
STATUTORY INSTRUMENTS

2006 No. 2072

The Primary Care Trusts (Establishment and Dissolution) (England) Order 2006

Discipline committees appointed by the old PCTs under the Service Committees and Tribunal Regulations

17.—(1) Except as provided for in paragraphs (2) to (7), a discipline committee appointed by an old PCT under regulation 3(1) of the Service Committees and Tribunal Regulations (establishment of committees) may exercise any relevant functions under those Regulations in relation to any matter which was referred to it before the operational date, as if it were a committee appointed by the relevant new PCT.

(2) Paragraph (3) applies where—

- (a) before the operational date, an old PCT (“A”) has referred a matter pursuant to regulation 5 of the Service Committees and Tribunal Regulations (referral to investigating discipline committee) to another old PCT (“B”) for investigation by a discipline committee appointed by B;
- (b) the investigation of the matter has not been finally completed before the operational date;
- (c) by virtue of article 7, acts done by A and B are treated as having been done by a new PCT (“C”); and
- (d) by virtue of paragraph (1), the discipline committee investigating the matter is treated as having been appointed by C.

(3) Where this paragraph applies, C and the discipline committee investigating the matter shall take no further steps in the investigation of it and C shall transfer the investigation to another Primary Care Trust (“D”) which has not appointed, and is not by virtue of paragraph (1) to be treated as having appointed, any discipline committee jointly with C.

(4) Where the investigation of a matter is transferred as referred to in paragraph (3)—

- (a) the investigation shall be continued by a discipline committee appointed by D;
- (b) anything done in relation to the investigation of the matter by or in relation to the discipline committee appointed by B shall be treated as having been done by or in relation to the discipline committee appointed by D; and
- (c) anything done in relation to the investigation of that matter by or in relation to B shall be treated as having been done by or in relation to D.

(5) Paragraph (6) applies where—

- (a) before the operational date, an old PCT (“E”) has referred a matter pursuant to regulation 5 of the Service Committees and Tribunal Regulations to an old PCT (“F”) for investigation by a discipline committee appointed by F;
- (b) the investigation of the matter has not been finally completed before the operational date;
- (c) by virtue of article 7, a new PCT (“G”) is treated as the new PCT which referred the matter for investigation;

- (d) by virtue of article 7, a new PCT (“H”) is treated as the new PCT to which the matter has been referred for investigation;
 - (e) the discipline committee to which the matter has been referred was appointed jointly by F and another old PCT in relation to which the relevant new PCT is G (whether or not together with another Primary Care Trust or Trusts); and
 - (f) by virtue of paragraph (1), the discipline committee investigating the matter is treated as having been appointed jointly by G and H.
- (6) Where this paragraph applies, H and the discipline committee investigating the matter shall take no further steps in the investigation of it and H shall transfer the investigation to another Primary Care Trust (“I”) which has not appointed, and is not by virtue of paragraph (1) to be treated as having appointed, any discipline committee jointly with G or H.
- (7) Where the investigation of a matter is transferred as referred to in paragraph (6)—
- (a) the investigation shall be continued by a discipline committee appointed by I;
 - (b) anything done in relation to the investigation of the matter by or in relation to the discipline committee appointed by F shall be treated as having been done by or in relation to the discipline committee appointed by I; and
 - (c) anything done in relation to the investigation of that matter by or in relation to F shall be treated as having been done by or in relation to I.