



National Health Service (Amendment) Act 1995

1995 CHAPTER 31

Scotland

12 Constitution of the Tribunal.

- (1) Schedule 8 to the National Health Service (Scotland) Act 1978 (which makes provision about the tribunal under section 29 of that Act) shall be amended as follows.
- (2) For paragraphs 1 to 6 (constitution) there shall be substituted—

“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.

2

A person appointed as the chairman or a deputy chairman shall be a practising—

Changes to legislation: National Health Service (Amendment) Act 1995, Section 12 is up to date with all changes known to be in force on or before 07 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

- (a) advocate; or
 - (b) solicitor,
- of not less than ten years' standing.

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.

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 7 there shall be added—

- “8
- (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 29, 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 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 the application of section 32A(3) may be continued.
 - (3) In the case of functions under section 32A or 32B, sub-paragraph (1) above is subject to section 32C(2)(b).”

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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 \(2001 c. 15\)](#)