STATUTORY INSTRUMENTS

1964 No. 23 (S. 2)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Council on Tribunals) (Scotland) Regulations 1964

Made - - - -	10*th January* 1964
Laid before Parliament	17*th January* 1964
Coming into Operation	1*st February* 1964

In exercise of the powers conferred upon me by sections 34, 39, 40 and 43 of, and paragraph 4 of Schedule 6 to the National Health Service (Scotland) Act 1947(a), as amended(b), and of all other powers enabling me in that behalf, and after consultation with the Council on Tribunals in terms of section 8 of the Tribunals and Inquiries Act 1958(c), I hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (Council on Tribunals) (Scotland) Regulations 1964, and shall come into operation on 1st February 1964.

(2) In these regulations the expression "the Council on Tribunals" means the Council constituted under section 1 of the Tribunals and Inquiries Act 1958, and the Scottish Committee thereof means the Committee described in section 1(3) of that Act.

(3) The Interpretation Act 1889(d) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. The National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948(e) shall be amended as follows:—

(1) In Regulation 5(2) (which limits the persons who may be admitted to proceedings before medical or pharmaceutical service committees)—

(*a*) the word "and" at the end of sub-paragraph (*c*) shall be deleted and inserted after the word "purpose" in sub-paragraph (*d*);

(*b*) the following sub-paragraph shall be inserted after sub-paragraph (*d*):—

"(*e*) any member of the Council on Tribunals or of the Scottish Committee thereof."

(2) In Regulation 9(7) (which designates the persons entitled to attend the hearing of an appeal)—

(*a*) the word "and" shall be deleted at the end of sub-paragraph (*a*) and shall be inserted after the word "solicitor" in sub-paragraph (*b*);

(*b*) the following sub-paragraph shall be inserted after sub-paragraph (*b*):—

"(*c*) any member of the Council on Tribunals, or of the Scottish Committee thereof, shall be entitled to attend."

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93. (c) 6 & 7 Eliz. 2. c. 66.
(d) 52 & 53 Vict. c. 63. (e) S.I. 1948/1259 (Rev. XV, p. 887: 1948 I, p. 2455).

(3) After Regulation 37 there shall be inserted the following regulation—

"37A. Notwithstanding anything in this Part of these regulations any member of the Council on Tribunals, or of the Scottish Committee thereof, shall be entitled to attend any inquiry or hearing by the Tribunal or the hearing of any appeal to the Secretary of State against a direction given by the Tribunal."

3.—(1) The National Health Service (General Dental Services) (Scotland) Regulations 1948(a) shall be amended as follows:—

In Regulation 28(2) (which limits the persons who may be admitted to proceedings before dental service committees)—

(*a*) the word "and" at the end of sub-paragraph (*c*) shall be deleted and inserted after the word "purpose" in sub-paragraph (*d*);

(*b*) the following sub-paragraph shall be inserted after sub-paragraph (*d*):—

"(*e*) any member of the Council on Tribunals or of the Scottish Committee thereof."

(2) In Regulation 32(7) (which designates the persons entitled to attend the hearing of any appeal)—

(*a*) the word "and" shall be deleted at the end of sub-paragraph (*a*) and shall be inserted after the word "solicitor" in sub-paragraph (*b*);

(*b*) the following sub-paragraph shall be inserted after sub-paragraph (*b*):—

"(*c*) any member of the Council on Tribunals, or of the Scottish Committee thereof, shall be entitled to attend the hearing."

4. The National Health Service (Executive Councils) (Scotland) Regulations 1954(b) shall be amended as follows:—

For Regulation 15 (which provides for admission of the Press to meetings of an Executive Council) there shall be substituted the following Regulation:—

"Admission to Meetings

(15) Any member of the Council on Tribunals, or of the Scottish Committee thereof, shall be entitled to attend any meeting of an Executive Council when the Executive Council are exercising their quasi-judicial functions in their consideration of reports of service committees".

Michael Noble,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

10th January 1964.

(a) S.I. 1948/1257 (Rev. XV, p. 910: 1948 I, p. 2354).
(b) S.I. 1954/461 (1954 I, p. 1370).

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948, the National Health Service (General Dental Services) (Scotland) Regulations 1948 and the National Health Service (Executive Councils) (Scotland) Regulations 1954, to provide for the admission of members of the Council on Tribunals, or the Scottish Committee thereof, to proceedings before medical, pharmaceutical or dental service committees of Executive Councils, and to meetings of Executive Councils when they are exercising their quasi-judicial functions; and also to inquiries and hearings by the National Health Service Tribunal in cases involving medical or dental practitioners, or pharmacists or opticians, and to hearings of appeals to the Secretary of State against decisions of Executive Councils in service committee cases and against directions given by the National Health Service Tribunal.