
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 330

The National Health Service (Discipline Committees) (Scotland) Regulations 2006

**PART I
GENERAL**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (Discipline Committees) (Scotland) Regulations 2006 and shall come into force on 1st July 2006.

(2) These Regulations extend to Scotland only.

Commencement Information

II Reg. 1 in force at 1.7.2006, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

“the Act” means the National Health Service (Scotland) Act 1978⁽¹⁾;

“the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act⁽²⁾;

“appropriate Health Board” means;

(a) in relation to a doctor—

(i) a Health Board in whose primary medical services performers' list the name of the doctor was included at the relevant time; or

(ii) where the doctor was at the relevant time on more than 1 such list, the Health Board which was, under section 2C(1) of the Act⁽³⁾ under a duty to provide or secure the provision of the primary medical services giving rise to the allegation;

(b) in relation to any other practitioner—

(i) the Health Board in whose dental, ophthalmic or pharmaceutical list the name of the practitioner was included at the relevant time; or

(ii) where the practitioner was at the relevant time on more than one such list, one of the Health Boards by arrangement with which the Part II services giving rise to the allegation were provided.

⁽¹⁾ 1978 c. 29.

⁽²⁾ Section 10 was amended by the 1990 Act, section 66(2) and Schedule 10; the 1999 Act section 65(1) and Schedule 4, paragraph 44(a); *S.S.I. 1999/90*, Article 2(a)(b) and Schedule 1, and the 2005 Act, Schedule 2, paragraph 2(a).

⁽³⁾ Section 2C was inserted by the 2004 Act, section 1(2).

“area dental committee” means the committee of that name for the area of a Health Board recognised under section 9 of the Act⁽⁴⁾;

“area medical committee” means the committee of that name for the area of a Health Board recognised under section 9 of the Act;

“area optical committee” means the committee of that name for the area of a Health Board recognised under section 9 of the Act;

“area pharmaceutical committee” means the committee of that name for the area of a Health Board recognised under section 9 of the Act;

“area professional committee” means an area dental committee, area medical committee, area optical committee or area pharmaceutical committee, as appropriate;

“chairperson” includes a deputy chairperson acting in his or her place;

“Chief Executive” means the Chief Executive of a Health Board, or some other officer of the Health Board duly authorised to act on behalf of the Chief Executive;

F1 ...

[^{F2}“dental body corporate” means a body corporate entitled by virtue of section 43 of the Dentists Act 1984(1) to carry on the business of dentistry;]

“dental discipline committee” means a committee referred to in regulation 3(1)(b);

“dentist” means a registered dental practitioner;

“dentists' panel” means the panel of dentists who are, or who have been, engaged in the provision of general dental services and who have been nominated to the panel for the purposes of these Regulations by a body which is, in the Scottish Ministers' opinion, representative of the dental profession;

“disciplinary matter” means a matter referred under regulation 5(1);

“discipline committee” has the meaning given in regulation 3(2);

“doctor” means a registered medical practitioner excluding an ophthalmic medical practitioner unless performing primary medical services;

“doctors' panel” means the panel of doctors who are, or who have been, engaged in the performance of primary medical services and who have been nominated to the panel for the purposes of these Regulations by a body which is, in the Scottish Ministers' opinion, representative of doctors engaged in the performance of primary medical services;

[^{F3}“him or her” includes “it” when referring to a practitioner who is a dental body corporate;]

[^{F3}“his or her” includes “its” when referring to a practitioner who is a dental body corporate;]

[^{F4}“General Dental Services Regulations” means, in respect of the period to 1st July 2010, the National Health Service (General Dental Services) (Scotland) Regulations 1996^{F5} and, in respect of the period from 2nd July 2010, the National Health Service (General Dental Services) (Scotland) Regulations 2010^{F6};

“General Ophthalmic Services Regulations” means in respect of the period prior to 1st April 2006 the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986⁽⁵⁾ and in respect of the period from 1st April 2006 the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006⁽⁶⁾;

(4) Section 9 was amended by the 1990 Act, section 29, the 1999 Act, section 65 and Schedule 4, paragraph 43, and the 2004 Act, Schedule 2.

