

2008 No. 21

**THE NATIONAL HEALTH
SERVICE (WALES) ACT 2006**

**The Primary Dental Services
(Miscellaneous Amendments
Relating to Finance) (Wales)
Directions 2008**

Made 4 June 2008

Coming into force 4 June 2008

The Welsh Ministers make the following Directions in exercise of the powers conferred by sections 60, 66(4) and (5), 203(9) and (10) and 204(1) and (3) of the National Health Service (Wales) Act 2006⁽¹⁾.

In accordance with section 60(4) of the National Health Service (Wales) Act 2006, the Welsh Ministers have consulted both with the bodies appearing to them to be representative of persons to whose remuneration these Directions relate and with such other persons as they think appropriate.

Title, commencement, taking effect and application

1.—(1) The title of these Directions is the Primary Dental Services (Miscellaneous Amendments Relating to Finance) (Wales) Directions 2008.

(2) These Directions come into force on 4 June 2008 but the amendments to GDS SFE and PDS SFE set out in these Directions have effect from 1 April 2008.

(3) These Directions apply in relation to Wales.

Interpretation

2. In these Directions —

“GDS SFE” means the directions set out in the Statement of Financial Entitlements made under sections 28N and 126(4) of the National Health

(1) 2006 c.42.

Service Act 1977(1) on 31 March 2006 in respect of payments under general dental service contracts; and

“PDS SFE” means the directions set out in the Statement of Financial Entitlements made under section 28E(3A) and 126(4) of the National Health Service Act 1977(2) on 31 March 2006 in respect of payments under section 28C arrangements for the provision of primary dental services (other than section 28C arrangements under which a Local Health Board or NHS trust is the provider of the primary dental services).

Amendment of the GDS SFE

3.—(1) The GDS SFE is amended in accordance with this direction.

(2) In direction 2 (which relates to the extent and entry into force of the SFE), from the words “with effect from 1 April 2007” to the end of that direction, substitute—

“by direction 3 of the Primary Dental Services (Miscellaneous Amendments Relating to Finance) (Wales) Directions 2007 with effect from 1 April 2007; and direction 3 of the Primary Dental Services (Miscellaneous Amendments Relating to Finance) (Wales) Directions 2008, with effect from 1 April 2008.”.

(3) In paragraph 2.17 (2007/8 Adjustment), omit the words from “In practice” to the end of that paragraph.

(4) Immediately below the end of paragraph 2.17 insert—

“2008/9 Adjustment

2.18 The Monthly ACVPs of any contractor entitled to payments based on a CACV, pursuant to paragraph 2.15, is to be uprated by 3.4% from 1 April 2008 which is the value of

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- (1) 1977 c.49. With effect from 1 March 2007, section 28N and 126(4) were repealed by section 6 of, and Schedule 4 to, the National Health (Consequential Provisions) Act 2006 (c.43) (“Consequential Provisions Act”) and consolidated in the National Health Service (Wales) Act 2006 (“the 2006 Act”). The Directions made on 31 March 2006 were amended by the Primary Dental Services (Miscellaneous Amendments Relating to Finance) (Wales) Directions 2006 signed on 27 April 2006 and the Primary Dental Services (Miscellaneous Amendments Relating to Finance) (Wales) Directions 2007 signed 23 October 2007.
- (2) With effect from 1 March 2007, sections 28C and 28E(3A) were repealed by section 6 of, and Schedule 4 to the Consequential Provisions Act and consolidated in the 2006 Act. The Directions made on 31 March 2006 were amended by the Primary Dental Services (Miscellaneous amendments Relating to Finance) (Wales) Directions 2006 signed on 27 April 2006 and the Primary Dental Services (Miscellaneous Amendments relating to Finance) (Wales) Directions 2007 signed on 23 October 2007.

the uprating adjustment for the financial year 2008 to 2009 (“the 2008/9 Adjustment”).

2007/8 and 2008/9 Adjustment – general

2.19 In practice, and in accordance with entry 1(b) of column 2 in the Schedule to the Functions Regulations, the 2007/8 Adjustment and the 2008/9 Adjustment will be factored into the Monthly ACVPs by the NHS BSA on a national basis. The LHB must not itself, therefore adjust the amounts that it has loaded into the NHS BSA’s computerised payments systems by these adjustments.”.

(5) In the footnote which relates to the reference to “Monthly Seniority Payments payable under that agreement” in paragraph 4.13 (deductions in respect of employee’s superannuation contributions) for the words “financial year 2007 to 2008” substitute “financial year 2008 to 2009”.

(6) In sub-paragraph (c) of paragraph 7.2 (eligibility criteria for seniority payments) for “31 March 2008” substitute “31 March 2009”.

(7) In sub-paragraph (c) of paragraph 7.3 (additional eligibility criteria for seniority payments) for the sum of “£638” substitute “£652”.

(8) In paragraphs 7.6 and 7.7 (maximum amount of monthly seniority payments), in each place the sum “£638” occurs substitute “£652”.

(9) In paragraph 7.8 (percentage calculation of monthly seniority payments) for the sum—

- (a) “£383” substitute “£391”;
- (b) “£191” substitute “£196”; and
- (c) “£64” substitute “£65”.

(10) In sub-paragraph (c) of paragraph 8.2 (eligibility payments in respect of vocational training), from the words “rate of” to the end of that sub-paragraph substitute—

“rate of £2,596.01 per month or the amount specified for that period *pro rata* if the Vocational Trainee is part-time.”.

(11) In sub-paragraph (c) of paragraph 8.4 (applications for payments in respect of vocational training) from the words “rate of” to the end of that sub-paragraph substitute—

“rate of £2,596.01 per month or the amount specified for that period *pro rata* if the Vocational Trainee is part-time.”.

