned" in relation to a care home has the meaning given by regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"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;

"care home" has the meaning given by regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"contractor" means a person who has undertaken to provide general dental services and whose name is included in sub-part A of the first part of a Health Board's dental list;

"domiciliary care dentist" has the meaning given by regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"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.

"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
- any other dentist employed as a salaried dentist by the same Health Board, 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 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.

(3) 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.

(4) 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.

(5) Where an item [or sub-item] of treatment code is distinguished by [TS], it is a Tooth Specific item of treatment. For claim submission of these items, tooth notation must be provided.

(6) Any reference to radiograph includes a digital equivalent.

(7) The payments which may be made by the Board in accordance with this Statement of Dental Remuneration are without prejudice to—

(a) the power of a Health Board under section 28D (Assistance and support: general dental services) of the National Health Service (Scotland) Act 1978 to provide assistance and support, including financial support, to providers (or prospective providers) of general dental services,

(b) the ability of a Health Board to offer financial support to providers of general dental services in accordance with the financial support measures set out in NHS: PCA(D)(2020)7 dated 2 April 2020.¹

¹ COVID-19 – Revised Financial Support Measures, PCA(D)(2020)(7) published at [https://www.sehd.scot.nhs.uk/pca/PCA2020\(D\)7.pdf](https://www.sehd.scot.nhs.uk/pca/PCA2020(D)7.pdf)

Section II — Diagnosis

1. Examination and Advice:

- 1(a) The assessment (including assessment of the oral mucosa) of, and the giving of advice to a patient:

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

2 Procedures to Assist Diagnosis and Treatment Planning:

- 2(a) Radiographic examination and radiological report. Per course of treatment:

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

0201	per film	£0.00	(£0.00)
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- (2) medium films (16 to 50 square centimetres):

0202	per film	£0.00	(£0.00)
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- (3) large films (over 50 square centimetres, other than panoral or lateral skull films):

0203	per film	£0.00	(£0.00)
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- (4) panoral film normally not more than one film to be taken every 3 years. Where the patient is under 18 years of age no more than 2 radiographs shall be taken:

0204	per film	£0.00	(£0.00)
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3. Colour Photographs: Clinical colour photographs and report:

0301	per image	£0.00	(£0.00)
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4. Unallocated.

5. Unallocated.

Section III—Preventive Care – Unallocated

Section IV—Periodontal Treatment - Unallocated

Section V— Conservative Treatment

14. Fillings:

14(c)(2) glass ionomer, silicate or silico-phosphate filling:

		Dentist's Fee	Patient's Charge
1426	[TS]	per tooth	£0.00 (£0.00)

14(g) Stabilisation restoration using glass ionomer cement or other suitable material where the tooth would otherwise be extracted but this is contra-indicated by exceptional medical or dental conditions, or because provision of a permanent restoration would require an aerosol generating procedure.

1461	[TS]	per tooth	£0.00 (£0.00)
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15. Unallocated.

16. Unallocated.

17. Inlays and Crowns:

17(g) Temporary crown provided as an immediately necessary palliative:

1742	[TS]	other than post retained	£0.00 (£0.00)
1743	[TS]	post retained	£0.00 (£0.00)

17(k) Refixing or recementing an inlay or crown:

1781	[TS]	per inlay	£0.00 (£0.00)
1782	[TS]	per crown	£0.00 (£0.00)

18. Bridges:

18(g) Recementing or refixing:

(1) an acid etch retained bridge:

1861		per bridge	£0.00 (£0.00)
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(2) any other bridge:

1862		per bridge	£0.00 (£0.00)
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19. Unallocated.

20. Unallocated.

Section VI—Surgical Treatment

21(1) **Extractions of Permanent or Retained Deciduous Teeth:** Per course of treatment:

		Dentist's Fee	Patient's Charge
2101	[TS]	per tooth	£0.00 (£0.00)

21(2). **Extractions of Deciduous Teeth for Minors:** Per course of treatment:

2102	[TS]	per tooth	£0.00 (£0.00)
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22. Unallocated.

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	£0.00 (£0.00)
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(2) the removal of plugs and/or sutures:

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

2311		per visit	£0.00 (£0.00)
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24. Unallocated.

25. Unallocated.

26. Unallocated.

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

27. Unallocated.

28. Repairs and Alterations to Dentures:

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	£0.00	(£0.00)
2802	lower	£0.00	(£0.00)
		per repair	

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

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

28(b) Adjustments to dentures:

- (1) adjusting a denture (including any easing and/or polishing):

2831	upper		
2832	lower	per denture	£0.00 (£0.00)

28(c)(3) 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	£0.00 (£0.00)

29. Splints

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	£0.00 (£0.00)
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30. Unallocated.

31. Unallocated.

Section VIII—Orthodontic Treatment

32(c) Repairs to orthodontic appliances:

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

			Dentist's Fee	Patient's Charge
3241	upper	per appliance	£0.00	(£0.00)
3247	lower			

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

3242	upper	per repair	£0.00	(£0.00)
3248	lower		£0.00	(£0.00)

(3) repairing a removable functional appliance:

3230		per appliance	£0.00	(£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:

3239	upper	per appliance	£0.00	(£0.00)
3240	lower		£0.00	(£0.00)

Where an impression technique is necessary in connection with repairs under item 32(c)(1), 32(c)(2), or 32(c)(3) above.

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

33. Unallocated.

34. Unallocated.

Section IX—Other Forms of Treatment

35. Unallocated.

36. Miscellaneous Treatments:

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

		Dentist's Fee	Patient's Charge
3611	[TS]	per tooth	£0.00 (£0.00)

36(d) Treatment of sensitive cementum or dentine:

3631		per course of treatment	£0.00 (£0.00)
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36(e) Issue of a prescription only:

3641		per prescription	£0.00 (£0.00)
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36(f) Re-implantation of a luxated permanent tooth following trauma:

3651	[TS]	per tooth	£0.00 (£0.00)
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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:

3661	[TS]	per tooth	£0.00 (£0.00)
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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	£0.00 (£0.00)
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38. Unallocated.

39. Unallocated.

40. Unallocated.

Section X—Treatment under Capitation

41. **Capitation Payments:** Fees for patients aged under 18 years and accepted into capitation:—

41(a)(i) Aged 0-2 years (inclusive) - basic fee for the care and treatment to include examinations, radiographs where required and preventive care as detailed under item 41(a)(ii), 41(a)(ii)(1) and 41(a)(ii)(2):

	Dentist's Fee	Patient's Charge
per month	£1.92	(£0.00)

41(a)(ii) Aged 0-2 years (inclusive) - annual fee according to the Scottish Index of Multiple Deprivation (SIMD) of the patient's postcode of residence for recording preventive care as required under item 41(a)(i) to Childsmile Practice standards as described in the Memorandum to NHS: PCA(D)(2011)5. This preventive care to include as follows:

- (1) Toothbrushing instruction: the demonstration of appropriate toothbrushing technique to the patient, or the patient's parent or carer, then supervising the parent or carer whilst they brush the patient's teeth with a toothbrush and at least 1000ppm fluoride toothpaste. This activity must be undertaken at least annually and recorded, using the codes below:

4103

by dentist

4104

by dental care professional

- (2) Dietary advice: relevant dietary advice targeted to the patient's specific requirements as directed by the caries risk assessment including when appropriate diet diaries. This activity must be undertaken at least annually and recorded, using the codes below:

4105

by dentist

4106

by dental care professional

4101

SIMD 1 – 3

per child

£0.00

(£0.00)

4102

SIMD 4 + 5

per child

£0.00

(£0.00)

41(a)(iii) Aged 3-5 years (inclusive) - basic fee for the care and treatment to include examinations, radiographs where required and preventive care as detailed under item 41(a)(iv), 41(a)(iv)(1) and 41(a)(iv)(2):

per month	£2.54	(£0.00)
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41(a)(iv) Aged 3-5 years (inclusive) - recording preventive care as required under item 41(a)(iii) to Childsmile Practice standards as described in the Memorandum to NHS: PCA(D)(2011)5. This preventive care to include as follows:

- (1) Toothbrushing instruction: the demonstration of appropriate toothbrushing technique to the patient, or the patient's parent or carer, then supervising the parent or carer whilst they brush the patient's teeth with a toothbrush and at least 1000ppm fluoride toothpaste. This activity must be undertaken at least annually and recorded, using the codes below:

4107

by dentist

4108

by dental care professional

- (2) Dietary advice: relevant dietary advice targeted to the patient's specific requirements as directed by the caries risk assessment including when appropriate diet diaries. This activity must be undertaken at least annually and recorded, using the codes below:

4109

by dentist

4110

by dental care professional

41(a)(v) Annual fee where the patient's postcode of residence is in a Scottish Index of Multiple Deprivation (SIMD) area of 1 – 3 for recording toothbrushing instruction and dietary advice under item 41(a)(iv)(1) and (2):

4111

SIMD 1 – 3

per child

Dentist's Fee	£0.00
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Patient's Charge	(£0.00)
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41(a)(vi) Aged 6-17 years (inclusive) - basic fee for the care and treatment to Childsmile Practice standards as described in the Memorandum to NHS: PCA(D)(2011)5. To include examinations, oral hygiene advice, toothbrushing advice, dietary advice, radiographs where required and all clinical prevention.

6-12 year

per month

£4.48

(£0.00)

13-17 years

per month

£5.76

(£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)(i), 41(a)(iii) and 41(a)(vi) (no patient charge)

41(c) This item has been deleted.

41(d) This item has been deleted.

