

SCHEDULE 1

Regulation 19

PROVISIONS AS TO INQUIRY

1. Subject to the provisions of these Regulations, the procedure at an inquiry shall be within the discretion of the Tribunal.
2. The proceedings at an inquiry shall be held in private unless the practitioner has applied in writing to the clerk to the Tribunal for the inquiry to be held in public.
3. The Tribunal may if it thinks fit call for such documents and examine such witnesses as appear to it likely to afford evidence relevant and material to the issue, although not tendered by either party.
4. The chairman of the Tribunal who presides over the inquiry may by notice require any person—
 - (a) to attend at the time and place set forth in the notice, to give evidence or to produce any books or documents in that person's custody or under that person's control which relate to any matter in question at the inquiry; or
 - (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the chairman of the Tribunal who presides over the inquiry may think fit, and as the person so required is able to furnish; but—
 - (i) no person shall be required in obedience to such a notice to attend at any place which is more than 10 miles from the place where that person resides unless the necessary expenses are paid or tendered to that person; and
 - (ii) nothing in this paragraph shall empower the chairman to require any person to produce any book or document or to answer any question which that person would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the hearing were a proceeding in a court of law.
5. The chairman of the Tribunal who presides over the inquiry may administer oaths and examine witnesses on oath, and may accept in lieu of evidence on oath by any person, a statement in writing by that person.
6. Any person who refuses or wilfully neglects to attend in obedience to a notice under paragraph 4, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which that person may be required to furnish under paragraph 4(b), shall be liable on summary conviction to a fine not exceeding level five on the standard scale or to imprisonment for a period not exceeding 3 months.
7. Subject to the provisions of these Regulations, the Tribunal may adjourn from time to time as it thinks fit and hold adjourned sittings at such time and place as may appear to it to be suitable.
8. A Health Board or primary care NHS trust to whom notices in terms of Forms 3 and 4 are sent pursuant to regulations 9(2) and 12 (notice of inquiry), or to whom notice is sent pursuant to regulation 24(4) shall be entitled to take such part in the proceedings of the inquiry as the Tribunal shall think proper.
9. The Tribunal may make orders as to the expenses incurred by the parties appearing at any such inquiry and as to the parties by whom such expenses shall be paid.
10. Any order by the Tribunal under paragraph 9 may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

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SCHEDULE 2

Regulation 2(3)

FORMS FOR USE IN PROCEEDINGS IN CONNECTION
WITH REPRESENTATIONS AND APPLICATIONS
FORM 1 REPRESENTATIONS

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 6(1)(a)

To the Tribunal constituted in terms of section 29 (the NHS tribunal) of the National Health Service (Scotland) Act 1978

Representations of-

..... Complainer

against

..... Respondent

a (1) [on / applying for inclusion on (2)] the (3) list of Health Board or primary care NHS trust.

1. The complainer represents: (4)
 - (a) the [continued (5)] inclusion of the respondent in the list referred to would be prejudicial to the efficiency of services which those included in the list undertake to provide or are approved to assist in providing.
 - (b) the respondent has (whether on the respondent's own or together with another) by an act or omission caused, or risked causing, detriment to a health scheme by securing or trying to secure for the respondent or another a financial or other benefit, and knew that the respondent or (as the case may be) the other was not entitled to the benefit.

2. The facts and grounds upon which the representations are based are as follows:-

..... (6)

3. The documents of which 2 copies of each accompany this representation shall be produced in evidence in support of the representation (7).

Signed

Complainer

Dated

Notes

- (1) State whether the respondent is a doctor, dentist, ophthalmic medical practitioner, optician, pharmacist or pharmacist contractor.
- (2) Delete whichever is inapplicable.
- (3) State whether the list is the medical, dental, ophthalmic, pharmaceutical or supplementary list.
- (4) Delete whichever of (a) or (b) is inapplicable (if either).
- (5) Delete in the case of a representation under paragraph 3 (representations against preferential treatment) of Schedule 1 (preferential treatment on transferring to medical lists) to the National Health Service (Primary Care) Act 1997.
- (6) Paragraph 2 of the representation must contain a concise statement of the alleged facts and grounds upon which the complainer intends to rely.
- (7) If any document to be put in evidence is of a nature which renders it difficult to make or obtain a copy of it, you are not required to submit copies of any such document.

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Regulation 9(1)(a)

Notice to (1) of representations.

Representations of

..... Complainer

against

..... Respondent

a (2) [on / applying for inclusion on (3)] the (4) list of Health Board or primary care NHS trust.

