



2016 CHAPTER 26

PART 3

Miscellaneous Provisions

Disqualification by the Tribunal

12.—(1) Schedule 11 to the Order of 1972 (disqualification of persons providing Part 6 services) is amended as follows—

(a) for paragraph 1(2) substitute—

“(2) Subject to the provisions of this paragraph, if the Tribunal receives from the Regional Board representations that a person who has applied to be included in any list, or who is included in any list, meets any of the conditions for disqualification which may apply in that person’s case, the Tribunal must inquire into the case.”;

(b) for paragraph 1(6) substitute—

“(6) The first condition for disqualification is that—

(a) in relation to a list referred to in sub-paragraph (8)(a) or (c), the inclusion or continued inclusion of the person concerned in the list would be prejudicial to the efficiency of the services which those included in the list perform; or

(b) in relation to a list referred to in sub-paragraph (8)(d) or (e), the continued inclusion of the person concerned in the list would be prejudicial to the efficiency of the services which those included in the list undertake to provide.”;

(c) in paragraph 1(7A), at the beginning insert “Subject to sub-paragraph (7B),”;

- (d) after paragraph 1(7A) insert—
 - “(7B) The third condition for disqualification only applies to cases where a person is included in, or has applied to be included in, a list referred to in paragraph (8)(a) or (c).”;
 - (e) in paragraph 1(8)(c), omit “and bodies corporate”;
 - (f) for paragraph 1(8)(d) substitute—
 - “(d) a list of medical practitioners and ophthalmic opticians undertaking to provide general ophthalmic services;”;
 - (g) for paragraph 1(8)(e) substitute—
 - “(e) a list of persons undertaking to provide pharmaceutical services;”;
 - (h) in paragraph 1(8A), for “sub-paragraph (8)(a)” substitute “sub-paragraph (8)”;
 - (i) in paragraph 2(1), omit “or, as the case may be, the third condition for disqualification”;
 - (j) omit paragraph 2(1A);
 - (k) in paragraph 2(3)(a), omit “, assisting in providing.”;
 - (l) in paragraph 2(3)(b), omit “assistance in the provision”;
 - (m) for paragraph 3(2) substitute—
 - “(2) The Tribunal must disqualify the person for inclusion in the list to which the case relates.”;
 - (n) in paragraph 4(2)(c)(i), omit “, undertakes to provide or assists in providing”;
 - (o) in paragraph 4(5)(aa), for “, 61F, 62A or 63AA” substitute “ or 61F”;
 - (p) in paragraph 5(4), after “providing,” insert “approved to assist in providing”;
 - (q) in paragraph 7(1)(a), for “, approved to assist in providing or approved to perform” substitute “or approved to assist in providing”;
 - (r) in paragraph 9(8), for “61F, 62A or 63A,” substitute “or 61F.”
- (2) Until the coming into operation of section 2 of the Act of 2008, Schedule 11 to the Order of 1972 (as amended by subsection (1)) has effect with the following modifications—
- (a) in paragraph 1(6)(a), omit “or (c)”;
 - (b) in paragraph 1(6)(b), for “(d) or (e)” substitute “(c), (d) or (e)”;
 - (c) in paragraph 1(7B), omit “or (c)”;
 - (d) for paragraph 1(8)(c) substitute—

Status: This is the original version (as it was originally enacted).

“(c) a list of dental practitioners undertaking to provide general dental services”