41(e) Where the patient's postcode of residence is in a Scottish Index of Multiple Deprivation (SIMD) area 1 the dentist or contractor shall receive an addition to the capitation fee paid monthly in arrears:

per month

[£0.21] (no patient charge)

Provisos to Item 41:

1. no fee shall be payable to the same dentist under items 41(a)(i), 41(a)(iii), 41(a)(vi) and 41(b) for the same patient;
2. unallocated;
3. unallocated;
4. no fee shall be payable under item 41 for a patient in respect of whom the same dentist is providing occasional treatment;
5. a fee under item 41(a)(ii) shall only be paid on receipt of a payment claim form recording the delivery of the activity at items 41(a)(ii)(1) and 41(a)(ii)(2), which must be delivered and recorded within 12 months of 1 October 2011 and in each 12 month period thereafter or in the case of a new patient within 12 months of first registration with the contractor and in each 12 month period thereafter. Only one fee under item 41(a)(ii) shall be payable to the same dentist in the 12 month period from the recording on the payment claim form of the activities at items 41(a)(ii)(1) and 41(a)(ii)(2);
6. a fee under item 41(a)(ii) shall only be paid in respect of an eligible patient for whom a full and valid postcode has been provided. If a full and valid postcode has not been provided then the fee payable under item 41(a)(ii) will default to that for SIMD 4 + 5;
7. a fee under item 41(a)(v) shall only be paid on receipt of a payment claim form recording the delivery of the activity at items 41(a)(iv)(1) and 41(a)(iv)(2), which must be delivered and recorded within 12 months of 1 October 2011 and in each 12 month period thereafter or in the case of a new patient within 12 months of first registration with the contractor and in each 12 month period thereafter. Only one fee under item 41(a)(v) shall be payable to the same dentist in the 12 month period from the recording on the payment claim form of the activities at items 41(a)(iv)(1) and 41(a)(iv)(2);
8. a fee under item 41(a)(v) shall only be paid in respect of an eligible patient for whom a full and valid postcode has been provided. If a full and valid postcode has not been provided then no fee under item 41(a)(v) shall be payable;
9. a fee under item 41(e) shall only be paid in respect of an eligible patient for whom a full and valid postcode has been provided;
10. where the dentist has not submitted a payment claim form in respect of a patient for 3 years or more any of the fees payable under item 41(a)(i), 41(a)(iii), 41(a)(vi), 41(b) or 41(e) shall be reduced to 20% of the relevant fee.

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 and other preparatory treatment:

		Dentist's	Patient's
		Fee	Charge
4401	[TS]	per tooth £0.00	(£0.00)

Section XII(a)—Occasional Treatment

47. Assessment and Advice:

47(a) The assessment (including assessment of oral mucosa) of, and the giving of advice to a patient:

		Dentist's Fee	Patient's Charge
4701	per course of treatment	£0.00	(£0.00)

48. Issue of a Prescription Only:

4801	per prescription	£0.00	(£0.00)
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49. Radiographic Examination and Radiological Report: Per course of occasional treatment:

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

4901	per film	£0.00	(£0.00)
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49(b) Medium films (16 to 50 square centimetres):

4911	per film	£0.00	(£0.00)
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49(c) Large films (over 50 square centimetres, other than panoramic or lateral skull films):

4921	per film	£0.00	(£0.00)
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49(d) Panoramic film, normally not more than one film to be taken every 3 years. Where the patient is under 18 years of age no more than 2 radiographs shall be taken:

4931	per film	£0.00	(£0.00)
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49(e). Colour Photographs: Clinical colour photographs and report:

4941	per image	£0.00	(£0.00)
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50. Dressing of Deciduous, Permanent or Retained Deciduous Teeth and Other Palliative Treatment:

50(a) Dressings, including any preparatory treatment for:

(1) permanent or retained deciduous teeth:

5001	[TS]	per tooth	£0.00	(£0.00)
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(2) deciduous teeth:

5002	[TS]	per tooth	£0.00	(£0.00)
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50(b) Incising an abscess:

5011		per abscess	£0.00	(£0.00)
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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]) for:

(1) permanent or retained deciduous teeth:

		Dentist's Fee	Patient's Charge
5041	[TS]	per tooth	£0.00 (£0.00)

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:

5061		per splint	£0.00 (£0.00)
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50(h) Re-implantation of a luxated permanent tooth following trauma:

5071	[TS]	per tooth	£0.00 (£0.00)
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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 in:

(1) permanent or retained deciduous teeth

5075	[TS]	per tooth	£0.00 (£0.00)
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(2) deciduous teeth

5076	[TS]	per tooth	£0.00 (£0.00)
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51. Inlays, Crowns and Bridges:

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

5102	[TS]	other than post retained	£0.00 (£0.00)
5103	[TS]	post retained	£0.00 (£0.00)

51(c) Refixing or recementing an inlay or crown:

5111	[TS]	per inlay	£0.00 (£0.00)
5112	[TS]	per crown	£0.00 (£0.00)

51(d) Refixing or recementing:

(1) an acid etch retained bridge:

5121		per bridge	£0.00 (£0.00)
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(2) any other bridge:

5122		per bridge	£0.00 (£0.00)
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52. **Extractions of Teeth:**

52(1) **Extraction of Permanent or Retained Deciduous Teeth:** Per course of treatment:

		Dentist's Fee	Patient's Charge
5201	[TS]	per tooth	£0.00 (£0.00)

52(2) **Extractions of Deciduous Teeth for Minors:** Per course of treatment:

5202	[TS]	per tooth	£0.00 (£0.00)
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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	£0.00 (£0.00)
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(2) removal of plugs and/or sutures:

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

5311		per visit	£0.00 (£0.00)
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54. Unallocated.

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	per repair	£0.00	(£0.00)
5502	lower		£0.00	(£0.00)

(4) where impression technique is necessary in connection with one or more repairs under item 55(a) [repairs to dentures]:

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

55(b) Adjustments to dentures:

(1) adjusting a denture (including any easing and/or polishing):

5531	upper	per denture	£0.00	(£0.00)
5532	lower			

55(c)(3) 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	£0.00 (£0.00)

55(e) Repairs to orthodontic appliances:

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

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

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

5582	upper		£0.00 (£0.00)
5588	lower	per repair	£0.00 (£0.00)

(3) repairing a functional appliance:

5583		per appliance	£0.00 (£0.00)
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(4) repairing a fixed appliance involving the replacement of one or more brackets, bands, archwires or auxiliaries or any combination thereof in one arch:

5584	upper	per appliance	£0.00 (£0.00)
5589	lower		

Where an impression technique is necessary in connection with repairs under items 55(e)(1), 55(e)(2) or 55(e)(3) above:

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

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	£0.00 (£0.00)
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58. **Conservative Treatment:**

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

(2) glass ionomer, silicate or silico-phosphate filling:

5826	[TS]	per tooth	£0.00 (£0.00)
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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:

		Dentist's Fee	Patient's Charge
5836	[TS]	per tooth	£0.00 (£0.00)

59. Unallocated.

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

- 60(a) Filling including any dressing and any other preparatory treatment, but excluding associated treatment appropriate to item 60(c) and 60(d):

6001	[TS]	per tooth	£0.00 (£0.00)
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Section XII(b)—Occasional Treatment - Urgent Dental Care Centre Only

Treatments under the following items are only to be carried out by dentists providing care and treatment in an urgent dental care centre

50. Dressing of Deciduous, Permanent or Retained Deciduous Teeth and Other Palliative Treatment

- 50(c) Opening root canal(s) for drainage of:

- (1) permanent or retained deciduous teeth:

5021	[TS]	per tooth	£0.00 (£0.00)
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- (2) deciduous teeth:

5022	[TS]	per tooth	£0.00 (£0.00)
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- 50(d) Pulp extirpation and dressing to seal cavities in permanent teeth:

5031	per canal [TS]	per tooth	£0.00 (£0.00)
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- 50(g) Splinting in connection with external trauma:

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

5062		per splint	£0.00 (£0.00)
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- (3) metal bar or wire insert in connection with treatment under item 50(g)(2):

5063		per splint	£0.00 (£0.00)
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52. **Extractions of Teeth**

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). Appropriate radiographs should be available:

(1) involving soft tissue only:

		Dentist's Fee	Patient's Charge
5211	[TS]	per tooth	£0.00
			(£0.00)

(2) involving bone removal for:

(i) incisor and canines:

5212	[TS]	per tooth	£0.00
			(£0.00)

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

5213	[TS]	per tooth	£0.00
			(£0.00)

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

5214	upper jaw [TS]	per tooth	£0.00
5216	lower jaw [TS]	per tooth	£0.00
			(£0.00)

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

5215	upper jaw [TS]	per tooth	£0.00
5217	lower jaw [TS]	per tooth	£0.00
			(£0.00)

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. Per circuit where the total distance travelled is:

5701	less than 16.1 kilometres (10 miles)	£0.00	(£0.00)
5702	16.1 kilometres (10 miles) to 64.4 kilometres (40 miles)	£0.00	(£0.00)
5703	over 64.4 kilometres (40 miles)	£0.00	(£0.00)

58. **Conservative Treatment:**

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

(1) 1 surface:

			Dentist's Fee	Patient's Charge
5811	[TS]	per tooth	£0.00	(£0.00)

(2) 2 or more surfaces:

5812	[TS]	per tooth	£0.00	(£0.00)
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(3) 2 or more surfaces where the mesio-occlusal or disto-occlusal surfaces are involved:

5813	[TS]	per tooth	£0.00	(£0.00)
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(4) 3 or more surfaces where the mesio-occlusal and disto-occlusal surfaces are involved:

5814	[TS]	per tooth	£0.00	(£0.00)
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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	[TS]	per tooth	£0.00	(£0.00)
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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	[TS]	per tooth	£0.00	(£0.00)
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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], 58(b), 58(c) and 58(e) [fillings], and except for the dressing or temporary protection of a tooth where a permanent restoration is not provided. Appropriate radiographs should be available:

5841	[TS]	incisor or canine tooth	£0.00	(£0.00)
5842	[TS]	upper premolar tooth	£0.00	(£0.00)
5843	[TS]	lower premolar tooth	£0.00	(£0.00)

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

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	[TS]	per tooth £0.00	(£0.00)

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

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

6004	[TS]	per tooth £0.00	(£0.00)
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61. Unallocated.

Section XIII – Unallocated

Section XIV—Additional Payments

74. Unallocated.

75. Unallocated.

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 contractor has met the obligations under paragraph 30 of Schedule 1 to the National Health Service (General Dental Services) (Scotland) Regulation 2010 with regard to the checking of a patient's entitlement to exemption from, or remission of, the Patient's Charge.
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77. Unallocated.

