

SCHEDULE 1

Regulation 3(5)

CONSTITUTION OF DISCIPLINE COMMITTEES

1. A discipline committee other than a joint discipline committee shall consist of—
 - (a) a chairperson appointed in accordance with paragraph 4;
 - (b) one lay person appointed by the Health Board; and
 - (c) one practitioner appointed by the Health Board from a list of nominees provided by the area professional committee for the Health Board’s area.

Commencement Information

- II** Sch. 1 para. 1 in force at 1.7.2006, see [reg. 1\(1\)](#)

- 2.—(1) A joint discipline committee shall consist of—
 - (a) a chairperson appointed in accordance with paragraph 4; and
 - (b) five other members of whom—
 - (i) one shall be a lay person appointed by the Health Board;
 - (ii) one shall be a doctor appointed in accordance with sub-paragraph (2) by the medical discipline committee;
 - (iii) one shall be a dentist appointed in accordance with sub-paragraph (2) by the dental discipline committee;
 - (iv) one shall be a pharmacist appointed in accordance with sub-paragraph (2) by the pharmaceutical discipline committee;
 - (v) one shall be an ophthalmic medical practitioner or optician appointed in accordance with sub-paragraph (2) by the ophthalmic discipline committee.
- (2) A member of a joint discipline committee appointed by a discipline committee under sub-paragraph (1)(b)(ii) to (v) shall already be a member of the discipline committee which appoints him or her, or a deputy for such a member.
- (3) A member of the joint discipline committee appointed by a discipline committee shall not take part in an investigation by the joint discipline committee unless the matter to be investigated involves a question relating to a relevant practitioner.
- (4) For the purposes of sub-paragraph (3) a relevant practitioner is—
 - (a) in relation to a member appointed by the medical discipline committee, a doctor;
 - (b) in relation to a member appointed by the dental discipline committee, a dentist [^{F1}or dental body corporate];
 - (c) in relation to a member appointed by the ophthalmic discipline committee, an ophthalmic medical practitioner or an optician;
 - (d) in relation to a member appointed by the pharmaceutical discipline committee, a pharmacist.

Textual Amendments

- F1** Words in [sch. 1 para. 2\(4\)\(b\)](#) inserted (2.7.2010) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/226\)](#), [regs. 1\(1\)](#), [2\(10\)](#)

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Discipline Committees) (Scotland) Regulations 2006, SCHEDULE 1. (See end of Document for details)

Commencement Information

I2 Sch. 1 para. 2 in force at 1.7.2006, see [reg. 1\(1\)](#)

3.—(1) As respects each discipline committee not fewer than one lay person and not fewer than one practitioner shall be appointed as deputies, according to the same provisions as apply to the appointment of members of that committee other than the chairperson.

(2) Where a member of a discipline committee, other than the chairperson, is absent, a deputy appointed according to the same provisions as that member may act in his or her place.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.7.2006, see [reg. 1\(1\)](#)

4.—(1) The chairperson of a discipline committee shall be a solicitor or advocate appointed by the Health Board.

(2) The Health Board shall, within 14 days of making an appointment under sub-paragraph (1), give notice in writing of the appointment to the other members of the discipline committee.

(3) Where, within 14 days of notice being sent under sub-paragraph (2), a statement duly signed in accordance with sub-paragraph (4) is sent to the Health Board asserting that the chairperson appointed by the Health Board is not acceptable to the signatories of the statement, the Health Board shall within 30 days of receipt of that statement refer the matter of the appointment to the Scottish Ministers.

(4) For the purposes of sub-paragraph (3) a statement must be signed—

- (a) in the case of a discipline committee other than a joint discipline committee, by all the members, other than the chairperson;
- (b) in the case of a joint discipline committee, by all the members other than the chairperson.

(5) Where the matter of the appointment is referred to the Scottish Ministers under sub-paragraph (3), they may, after consultation with the Health Board and the relevant area professional committee, appoint another person to be chairperson of the discipline committee; and the chairperson appointed by the Health Board shall cease immediately to hold office as chairperson and member of that committee.

(6) A person appointed as chairperson of a discipline committee who is already a member of that discipline committee shall, on appointment as chairperson, cease to be a member otherwise than in his or her capacity as chairperson and a new member shall be appointed to take his or her place.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.7.2006, see [reg. 1\(1\)](#)

5.—(1) A person shall be appointed to act as deputy for the chairperson of any discipline committee and the provisions of paragraph 4 shall apply to that appointment as they apply to the appointment of the chairperson.

(2) The deputy chairperson may, in the absence of the chairperson, act in his or her place and may, if already a member of the committee when appointed, continue as a member but when acting as chairperson shall act only in that capacity.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.7.2006, see [reg. 1\(1\)](#)

6.—(1) Subject to the other provisions of this Schedule, a Health Board may make standing orders with respect to the term of office of any members and deputy members of any discipline committee.

(2) Subject to any re-appointment, the term of office of any member or deputy member of such a committee shall not exceed [^{F2}three years].

(3) A chairperson of a discipline committee may attend and take part in any proceedings of the appropriate Health Board at which a report of that committee is being considered, but may not vote.

Textual Amendments

F2 Words in [sch. 1 para. 6\(2\)](#) substituted (30.9.2009) by [The National Health Service \(Discipline Committees\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/308\)](#), [regs. 1, 2\(a\)](#)

Commencement Information

I6 Sch. 1 para. 6 in force at 1.7.2006, see [reg. 1\(1\)](#)

7. A person who is a member of a discipline committee constituted under this Schedule shall cease to hold office—

- (a) where he or she is the chairperson or a lay member, on ceasing to be the chairperson or a lay person, as the case may be;
- (b) where he or she is a member not mentioned in sub-paragraph (a), on ceasing to be a practitioner.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.7.2006, see [reg. 1\(1\)](#)

8. In this Schedule—

- (a) “lay member” in relation to a discipline committee or joint discipline committee, means any member (other than the chairperson) who is a lay person;
- (b) “lay person” means a person who is not and never has been—
 - (i) a practitioner, a pharmacist or an optician;
 - (ii) a registered dispensing optician within the meaning of the Opticians Act 1989;
 - (iii) a registered nurse, a registered midwife or a registered health visitor; or
 - (iv) an officer of, or otherwise employed by, any Health Board;
- (c) “practitioner” means—
 - (i) in the case of the medical discipline committee, a doctor;
 - (ii) in the case of the dental discipline committee, a dentist;
 - (iii) in the case of the pharmaceutical discipline committee, a pharmacist;
 - (iv) in the case of the ophthalmic discipline committee, an ophthalmic medical practitioner or optician;

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Discipline Committees) (Scotland) Regulations 2006, SCHEDULE 1. (See end of Document for details)

- (v) in the case of the joint discipline committee, a member appointed by a discipline committee;
- (d) references to a “Health Board” include references to a Health Board which has jointly appointed a discipline committee in accordance with regulation 3(3);

Commencement Information

18 Sch. 1 para. 8 in force at 1.7.2006, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Discipline Committees) (Scotland) Regulations 2006, SCHEDULE 1.