



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

Provisions as to disqualification of practitioners

[^{F1}30] **Review etc. of disqualification.**

- (1) The Tribunal may review any disqualification, conditional disqualification or declaration of unfitness—
 - (a) if the disqualified or conditionally disqualified person requests a review; or
 - (b) in any other circumstances in which they consider it appropriate.
- (2) On a review under subsection (1), the Tribunal may—
 - (a) remove a disqualification or provide that a declaration of unfitness is to cease to have effect;
 - (b) make a disqualification conditional;
 - (c) in the case of a conditional disqualification, remove it, vary the conditions or make it unconditional,and, on a review of a fraud case, may make any further disqualification or conditional disqualification which they consider appropriate.
- (3) If any Health Board request a review of a conditional disqualification on the ground that—
 - (a) there has been a change in the circumstances by reference to which the conditions were imposed;
 - (b) the person concerned has failed to comply with the conditions; or

Status: Point in time view as at 31/01/2004. This version of this provision has been superseded.

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- (c) in a fraud case, the person concerned has since the Tribunal imposed the conditions (or made the disqualification conditional) again satisfied the second condition for disqualification,
the Tribunal shall review the conditional disqualification.
- (4) In the case of a person who is providing services in England and Wales or Northern Ireland, the reference in subsection (3) to a Health Board includes any corresponding authority under the provisions in force in England and Wales or Northern Ireland corresponding to this Part.
- (5) On a review under subsection (3) of a conditional disqualification, the Tribunal may remove it, vary the conditions or make it unconditional and, on a review of a fraud case, may make any further disqualification or conditional disqualification which they consider appropriate.
- (6) If, on a review under this section of a fraud case—
- (a) there is a national disqualification which the Tribunal do not remove or make conditional;
 - (b) there is a national disqualification which is conditional and which the Tribunal make unconditional; or
 - (c) the Tribunal make a national disqualification,
- they may also make a declaration of unfitness.
- (7) The Tribunal shall not under this section—
- (a) in the case of a conditional disqualification, make it unconditional or vary the conditions; or
 - (b) make any further disqualification or conditional disqualification;
 - (c) make a declaration of unfitness,
- if they are of the opinion that it would be unjust to do so.
- (8) A determination by the Tribunal under this section shall have effect—
- (a) if no appeal is brought against it, at the end of the period for bringing an appeal;
 - (b) if an appeal is brought against it, when the appeal process is exhausted.
- (9) The Tribunal may hold an inquiry for the purposes of any review under this section.]

Textual Amendments

- F1** S. 30 substituted (31.1.2004 for certain purposes otherwise 4.3.2004) by 1999 c. 8, ss. 58(2), 67(1); S.S.I. 2004/32, art. 2(1)(a)(2)(a)

Status:

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