Section XV–Triage Activity

80. Recording of triaging activity:

80(a) Initial telephone call triaging:

		Dentist's Fee	Patient's Charge
8001	per call	£0.00	(£0.00)

80(b) Advice and closing the case:

8011	per case	£0.00	(£0.00)
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80(c) Advice and a prescription - antibiotics and or analgesics
Closing the Case:

8021	per case	£0.00	(£0.00)
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80(d) Appointment for treatment arranged (further Covid triaging to determine status)
Red Covid Positive:

8031	per appointment	£0.00	(£0.00)
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80(e) Appointment for treatment arranged (further Covid triaging to determine status)
Green Covid Positive:

8041	per appointment	£0.00	(£0.00)
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80(f) Appointment visit (treatment) aerosol generating procedure:

8051	per visit	£0.00	(£0.00)
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80(g) Non aerosol procedure:

8061	per procedure	£0.00	(£0.00)
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80(h) Unable to deliver case - Phobia/Co-operation/Consent issue:

8071	per case	£0.00	(£0.00)
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80(i) Aerosol generated procedure:

8081	per procedure	£0.00	(£0.00)
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Section XVI— Submission of Dental Activity

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;

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

"electronic communication" has the meaning given by section 15(1) of the Electronic Communications Act 2000;

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

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

"Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"salaried dentist" means a dentist, employed by a Health Board to provide general dental services;

(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.

Submission of Dental Activity

2.—(1) A dentist, including a salaried dentist, who submits activity by an electronic communication shall—

- (a) at the appropriate time complete the practice record form on behalf of the patient either on a form supplied by the Health Board or in electronic form;
- (b) use only such computer program as the Board has approved as suitable for the purpose;
- (c) include with the submission—
 - (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.

(2) A dentist, including a salaried dentist, who submits activity by electronic communication, is deemed to have accepted responsibility for any submission which is made using the personal identification number allocated to him by the Board for that purpose.

(3) Any submission to the Board under sub-paragraph (1) shall be completed in accordance with instructions given by the Scottish Government, or the CSA on behalf of the Scottish Government.

Time Limits

3.— A dentist, including a salaried dentist, shall:—

- (a) where care and treatment for a patient is provided under a continuing care or a capitation arrangement, submit the appropriate activity to the Board within three months of the completion of such care and treatment;
- (b) in the case of treatment on referral, submit the appropriate activity to the Board within three months of the completion of such treatment on referral; or
- (c) in the case of occasional treatment, submit the appropriate activity to the Board within three months of the completion of such occasional treatment.

Conditions as to Materials

4.—(1) A dentist, including a salaried dentist, shall not 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.

Emergency Dental Services

5. Where a dentist provides, pursuant to arrangements made under regulation 19 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.

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 and III of this Determination shall apply to a dentist who enters into an arrangements with a Health Board to provide emergency dental services.

(2) The provisions of Parts I and IV 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:—

"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 2010;

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

"salaried dentist" means a dentist employed by a Health Board to provide general dental services;

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

(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

1. The rates of remuneration and allowances payable to salaried dentists are published by the Scottish Government from time to time by means of a PCS(DD).

Part III—Emergency Dental Services

2. Where a dentist enters into arrangements with a Health Board to provide emergency dental services under Regulation 19, he shall:—

- (a) be paid a fee for each 3 hour session he undertakes with effect from 1 April 2009, of £119.55 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 IV—Salaried Plus Bonus Dentists

3.—(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 2013:—

- (a) the salary will be payable at annual rate of £30,776; and
- (b) the bonus payable will be 37.1% of the amount of gross fee income in excess of £60,496.

Statement of Dental Remuneration

DETERMINATION III SENIORITY PAYMENTS

Interpretation

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

"accumulated gross fees" means the gross fees under Determination I authorised for payment by the Board in respect of a period since 1 April in a financial year;

"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;

"dental list" means a dental list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" means a registered general dental practitioner whose name is included in sub-part A of the first part of the dental list;

"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 in a financial year;

"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;

"1st quarter" means the period beginning on 1 April and ending on 30 June in a financial year;

"2nd quarter" means the period beginning on 1 July and ending on 30 September in a financial year;

"3rd quarter" means the period beginning on 1 October and ending on 31 December in a financial year;

"4th quarter" means the period beginning on 1 January and ending on 31 March in a financial year.

(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's name is included in sub-part A of the first part of the dental list;
- (b) the dentist has reached the age of 55 years on or before the first day of the relevant quarter;
- (c) 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
- (d) the dentist has, within the previous 10 financial years, received pensionable earnings of not less than £237,000.

(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 in a financial year, where a dentist is or becomes entitled to seniority payments on or after 1 April in that financial year 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</i>	<i>Accumulated gross fees</i>
1st quarter	£7,022
2nd quarter	£14,044
3rd quarter	£21,066
4th quarter	£28,088

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 in a financial, less an amount equal to any seniority payment that would have been made if he had been eligible for seniority payments on 1 April in that financial year), 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>
1st quarter	£39,286
2nd quarter	£78,572
3rd quarter	£117,858
4th quarter	£157,144

- (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;
- (d) the dentist shall notify the CSA of any changes to his circumstances which may affect his entitlement to a seniority payment.

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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" means a registered dental practitioner whose name is included in sub-part A of the first part of a dental list;

"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 whose name is included in sub-part A of the first part of the dental list who employs a trainee as an assistant in accordance with paragraph 2 of this Determination;

"year" means a 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 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 sub-part A of the first part of 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 August 2014:

(i) £1,167 a month (£14,004 per annum) where the dentist has less than 4 years experience as a trainer; or

(ii) £1,250 a months (£15,000 per annum) where the dentist has 4 or more years experience as a trainer;

over the previous 10 years immediately preceding the current year.

- (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 2019, £2,654.50 a month (£31,854 per annum).

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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or prior to 2 July 2010 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 whose name is included in sub-part A of the first part of the dental list;

"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 2008/09	£27,400
from 2009/10	£27,800
from 2010/11	£28,050; 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 sub-part A of the first part, or Part A prior to 2 July 2010, of 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 but shall include any previous maternity payments calculated in accordance with paragraph 3 and paid in accordance with paragraph 4 if these fall within the test period. The percentage to be applied in respect of earnings in the current and the preceding two financial years is 43.9 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 in the current financial year, 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, a period not exceeding 2 weeks, which need not be taken consecutively but must be taken in full weeks, commencing on or after 1 April in the current financial year, 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 in the current financial year, 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, other than sub-part B of the first part or the second part, or Part B prior to 2 July 2010, 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, other than sub-part B of the first part or the second part; 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, other than sub-part B of the first part or the second part, 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, other than sub-part B of the first part or the second part, 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, other than sub-part B of the first part or the second part, 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 payment in consequence of suspension under Scottish Ministers' Determination made under regulation 26 of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or under regulation 32 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 £1,399.00.

(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 2008/09 £140,777
for 2009/10 £142,889
from 2010/11 £144,175.

(4) Where, prior to 1 April 2010 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 0.9 per cent.

(5) Where sub-paragraph (4) does not apply, and any part of the test period falls before 1 April 2009, 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 2.4 per cent.

(6) Where sub-paragraph (4) does not apply, and any part of the test period falls after 1 April 2009 and before 1 April 2010, 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 0.9 per cent.

(7) For the purpose of sub-paragraph (4) dentist means a registered dental practitioner whose name is included in sub-part A of the first part of a dental list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or prior to 2 July 2010 Part A of 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.

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, or assists in the provision of, 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 sub-part A of the first part of 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.

(8) Where a dentist takes paternity leave other than as two consecutive weeks the dentist must submit a separate claim for payment for each individual week of paternity leave.

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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or prior to 2 July 2010 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 whose name is included in sub-part A of the first part of the dental list;

"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 sub-part A of the first part, or Part A prior to 2 July 2010, of 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 the current and the preceding two financial years is 43.9 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, other than sub-part B of the first part or the second part, or Part B prior to 2 July 2010, 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 2008/09	£27,400
from 2009/10	£27,800
from 2010/11	£28,050; 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 26 of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or under regulation 32 of the National Health Service (General Dental Services) (Scotland) Regulations 1996; or
- (b) 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 £349.00.

(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 2008/09	£140,777
for 2009/10	£142,889
from 2010/11	£144,175.

(4) Where, prior to 1 April 2010 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 0.9 per cent.

(5) Where sub-paragraph (4) does not apply, and any part of the test period falls before 1 April 2009, 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 2.4 per cent.

(6) Where sub-paragraph (4) does not apply, and any part of the test period falls after 1 April 2009 and before 1 April 2010, 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 0.9 per cent.

(7) For the purpose of sub-paragraph (4) dentist means a registered dental practitioner whose name is included in sub-part A of the first part of a dental list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or Part A of 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.

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 sub-part A of the first part of 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 during the period of sickness 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 sub-part A of the first part of 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.

(4) 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.

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 quality improvement activities within the meaning of paragraph 40 of Schedule 1 to the National Health Service (General Dental Services) (Scotland) Regulations 2010 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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996 prior to 2 July 2010;

"dentist" means a registered dental practitioner whose name is included in sub-part A of the first part of the dental list;

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

"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 sub-part A of the first part, or Part A prior to 2 July 2010, of 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) 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 sub-part A of the first part of a dental list;
- (b) subject to sub-paragraph (3), either—
 - (i) the dentist's NHS earnings in the financial year prior to that in respect of which the allowance is to be paid are not less than the sum listed below:—

£27,800; 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 sub-part A of the first part of a dental list for less than 1 year on 1 April in the year in respect of which his claim is made.

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	£115.55
1 session of more than 2 hours and up to 3½ hours	£231.10

less any abatement in accordance with sub-paragraph (3).