(5) S.I.1986/965 amended by S.I. 1988/543, 1989/387 and 1177, 1990/1048, 1995/704 and 843, 1996/2353, 1999/725, S.S.I. 1999/55, 2001/62, 2003/201 and 432, 2004/36, 169 and 212, 2005/128, 2006/42.

(6) S.S.I. 2006/135.

“Health Board” means a Health Board constituted under section 2 of the Act(7);

“in writing” does not include transmission by electronic means;

“joint discipline committee” means a committee constituted in accordance with paragraph 2 of Schedule 1;

“medical discipline committee” means a committee referred to in regulation 3(1)(a);

“ophthalmic discipline committee” means a committee referred to in regulation 3(1)(c);

“ophthalmic medical practitioner” means a doctor having the qualifications prescribed by regulation 3 of the General Ophthalmic Services Regulations;

“ophthalmic officer” means an ophthalmic medical practitioner, ophthalmic optician or ophthalmologist in the service of the Agency;

“optician” means an ophthalmic optician;

“Part II Services” means services provided under Part II of the Act;

“pharmaceutical discipline committee” means a committee referred to in regulation 3(1)(d);

“Pharmaceutical Services Regulations” means [^{F7}the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009];

“pharmacist” means a person registered with the Royal Pharmaceutical Society of Great Britain in the register of pharmaceutical chemists;

“pharmacist contractor” means a contractor who provides pharmaceutical services, or a person lawfully conducting a retail pharmacy business in accordance with section 69 (general provisions) of the Medicines Act 1968(8);

“Practice Board” means the Scottish Dental Practice Board constituted under section 4 of the Act(9);

“practitioner” means, except in [^{F8}Schedule 1], a doctor, a dentist, [^{F9}a dental body corporate,] an ophthalmic medical practitioner, an optician, a pharmacist or a pharmacist contractor, as the case may be;

“primary medical services performers' list” means the list maintained by a Health Board under the Primary Medical Services Performers' Lists Regulations;

“Primary Medical Services Performers' Lists Regulations” means the National Health Service (Primary Medical Services Performers' Lists) (Scotland) Regulations 2004(10);

“section 17C agreement” means an agreement under section 17C of the Act(11);

“statement of case” means a statement sent by the appropriate Health Board to a practitioner and the discipline committee in accordance with paragraph 1 of Schedule 2;

“Statement of Dental Remuneration” means the statement published under regulation 22 (statement of dental remuneration) of the General Dental Services Regulations(12);

“supplements” means prisms, tints, photochromic lenses, small glasses and complex appliances;

“terms of service” means–

(7) Section 2 was amended by the [National Health Service Reform \(Scotland\) Act 2004 \(asp 7\)](#), Schedule 1, paragraph 1(2).

(8) Section 69 was amended by S.I. 1976/1213, and repealed in part by the Statute Law (Repeals) Act 1993 (c. 50), Schedule, Part XII.

(9) Section 4 was amended by the 1988 Act, section 12(3) and Schedule 3.

(10) S.S.I. 2004/114.

(11) Section 17C was inserted by the 1997 Act, section 21(2), and amended by the 2004 Act, section 2(2).

(12) Regulation 22 was amended by S.S.I. 2000/352, 2001/368, 2002/99 and 268, 2003/131 and 422 and 2005/95.

