

Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Paragraph 51. (See end of Document for details)

SCHEDULES

SCHEDULE 4

AMENDMENTS OF ENACTMENTS

Modifications etc. (not altering text)

- C1** Sch. 4: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1** (as inserted (30.6.1999) by 1999 c. 8, ss. **66(4)(5)(c)**, 67(4))

The 1978 Act

- 51 In section 32A (applications for interim suspension)—
- (a) after subsection (1) there is inserted—

“(1A) A Health Board may, if they have requested a review of a conditional disqualification on the ground mentioned in section 30(3)(b) or (c), at any time before the review is concluded apply to the Tribunal for a direction to be made under subsection (2) in relation to the person to whom the review relates.”,
 - (b) in subsection (2), for the words from “it” to “patients” there is substituted “either of the conditions for doing so is satisfied” and after “in question” there is inserted “or the case to which the review in question”,
 - (c) after that subsection there is inserted—

“(2A) The conditions for giving such a direction are—

 - (a) that it is necessary to do so in order to protect persons who are, or may be, provided with services under this Part to which the case in question, or the case to which the review in question, relates;
 - (b) in, or in the case of a review relating to, a fraud case, that unless they do so there is a significant risk that—
 - (i) an act or omission within section 29(7)(a) will occur; or
 - (ii) the investigation of the case or the review will be prejudiced.”,
 - (d) ^{F1}
 - (e) in subsection (4), after “case” there is inserted “or review”,
 - (f) subsection (5) is omitted
 - (g) ^{F1}

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Textual Amendments

- F1** Sch. 4 para. 51(d)(g) repealed (S.) (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), ss. 42(2), 43, [Sch. 3](#); S.S.I. 2006/121, [art. 3\(b\)](#), [Sch. 2 Table](#)
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Commencement Information

- I1** Sch. 4 para. 51 wholly in force for S. at 4.3.2004, see s. 67(1) and [S.S.I. 2004/32](#), [art. 2\(2\)\(c\)](#)

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