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SCOTTISH STATUTORY INSTRUMENTS

2010 No. 266

NATIONAL HEALTH SERVICE

**The National Health Service (Tribunal) (Scotland) Amendment
(No. 2) Regulations 2010**

<i>Made</i> - - - -	<i>23rd June 2010</i>
<i>Laid before the Scottish Parliament</i>	<i>24th June 2010</i>
<i>Coming into force</i> - -	<i>2nd July 2010</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 29(4), 32, 105(7), 106(a) and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

In accordance with paragraph 24(1) of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(b), they have consulted the Administrative Justice and Tribunals Council and its Scottish Committee.

Citation and commencement

1. These Regulations may be cited as the National Health Service (Tribunal) (Scotland) Amendment (No. 2) Regulations 2010 and come into force on 2nd July 2010.

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- (a) 1978 c.29; section 29(4) was inserted by the Health Act 1999 (c.8) (“the 1999 Act”), section 58 and amended by the Smoking, Health and Social Care (Scotland) Act 2005 (2005 asp 13) (“the 2005 Act”), section 26(1) and (2); section 32 was amended by the National Health Service (Amendment) Act 1995 (c.31) (“the 1995 Act”), section 11 and the Schedule, by the 1999 Act, Schedule 4, paragraph 50 and by the 2005 Act, section 26(6); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5 and Schedule 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24 and by the 1999 Act, Schedule 4, paragraph 60; section 108(1) defines “prescribed” and “regulations”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (b) 2007 c.15; the tribunal constituted in accordance with section 29 of, and Schedule 8 to, the National Health Service (Scotland) Act 1978 is a listed tribunal for the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007, by virtue of S.S.I. 2007/436.

Amendment of the National Health Service (Tribunal) (Scotland) Regulations 2004

2. In each of the forms 1, 2, 3 and 5 set out in Schedule 2 (forms for use in proceedings in connection with representations and applications) to the National Health Service (Tribunal) (Scotland) Regulations 2004(a) for “2 copies” substitute “5 copies”.

St Andrew's House,
Edinburgh
23rd June 2010

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2004/38; as amended by S.S.I. 2005/335, 2006/122, 2009/319 and 2010/227. The forms were substituted by S.S.I. 2006/122 and forms 1 – 3 were amended by S.S.I. 2010/227.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Tribunal) (Scotland) Regulations 2004 (“the principal Regulations”) which make provision relating to the NHS Tribunal, representations to it and its procedures.

Regulation 2(3) of the National Health Service (Tribunal) (Scotland) Amendment Regulations 2010 (“the 2010 Regulations”) amended regulations 6(1)(b), 11(1) and (2), 22(1)(c) and (5) and 24(1)(b) of the principal Regulations to require 5 copies of the documents to which those regulations refer to be lodged instead of 2.

These Regulations make textual amendments to forms 1, 2, 3 and 5 contained in Schedule 2 to the principal Regulations; so that their text will be consistent with the provisions which were amended by the 2010 Regulations.

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