(2) Payments under sub-paragraph (1) shall not exceed £1,386.60 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	£231.10	£115.55
80% or more but less than 90%	10%	£207.99	£103.99
70% or more but less than 80%	20%	£184.88	£92.44
60% or more but less than 70%	30%	£161.77	£80.88
50% or more but less than 60%	40%	£138.66	£69.33
40% or more but less than 50%	50%	£115.55	£57.78
30% or more but less than 40%	60%	£92.44	£46.22
20% or more but less than 30%	70%	£69.33	£34.66
10% or more but less than 20%	80%	£46.22	£23.11
Less than 10%	90%	£23.11	£11.55

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 a dentist's name is included in sub-part A of the first part of 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.

(3) 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. Any amendment to this Determination shall take effect from the relevant amendment effective date.

Statement of Dental Remuneration

DETERMINATION VIII REIMBURSEMENT OF NON-DOMESTIC RATES

Interpretation

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

“body corporate” means a body corporate carrying on the business of dentistry;

“contractor” means a person who has undertaken to provide general dental services and whose name is included in sub-part A of the first part of the dental list;

"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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

“director” means a director of a body corporate or a member of the body of persons controlling a body corporate;

"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;

“the Regulations” mean the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"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 contractor 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 contractor is the rate payer, or is a partner in a partnership of dentists which is the rate payer or, is a director of a body corporate which is the rate payer, in relation to the premises in respect of which the claim is made ("the premises");
- (b) the contractor's name is included in sub-part A of the first part of 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 2008/09 £27,400
for 2009/10 £27,800
from 2010/11 £28,050.

(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 contractor satisfies the conditions in sub-paragraph (2) but the Health Board considers that that part of the premises to which paragraph 42(1) and 42(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 sub-paragraph (2).

(2) The abatement shall be the amount which represents the percentage of the non-domestic rates or, where the contractor 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 contractor 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 the contractor 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;
- (v) a declaration in writing, that if requested to do so by the CSA the contractor will provide to the CSA at his own expense proof that he is the rate payer, or is a partner in a partnership of dentists which is the rate payer or is a director of a body corporate which is the rate payer, in relation to the premises in respect of which the claim is made and that he will provide the proof within 2 months of the request being made;

- (v) where the contractor is a partner or a director of a body corporate 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 body corporate;
- (vii) a declaration in writing that neither the contractor nor any partner, director or executor have applied under the Small Business Bonus Scheme; and
- (viii) a declaration in writing to advise the CSA immediately if the contractor or any partner, director or executor applies under the Small Business Bonus Scheme in the financial year to which the claim relates.

(2) Where a contractor 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 contractor 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 contractor 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 contractor 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 contractor 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 contractor shall notify the Health Board and the CSA within 1 month of any change in circumstances which may affect entitlement to reimbursement of an amount under this Determination.

(6) Where a contractor 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 sub-part A of the first part of the dental list in accordance with the proviso to regulation 12(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 contractor is entitled to reimbursement of an amount under this Determination—

- (a) in the case of a contractor 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 contractor.

Application of this Determination

5. This Determination shall take effect on 1 April 1992, or 2 July 2010 in respect of those contractors that are bodies corporate, and shall not apply to any liability to pay non-domestic rates in respect of any period before that date. Any amendments to this Determination shall take effect from the relevant amendment effective 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 Regulations;

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

"contractor" means a person who has undertaken to provide general dental services and whose name is included in sub-part A of the first part of a dental list, who has one or more assistants whose work is included in the claims made in respect of that contractor to the CSA and in relation to whose work the contractor receives payment from the CSA;

"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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010, or in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996 prior to 2 July 2010, or any equivalent to such list prepared by an equivalent body in England, Northern Ireland or Wales;

"dentist" means a registered dental practitioner whose name is included in either sub-part A of the first part or the second part of the dental list;

"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 quality improvement;

"the Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"gross earnings" means in respect of a dentist whose name is included in sub-part A of the first part of the dental list 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 XII 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;

“gross earnings” means in respect of a dentist whose name is included in the second part of the dental list remuneration attributed to any care or treatment carried out by the assistant;

"principal dentist" means a dentist on 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;

"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 on sub-part A of the first part of the dental list 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 contractor for payment to the assistant 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;

- (b) the dentist has earned at least £28,050 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
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
2007/2008	£26,500
from 2008/2009	£27,400
from 2010/2011	£27,800

(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, or in the case of a dentist who is an assistant dentist, the contractor who is making the claim on behalf of the assistant 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, or in the case of a dentist who is an assistant dentist, the contractor who is making the claim on behalf of the assistant dentist, 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, or in the case of a dentist who is an assistant dentist, the contractor who is making the claim on behalf of the assistant 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 in a financial year, 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>
£27,800–£49,499.99	£135 ("level 1 payment")
£49,500–£65,499.99	£456 ("level 2 payment")
£65,500–£77,999.99	£588 ("level 3 payment")
£78,000–£89,999.99	£704 ("level 4 payment")
£90,000–£103,999.99	£822 ("level 5 payment")
£104,000–£116,499.99	£934 ("level 6 payment")
£116,500–£128,999.99	£1055 ("level 7 payment")
£129,000–£142,499.99	£1173 ("level 8 payment")
£142,500–£155,999.99	£1289 ("level 9 payment")
£156,000 or more	£1406 ("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 £129,000 to £142,499.99 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 £142,500 to £155,999.99 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 £156,000 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 sub-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 or contractor 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 £3,287.00 per week.

(14) Where an assistant dentist is entitled to a commitment payment this shall be paid to the contractor that the dentist assists who shall be responsible for paying this to the assistant. The contractor shall provide to the CSA an initial declaration, on a form supplied by the Health Board for that purpose, to the effect that he shall pay in full to the assistant all of the commitment payments due to him. Thereafter the contractor shall provide to the CSA an annual declaration, on a form supplied by the Health Board for that purpose, to confirm that he has paid in full to the assistant all of the commitment payments due which shall include a signed statement from the assistant to the effect that he has received the full commitment payments due to him.

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, or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor, 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:—

“assistant” has the meaning given in regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 but excludes those assistants who are vocational trainees;

“contractor” means a person who has undertaken to provide general dental services and whose name is included in sub-part A of the first part of the dental list;

"dental list" means a list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" means a registered dental practitioner whose name is included in sub-part A of the first part of the dental list;

“designated contractor” means that contractor deemed designated by the practice and recorded by the CSA;

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

"gross earnings" means in relation to Part I the contractor'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;

"gross earnings" means in relation to Parts II and III 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;

“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;

"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 as determined by NHS Education for Scotland;

"training surgery" means the surgery which has been agreed with NHS Education for Scotland as being the surgery to be 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 2010;

"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 contractors 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 contractor will not receive an allowance at all.

Eligibility

3. An allowance under this determination may only be paid where either—

(a) a contractor'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 2008/09 of £27,400
from 2009/10 of £27,800 or

(b) at least 90 per cent of the contractor'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 contractors 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 contractor 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 IA – Additional Allowance for Practice Improvements

General

9. Subject to paragraph 10, the CSA shall pay to a designated contractor within a practice an allowance as specified in paragraph 11 towards the cost of IT infrastructure as described in the Memorandum to NHS: PCA(D)(2016) 4. Where there is no designated dentist within a practice the CSA shall pay the allowance to a contractor nominated by the practice and agreed with the CSA.

Condition of Entitlement

10. Practices eligible for payment of an allowance under paragraph 11 are those which were in use for the provision of general dental services on 1 April 2016.

Amounts

11. The amount of allowance to be paid where the condition at paragraph 10 is met shall be £350 per practice.

Part II - Grants for Practice Improvements: New Vocational Training Practices

Conditions of Entitlement

12.—(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 14 shall be entitled to a grant as specified in paragraph 13.

(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 surgery within the proposed training practice to satisfy vocational training standards.

Amount of Grant

13.—(1) The amount of grant to be paid where a dentist has satisfied the conditions 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 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</i> <i>bear to total earnings</i>	<i>Column 2</i> <i>Percentage of</i> <i>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 contractor per training practice on behalf of all the contractors at that practice.

(4) Only one grant shall be payable per training surgery within a proposed training practice. This training surgery to be permanent unless a change is agreed with NHS Education for Scotland. 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

14.—(1) A dentist shall make a claim for a grant under paragraph 13 to the Health Board within 3 months of the improvements to the training surgery being completed, 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 13:
 - (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 or assistant 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 the proposed training surgery to meet vocational training standards.

(3) A grant can only be made for those items identified by NHS Education for Scotland as requiring upgrading in the proposed training surgery 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

15.—(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 17 shall be entitled to a grant as specified in paragraph 16.

(2) The condition referred to in sub-paragraph (1) is NHS Education for Scotland determines that:

- (a) the training surgery within 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 proposed additional training surgery(ies) within the training practice to satisfy vocational training standards.

Amount of Grant

16.—(1) The amount of grant to be paid where a dentist has satisfied the condition in paragraph 15 and made a claim in accordance with paragraph 17 shall be up to £6,000 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 contractor per training practice on behalf of all the contractors at that practice.

(4) Only one grant shall be payable per training surgery within a training practice in each 5 financial years. This training surgery to be permanent unless a change is agreed with NHS Education for Scotland. 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

17.—(1) A trainer shall make a claim for a grant under paragraph 16 to the Health Board within 3 months of the improvements to the training surgery being completed, 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 the training surgery 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 in the training surgery 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).

Transitional Application of Part III

18. A contractor who has received a grant under this Part of this Determination in the financial year 2012/13 shall not be entitled to received a further grant for 4 complete financial years.

