



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART II

#### PROVISION OF SERVICES

##### *Provisions as to disqualification of practitioners*

#### **[<sup>F1</sup>29B Powers of NHS Tribunal.**

- (1) Subsection (2) applies where the Tribunal are of the opinion—
  - (a) on inquiring into an efficiency case, that the person meets the first condition for disqualification;
  - (b) on inquiring into a fraud case, that the person meets the second condition for disqualification.
- (2) The Tribunal—
  - (a) shall make a local disqualification, that is disqualify him for inclusion
    - <sup>F2</sup>(i) [<sup>F3</sup>.....]
    - (ii) [<sup>F4</sup>.....]in the list to which the case relates; and
  - (b) may also make a national disqualification, that is disqualify him for inclusion<sup>F5</sup> in all lists within the same paragraph of section 29(8) as that list.]
- (3) If the Tribunal make a national disqualification they may also declare that the person is not fit to be engaged in any capacity in the provision [<sup>F6</sup>, or as the case may be performance,] of the services to which the lists in question relate (referred to in this group of sections as a declaration of unfitness).
- (4) The Tribunal shall not make any disqualification or declaration under this section if they are of the opinion that it would be unjust to do so.

*Status: Point in time view as at 01/02/2006. This version of this provision has been superseded.*

**Changes to legislation:** National Health Service (Scotland) Act 1978, Section 29B is up to date with all changes known to be in force on or before 26 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)

- (5) A disqualification under this section shall have effect when the case is finally concluded.
- (6) If a person is disqualified for inclusion in any list prepared by a Health Board, the Board must not enter him in the list and (if he is already included in the list) must remove him from the list.]

#### Textual Amendments

- F1** Ss. 29, 29A-29C and sidenotes substituted for s. 29 and sidenote (31.1.2004 for certain purposes otherwise 4.3.2004) by 1999 c. 8, ss. 58(1), 67(1); S.S.I. 2004/32, **art. 2(1)(2)** (with savings for effect of 1999 c. 58 by S.S.I. 2004/31, art. 3)
- F2** Words in s. 29B(2)(a) inserted (1.4.2004) by 2002 asp 5, ss. 25, 27(2), Sch. 2 para. 2(6)(a); S.S.I. 2004/33, **art. 2(2)(b)**
- F3** Words in s. 29B(2)(a)(i) and succeeding word repealed (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1), **Sch. para. 1(13)(a)(i)**; S.S.I. 2004/58, **art. 2(3)**
- F4** Words in s. 29B(2)(a)(ii) repealed (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1), **Sch. para. 1(13)(a)(ii)**; S.S.I. 2004/58, **art. 2(3)**
- F5** Words in s. 29B(2)(b) substituted for s. 29B(2)(b)(i)(ii) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1), **Sch. para. 1(13)(b)**; S.S.I. 2004/58, **art. 2(3)**
- F6** Words in s. 29B(3) inserted (1.4.2004) by 2002 asp 5 ss. 25, 27(2), Sch. 2 para. 2(6)(c); S.S.I. 2004/33, **art. 2(2)(b)**

**Status:**

Point in time view as at 01/02/2006. This version of this provision has been superseded.

**Changes to legislation:**

National Health Service (Scotland) Act 1978, Section 29B is up to date with all changes known to be in force on or before 26 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.