



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART II

#### PROVISION OF SERVICES

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

#### <sup>F1</sup> <sup>F2</sup>29C **Conditional disqualification etc.**

- (1) The functions of making disqualifications under section 29B include making a conditional disqualification, that is, a disqualification which is to come into effect only if the Tribunal determine (on a review under section 30) that the person subject to the inquiry has failed to comply with any conditions imposed by them.
- (2) Conditions may be imposed by virtue of subsection (1) with a view to—
  - (a) removing any prejudice to the efficiency of the services in question; <sup>F3</sup> . . .
  - (b) preventing any acts or omissions within section 29(7)(a) <sup>F4</sup>;
  - (c) ensuring that the person—
    - (i) performs, undertakes to provide or assists in providing only services specified (or of a description specified) in the condition;
    - (ii) undertakes an activity (or course of activity) of a personal or professional nature, or refrains from conduct of a personal or professional nature, so specified (or of a description so specified),]

(as the case may be).
- (3) Conditions so imposed shall have effect when proceedings in the case are finally concluded.
- (4) Section 29B(4) applies to a conditional disqualification as it applies to a disqualification.

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- (5) The Tribunal may by directions—
- (a) vary the terms of service of the person subject to the inquiry (including terms imposed by regulations under this Part);
    - [ vary any requirements to which the person subject to the inquiry is subject
  - <sup>F5</sup>(aa) under or by virtue of section [<sup>F6</sup>17F, 17P or 17X or this Part];
  - (b) confer functions on any Health Board,
- for the purpose of or in connection with the imposition of any conditions by virtue of this section.
- (6) References in any enactment to a disqualification by the Tribunal do not include a conditional disqualification.]]

#### Textual Amendments

- F1** Ss. 29, 29A-29C substituted for s. 29 (31.1.2004 for certain purposes and 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** 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)
- F3** Word in s. 29C(2) repealed (7.3.2006 for certain purposes otherwise 1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 26(5)(a)(i)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2
- F4** S. 29C(2)(c) inserted (7.3.2006 for certain purposes otherwise 1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 26(5)(a)(ii)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2
- F5** S. 29C(5)(aa) inserted (1.4.2004) by [The Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 2, **Sch. para. 1(1)(b)**
- F6** Words in s. 29C(5)(aa) substituted (7.3.2006 for certain purposes otherwise prosp.) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 26(5)(b)**, 43(3); S.S.I. 2006/121, **art. 3(a)**, Sch. 1

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