Part IV - Repayment of Allowances and Grants

19.—(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 14(1)(b) or (c) or 17(1)(b) or (c) 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 QUALITY IMPROVEMENT 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 or the Health Board 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;

"quality improvement activities" has the meaning given in paragraph 40(4) of Schedule 1 to the Regulations, namely activities which involve the systematic, critical and reflective analysis of the quality of dental care provided by the dentist, and any changes made by the dentist to bring about improvement in quality of care, patient experience, patient safety and clinical effectiveness, (including the processes used by that dentist for diagnosis, intervention and treatment and use of resources) which have a defined start and end date, no more than 6 months apart (or such other period as may be agreed with NHS Education for Scotland or, as the case may be, the Health Board);

"contractor" means a person who has undertaken to provide general dental services and whose name is included in sub-part A of the first part of a dental list;

"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 whose name is included in either sub-part A of the first part or the second part of a dental list;

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

"relevant period" has the meaning given in paragraph 40(4) of Schedule 1 to the Regulations, namely where a dentist's name is included in a dental list and he is providing or assisting in the provision of general dental services the three year period from 1st August 2010 until 31st July 2013 (inclusive) and each successive period of three years thereafter,

"the Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 2010;

(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 contractor who is a dentist who:—

(a) satisfies the conditions specified in sub-paragraph (2); 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 contractor who is a dentist's name is included in sub-part A of the first part of 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 or the Health Board has approved a shorter first project.

(3) A contractor who:

- (a) employs an assistant and who satisfies the conditions specified in sub-paragraph (4); and
- (b) makes a claim to the CSA in accordance with paragraph 4 in respect of an assistant of his,

shall be entitled to an allowance of an amount ascertained in accordance with paragraph 3.

(4) The conditions are that:-

- (a) at the time an assistant undertakes an approved project the assistant's name is included in the second part of the dental list, and at the time of making the claim in respect of the assistant, the contractor's name is included in sub-part A of the first part of 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 or the Health Board has approved a shorter first project.

(5) The conditions specified in sub-paragraph (4)(b) shall not apply where an assistant was previously employed as such by another contractor 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 £65.21.

(2) After the first approved project is completed a contractor who is 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 contractor who is a 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 contractor 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 contractor 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 contractor 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 contractor shall make a claim for an allowance within 6 months of completion of the approved project 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 or the Health Board which approved the project.

(2) Where a contractor 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 contractor 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 contractor 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 contractors name is included in sub-part A of the first part of 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.

Transitional Application of Determination

5. The replacement of clinical audit activities with quality improvement activities does not affect any project that was approved by NHS Education for Scotland or the Health Board before 26 October 2017.

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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" means a registered dental practitioner whose name is included in sub-part A of the first part of the dental list;

"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, as determined by the CSA and reviewed annually in December but excludes any areas which are predominately non-residential;

"total earnings" means all of a dentist's gross earnings from the practice of dentistry by him in person, excluding payments made under this Determination, 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, excluding payments made under this Determination, including where the dentist's name is included in sub-part A of the first part of two or more dental lists in Scotland, or prior to 2 July 2010 Part A of two or more dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996, 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 sub-part A of the first part of a dental list;
- (b) the dentist is a remote dentist.

(3) Where a dentist has more than one address listed in sub-part A of the first part of 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 £9,000.00 less any abatement calculated in accordance with sub-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.

TABLE	
<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 areas allowance within 6 months of the start of a financial year on a form supplied by the Health Board for the purpose, in which he states:

- (a) 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; and
- (b) that if required 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 his NHS earnings bore to his total earnings in the practice financial year prior to the year in which his claim is made and that he will provide the certificate within three months of the request being made.

(2) Where a dentist's name is included in sub-part A of the first part of 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.

Change of Status of a Remote Dentist

5. —(1) A dentist who is in receipt of an allowance under paragraph 3 will no longer be eligible to receive payment in respect of that allowance if the CSA determines that the area where the dentist provides general dental services is predominately non-residential.

(2) A dentist who is in receipt of an allowance under paragraph 3 will no longer be eligible to receive payment in respect of that allowance if following an annual review the dentist ceases to be classed as a remote dentist.

Transitional Application of Determination

6. 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 sub-part A if the first part of 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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" means a registered dental practitioner whose name is included in sub-part A of the first part of the dental list;

"designated area" in relation to Part II means, Orkney Health Board, Shetland Health Board and Western Isles Health Board:

"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;

"non-designated area" in relation to Part II means within the area of Borders Health Board, Coldstream, within the area of Dumfries and Galloway Health Board, Annan, Dalbeattie, Dumfries, Gretna, Newton Stewart and Stranraer, within the area of Grampian Health Board, Banff, Fraserburgh and Huntly and within the area of Highland Health Board, Isle of Bute, Islay & Jura, Lochgilphead, Mull & Iona, and Tarbert;

"session" means a period of not less than 3.5 hours;

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

"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 ;

(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

This Part has been deleted.

Part II

Conditions of Entitlement

7.—(1) A dentist whose name is first included in sub-part A of the first part of a dental list within 3 months of completion of training 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(1).

(2) A dentist whose name is included in sub-part A of the first part of a dental list for the first time or whose name is included in a dental list having not been on such a list for the previous 5 years who satisfies the conditions specified in sub-paragraph (5) and the additional condition in sub-paragraph (7) 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 whose name is first included in sub-part A of the first part of a dental list within 3 months of completion of training who satisfies the conditions specified in sub-paragraph (6), and who makes a claim to the CSA in accordance with paragraphs 9(1) and (3) will be entitled to an allowance as ascertained and payable in accordance with paragraph 8(3).

(4) A dentist whose name is included in sub-part A of the first part of a dental list for the first time or whose name is included in a dental list having not been on such a list for the previous 5 years who satisfies the conditions specified in sub-paragraph (6) and the additional condition in sub-paragraph (7) and who makes a claim to the CSA in accordance with paragraph 9(1) and (3) shall be entitled to an allowance as ascertained and payable in accordance with paragraph 8(4).

(5) The conditions referred to in sub-paragraph (1) and (2) are that —

(a) the dentist undertakes to provide general dental services in a non-designated area;

(b) the dentist undertakes to provide at least 4 sessions of general dental services each week in a non-designated area 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 sub-part A of the first part of a dental list and the dentist will continue to provide general dental services in a non-designated area for 3 years following receipt of the first payment under paragraph 8;

(f) the dentist's name is not included in the second part of the dental list or has not been on such a list within the previous 5 years, other than those whose name is included in sub-part A of the first part of the dental list in accordance with sub-paragraph (1).

(6) The conditions referred to in sub-paragraph (3) and (4) are that —

(a) the dentist has undertaken to provide general dental services in a designated area;

- (b) the dentist undertakes to provide at least 4 sessions of general dental services each week in a designated area 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 sub-part A of the first part of a dental list and 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;
- (f) the dentist's name is not included in the second part of the dental list or has not been on such a list within the previous 5 years, other than those whose name is included in sub-part A of the first part of the dental list in accordance with sub-paragraph (1).

(7) The additional condition referred to in sub-paragraphs (2) and (4) is that 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.

(8) Where the name of the dentist cannot be included in sub-part A of the first part of a dental list within the 3 month period referred to in sub-paragraph (1) and (3) 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 allowance to be paid in accordance with paragraph 7(3) shall with effect from 16 May 2011 be £25,000 paid over a 2 year period at £12,500 per annum.

(4) The amount of the allowance to be paid in accordance with paragraph 7(4) shall with effect from 16 May 2011 be £15,000 paid over a 2 year period at £7,500 per annum.

(5) Where the name of the dentist is included in sub-part A of the first part of a dental list of more than one Health Board the allowance mentioned in sub-paragraphs (1), (2), (3) or (4) respectively shall only 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.

(6) Payments under sub-paragraph (1) or (2) shall terminate if the dentist ceases to:

- (a) have his name included in sub-part A of the first part of any dental list; or
- (b) provide general dental services in a non-designated area.

(7) Payments under sub-paragraph (3) or (4) shall terminate:

- (a) if the dentist ceases to have his name included in sub-part A of the first part of any dental list; or,
- (b) 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), (2), (3) or (4) to the CSA on a form supplied by the Health Board and shall include with the claim a declaration in writing—

- (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) A dentist making a claim for an allowance under paragraph 8(1) or (2) shall include with the claim an additional declaration in writing that his name will remain on sub-part A of the first part of a dental list and he will continue to provide general dental services in a non-designated area for 3 years following receipt of the first payment under paragraph 8.

(3) Where the dentist claims an additional allowance under paragraph 8(3) or (4) he shall, when making a claim under sub-paragraph (1), also include a declaration in writing that his name will remain on sub-part A of the first part of a dental list and he will continue to provide general dental services in a designated area for 3 years following receipt of the first payment under paragraph 8.

(4) A claim under sub-paragraph (1), (2) or (3) shall be made within 2 months of the dentist's name first being included in sub-part A of the first part of a dental list or within 2 months of his name being included in sub-part A of the first part of a dental list following a period of 5 years when his name did not appear in a dental list.

(5) 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), (3) or (4).

(6) Only one claim for an allowance under either sub-paragraphs 8(1), (2), (3) or (4) 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(5)(b), (c) or (d) or ceases within 3 years of receiving the first payment under paragraph 8(1) or (2) to:

- (a) have his name included in sub-part A of the first part of any dental list; or
- (b) provide general dental services in a non-designated area;

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(6)(b), (c) or (d) or ceases within 3 years of receiving the first payment under paragraph 8(3) or (4) to:

- (a) have his name included in sub-part A of the first part of any dental list;
- (b) subject to sub-paragraph (3), provide general dental services in a designated area;

he shall be required to repay to the Health Board the full amount of the allowance received.

(3) Where a dentist ceases within 3 years of receiving the first payment under paragraph 8(3) or (4) to provide general dental services in a designated area but his name remains on sub-part A of the first part of a dental list in a non-designated area the dentist will require to repay to the Health Board the difference between the allowance payable in respect of a non-designated and a designated area.

(4) 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 allowance in accordance with paragraph 7(1) or (2) will continue to be eligible to receive payments in respect of that allowance if the area in which he provides general dental services for which he is receiving the allowance ceases to be classed as a non-designated area and he shall not be liable to return the sum received.

(2) A dentist who is in receipt of an allowance in accordance with paragraph 7(3) or (4) 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 allowance ceases to be classed as a designated area and he shall not be liable to return the sum received.

(3) A dentist in receipt of an allowance under paragraph 8(1) or (2) will not be entitled to receive an additional allowance in accordance with paragraph 8(3) or (4) where the area in which he provides general dental services is subsequently classed as a designated area.

