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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 330**

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

**PART II**

**INVESTIGATION OF DISCIPLINARY MATTERS**

**Recovery of amounts from practitioners following appeal**

**11.**—(1) Where—

- (a) in the case of an appeal under regulation 9(1)(a), the Scottish Ministers determine that a practitioner has failed to comply with one or more of his or her terms of service; or
- (b) an appeal is made under regulation 9(1)(b) or (c),

the Scottish Ministers shall, subject to the following provisions of this regulation, determine whether any, and if so, what amount shall be recovered from the practitioner, whether by way of deduction from his or her remuneration or otherwise.

(2) The Scottish Ministers shall not consider the question of the recovery of an amount from a doctor or dentist [<sup>F1</sup>or dental body corporate] whose failure to comply with his or her terms of service (as determined under these Regulations) is a failure specified in relation to him or her in Part I of Schedule 4 unless they have referred the question of recovery to the appropriate advisory committee and have received the advice of that committee.

(3) Where the case is not one to which paragraph (2) applies, the Scottish Ministers, before considering the question of recovery of—

- (a) any amount from a doctor or dentist [<sup>F1</sup>or dental body corporate], may consult the appropriate advisory committee;
  - (b) any amount in excess of £1000, shall consult the appropriate advisory committee.
- (4) For the purposes of this regulation “the appropriate advisory committee” means—
- (a) where the practitioner is a doctor, the Medical Advisory Committee constituted in accordance with Part II of Schedule 4; and
  - (b) where the practitioner is a dentist [<sup>F1</sup>or dental body corporate], the Dental Advisory Committee constituted in accordance with Part III of that Schedule.

(5) The Scottish Ministers shall give the practitioner and the appropriate Health Board notice in writing of their determination under paragraph (1), and shall include with the notice a statement of the reasons for their determination.

(6) Where the Scottish Ministers have determined under paragraph (1) that an amount shall be recovered from a practitioner, they shall direct the appropriate Health Board to recover that amount either by deduction from the practitioner’s remuneration or otherwise and, subject to regulation 8(6) (as modified by paragraph (7) of this regulation), that Health Board shall comply with that direction.

(7) For the purposes of paragraph (6), regulation 8(6) shall have effect as if for the words “an appropriate Health Board determines under this regulation that action should be taken in accordance with paragraph (3)(a), (b), (c), (d) or (e) that action shall be taken” there were substituted the words “the Scottish Ministers determine under regulation 11(1) that an amount should be recovered, that amount shall be recovered”.

(8) Any amount which falls to be recovered by a Health Board by virtue of paragraph (6) shall, to the extent that it is not recovered by deduction from the practitioner’s remuneration, be a debt owed by the practitioner to that Health Board.

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**Textual Amendments**

**F1** Words in [reg. 11](#) inserted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/226\)](#), regs. 1(1), **2(8)**

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**Commencement Information**

**I1** Reg. 11 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, Section 11.