



# 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>30

#### **Review etc. of disqualification.**

- (1) The Tribunal may review [<sup>F3</sup>a disqualification or conditional disqualification]—
    - (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; <sup>F4</sup> . . .
    - (b) make a disqualification conditional;
    - (c) in the case of a conditional disqualification, remove it, vary the conditions or make it unconditional.
- <sup>F4</sup> . . . . .
- (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
    - (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.

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: National Health Service (Scotland) Act 1978, Section 30 is up to date with all changes known to be in force on or before 04 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)*

- (4) <sup>F5</sup> . . . . .
- (5) On a review under subsection (3) of a conditional disqualification, the Tribunal may remove it, vary the conditions or make it unconditional <sup>F6</sup> . . .
- (6) <sup>F7</sup> . . . . .
- (7) The Tribunal shall not under this section—
- (a) in the case of a conditional disqualification, make it unconditional or vary the conditions; <sup>F7</sup> . . .
  - (b) <sup>F7</sup> . . . . .
  - (c) <sup>F7</sup> . . . . .
- 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** 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** 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)**
- F3** Words in s. 30(1) substituted (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(1), 43(3), **Sch. 2 para. 2(11)**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2
- F4** Words in s. 30(2) repealed (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table
- F5** S. 30(4) repealed (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table
- F6** Words in s. 30(5) repealed (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table
- F7** S. 30(6)(7)(b)(c) and word in s. 30(7)(a) repealed (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table

**Status:**

Point in time view as at 01/04/2006.

**Changes to legislation:**

National Health Service (Scotland) Act 1978, Section 30 is up to date with all changes known to be in force on or before 04 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.