Application of this Determination

12. This Determination applies to any dentist who joins sub-part A of the first part of a dental list in a designated or non-designated area of Scotland on completion of training or who joins sub-part A of the first part of a dental list in a designated or non-designated area of Scotland for the first time on or after 1 December 2012 or following a period of 5 years when his name did not appear in a dental list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010 or prior to 2 July 2010 in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996.

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 2010 but excludes those assistants who are vocational trainees;

"accumulative gross practice earnings" means the gross earnings of all of the contractors on sub-part A of the first part of the dental list within the practice (including the gross earnings of all of the assistants on the second part of the dental list who assist the contractor with the provision of general dental services within the practice) for the preceding 3 scheduled payments prior to the quarter end in respect of which the allowance is to be paid;

"average gross earnings" means in relation to an NHS committed practice under Part I the contractor'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
- Quality improvement allowance
- Maternity payments, paternity payments and adoptive leave payments
- Items of service fees for providing NHS general dental services within the Scottish Prison Service.

"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, income related employment and support allowance, pension credit guarantee credit, universal credit (where there were no earnings or earnings within the allowed limit), 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.

“contractor” means a person who has undertaken to provide general dental services and whose name is included in sub-part A of the first part of a dental list;

"dental list" means a list prepared by a Health Board in accordance with regulation 4(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" in relation to Part I and II means a registered dental practitioner whose name is included in either sub-part A of the first part or the second part of a dental list;

"dentist" in relation to Part III means a registered dental practitioner whose name is included in sub-part A of the first part of a dental list;

“designated area” means within the area of Ayrshire and Arran Health Board, Dalmellington and Patna, and within the area of Highland Health Board, Lochgilphead and within the area of Shetland Health Board, Lerwick;

"designated contractor" means that contractor deemed designated by the practice 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;

"fully NHS committed practice" in relation to Part I means:

- (a) in relation to a specialised orthodontic practice, a practice from which:
 - (i) the contractors 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) there is 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 the allowance is payable.
- (b) in relation to other specialised practices, a practice from which:
 - (i) the contractors 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) there is 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 the allowance is payable.
- (c) in relation to non-specialised practices, a practice:
 - (i) from which the dentists provide general dental services to all categories of patients;

(ii) where there is 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) where the dentists have average gross earnings of £50,000 or above per dentist (full or part-time) in the period of 12 months immediately preceding the last day of the quarter for which the allowance is payable.

"gross earnings" means in relation to payments made under Part I the contractor'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
- 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 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, or the assistance in 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 which does not restrict its 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 which restrict its services under general dental services and provides only oral surgery, sedation, paediatric dentistry, endodontics, prosthodontics or restorative periodontology on referral;

"partially NHS committed practice" means a practice which is not a fully NHS committed practice which has an average of at least 500 patients per dentist (full or part time) accepted for care and treatment under a capitation and continuing care arrangement with the contractors within the practice;

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

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

Regulations 2010, as amended;

"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, or the assistance in 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 and II 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 (4) and (7) where appropriate, the CSA shall pay in accordance with paragraph 3(1) an allowance to a designated contractor 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 (5) are satisfied by the contractors in a practice in respect of which an allowance under sub-paragraph (1) is payable to the designated contractor, the CSA shall pay to the designated contractor within the practice an additional allowance in accordance with paragraph 3(2).

(3) Where the conditions specified in sub-paragraph (5) are satisfied by the contractors in a practice in respect of which an allowance under sub-paragraph (1) is payable to the designated contractor, with the exception of those in sub-paragraph (5)(a) and (b), the CSA shall pay to the designated contractor within the practice an additional allowance in accordance with paragraph 3(3) provided that the practice is a partially NHS committed practice.

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

- (a) the contractor's name is included in sub-part A of the first part of the dental list of the Health Board in whose area the practice is situated;
- (b) 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;
- (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.

(5) The conditions referred to in sub-paragraph (2) or (3) are that during the period for which the additional allowance is payable:

- (a) the practice is a fully or partially NHS committed practice;
- (b) subject to sub-paragraph (7), the contractors within the practice maintain or increase the number of patients accepted for care and treatment under capitation and continuing care arrangements with the contractors, or prior to 2 July 2010 with the dentists on Part A of the dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996, 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 Regulations.

(6) Where the number of patients accepted for care and treatment under capitation and continuing care arrangements with the contractors within the practice falls below the 1 October 2005 level the practice will continue to be regarded as NHS committed provided that the drop in the number of patients does not exceed 15%.

(7) The designated contractor within a specialist orthodontic practice and other specialist practice will be required to submit to the CSA, on a form supplied by the Health Board for that purpose, an annual declaration confirming that the contractors within the practice accept referrals for treatment under general dental services for all categories of patients. The first such declaration should be sent to the CSA by 30 June 2011 and by 30 June in each subsequent year thereafter.

Payments

3.—(1) The amount of allowance to be paid in terms of paragraph 2(1) where the conditions in paragraph 2(4) are satisfied 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 conditions in paragraph 2(5) are satisfied will be 6% of the accumulative gross earnings of the dentists in the practice.

(3) The amount of additional allowance to be paid in terms of paragraph 2(3) where the condition in paragraph 2(5) are satisfied will be 3% of the accumulative gross earnings of the dentists in the practice.

(4) The allowance and any additional allowance shall be payable quarterly in the month following the quarter to which the calculation is made. The allowance together with any additional allowance payable to a practice will not exceed £88,000 for the quarters ending 31 December 2018 to 30 September 2019 and for each subsequent 4 quarters thereafter.

(5) The allowance and any additional allowance shall be paid to a designated contractor within the practice on behalf of all of the contractors at the practice.

(6) Where there is more than one contractor within a practice any payment shall be made to the designated contractor within the practice on behalf of all of the contractors at that practice but the conditions in paragraph 2 will apply equally to all of the contractors.

Count of Dentists in Respect of an NHS Committed Practice

4.—(1) Where a dentist within a practice has ceased to provide, or assist with the provision of, general dental services at that practice and has been replaced with another dentist who has commenced providing, or assisting with the provision of, 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 fully or partially 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 contractors within a practice are not entitled to payment of an additional allowance under paragraph 3(2) due to the dentists within the practice 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 (iii) 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, or assisting with the provision of, 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 a fully NHS committed practice for the first and 3 subsequent quarters, in the case of an other specialised practice or non-specialised practice, and the first and 7 subsequent quarters, in the case of a specialised practice, for which the additional allowance is payable following the dentist beginning to provide, or assist with the provision of, general dental services at the practice.

Conditions for a New Non-Specialised Practice in Respect of an NHS Committed Practice in a Designated Area

6.—(1) Subject to sub-paragraph (2) and (3), where the contractors within a non-specialised practice in a designated area 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 (c)(ii) and (iii) or head (iii) only in respect of a non-specialised practice;

of the definition of a fully 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 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 a fully NHS committed practice for the first and 3 subsequent quarters for which the additional allowance is payable following the non-specialised practice address being included on the Health Board's dental list.

(3) A non-specialised 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

7.—(1) Where the contractors 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 a fully NHS committed practice the contractors 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 a fully NHS committed practice otherwise meet the definition of a fully 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 a fully NHS committed practice meet the conditions set out in sub-paragraph (2) or a form is completed and submitted 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor together with:
 - (i) a declaration in writing of the percentage of the dentist's 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 the contractor 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 the dentist's 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor 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 spends on clinical dentistry as a whole (including private dentistry) in the practice 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

(4) Where the contractors within an other 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 a fully NHS committed practice the contractors 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 a fully NHS committed practice otherwise meet the definition of a fully 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 a fully NHS committed practice meet the conditions set out in sub-paragraph (5) or a form is completed and submitted 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor together with:
 - (i) a declaration in writing of the percentage of the dentist's 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 the contractor 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 the dentist's 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor 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 spends on clinical dentistry as a whole (including private dentistry) in the practice 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 contractors 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 a fully NHS committed practice or under paragraph 3(3) due to one or more dentists within the practice not fully contributing to meeting the conditions of a partially NHS committed practice the contractors 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 a fully NHS committed practice otherwise meet the definition of a fully NHS committed practice and the conditions of entitlement in paragraph 2; or
- (b) the dentists within the practice who do not meet the conditions of entitlement specified in paragraph 2(7) otherwise meet the conditions of entitlement in paragraph 2, with the exception of those in sub-paragraph (5)(a) and (b); and
- (c) 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 a fully NHS committed practice or who do not meet the conditions of a partially NHS committed practice meet the conditions set out in sub-paragraph (8) or a form is completed and submitted in accordance with sub-paragraph (9).

(8) The conditions referred to in sub-paragraph (7) are that –

- (a) in respect of the payment of an additional allowance under paragraph 3(2), 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; or

(b) in respect of the payment of an additional allowance under paragraph 3(3), 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 500 patients; and

(c) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor together with:

(i) a declaration in writing of the percentage of the dentist's 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 the contractor 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 the dentist's 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor referred to in sub-paragraph (7)(c), provided to him for that purpose by the Health Board, which shall include a declaration of the total number of hours which the dentist spends on clinical dentistry as a whole (including private dentistry) in the practice 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)(c) or (9) must be submitted annually.

Change of Circumstances

8.—(1) The designated contractor 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) or 3(3).

(2) A practice which has re-located from one address to another in a Health Board area will be classed as the same practice.

(3) A practice which is purchased by another contractor or contractors will be classed as the same practice.

Failure to Meet Conditions of Additional Allowance

9.—(1) Where the contractors within a practice fail to meet the conditions set out in paragraph 2(5) the additional allowance payable under paragraph 3(2) or (3) will cease. Where the payments have ceased they will not again commence during any period of non-compliance with the conditions set out in paragraph 2(5).

(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(5) was because of exceptional circumstances.

(3) Where the designated contractor within a specialist orthodontic practice or other specialist practice fails to meet the condition set out in paragraph 2(7) by the due date the additional allowance payable under paragraph 3(2) or (3) will cease. Where the payments have ceased they will not again commence until compliance with the condition set out in paragraph 2(7).

