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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 183**

**The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

**Schemes for securing proper pharmaceutical service**

**11.**—(1) The Board, after consultation with the Area Pharmaceutical Committee, shall prepare a scheme for securing that one or more places of business on the pharmaceutical list in the area of the Board shall at all reasonable times be open. The scheme shall specify the days and hours during which such places shall be open, and the arrangements for the dispensing of medicines required urgently at other times.

(2) The provisions of schemes prepared under paragraph (1) shall be subject to the approval of the Scottish Ministers.

(3) In the event of the Board and the Area Pharmaceutical Committee failing to agree on any provision of a scheme to be prepared under paragraph (1), the matter shall be referred to the Scottish Ministers, whose determination shall be final.

(4) Where the Board after consultation with the Area Pharmaceutical Committee, amends the provisions of a scheme approved under paragraph (2), the Area Pharmaceutical Committee or any person whose name is included in the pharmaceutical list may appeal in respect of any such amendment, and any such appeal—

- (a) shall be made in writing and received by the Board within 21 days from the date on which notification of that amendment was published; and
- (b) may be determined by the Scottish Ministers; or
- (c) if the Scottish Ministers so decide, be determined in accordance with the procedures set out in paragraph 5(3) to (5) of Schedule 3 and paragraphs 9 to 15 of Schedule 4.

(5) During an emergency requiring the flexible provision of pharmaceutical services, a Board may agree with any person whose name is included in a pharmaceutical list that the provisions of a scheme prepared under paragraph (3) shall not apply to that person for the duration of the emergency.