- (a) the requirements with which a doctor included in the primary medical services performers' list must comply under or by virtue of regulation 8 of the Primary Medical Services Performers' Lists Regulations;
- (b) the terms of service for dentists [^{F10}or dental bodies corporate] contained in Schedule 1 to the General Dental Services Regulations;
- (c) the terms of service for ophthalmic medical practitioners and opticians contained in Schedule 1 to the General Ophthalmic Services Regulations;
- (d) the terms of service for pharmacists contained in Schedule 1 to the Pharmaceutical Services Regulations; or
- (e) the terms under which additional pharmaceutical services are provided under arrangements made in accordance with directions under section 27A of the Act⁽¹³⁾,

as the case may be;

[^{F11}“treatment” in relation to general dental services, except in relation to regulation 6(7)(c), means care and treatment within the meaning of the General Dental Services Regulations;]

“the Tribunal” means the Tribunal constituted under section 29 of and Schedule 8 to, the Act⁽¹⁴⁾.

^{F12}(2)

(3) In these Regulations any reference to a numbered regulation or a numbered Schedule is, unless otherwise expressly provided, a reference to a regulation or a Schedule bearing that number in these Regulations.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (1.4.2012) by virtue of [The Patient Rights \(Complaints Procedure and Consequential Provisions\) \(Scotland\) Regulations 2012](#) (S.S.I. 2012/36), [reg. 1\(1\)](#), [sch. para. 4\(2\)\(a\)](#)
- F2** Words in [reg. 2\(1\)](#) inserted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/226), [regs. 1\(1\)](#), [2\(2\)\(a\)](#)
- F3** Words in [reg. 2\(1\)](#) inserted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/226), [regs. 1\(1\)](#), [2\(2\)\(b\)](#)
- F4** Words in [reg. 2\(1\)](#) substituted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/226), [regs. 1\(1\)](#), [2\(2\)\(c\)](#)
- F5** [S.I. 1996/177](#) amended by [S.I. 1996/841](#) and 2060, 1998/1663 and 2259, 1999/724 and 2005/2011 and by [S.S.I. 1999/51](#), 2000/188, 352, 394, 2001/57, 368, 2002/99, 192, 268, 2003/131, 422, 2004/37, 292, 2005/95, 2006/137, 321, 2007/191, 422 2009/96, 183 and 2010/33, and to be revoked by [S.S.I. 2010/208](#) on 2nd July 2010.
- F6** [S.S.I. 2010/208](#).
- F7** Words in [reg. 2](#) substituted (1.7.2009) by [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Regulations 2009](#) (S.S.I. 2009/183), [reg. 1](#), [sch. 6 para. 5](#) (with [reg. 10](#))
- F8** Words in [reg. 2\(1\)](#) substituted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/226), [regs. 1\(1\)](#), [2\(2\)\(d\)\(i\)](#)
- F9** Words in [reg. 2\(1\)](#) inserted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/226), [regs. 1\(1\)](#), [2\(2\)\(d\)\(ii\)](#)
- F10** Words in [reg. 2\(1\)](#) inserted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010](#) (S.S.I. 2010/226), [regs. 1\(1\)](#), [2\(2\)\(e\)](#)

⁽¹³⁾ Section 27A was inserted by the 1997 Act, section 27(2).

⁽¹⁴⁾ Section 29 was substituted by the 1999 Act, section 58, amended by the 2004 Act, section 5(3) and the 2005 Act, section 26; Schedule 8 was amended by the 1995 Act, section 12, S.I. [1995/3214](#); the 1997 Act, section 41(10), and Schedule 2, Part II, paragraph 58; S.I. [1998/631](#); the 1999 Act, section 653 and Schedule 4, paragraph 64, and by the 2005 Act, Schedule 2, paragraph 2.

- F11** Words in reg. 2(1) substituted (1.11.2023) by The National Health Service (General Dental Services) (Miscellaneous Amendment) (Scotland) Regulations 2023 (S.S.I. 2023/247), regs. 1(1), **4(2)** (with regs. 16, 17)
- F12** Reg. 2(2) omitted (1.4.2012) by virtue of The Patient Rights (Complaints Procedure and Consequential Provisions) (Scotland) Regulations 2012 (S.S.I. 2012/36), reg. 1(1), **sch. para. 4(2)(b)**
-

Commencement Information

- I2** Reg. 2 in force at 1.7.2006, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Discipline Committees) (Scotland) Regulations 2006, PART I.