Part II - Sedation Practice Allowance

Conditions of Entitlement

10.—(1) A contractor 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 contractor's name is included in sub-part A of the first part of the dental list of the Health Board in whose area the practice is situated;
- (b) 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;
- (c) 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
- (d) 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 contractor 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 and paid 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</i> <i>Percentage which the practice's NHS earnings bear to total earnings</i>	<i>Column 2</i> <i>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 contractor within the practice on behalf of all of the contractors 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 contractor on a dental list within a practice any application shall be made by one contractor on behalf of all of the contractors within the practice but the conditions in paragraph 10, and 11 will apply equally to all of the contractors.

(2) One contractor 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 contractor 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 a 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 per trainee in a year.

Part IV – Extended Duty Dental Nurse Training Practice Allowance

Conditions of Entitlement

15.—(1) The CSA shall, where a contractor has satisfied the conditions specified in sub-paragraph (2), pay to the designated contractor within the practice an allowance in accordance with paragraph 16.

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

(a) the contractor has released a dental nurse to undertake Extended Duty Dental Nurse training in order to deliver preventive care in accordance with Section X of Determination I; and

(b) the dental nurse has successfully completed the Extended Duty Dental Nurse training.

Amount of Allowance

16.—(1) The amount of allowance to be paid where the contractor has satisfied the condition in paragraph 15(2) and where NHS Education for Scotland has advised the CSA that a dental nurse has successfully completed the Extended Duty Dental Nurse training shall be:

£540.00.

(2) Only one allowance shall be payable to a designated contractor in respect of an individual dental nurse.

Part V – Application of Determination

17. —(1) This Determination shall take effect from:

(i) 1 April 2005 in respect of Part I for those contractors who are dentists other than paragraphs 2(2), 2(4), 3(2), 4 and 6 which shall take effect from 1 September 2005 and 2 July 2010 for those contractors who are bodies corporate;

(ii) 1 April 2003 in respect of Part II for those contractors who are dentists and 2 July 2010 in respect of those contractors who are bodies corporate;

(iii) 1 April 2003 in respect of Part III and

(iv) 1 October 2011 in respect of Part IV.

(2) Any amendment shall take effect from the relevant amendment effective date.

Statement of Dental Remuneration

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 2010 but excludes those assistants who are vocational trainees;

"average gross earnings" means in relation to an NHS committed practice the contractor'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
- Quality improvement allowance
- Maternity payments, paternity payments and adoptive leave payments;

"body corporate" means a body corporate carrying on the business of dentistry;

"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, income related employment and support allowance, pension credit guarantee credit, universal credit (where there were no earnings or earnings within the allowed limit), 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;

"contractor" means a person who has undertaken to provide general dental services and whose name is included in sub-part A of the first part of a dental list;

“current market rent” means the rent as assessed by the valuer appointed by the Scottish Government 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(1) of the National Health Service (General Dental services) (Scotland) Regulations 2010;

“dentist” means a registered dental practitioner whose name is included in either sub-part A of the first part or second part of the dental list;

“designated area” means within the area of Ayrshire and Arran Health Board, Dalmellington and Patna, and within the area of Highland Health Board; Lochgilphead and within the area of Shetland Health Board, Lerwick;

“designated contractor” means that contractor deemed designated by the practice and recorded by the CSA on the last day of the quarter in which the payment is to be made;

“director” means a director of a body corporate or a member of the body of persons controlling a body corporate;

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

“fully NHS committed practice” means:

- (a) in relation to a specialised orthodontic practice, a practice from which:
 - (i) the contractors 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) there is 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 contractors 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) there is 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.

(c) in relation to non-specialised practices, a practice:

(i) from which the dentists provide general dental services to all categories of patients;

(ii) where there is 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) where the dentists have average gross earnings of £50,000 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;

"gross earnings" means in relations to reimbursement of practice rental costs the contractor'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
- 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;

"NHS earnings", means the gross earnings, excluding any remuneration by way of salary, of all the dentists within the practice from the provision, or the assistance in the provision, by each dentist in person of general dental services under the NHS (Scotland) Act 1978;

"non-specialised practice" means a practice which does not restrict its 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 which restrict its services under general dental services and provides only oral surgery, sedation, pediatric dentistry, endodontics, prosthodontics or restorative periodontology on referral;

"partially NHS committed practice" means a practice which is not a fully NHS committed practice which has an average of at least 500 patients per dentist (full or part time) accepted for care and treatment under a capitation and continuing care arrangement with the contractors within the practice;

"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;

“the Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 2010, as amended;

"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” for the purposes of paragraph 2(2)(g) and 3(7) means the gross income in total of:

(i) the dentists providing or assisting with the provision of general dental services at the practice;

(ii) the dentists at head (i) derived from any other activities at the practice (including private dentistry);

(iii) any other person operating or carrying out activities at the practice;

(iv) any income from the lease, sub-lease or rental of the premises or part of the premises.

"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 the conditions of sub-paragraphs (2) and (3), the CSA shall pay to a designated contractor 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.

(2) The conditions which contractors in a practice in respect of which reimbursement referred to in sub-paragraph (1) are payable are:

(a) the names of the contractors in respect of which the payment is being made are included in sub-part A of the first part of the dental list of the Health Board in whose area the practice is situated;

(b) the names of any dentists who assist the contractors in the provision of general dental services at the practice are included in the second part of the dental list of the Health Board in whose area the practice is situated;

(c) the practice is a fully or partially NHS committed practice;

(d) the contractors within the practice maintain or increase the number of patients accepted for care and treatment under capitation and continuing care arrangements with the contractors, or prior to 2 July 2010 with the dentists on Part A of the dental list prepared by a Health Board in accordance with regulation 4(1A) of the National Health Service (General Dental Services) (Scotland) Regulations 1996, within the practice at 1 October 2005 where the practice is a non-specialised practice;

(e) the contractors and dentists within the practice meet, and continue to meet, their NHS terms of service as set out in Schedule 1 to the Regulations;

(f) 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;

(g) the designated contractor has submitted a declaration signed by an accountant stating the proportion that the practice's NHS earnings bore to the total earnings of the practice for the most recent complete practice financial year. The declaration, which must include the designated contractor's status, should be received by the CSA by 28 February in each year or, where a declaration is not received by the CSA by 28 February in any given year, by the last day of the second month in a subsequent quarter in that year; and

(h) the designated contractor is the rent payer or the practice owner, or is a partner in a partnership of dentists which is the rent payer or the practice owner, or is a director of a body corporate which is the rent payer or the practice owner.

(3) The designated contractor within a specialised orthodontic practice and other specialised practice will be required to submit to the CSA, on a form supplied by the Health Board for that purpose, an annual declaration confirming that the contractors within the practice accept referrals for treatment under general dental services for all categories of patients. The declaration should be received by the CSA by 30 June in each year.

Amount of Reimbursement of Rental Costs

3.—(1) The amount of reimbursement in respect of contractors who are leaseholders, or are in a partnership of dentists which is the leaseholder, or are directors of a body corporate which is the leaseholder shall be the leasehold rental costs as detailed in sub-paragraph (2). The amount of reimbursement in respect of contractors who are owner occupiers, or are in a partnership of dentists which is owner occupiers, or are directors of a body corporate which is the owner occupier, 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 contractor if this is properly charged to the contractor by the landlord, where the practice is not VAT registered and where the contractor has provided evidence to the CSA that VAT has been paid, less any abatement in accordance with sub-paragraph (7). Where the contractor is reimbursed the current market rent the VAT to be reimbursed will not be the full VAT charged by the landlord but will be based on the current market rent to be reimbursed. If requested to do so by the CSA the contractor 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 contractor 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; or
- (iii) the practice re-locates to new practice premises consistent with the Health Board's dental premises strategy.

The Health Board should advise the CSA of the outcome of any such review. A review cannot be undertaken where the only change in circumstances is an increase in the practice's actual lease rent payable.

(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, less any abatement in accordance with sub-paragraph (7). 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 purchasing, building work or refurbishment to the fabric of the building in respect of the practice; and

(b) that contribution of NHS capital was made after 1 January 2007;

on completion of the work, subject to sub-paragraph (6), the amount of the notional rent payable in respect of a contractor who is an owner occupier must be the abated rent for the practice, calculated in accordance with paragraph 4 less any abatement in accordance with sub-paragraph (7), 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, subject to sub-paragraph (6) and less any abatement in accordance with sub-paragraph (7). The Health Board should make the calculation and advise the CSA of the outcome.

(6) Reimbursement will be for those parts of the practice premises used for the provision of general dental services and will:

(a) exclude any areas used for other purposes or unused areas within the practice premises

(b) be adjusted where any part of the practice premises have areas which are communal by the number of users sharing such areas;

less any abatement in accordance with sub-paragraph (7).

(7) Where the total earnings of the practice as a whole are not exclusively derived from the provision of general dental services, the abatement to be applied shall be the difference in the amount which the practice's NHS earnings bear to its total earnings in the most recent complete practice financial year prior to that in respect of which the reimbursement of practice rental costs is to be paid.

(8) Where evidence, information, including the name of the designated contractor, or a declaration is required by the CSA in support of reimbursement of practice rental costs reimbursement will only become payable when that evidence, information or declaration is received and will not be payable for any period prior to the receipt by the CSA of the evidence, information or declaration.

(9) Any declaration required by paragraph 2(2)(g) received by the CSA after 28 February in any given year will require to be received by the last day of the second month in a quarter in order for reimbursement of practice rental costs to be payable in that, and subsequent, quarters.

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—

$$I \times (A+10)\% + P_u$$

Practices Eligible for Rent Reimbursement

5. 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

6.—(1) For the period from 1 April 2006, where the contractors 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 contractors within the practice are eligible. Thereafter reimbursement will continue at the same rate subject to any review by the valuer appointed by the Scottish Government for the purposes of valuing dental premises and the contractors within the practice continuing to be eligible for reimbursement by virtue of paragraph 2.

(2) Where there is more than one contractor within a practice payments will be made to a designated contractor within the practice on behalf of all of the contractors at that practice but the conditions in paragraph 2 will apply equally to all of the contractors.