1. On behalf of the Tribunal constituted in terms of section 29 (the NHS tribunal) of the National Health Service (Scotland) Act 1978 I enclose-

- (a) a copy of representations that (5)
 - (i) your [continued (6)] inclusion in the list referred to would be prejudicial to the efficiency of services which those included in the list undertake to provide or are approved to assist in providing;
 - (ii) you have (whether on your own or together with another) by an act or omission caused, or risked causing, detriment to a health scheme by securing or trying to secure for yourself or another a financial or other benefit and knew that you or (as the case may be) the other was not entitled to the benefit
 which representation was submitted to the Tribunal by the complainer on (7);
- (b) a copy of each document which accompanied the representation (8)

(2) The Tribunal intends to hold an inquiry in relation to the representation and notices will be sent to you not less than 2 weeks before the date on which the inquiry will commence

(3) You may, if you so desire, submit to me within 4 weeks from the date of receipt of this notice a written statement-in-answer and 2 copies of each document which you propose to put in evidence (9).

Signed

Clerk to the Tribunal

Dated

Notes

- (1) The full name of the respondent should be inserted.
- (2) State whether the respondent is a doctor, dentist, ophthalmic medical practitioner, optician, pharmacist or pharmacist contractor
- (3) Delete whichever is inapplicable.
- (4) State whether the list is the medical, dental, ophthalmic, pharmaceutical or supplementary list.
- (5) Delete whichever of (i) or (ii) is inapplicable (if either).
- (6) Delete in the case of a representation under paragraph 3 (representations against preferential treatment) of Schedule 1 (preferential treatment on transferring to medical lists) to the National Health Service (Primary Care) Act 1997
- (7) State the date on which the representation was submitted.
- (8) The complainer may intend to put in evidence documents or material which it is difficult to make or obtain a copy of. If this is the case, the clerk to the Tribunal will inform you accordingly.
- (9) If any document to be put in evidence is of a nature which renders it difficult to make or obtain a copy of it, you are not required to submit copies of any such document.

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FORM 3 NOTICE OF REPRESENTATIONS

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Regulation 9(2)(a)

Notice to (1) Health Board or primary care NHS trust of representations.

Representations of

..... Complainer

against

..... Respondent

a (2) on the list(4) of Health Board(s) or primary care NHS trust(s)(4)

1. On behalf of the Tribunal constituted in terms of section 29 (the NHS tribunal) of the National Health Service (Scotland) Act 1978, I hereby give you notice that representations have been made by to the Tribunal that (5)

- (a) the [continued (6)] inclusion of the respondent in the list referred to would be prejudicial to the efficiency of services which those included in the list undertake to provide or are approved to assist in providing;
- (b) the respondent has (whether on the respondent's own or together with another) by an act or omission caused, or risked causing, detriment to a health scheme by securing or trying to secure for the respondent or another a financial or other benefit, and knew that the respondent or (as the case may be) the other was not entitled to the benefit.

I enclose a copy of the representations and a copy of each document which accompanied them

- 2. The Tribunal intends to hold an inquiry in relation to the representations and notice will be sent to you not less than 2 weeks before the date on which the inquiry will commence.
- 3. Health Board or primary care NHS trust may, if they so desire, submit to me within 4 weeks from the date of receipt of this notice a written statement.
- 4. If any documents are to be put in evidence in support of the statement, 2 copies of each such document must accompany the statement (7).
- 5. Health Board or primary care NHS trust are entitled to be represented and take part in the proceedings at the inquiry as the Tribunal shall think proper.

Signed

Clerk to the Tribunal

Dated

Notes

- (1) State the name of the Health Board or primary care NHS trust to which the notice is being sent.
- (2) State whether the respondent is a doctor, dentist, ophthalmic medical practitioner, optician, pharmacist or pharmacist contractor
- (3) State whether the list is the medical, dental, ophthalmic, pharmaceutical or supplementary list.
- (4) State the name of each Health Board or primary care NHS trust in whose list the respondent's name is included.
- (5) Delete whichever of (a) or (b) is inapplicable (if either).
- (6) Delete in the case of a representation under paragraph 3 (representations against preferential treatment) of Schedule 1 (preferential treatment on transferring to medical lists) to the National Health Service (Primary Care) Act 1997.
- (7) If any document to be put in evidence is of a nature which renders it difficult to make or obtain a copy of it, the Health Board or primary care NHS trust are not required to submit copies of any such document.

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FORM 4NOTICE OF INQUIRY

Regulation 12(b)

Notice to (1) of date fixed for an inquiry to commence

Representations of-

..... Complainer

against

..... Respondent

a (2) [on / applying for inclusion on (3)] thelist(4) of Health Board or primary care NHS trust.

On behalf of the Tribunal constituted in terms of section 29 (the NHS tribunal) of the National Health Service (Scotland) Act 1978, I hereby give you notice that an inquiry in relation to the representation made-

|by you with respect to|(5)

|by with respect to you,|(6)

|by with respect to the respondent,|(7)

will commence on day,

the day of 20..... at a.m./p.m. at

Signed

Clerk to the Tribunal

Dated

Notes

(1) The full name of the complainer, the respondent or any other Health Board or primary care NHS trust concerned, as the case may be, should be inserted.

