



National Health Service (Amendment) Act 1995

1995 CHAPTER 31

England and Wales

[^{F1}6 Constitution of the Tribunal.

- (1) Schedule 9 to the ^{M1}National Health Service Act 1977 (which makes provision about the tribunal under section 46 of that Act) shall be amended as follows.
- (2) For paragraphs 1 to 5 (constitution) there shall be substituted—

“1

The Tribunal shall consist of—

- (a) a chairman appointed by the Lord Chancellor,
- (b) such number of deputy chairmen as the Lord Chancellor may appoint,
- (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 38 above 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.

Changes to legislation: National Health Service (Amendment) Act 1995, Section 6 is up to date with all changes known to be in force on or before 22 August 2023. 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) View outstanding changes

2 A person appointed as the chairman or a deputy chairman shall be a person who has a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).

3 Any appointment for the purposes of paragraph 1(c) above shall be made after consultation with such associations of Health Authorities as the Secretary of State may recognise as representative of Health Authorities.

4 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.”

(3) After paragraph 5 there shall be inserted—

5A “ **Sittings of Tribunal**

- (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, the reference to the person concerned is—
- (a) in the case of functions under section 46 above, to the person to whom the representations in question relate,
 - (b) in the case of functions under section 47 above (or paragraph 8 of Schedule 14 to this Act), to the person whose disqualification is under consideration,
 - (c) in the case of functions under section 49A above, to the person to whom the application in question relates, and
 - (d) in the case of functions under section 49B above, to the person in relation to whom the application of section 49A(3) above may be continued.
- (3) In the case of functions under section 49A or 49B above, sub-paragraph (1) above is subject to section 49C(2)(b) above.”]

Textual Amendments

- F1** S. 6 repealed (14.12.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 67(2), 70(2), Sch. 6 Pt. I (with ss. 64(a), 65(4)); S.I. 2001/3738, art. 2(4) (subject to art. 2(5)(6)); S.I. 2002/1475, arts. 1(3), 2(1), Sch. Pt. 1 (which repeal is also purported to be brought into force (26.8.2002 for W.) by S.I. 2002/1919, arts. 1(3), 2, Sch. Pt. 1)

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Marginal Citations

M1 1977 c. 49.

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Commencement Orders yet to be applied to the National Health Service (Amendment) Act 1995

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/53 art. 2-4 commences \(2001 c. 15\)](#)