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## SCHEDULES

### SCHEDULE 8

Section 29.

#### THE TRIBUNAL

- [<sup>F1</sup>1 The Tribunal shall consist of—
- (a) a chairman appointed by the Lord President of the Court of Session,
  - (b) such number of deputy chairmen as may be so appointed,
  - (c) such number of persons as the Secretary of State may appoint for the purposes of this sub-paragraph,
  - (d) such number of medical practitioners as the Secretary of State may appoint for the purposes of this sub-paragraph,
  - (e) such number of medical practitioners having the qualifications prescribed under section 26 as the Secretary of State may appoint for the purposes of this sub-paragraph,
  - (f) such number of dental practitioners as the Secretary of State may appoint for the purposes of this sub-paragraph,
  - (g) such number of ophthalmic opticians as the Secretary of State may appoint for the purposes of this sub-paragraph, and
  - (h) such number of registered pharmacists as the Secretary of State may appoint for the purposes of this sub-paragraph.]

#### Textual Amendments

- F1** Sch. 8 paras. 1-4 substituted for Sch. 8 paras. 1-6 (1.1.1996) by 1995 c. 31, s. 12(2); S.I. 1995/3214, art. 2(1), Sch. (with art. 3)

#### Modifications etc. (not altering text)

- C1** Sch. 8 para 1 amended (*prosp.*) by 1954 c. 61 s. 13I (as inserted by 1997 c. 19, s. 1 Sch.)

- <sup>F2</sup>2 A person appointed as the chairman or a deputy chairman shall be a practising—
- (a) advocate; or
  - (b) solicitor,
- of not less than ten years' standing.

#### Textual Amendments

- F2** Sch. 8 paras. 1-4 substituted for Sch 8 paras. 1-6 (1.1.1996) by 1995 c. 31, s. 12(2); S.I. 1995/3214, art. 2(1), Sch. (with art. 3)

- <sup>F3</sup>3 Any appointment for the purposes of paragraph 1(c) above shall be made after consultation with such body as the Secretary of State may recognise as representative of Health Boards.

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#### Textual Amendments

**F3** Sch. 8 paras. 1-4 substituted for Sch. 8 paras. 1-6 (1.1.1996) by 1995 c. 31, s. 12(2); S.I. 1995/3214, art. 2(1), Sch. (with art. 3)

**F4** Any appointment for the purposes of any of sub-paragraphs (d) to (h) of paragraph 1 above shall be made after consultation with such organisations as the Secretary of State may recognise as representative of the profession or calling concerned.

#### Textual Amendments

**F4** Sch. 8 paras. 1-4 substituted for Sch. 8 paras. 1-6 (1.1.1996) by 1995 c. 31, s. 12(2); S.I. 1995/3214, art. 2(1), Sch. (with art. 3)

5 For the purposes of paragraph 4, the Secretary of State shall, after consultation with such organisations as he may recognise as representative of the several professions or callings concerned, appoint the following panels, none of which shall exceed 6 persons, that is to say:—

- (a) a panel of medical practitioners;
- (b) a panel of medical practitioners having the qualifications prescribed under section 26;
- (c) a panel of dental practitioners;
- (d) a panel of ophthalmic opticians;
- (e)
- (f) a panel of registered pharmacists.

6 If any member of the Tribunal is unable to act in any case a deputy may be appointed by the Lord President of the Court of Session or the Secretary of State, as in the case of the appointment of the member in question; and, if the member is the chairman, the deputy shall possess the professional qualifications required for the office of chairman, and, if the member is the practitioner member, the deputy shall be appointed from the same panel.

7 Regulations may make provision—

- (a) with respect to the appointment, tenure of office and vacation of office of members of the Tribunal;
- (b) with respect to the appointment of officers of the Tribunal.

**[F68]** (1) The functions of the Tribunal shall be exercised by three members consisting of—

- (a) the chairman or a deputy chairman,
- (b) a person appointed under paragraph 1(c) above, and
- (c) a person appointed under such one of sub-paragraphs (d) to (h) of paragraph 1 above as provides for the appointment of persons of the same profession or calling as that of the person concerned.

(2) In sub-paragraph (1)(c) above **[F7]** as it has effect in relation to the functions mentioned below], the reference to the person concerned is—

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- (a) in the case of functions under [F8 section 29 to 29C], to the person to whom the representations in question relate,
- (b) in the case of functions under section 30 (or paragraph 6 of Schedule 15), to the person whose [F9 disqualification or conditional disqualification] is under consideration,
- (c) in the case of functions under section 32A, to the person to whom the application in question relates, and
- (d) in the case of functions under section 32B, to the person in relation to whom [F10 section 32A(3)] may be made to apply or continue to apply].

(2A) F11 .....

- (3) In the case of functions under section 32A or 32B, sub-paragraph (1) above is subject to section 32C(2)(b).]

#### Textual Amendments

- F6** Sch. 8 para. 8 inserted (1.1.1996) by 1995 c. 31, s. 12(3); S.I. 1995/3214, art. 2(1), Sch. (with art. 3)
- F7** Words in Sch. 8 para. 8(2) inserted (1.4.1998) by 1997 c. 46, s. 41(10), Sch. 2 Pt. I para. 58(2); S.I. 1998/631, art. 2(1)(b), Sch. 2 (with arts. 3, 5)
- F8** Words in Sch. 8 para. 2(a) substituted (4.3.2004) by 1999 c. 8, ss. 65, 67(1), Sch. 4 para. 64(a); S.S.I. 2004/32, art. 2(2)(c) (with savings for effects of 1999 c. 8 by S.S.I. 2004/31, art. 3)
- F9** Words in Sch. 8 para. 8(2)(b) substituted (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(1), 43(3), Sch. 2 para. 2(20); S.S.I. 2006/121, art. 3(b), Sch. 2
- F10** Words in Sch. 8 para. 2(d) substituted (4.3.2004) by 1999 c. 8, ss. 65, 67(1), Sch. 4 para. 64(c); S.S.I. 2004/32, art. 2(2)(c) (with savings for effects of 1999 c. 8 by S.S.I. 2004/31, art. 3)
- F11** Sch. 8 para. 8(2A) repealed (2.7.2010) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), Sch. 3; S.S.I. 2010/185, art. 3(b), Sch. 2 Table

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10C(3A) inserted by [2019 asp 6 s. 6\(3\)\(a\)](#)
- s. 10I(1)(b)(c) and word inserted by [2019 asp 6 s. 6\(4\)\(b\)](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)