
Status: This is the original version (as it was originally enacted).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

SCHEDULES

SCHEDULE 5

Section 45.

ACTION NOT SUBJECT TO INVESTIGATION

- 1 Action taken by medical practitioners, dental practitioners, pharmacists, ophthalmic or dispensing opticians in pursuance of their contracts with Executive Councils or Health Boards under Part IV of the Act of 1947.
- 2 Action taken in connection with the diagnosis of illness or disease or the care or treatment of a patient, being action which, in the opinion of the Commissioner, was taken solely in the exercise of clinical judgment, whether formed by the person taking the action or by any other person.
- 3 Action taken by an Executive Council or a Health Board in the exercise of their functions under the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948, Parts VI and VII of the National Health Service (General Dental Services) (Scotland) Regulations 1948, Part III of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order 1948 or any regulations or order amending or replacing those regulations or that order.
- 4 Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service under the Health Service Acts.
- 5 Action taken in matters relating to contractual or other commercial transactions other than in matters arising from arrangements between a body subject to investigation and an authority or body outwith the health service for the provision of services to patients by that authority or body.
- 6 Action which has been or is the subject of an inquiry under section 69 of the Act of 1947.
- 7 Action in relation to which the protective functions of the Mental Welfare Commission have been, are being or may be exercised under the Mental Health (Scotland) Act 1960.