(2) State whether the respondent is a doctor, dentist, ophthalmic medical practitioner, optician, pharmacist or pharmacist contractor.

(3) Delete whichever is inapplicable.

(4) State whether the list is the medical, dental, ophthalmic, pharmaceutical or supplementary list.

(5) Delete these words in a notice being sent to the respondent or, where applicable, any other Health Board or primary care NHS trust concerned.

(6) Delete these words in a notice being sent to the complainer, or where applicable, any other Health Board or primary care NHS trust concerned.

(7) Delete these words in notices being sent to the complainer and respondent.

FORM 5APPLICATION TO THE TRIBUNAL FOR A REVIEW

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 24(1)(a)

To the Tribunal constituted in terms of section 29 (the NHS tribunal) of the National Health Service (Scotland) Act 1978.

Application of-

.....

1 The applicant applies to the Tribunal for a review under section 30 (review etc. of disqualification) of the said Act / paragraph 5 (termination of directions) of Schedule 1 (preferential treatment on transferring to medical lists) to the National Health Service (Primary Care) Act 1997 of the decision of the Tribunal made on (1) in respect of (2).

2 The facts and grounds upon which the application is based are as follows:-
..... (3).

3 The documents of which 2 copies of each accompany this application shall be produced in evidence in support of the application (4).

Signed

Applicant

Dated

Notes

- (1) State the date on which the Tribunal made the relevant decision.
- (2) State the full name of the practitioner in respect of which the application relates.
- (3) Paragraph 2 of the application **must** contain a concise statement of the alleged facts and grounds upon which the Applicant intends to rely.
- (4) If any document to be put in evidence is of a nature which renders it difficult to make or obtain a copy of it, you are not required to submit copies of any such document

FORM 6NOTICE OF AN APPLICATION

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Regulation 24(4)(a)

Notice to (1) of an application.

Application of-

.....

1. On behalf of the Tribunal constituted in terms of section 29 (the NIS tribunal) of the National Health Service (Scotland) Act 1978 I enclose

(a) a copy of an application for a review under section 30 (review etc. of disqualification) of the said Act / paragraph 5 (termination of directions) of Schedule 1 (preferential treatment on transferring to medical lists) to the National Health Service (Primary Care) Act 1997 of the decision of the Tribunal made on (2) in respect of (3).

(b) a copy of each document which accompanied the application(4).

2. The Tribunal intends to hold an inquiry in relation to the application. A notice will be sent to you not less than 2 weeks before the date on which the inquiry will commence.

Signed

Clerk to the Tribunal

Dated

Notes

(1) The full name of the respondent or, as the case may be, the appropriate Health Board or primary care NHS trust should be inserted.

(2) State the date on which the Tribunal made the relevant direction.

(3) State the full name of the practitioner in respect of which the application relates.

(4) The applicant may intend to put in evidence documents or material which it is difficult to make or obtain a copy of. If this is the case, the clerk to the Tribunal will inform you accordingly.

FORM 7NOTICE OF INQUIRY

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Regulation 24(5)(b)

Notice to (1) of date fixed for an inquiry to commence.

Application of—

.....

On behalf of the Tribunal constituted in terms of section 29 (the NHS tribunal) of the National Health Service (Scotland) Act 1978, I hereby give you notice that an inquiry in relation to the application will commence on day, the day of 20..... at am/pm at

Signed

Clerk to the Tribunal

Dated

Notes

(1) The full name of the applicant, the respondent or other appropriate Health Board or primary care NHS trust (not being the applicant or the respondent), as the case may be, should be inserted

SCHEDULE 3

Regulation 35

REVOCATIONS

<i>(1) Regulations revoked</i>	<i>(2) References</i>	<i>(3) Extent of Revocation</i>
The National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992	S.I. 1992/434	Regulation 21 to regulation 43B(1); in regulation 44(1)(b) “the Tribunal or”; in regulation 45 the words “or the Tribunal” in both places where they occur; regulation 46(a); regulation 48(b); Schedule 4.
The National Health Service (Service Committees and Tribunal) (Scotland) Amendment Regulations 1995	S.I. 1995/3201	The whole Regulations
The National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1998	S.I. 1998/657	The whole Regulations
The National Health Service (Service Committees and Tribunal) (Scotland)	S.I. 1998/1424	Regulation 3 and 4

(1) Regulation 43B was inserted by S.I. [1998/657](#).

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<i>(1) Regulations revoked</i>	<i>(2) References</i>	<i>(3) Extent of Revocation</i>
Amendment (No. 2) Regulations 1998		
The National Health Service (Service Committees and Tribunal) (Scotland) Amendment Regulations 1999	S.S.I. 1999/53	In regulation 2 “21, 26, 29, 30, 34, 35, 37, 38, 41,”; regulation 12 to 14; regulation 19