(3) If requested to do so by the CSA the designated contractor will provide to the CSA at his own expense proof that the designated contractor is the rent payer or the practice owner, or is a partner in a partnership of dentists which is the rent payer or the practice owner, or is a director of a body corporate which is the rent payer or the practice owner, in relation to the practice in respect of which the reimbursement of rental costs is made and he will provide the proof within 2 months of the request being made.

Count of Dentists in Respect of an NHS Committed Practice

7.—(1) Where a dentist within a practice has ceased to provide, or assist with the provision of, general dental services at that practice and has been replaced with another dentist who has commenced providing, or assisting with the provision of, 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 fully or partially 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

8.—(1) Subject to sub-paragraph (2), where the contractors 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 (iii) or head (iii) only in respect of a non-specialised practice;

of the definition of a fully NHS committed practice due to a new and additional dentist providing, or assisting with the provision of, 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 meet the conditions of the definition of a fully NHS committed practice for the first and 3 subsequent quarters, in the case of an other specialised practice or non-specialised practice, and the first and 7 subsequent quarters, in the case of a specialised practice, for which the additional allowance is payable following the dentist beginning to provide, or assist with the provision of, general dental services at the practice.

Conditions for a Non-Specialised New Practice in Respect of an NHS Committed Practice in a Designated Area

9.—(1) Subject to sub-paragraph (2) and (3), where the contractors within a non-specialised practice in a designated area 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 (c)(ii) and (iii) or head (iii) only in respect of a non-specialised practice;

of the definition of a fully 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 sub-paragraph (1) will only be deemed to meet the conditions of the definition of a fully NHS committed practice for the first and 3 subsequent quarters for which the additional allowance is payable following the practice address being included on the Health Board's dental list.

(3) A non-specialised 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

10.—(1) Where the contractors 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 a fully NHS committed practice the contractors 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 a fully NHS committed practice otherwise meet the definition of a fully 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 a fully NHS committed practice meet the conditions set out in sub-paragraph (2) or a form is completed and submitted 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 were

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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor together with:

(i) a declaration in writing of the percentage of the dentist's 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 the contractor 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 the dentist's 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor 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 spends on clinical dentistry as a whole (including private dentistry) in the practice 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

(4) Where the contractors 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 contractors 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 a fully NHS committed practice otherwise meet the definition of a fully 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 a fully NHS committed practice meet the conditions set out in sub-paragraph (5) or a form is completed and submitted 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor together with:

(i) a declaration in writing of the percentage of the dentist's 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 the contractor 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 the dentist's 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor 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 spends on clinical dentistry as a whole (including private dentistry) in the practice 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 contractors 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 a fully NHS committed practice or one or more dentists within the practice not fully contributing to meeting the definition of a partially NHS committed practice the contractors 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 a fully NHS committed practice otherwise meet the definition of an NHS committed practice and the conditions of entitlement in paragraph 2; or

(b) the dentists within the practice who do not meet the definition of a partially NHS committed practice otherwise meet the conditions of entitlement in paragraph 2; and

(c) 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 a fully NHS committed practice or who do not meet the definition of a partially NHS committed practice meet the conditions set out in sub-paragraph (8) or a form is completed and submitted 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; or

(b) where an abatement has to be applied in accordance with paragraph 3(7), 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 attributed to gross earnings in which case the dentist will be deemed to have 500 patients; and

(c) each dentist completes and submits to the CSA a form provided to him, for that purpose, by the Health Board or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor together with:

(i) a declaration in writing of the percentage of the dentist's 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 the contractor 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 the dentist's 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 or in the case of a dentist who is an assistant the form should be completed by the dentist and counter-signed and submitted by the contractor referred to in sub-paragraph (7)(c), provided to him for that purpose by the Health Board, which shall include a declaration of the total number of hours which the dentist spends on clinical dentistry as a whole (including private dentistry) in the practice 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)(c) or (9) must be submitted annually.

Change of Circumstances

11.—(1) The designated contractor 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 3.

(2) A practice which has re-located from one address to another in a Health Board area will be classed as the same practice for the purposes of reimbursement of rental costs.

(3) A practice which is purchased by another contractor or contractors will be classed as the same practice for the purposes of reimbursement of rental costs.

Failure to Meet Conditions of Reimbursement of Rental Costs

12.—(1) Where the contractors within a practice fail to meet the conditions set out in paragraph 2(2) payment under paragraph 6(1) will cease. Where the payments have ceased 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.

(3) Where the designated contractor within a specialist orthodontic practice or other specialist practice fails to meet the condition set out in paragraph 2(3) by the due date payment under paragraph 6(1) will cease. Where the payments have ceased they will not again commence until compliance with the condition set out in paragraph 2(3).

Application of this Determination

13.—(1) This determination shall take effect from:

(a) 1 April 2006 where it relates to non-specialised practices where the contractors are dentists other than paragraphs 11(7)(b) and (8)(b) which shall take effect from 1 April 2008 and 2 July 2010 where the contractors are bodies corporate; and

(b) 1 April 2005 where it relates to specialised practices where the contractors are dentists other than paragraphs 11(7)(b) and (8)(b) which shall take effect from 1 April 2008 and 2 July 2010 where the contractors are bodies corporate.

(2) Any amendment to this Determination shall take effect from the relevant amendment effective date.

Statement of Dental Remuneration

DETERMINATION XVI ENHANCED SKILLS ALLOWANCES

Interpretation

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

“approved programme of training” means training provided by NHS Education for Scotland;

“approved programme of training and mentoring” means training provided by NHS Education for Scotland and mentoring provided by the Public Dental Service or a designated dentist in the relevant Health Board;

“assigned” has the meaning given by regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"CPD" means continuing professional development;

"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(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

"dentist" means a registered dental practitioner whose name is included in sub-part A of the first part of the dental list;

“domiciliary care dentist” has the meaning given by regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010;

“enhanced skills in domiciliary care” has the meaning given by regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulation 2010;

“quarter” means the a period of 3 months ending on 30 June, 30 September, 31 December and 31 March;

"remote dentist" means a dentist who has to travel 90 minutes or more, as determined by the most recent version of Microsoft Auto-Route (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;

“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.

Part 1 – Enhanced Skills in Domiciliary Care

Continuing Professional Development Allowance

Conditions of Entitlement

2. A dentist who, at the request of the Health Board, has undertaken an approved programme of training and mentoring to become an enhanced skills dentist in domiciliary care 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.

Amount of Allowance

3.—(1) The amount of CPD allowance to be paid where a dentist has satisfied the conditions in paragraph 2 and made a claim in accordance with paragraph 4 for taking part in an approved programme of training and mentoring shall be:

Duration of Educational Time	Amount of Allowance
1 session of 3½ hours	£231.10.

(2) Payments under sub-paragraph (1) shall not exceed £4,390.90.

(3) 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 programme of training shall be:

£462.20 for each session of educational time of 3½ hours.

(4) Payments under sub-paragraph (3) shall not exceed £6,470.80.

(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 programme of training shall be:

£231.10 for each session of educational time of 3½ hours.

(6) Payments under sub-paragraph (5) shall not exceed £3,235.40.

Claim for Allowance

4.—(1) A dentist shall make a claim for CPD allowance to the CSA, on a form supplied by the training organiser for the purpose.

(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) A claim for an allowance under sub-paragraph (1) shall be made within 6 months of completion of the approved postgraduate course.

Equipment Allowance

Conditions of Entitlement

5.—(1) The CSA shall pay to a dentist who satisfies the conditions specified in sub-paragraph (2) an allowance in accordance with paragraph 6.

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

- (a) the dentist's name is included in sub-part A of the first part of a dental list;
- (b) the dentist is a domiciliary care dentist.

Amount of Allowance

6.—(1) Where a dentist becomes eligible by virtue of paragraph 5 for an allowance for the purchase of equipment required for the purposes of providing enhanced in skills domiciliary care, an equipment allowance up to the amount below shall be payable for the first and third year of each four year period in which he is eligible:

<i>Relevant Year</i>	<i>Maximum Amount</i>
1	£800
3	£400

(2) Only one allowance shall be payable to a dentist in a relevant year. The first year in the first four year period will be the year in which the dentist becomes a domiciliary care dentist.

Claim for Allowance

7.—(1) The dentist shall make a claim for the allowance in each relevant year on a form supplied by the Health Board, or a form to like effect, and shall include with the claim receipts for the equipment purchased for the purposes of providing enhanced skills in domiciliary care.

(2) A claim for an allowance under sub-paragraph (1) shall be made within the relevant year. In exceptional circumstances the CSA may at its discretion pay claims received outwith the time limit.

Change in Circumstances

8. The dentist and Health Board shall notify the CSA within one month of any change in circumstances which may affect his entitlement to an allowance under paragraph 6.

Care and Treatment Allowance

Conditions of Entitlement

9.—(1) The CSA shall pay to a dentist who satisfies the conditions specified in sub-paragraph (2) an allowance in accordance with paragraph 10.

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

- (a) the dentist's name is included in sub-part A of the first part of a dental list;
- (b) the dentist is a domiciliary care dentist.

Amount of Allowance

10.—(1) Where a dentist becomes eligible for a care and treatment allowance by virtue of paragraph 9, a care and treatment allowance shall be payable for the first and each subsequent quarter in which he is eligible and will be calculated as set out in sub-paragraph (2).

(2) Where the dentist achieves the number of patients accepted for care and treatment under a continuing care arrangement per care home which falls within the minimum set out in column 1 below, he will be entitled to the quarterly payment specified opposite that minimum in column 2.

<i>Column 1</i>	<i>Column 2</i>
<i>Minimum Number of Patients</i>	<i>Quarterly Payment</i>
10	£250
20	£300
30	£450
40	£600
50	£750
75	£1,000

(3) An allowance under sub-paragraph (2) shall be payable to a domiciliary care dentist for each care home the dentist has been assigned.

(4) The allowance shall be payable quarterly in the month following the quarter to which the calculation is made.

Change in Circumstances

11. The dentist and Health Board shall notify the CSA within one month of any change in circumstances which may affect his entitlement to an allowance under paragraph 10.