



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

Provisions as to disqualification of practitioners

^{F1}
^{F2}**29B Powers of NHS Tribunal.**

- (1) Subsection (2) applies where the Tribunal are of the opinion—
- (a) on inquiring into an efficiency case, that the person meets the first condition for disqualification;
 - (b) on inquiring into a fraud case, that the person meets the second condition for disqualification^{F3};
 - (c) on inquiring into an unsuitability case, that the person meets the third condition for disqualification.]

- ^{F4}(2) The Tribunal shall disqualify him for inclusion in—
- (a) the list to which the case relates;
 - (b) all lists within the same paragraph of subsection (8) of section 29 as that list; and
 - (c) where the list to which the case relates is a list referred to in—
 - (i) paragraph (c) of that subsection, all lists within paragraph (cc) of that subsection;
 - (ii) that paragraph (cc), all lists within that paragraph (c).]

(3) ^{F5}.....

(4) The Tribunal shall not make ^{F6}a] disqualification ^{F7}. . . under this section if they are of the opinion that it would be unjust to do so.

Status: Point in time view as at 08/11/2010.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 29B is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A disqualification under this section shall have effect when the case is finally concluded.
- (6) If a person is disqualified for inclusion in any list prepared by a Health Board, the Board must not enter him in the list and (if he is already included in the list) must remove him from the list.]]

Textual Amendments

- F1** Ss. 29, 29A-29C substituted for s. 29 (31.1.2004 for certain purposes and otherwise 4.3.2004) by 1999 c. 8, ss. 58(1), 67(1); S.S.I. 2004/32, **art. 2(1)(2)** (with savings for effect of 1999 c. 58 by S.S.I. 2004/31, art. 3)
- F2** Ss. 29, 29A-29C and sidenotes substituted for s. 29 and sidenote (31.1.2004 for certain purposes otherwise 4.3.2004) by 1999 c. 8, ss. 58(1), 67(1); S.S.I. 2004/32, **art. 2(1)(2)** (with savings for effect of 1999 c. 58 by S.S.I. 2004/31, art. 3)
- F3** S. 29B(1)(c) inserted (7.3.2006 for certain purposes otherwise 1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 26(4)(a)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2
- F4** Words in s. 29B(2) substituted (7.3.2006 and 1.4.2006 for certain purposes and otherwise prosp.) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 26(4)(b)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2
- F5** S. 29B(3) repealed (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table
- F6** Word in s. 29B(4) substituted (7.3.2006 for certain purposes and otherwise 1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 26(4)(c)**, 43(3); S.S.I. 2006/121, **art. 3(a)(b)**, Schs. 1, 2
- F7** Words in s. 29B(4) repealed (1.4.2006) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 42(2), 43(3), **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table

Status:

Point in time view as at 08/11/2010.

Changes to legislation:

National Health Service (Scotland) Act 1978, Section 29B is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.