
STATUTORY INSTRUMENTS

1998 No. 1424 (S.73)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Service Committees and Tribunal) (Scotland) Amendment (No.2) Regulations 1998

<i>Made</i>	- - - -	<i>4th June 1998</i>
<i>Laid before Parliament</i>		<i>10th June 1998</i>
<i>Coming into force</i>	- -	<i>1st July 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19(2), 25(2), 26(2), 27(2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals and its Scottish Committee in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(2), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Service Committees and Tribunal) (Scotland) Amendment (No.2) Regulations 1998 and shall come into force on 1st July 1998.

(2) In these Regulations “the principal Regulations” means the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(3).

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations—

(a) for the definition of “practitioner” there shall be substituted the following definition:—

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- (1) 1978 c. 29; section 19(2) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, and was extended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; section 25(2) was extended by the 1988 Act, section 17 and was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 40(2) and Schedule 9, paragraph 19(6); section 26(2) was amended by the Health and Social Security Act 1984 (c. 48), Schedule 1, Part II, paragraphs 2, 3 and 4 and Schedule 8, Part I and was extended by the 1988 Act, section 17; section 27(2) was amended by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3) and by the 1990 Act, Schedule 9, paragraph 19(7)(b) and was extended by the 1988 Act, section 17; section 105(7), which was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24, contains provisions relevant to the making of regulations; section 108(1) contains a definition of “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.
- (2) 1992 c. 53.
- (3) S.I. 1992/434. amended by S.I. 1994/3038, 1995/3201, 1996/938 and 1998/657.

““practitioner” means a doctor, a dentist, an ophthalmic medical practitioner, an optician or a pharmacist, as the case may be;” and

(b) the definition of “professional person” shall be omitted.

Amendment of regulation 21 of the principal Regulations

3. In regulation 21 of the principal Regulations (interpretation and forms) where the words “professional person” occur there shall be substituted the word “practitioner”.

Amendment of regulation 24 of the principal Regulations

4. For paragraph (1A) of regulation 24 of the principal Regulations (submission of a representation)(4) there shall be substituted the following paragraph:–

“(1A) Where the representations are made under paragraph 3 of Schedule 1 to the 1997 Act they shall be sent to the Tribunal within two weeks of the date of publication by the Secretary of State under regulation 43B of information about the application.”.

Amendment of regulation 44 of the principal Regulations

5. In regulation 44(1) of the principal Regulations (service of notices etc.) in sub-paragraph (c) for the words “professional person” there shall be substituted the word “practitioner”.

Amendment of Schedule 1 to the principal Regulations

6. In Schedule 1 to the principal Regulations(5) in paragraphs 1(c), 3(1) and 8(c) where the words “professional person” occur there shall be substituted the word “practitioner”.

Amendment of Schedule 1A to the principal Regulations

7. In Schedule 1A to the principal Regulations(6)–

- (a) in paragraphs 8(1) and 8(2)(a) for the words “professional persons” there shall be substituted the word “practitioners”; and
- (b) in paragraph 9(a) for the words “professional person” there shall be substituted the word “practitioner”.

St Andrew’s House,
Edinburgh
4th June 1998

Sam Galbraith
Minister for Health, Scottish Office

(4) Paragraph (1A) of regulation 24 was inserted by [S.I. 1998/657](#), regulation 3.

(5) Schedule 1 was substituted by [S.I. 1996/938](#), regulation 5.

(6) Schedule 1A was inserted by [S.I. 1996/938](#), regulation 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Service Committee and Tribunal) (Scotland) Regulations 1992 (“the principal Regulations”). The definition of “practitioner” is expanded by regulation 2 to include members of all the health professions covered by the Regulations, and the expression “professional person” is now omitted. Regulations 3 and 5 to 7 implement the consequential amendments. These changes are to ensure that the principal Regulations apply equally to each of the professions and to remove a source of possible confusion.

Regulation 4 amends regulation 24 of the principal Regulations to change the time limit for the making of representations in respect of applications by doctors for preferential treatment on transferring to medical lists.