



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART I

#### ORGANISATION

*[<sup>F1</sup>Proposals and applications in relation to registered independent health care services*

#### **[<sup>F1</sup>10Y Applications in respect of conditions**

- (1) A person providing a registered independent health care service may apply to HIS—
  - (a) for the variation or removal of any condition for the time being in force, or for the addition of a condition, in relation to the registration; or
  - (b) for cancellation of the registration,but no such application is competent in circumstances mentioned in subsection (2).
- (2) The circumstances are that HIS has given the person notice—
  - (a) under section 10Z(2) of its proposal to cancel the registration (unless HIS has decided not to take that step); or
  - (b) under section 10Z2(3) of its decision to cancel the registration and the time within which an appeal may be brought has not expired or, if an appeal has been brought, that appeal has not been determined.
- (3) An application under subsection (1) must be made in such manner and state such particulars as may be prescribed; and, without prejudice to subsection (1)(b) of section 10Z5, must be accompanied by the fee imposed under subsection (2)(a) or, as the case may be, (c) of that section.
- (4) If HIS decides to grant an application under subsection (1)(a) it must give the applicant notice of its decision (stating, where applicable, the condition varied, removed or added) and issue a new certificate of registration.]

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*Status: Point in time view as at 25/03/2020.*

**Changes to legislation:** *National Health Service (Scotland) Act 1978, Section 10Y is up to date with all changes known to be in force on or before 06 August 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)*

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### 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](#)

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