



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

Provisions as to disqualification of practitioners

[^{F1}32A Applications for interim suspension.

(1) A Health Board who have made representations under section 29 may, at any time before the case is disposed of by the Tribunal, apply to the Tribunal for a direction to be made under subsection (2) below in relation to the person to whom the case relates.

[A Health Board may, if they have requested a review of a conditional disqualification
^{F2}(1A) on the ground mentioned in section 30(3)(b) or (c), at any time before the review is concluded apply to the Tribunal for a direction to be made under subsection (2) in relation to the person to whom the review relates.]]

(2) If, on an application under this section, the Tribunal are satisfied that [^{F3}either of the conditions for doing so is satisfied], they shall direct that subsection (3) below shall apply to the person concerned as respects

- [^{F4}(a) services of the kind to which the case in question, or the case to which the review in question, relates; and
- (b) if the services are either general dental services or personal dental services, both general dental services and personal dental services.]

[^{F5}(2A) The conditions for giving such a direction are—

- (a) that it is necessary to do so in order to protect persons who are, or may be, provided with [^{F6}primary medical services [^{F7}, pharmaceutical care services] or] services under this Part [^{F8}, section 17C arrangements or a pilot scheme]

Status: Point in time view as at 07/03/2006. This version of this provision has been superseded.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 32A 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)

- to which the case in question, or the case to which the review in question, relates;]^{F9} or
- (b) that it is otherwise in the public interest to do so.]]
- (3) A person to whom this subsection applies shall—
- (a) be deemed to have been removed from any relevant list in which his name is included,
- (b) be disqualified for inclusion in any relevant list in which his name is not included, and
- (c) be deemed to be a person in relation to whom there is in force a declaration [^{F10}of unfitness in relation to]the provision [^{F11}or performance]of services of the relevant kind.
- (4) A direction under subsection (2) above shall cease to have effect on the Tribunal’s disposing of the case [^{F12}or review] in connection with which it is made.
- ^{F13}(5) In subsection (2) above, the reference to patients is to persons to whom services of the kind to which the case in question relates are, or may be, provided under this Part of this Act.]
- (6) In the application of subsection (3) above to any person—
- (a) “relevant list” means
- ^{F14}(i) a list of persons performing;
- (ii) a list of persons undertaking to provide and of persons approved to assist in providing,
- services] of the kind to which the direction applying the subsection to him relates, and
- (b) “services of the relevant kind” means services of the kind to which that direction relates.
- ^{F15}(7) Regulations may provide that where a Health Board, in accordance with regulations made under section 17F, 17P, 17X, 25(2) or 26(2), suspend a person from a list prepared under regulations made under the section in question and the Board apply to the Tribunal for a direction to be made under subsection (2) in relation to the person to whom the suspension applies, the suspension may continue until the Tribunal determine the application.]

Textual Amendments

- F1** S. 32A inserted (1.1.1996 for certain purposes and otherwise 1.4.1996) by 1995 c. 31, s. 8; S.I. 1995/3214, art. 2, Sch.(with art. 3); S.I. 1996/552, art. 2
- F2** S. 32A(1A) inserted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 51(a); S.S.I. 2004/32, art. 2(2)(b)(c) (with S.S.I. 2004/31, art. 3)
- F3** Words in s. 32A(2) substituted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 51(b); S.S.I. 2004/32, art. 2(2)(b)(c) (with S.S.I. 2004/31, art. 3)
- F4** S. 32A(2)(a)(b) substituted for words (7.3.2006 for certain purposes otherwise prosp.) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 26(7)(a), 43(3); S.S.I. 2006/121, art. 3(a), Sch. 1
- F5** S. 32A(2A) inserted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 51(c); S.S.I. 2004/32, art. 2(2)(b)(c) (with S.S.I. 2004/31, art. 3)
- F6** Words in s. 32A(2A)(a) 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(3)(a)

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- F7** Words in s. 32A(2A)(a) inserted (7.3.2006 for certain purposes otherwise prosp.) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 26(7)(b)(i)**, 43(3); S.S.I. 2006/121, **art. 3(a)**, Sch. 1
- F8** Words in s. 32A(2A)(a) inserted (1.4.2004) by 2002 asp 5, ss. 25, 27(2), Sch. 2 para. 2(9)(a); S.S.I. 2004/33, **art. 2(2)(b)** (with savings for effects of 2002 asp 5, Sch. 2 para. 2(9) by S.S.I. 2004/34, art. 3(2))
- F9** S. 32A(2A)(b) and word substituted for s. 32A(2A)(b) (7.3.2006 for certain purposes otherwise 1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 26(7)(b)(ii)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2
- F10** Words in s. 32A(3)(c) substituted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 51(d); S.S.I. 2004/32, **art. 2(2)(b)(c)** (with S.S.I. 2004/31, art. 3)
- F11** Words in s. 32A(3)(c) inserted (1.4.2004) by 2002 asp 5, ss. 25, 27(2), Sch. 2 para. 2(9)(b); S.S.I. 2004/33, **art. 2(2)(b)** (with savings for effects of 2002 asp 5, Sch. 2 para. 2(9) by S.S.I. 2004/34, art. 3(2))
- F12** Words in s. 32A(4) inserted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 51(e); S.S.I. 2004/32, **art. 2(2)(b)(c)** (with S.S.I. 2004/31, art. 3)
- F13** S. 32A(5) repealed (4.3.2004) by 1999 c. 8, ss. 65, 67(1), Sch. 4 para. 51(f), Sch. 5; S.S.I. 2004/32, **art. 2(2)(b)(c)(d)** (with S.S.I. 2004/31, art. 3)
- F14** Words in s. 32A(6)(a) substituted (7.3.2006 for certain purposes otherwise 1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 26(7)(c)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2
- F15** Words in s. 32A(7) inserted (7.3.2006 and 1.4.2006 for certain purposes and otherwise prosp.) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 26(7)(d)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2

Modifications etc. (not altering text)

- C1** S. 32A functions modified (4.3.2004) by The National Health Service (Tribunal) (Scotland) Regulations 2004 (S.S.I. 2004/38), **reg. 27** (with savings in regs. 32-34)

Status:

Point in time view as at 07/03/2006. This version of this provision has been superseded.

Changes to legislation:

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