(12) In paragraph 8.5 (vocational training payments to be made)—

- (a) in sub-paragraph (a), from the words “a training grant of” to the end of that sub-paragraph substitute—

“a training grant of £861.71 per month, if the Vocational Trainee is full-time (i.e. has contracted hours of at least 35 hours per week), or the amount specified for that period *pro rata* if the Vocational Trainee is part-time;”;

- (b) in sub-paragraph (b), from the words “which is to be” to the end of that sub-paragraph substitute—

“which is to be £2,596.01 per month, less (if the Vocational Trainee is a member of the NHS Pension Scheme) the Vocational Trainee’s employee superannuation contributions in respect of that Vocational Trainee’s salary (see paragraph 5.3(a)), if the Vocational Trainee is full-time (i.e. has contracted hours of at least 35 hours per week), or the amount specified for that period *pro rata* if the Vocational Trainee is part-time;”;

- (c) in sub-paragraph (d), from the words “the Vocational Trainee, of” to the end of that sub-paragraph substitute—

“the Vocational Trainee, of £4,849.16 per month, if the Vocational Trainee is full-time (i.e. has contracted hours of at least 35 per week), or the amount specified for that period *pro rata* if the Vocational Trainee is part-time.”.

Amendment of the PDS SFE

4.—(1) The PDS SFE is amended in accordance with this direction.

(2) In direction 2 (which relates to the extent and entry into force of the SFE) from the words “with effect from 1 April 2007” to the end of that direction, substitute—

“by direction 4 of the Primary Dental Services (Miscellaneous Amendments Relating to Finance) (Wales) Directions 2007 with effect from 1 April 2007; and direction 4 of the Primary Dental Services (Miscellaneous Amendments Relating to Finance) (Wales) Directions 2008 with effect from 1 April 2008”.

(3) In paragraph 2.17 (2007/8 Adjustment), omit the words from “In practice” to the end of that paragraph.

(4) Immediately below the end of paragraph 2.17, insert—

“2008/9 Adjustment

2.18 The Monthly AAVPs of any contractor entitled to payments based on a CAAV, pursuant to paragraph 2.15, is to be uprated by 3.4% from 1 April 2008 which is the value of the uprating adjustment for the financial year 2008 to 2009 (“the 2008/9 Adjustment”).

2007/8 and 2008/9 Adjustment – general

2.19 In practice, and in accordance with entry 1(b) of column 2 in the Schedule to the Functions Regulations, the 2007/8 Adjustment and the 2008/9 Adjustment will be factored into the Monthly AAVPs by the NHS BSA on a national basis. The RB must not itself, therefore, adjust the amounts that it has loaded into the NHS BSA’s computerised payments systems by these adjustments.”.

(5) In the footnote which relates to the reference to “Monthly Seniority Payments payable under that agreement” in paragraph 4.13 (deductions in respect of employees superannuation contributions) for the words “financial year 2007 to 2008” substitute “financial year 2008 to 2009”.

(6) In sub-paragraph (c) of paragraph 6.2 (eligibility criteria for seniority payments) for “31 March 2008” substitute “31 March 2009”.

(7) In sub-paragraph (c) of paragraph 6.3 (additional eligibility criteria for seniority payments) for the sum of “£638” substitute “£652”.

(8) In paragraphs 6.6 and 6.7 (maximum amount of monthly seniority payments), in each place the sum “£638” occurs substitute “£652”.

(9) In paragraph 6.8 (percentage calculation of monthly seniority payments) for the sum—

(a) “£383” substitute “£391”;

(b) “£191” substitute “£196”; and

(c) “£64” substitute “£65”.

(10) In sub-paragraph (c) of paragraph 7.2 (eligibility for payments in respect of vocational training), from the words “rate of” to the end of that sub-paragraph substitute—

“rate of £2,596.01 per month or the amount specified for that period *pro rata* if the Vocational Trainee is part-time.”.

(11) In sub-paragraph (c) of paragraph 7.4 (applications for payments in respect of Vocational Training), from the words “rate of” to the end of that sub-paragraph substitute—

“rate of £2,596.01 per month or the amount specified for that period *pro rata* if the Vocational Trainee is part-time.”.

(12) In paragraph 7.5 (vocational training payments to be made)—

- (a) in sub-paragraph (a), from the words “a training grant of” to the end of that sub-paragraph substitute—

“a training grant of £861.71 per month, if the Vocational Trainee is full-time (i.e. has contracted hours of at least 35 hours per week), or the amount specified for that period *pro rata* if the Vocational Trainee is part-time;”;

- (b) in sub-paragraph (b), from the words “which is to be” to the end of that sub-paragraph substitute—

“which is to be £2,596.01 per month, less (if the Vocational Trainee is a member of the NHS Pension Scheme) the Vocational Trainee’s employee superannuation contributions in respect of that Vocational Trainee’s salary (see paragraph 5.4(a)), if the Vocational Trainee is full-time (i.e. has contracted hours of at least 35 hours per week), or the amount specified for that period *pro rata* if the Vocational Trainee is part-time;”;

- (c) in sub-paragraph (d), from the words “the Vocational Trainee, of” to the end of that sub-paragraph substitute—

“the Vocational Trainee, of £4,849.16 per month, if the Vocational Trainee is full-time (i.e. has contracted hours of at least 35 per week), or the amount specified for that period *pro rata* if the Vocational Trainee is part-time.”.

Signed by Peter Lawler Acting Director of Community, Primary Care and Health Services Policy Directorate under the authority of the Minister for Health and Social Services, one of the Welsh Ministers.



Date 4 June 2008