



# 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>32B<sup>F3</sup> Suspension pending appeal.

<sup>F2</sup>(1) Where, on disposing of a case under section 29B, the Tribunal make a <sup>F4</sup> . . . disqualification, they may, if they consider that either of the conditions mentioned in section 32A(2A) is satisfied, direct that section 32A(3) shall apply or, if a direction has been given under section 32A(2), shall continue to apply to him as respects services of the kind to which the disqualification relates.]

- (2) A direction under subsection (1) above shall cease to have effect—
- (a) where no appeal against the [<sup>F5</sup> . . . disqualification] is brought, at the end of the period for bringing an appeal, and
  - (b) where an appeal against [<sup>F5</sup> the disqualification] is brought, when the appeal process has been exhausted.

(3) <sup>F6</sup> . . . . .

[ In subsection (1) above, the reference to patients is to persons to whom services of <sup>F7</sup>(4) the kind to which the direction under section 29(3)(b) relates are, or may be, provided under this Part of this Act.]]

*Status: Point in time view as at 01/04/2006.*

**Changes to legislation:** National Health Service (Scotland) Act 1978, Section 32B is up to date with all changes known to be in force on or before 22 July 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)

### 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. 32B(1) and preceding side-note substituted (4.3.2004) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 52(a); S.S.I. 2004/32, **art. 2(2)(c)** (with savings for effects of 1999 c. 8 by S.S.I. 2004/31, art. 3)
- F3** S. 32B inserted (1.1.1996 for certain purposes and otherwise 1.4.1996) by 1995 c. 31, s. 8; S.I. 1995/3124, art. 2, **Sch.** (with art. 3); S.I. 1996/552
- F4** Words in s. 32B(1)(2)(a) repealed (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table
- F5** Words in s. 32B(2)(a)(b) substituted (prosp.) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 para. 52(b) and also same words substituted (4.3.2004) by 2002 asp 5, s. 25, Sch. 2, para. 2(10); S.S.I. 2004/33, **art. 2(1)(c)** (with savings for effects of 2002 asp 5 by S.S.I. 2004/34, art. 3(2))
- F6** S. 32B(3) 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. 32B(4) repealed (4.3.2004) by 1999 c. 8, ss. 65, 67(1), Sch. 4 para. 52(d), Sch. 5; S.S.I. 2004/32, **art. 2(2)(c)(d)** (with savings for effects of 1999 c. 8 by S.S.I. 2004/31, art. 3)

### Modifications etc. (not altering text)

- C1** S. 32B(1) functions modified (4.3.2004) by The National Health Service (Tribunal) (Scotland) Regulations 2004 (S.S.I. 2004/38), **reg. 27** (with regs. 32-34))

**Status:**

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