#### STATUTORY INSTRUMENTS

## 1992 No. 434 (S. 48)

### NATIONAL HEALTH SERVICE, SCOTLAND

# The National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992

Made - - - - 2nd March 1992
Laid before Parliament 13th March 1992
Coming into force 3rd April 1992

# THE NATIONAL HEALTH SERVICE (SERVICE COMMITTEES AND TRIBUNAL) (SCOTLAND) REGULATIONS 1992

#### PART I

#### **GENERAL**

1. Citation, commencement and interpretation

#### PART II

#### INVESTIGATION OF MATTERS RELATING TO SERVICES

- 2. Constitution of service committees
- 3. Submission of complaints relating to terms of service
- 4. Investigation of complaints relating to terms of service
- 5. Withdrawal and termination of complaints
- 6. Late submission of complaints relating to terms of service
- 7. Appeal to Secretary of State to require an investigation
- 8. Investigation of matters relating to provision of general services
- 9. Referral of investigations to the joint services committee
- 10. Procedure and reports of service committees
- 11. Decision of Health Board
- 12. Appeal to Secretary of State from decision of Health Board
- 13. Procedure on appeal to Secretary of State
- 14. Provisions as to a hearing
- 15. Procedure on recovery of sums by withholding remuneration or otherwise
- 16. Investigation of apparently excessive prescribing by doctors
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- 18. Determination whether a fee may be charged by a doctor

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#### INQUIRIES BY, AND APPEALS FROM, THE TRIBUNAL

- 21. Interpretation and forms
- 22. Term of office of members of the Tribunal
- 23. Officers of the Tribunal
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- 25. Power to require verification of representation
- 26. Power of the Tribunal to refuse an inquiry
- 27. Notices to be sent to respondent and any other Health Board in case of an inquiry
- 28. Amendment of representation
- 29. Submission of statement-in-answer or other statement and supporting documents
- 30. Notice of inquiry
- 31. Power to postpone inquiry
- 32. Power to treat representation as withdrawn in certain cases
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- 34. Representation and evidence at inquiry
- 35. Procedure at inquiry
- 36. Provisions as to inquiry
- 37. Power to dispense with oral inquiry
- 38. Statement by the Tribunal
- 39. Appeal to Secretary of State
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- 43. Publication of decisions of the Tribunal and the Secretary of State

#### PART IV

#### **MISCELLANEOUS**

- 44. Service of notices, etc.
- 45. Power to dispense with requirements as to notices
- 46. Attendance by member of Council on Tribunals

#### PART V

#### REVOCATIONS AND TRANSITIONAL PROVISIONS

- 47. Revocations
- 48. Transitional provisions Signature

SCHEDULE 1 — RULES OF PROCEDURE OF SERVICE COMMITTEES PART I — GENERAL

1. Interpretation

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

#### 2. Application

# PART II — PRELIMINARY CONSIDERATION BY SERVICE COMMITTEES OF COMPLAINTS AND OTHER REFERENCES

- 3. Transmission of papers to chairman of service committee
- 4. Further statement in respect of complaints relating to terms of service
- 5. Comments and observations in respect of complaints
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- 7. Preliminary consideration by service committee

#### PART III — ARRANGEMENTS FOR A HEARING

- 8. Notice of hearing
- 9. Notice by complainer of intention to be present
- 10. Intimation of particulars of witnesses and representatives
- 11. Application for postponement of a hearing
- 12. Provision of relevant papers

#### PART IV — PROCEDURE IN RELATION TO HEARINGS

- 13. Determination of procedure by a service committee
- 14. Quorum for a service committee
- 15. Attendance at hearing by a complainer or professional person
- 16. Failure to attend hearing
- 17. Assistance in presentation of case
- 18. Proceedings to be in private
- 19. Introduction of issues not previously disclosed
- 20. Withdrawal from a hearing
- 21. Submission of report by service committee to Health Board
- 22. Chairman's vote
- 23. Adjourned hearings
- 24. Alternative procedure in certain circumstances

#### SCHEDULE 2 — PROVISIONS AS TO APPEAL HEARINGS

- 1. The reporters may by notice require any person—
- 2. The reporters may administer oaths and examine witnesses on oath...
- 3. Any person who refuses or wilfully neglects to attend in...
- 4. The Secretary of State may make orders as to the...
- 5. Any order by the Secretary of State under paragraph 4...

# SCHEDULE 3 — RULES OF PROCEDURE APPLICABLE TO DETERMINATION OF MATTERS REFERRED TO REFEREES UNDER REGULATION 18

- 1. Provisions applicable to a reference at request of a Health Board
- 2. Provisions applicable where reference is required by the Secretary of State
- 3. Submission of documents to referees
- 4. Determination by referees of question referred

## SCHEDULE 4 — FORMS FOR USE IN PROCEEDINGS IN CONNECTION WITH REPRESENTATIONS AND APPLICATIONS

#### SCHEDULE 5 — REVOCATIONS

**Explanatory Note**