



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

Provisions as to disqualification of practitioners

31 Disqualification provisions in England or Wales or Northern Ireland.

^{F1}(1) If—

- (a) under [^{F2}or by virtue of] any provisions in force in England or Wales or Northern Ireland corresponding to the provisions of this Part, a person is for the time being disqualified for inclusion in all lists prepared under [^{F3}or by virtue of—]

[^{F3}(i) those provisions so in force; or

(ii) provisions so in force corresponding to the provisions of Part I of this Act,]

of persons undertaking to provide [^{F4}, approved to assist in providing or approved to perform][^{F5}any of the services mentioned in one of the paragraphs of section 29(8)], then

- (b) [^{F6}in relation to the services in question] that person shall, so long as that disqualification is in force, be disqualified for inclusion in [^{F7}any list and (if also the subject of such a declaration under those provisions corresponding to a declaration of unfitness) be treated as if a declaration of unfitness had been made in respect of him].

[^{F8}(2) Where under the conditional disqualification provisions in England and Wales or Northern Ireland—

Status: Point in time view as at 04/03/2004. This version of this provision has been superseded.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 31 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)

- (a) any conditions are imposed in relation to the provision [F⁹, assistance in provision or performance] by any person of any of the services mentioned in section 29(8); or
- (b) any conditions so imposed are varied,
- the Secretary of State may, by a notice in writing given to each Health Board and to the person in question, impose those conditions in relation to the provision [F⁹, assistance in provision or performance] by that person of those services under this Part.
- (3) A notice under subsection (2) may make such modifications of the conditions as the Secretary of State considers necessary for them to have the like effect in relation to Scotland as they have in relation to England and Wales or (as the case may be) Northern Ireland, but only if the Secretary of State has previously given the person concerned written notice of the proposed modifications and an opportunity (in accordance with such requirements, if any, as may be prescribed) to make representations about them.
- (4) Conditions imposed by a notice under subsection (2) shall cease to have effect if the Secretary of State withdraws the notice by giving written notice to the person concerned.
- (5) In this section, “the conditional disqualification provisions in England and Wales or Northern Ireland” means any provisions in force in England and Wales or Northern Ireland corresponding to sections 29C and (so far as relating to conditional disqualifications) 30.]

Textual Amendments

- F1** S. 31 renumbered as s. 31(1) (4.3.2004) by 1999 c. 8, ss. 65, 67(1), Sch. 4 para. 49; S.S.I. 2004/32, **art. 2(2)(b)(c)**
- F2** Words in s. 31(1)(a) inserted (4.3.2004) by 2002 asp 5, ss. 25, 27(2), Sch. 2 para. 2(8)(a)(i); S.S.I. 2004/33, **art. 2(1)(c)**
- F3** Words in s. 31(1)(a) inserted (4.3.2004) by 2002 asp 5, ss. 25, 27(2), Sch. 2 para. 2(8)(a)(ii); S.S.I. 2004/33, **art. 2(1)(c)**
- F4** Words in s. 31(1)(a) inserted (4.3.2004) by 2002 asp 5, ss. 25, 27(2), Sch. 2 para. 2(8)(a)(iii); S.S.I. 2004/33, **art. 2(1)(c)**
- F5** Words in s. 31(1)(a) substituted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 49(a); S.S.I. 2004/32, **art. 2(2)(b)(c)**
- F6** Words in s. 31(1)(b) inserted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 49(b); S.S.I. 2004/32, **art. 2(2)(b)(c)**
- F7** Words in s. 31(1)(b) substituted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 49(b); S.S.I. 2004/32, **art. 2(2)(b)(c)**
- F8** S. 31(2)-(5) inserted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 49(c); S.S.I. 2004/32, **art. 2(2)(b)(c)**
- F9** Words in s. 31(2) inserted (4.3.2004 for certain purposes otherwise 1.4.2004) by 2002 asp 5, ss. 25, 27(2), Sch. 2 para. 2(8)(b)(i); S.S.I. 2004/33, **art. 2(1)(d)(2)(b)**, Sch.

Status:

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