

Status: Point in time view as at 27/09/2005. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: National Health Service (Scotland) Act 1978, Cross Heading: Offences is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART I

ORGANISATION

VALID FROM 01/10/2010

F¹ Offences

Textual Amendments

- F1** [Ss. 10A-10Z19](#) and cross-headings inserted (1.8.2010 for the insertion of s. 10A for specified purposes, 1.10.2010 for specified purposes, 1.4.2011 for specified purposes, 1.4.2016 for specified purposes with the exception of the insertion of s. 10Z9(1)(a), 1.4.2017 for specified purposes, 19.6.2024 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 108, 134\(7\)](#); [S.S.I. 2010/221](#), art. 3(2)(3), [sch.](#); [S.S.I. 2010/321](#), art. 3, [sch.](#); [S.S.I. 2011/122](#), art. 2, [sch.](#); [S.S.I. 2016/22](#), art. 2(1)(2), [sch. 1](#), [sch. 2](#); [S.S.I.2024/131](#), art. 2, [sch. 1](#)

10Z9 Offences in relation to registration

- (1) Any person who—
- (a) provides an independent health care service while it is not registered under section 10P; or
 - (b) with intent to deceive, pretends that an independent health care service is so registered,

commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

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- (2) Any person who fails to comply with section 10Q(5) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

10Z10 False statements in applications

Any person who, in an application—

- (a) for registration of an independent health care service; or
- (b) for variation or removal of a condition in force in relation to such a registration,

knowingly makes a statement which is false or misleading in a material respect commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

10Z11 Offences by bodies corporate etc.

Where an offence under this group of sections (within the meaning of section 10S(2)(a)), or under regulations made under those sections, committed by—

- (a) a body corporate other than a local authority, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
 - (i) is a director, manager or secretary of the body corporate; or
 - (ii) purports to act in any such capacity;
- (b) a firm, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
 - (i) is a partner in the firm; or
 - (ii) purports to act in that capacity;
- (c) an unincorporated association other than a firm, is committed with the consent or connivance of, or is attributed to any neglect on the part of, a person who—
 - (i) is concerned in the management or control of the association; or
 - (ii) purports to act in the capacity of a person so concerned,

the person (as well as the body corporate or, as the case may be, firm or association) commits the offence and is liable to be proceeded against and punished accordingly.]

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