

## SCHEDULE 4

Schedule 3, paragraphs 3(6) and 5

### PART I

#### PHARMACY PRACTICES COMMITTEE

##### Pharmacy Practices Committee

1. The Board shall, in accordance with regulation 7 of the Health Boards (Membership and Procedure) (Scotland) Regulations 2001<sup>(1)</sup> and the provisions of this Schedule establish a committee (to be known as “the Pharmacy Practices Committee”).

##### Functions

2. The Pharmacy Practices Committee shall on behalf of the Board exercise the functions of the Board in terms of regulation 5(10) and paragraph 3 of Schedule 3.

##### Membership

3.—(1) The Pharmacy Practices Committee shall consist of seven members of whom—

- (a) one shall be the chair appointed as such by the Board; the chair shall be a member of the Board but shall not be an officer of the Board nor shall the chair be, nor previously have been, a doctor, dentist, ophthalmic optician or pharmacist or the employee of a person who is a doctor, dentist, ophthalmic optician or pharmacist;
- (b) three shall be pharmacists of whom—
  - (i) one shall be a pharmacist whose name is not included in any pharmaceutical list and who is not the employee of a person whose name is so listed; and such pharmacist shall be appointed by the Board from persons nominated by the Royal Pharmaceutical Society of Great Britain; and
  - (ii) two shall be pharmacists each of whom is included in a pharmaceutical list or is an employee of a person whose name is so listed; and each shall be appointed by the Board from persons nominated by the Area Pharmaceutical Committee; and
- (c) three shall be persons appointed by the Board otherwise than from the members of the Board but none shall be nor previously have been a doctor, dentist, ophthalmic optician or a pharmacist, or an employee of a person who is a doctor, dentist, ophthalmic optician or pharmacist.

(2) Persons to act as deputies for, and corresponding in number to, each of those categories of person appointed pursuant to sub-paragraph (1) shall, provided they satisfy the criteria specified in that sub-paragraph, be appointed by the Board and in the absence of any of those persons a deputy from the appropriate category shall be entitled to act in the absent person’s place.

(3) If a nomination sought for the purposes of sub-paragraph (1)(b)(i) or (ii) above is not made before such date as the Board may determine, the Board may appoint as a member a person who satisfies the criteria specified in the relevant sub-paragraph.

(4) The Board shall prepare and maintain lists of the persons who have been appointed, in accordance with paragraph 3(1)(a), (b)(i) or (b)(ii), or (c), as the case might be, and who currently serve as members of the Pharmacy Practices Committee, and shall provide the Scottish Ministers with a copy of such lists from time to time.

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(1) SS.I. 2001/302. Amended by S.S.I. 2004/212 and 2005/108.

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### **Declaration of interest**

4.—(1) Before any meeting of the Pharmacy Practices Committee begins the chair, or in the chair's absence, the person acting as chair, shall ask the members intending to be present whether, in respect of any matter to be considered at the meeting, any of them—

- (a) has an interest to declare; or
- (b) is associated with a person who has any personal interest,

and any such member who has or, as the case may be, is associated with a person who has, any such interest shall disclose it accordingly.

(2) Any member who has, pursuant to the provisions of sub-paragraph (1) above, disclosed an interest or who, in the opinion, expressed to the meeting, of the chair or in the chair's absence, the person acting as chair as the case may be, should have disclosed such an interest, shall not be present at the consideration or discussion of that matter or the voting on it, and a deputy who has no such interest may act in that member's place.

### **Quorum**

5. No business shall be transacted at a meeting of the Pharmacy Practices Committee unless the chair or in the chair's absence, the person acting as chair, one member appointed under each of paragraph 3(1)(b)(i) and (ii), and two other members appointed under paragraph 3(1)(c) are present.

### **Voting**

6.—(1) Subject to sub-paragraphs (2), (3) and (4) below, every application considered by the Pharmacy Practices Committee shall be considered by all members present, but shall be determined only by a majority of votes of the members present who are entitled to vote.

(2) A member appointed by virtue of paragraph 3(1)(b)(i) or (c) is entitled to vote.

(3) A member appointed by virtue of paragraph 3(1)(b)(ii) is not entitled to vote and shall withdraw immediately before a decision on an application by voting takes place.

(4) The chair, or in the chair's absence the person acting as chair, shall not be entitled to vote at any meeting except in the case of an equality of votes of the other persons present and voting, in which case the chair shall have a casting vote.

(5) The Pharmacy Practices Committee shall within ten working days of taking its decision give written notification of it to the Board with reasons for that decision.

### **Standing orders**

7. Subject to the provisions of these Regulations, the Board may make, vary or revoke standing orders with respect to the terms of office of members of the Pharmacy Practices Committee, the procedure of that committee and the making of reports of its proceedings to the Board.

### **Vacancy**

8. The proceedings of the Pharmacy Practices Committee shall not be invalidated by any vacancy in its membership, or any defect in a member's appointment.

## PART II

### NATIONAL APPEAL PANEL

#### **Nominees for the National Appeal Panel**

**9.—(1)** The Board shall submit the names of its nominees for the National Appeal Panel to the Scottish Ministers and shall advise them from time to time of any changes in such nominees.

(2) At the request of the Scottish Ministers, the Scottish Department of the Royal Pharmaceutical Society of Great Britain and an organisation which is recognised by the Scottish Ministers as being representative of the general body of pharmacy contractors shall submit the names of their nominees for the National Appeal Panel.

#### **Chair and Vice-Chair of National Appeal Panel**

**10.—(1)** After consultation with all Health Boards, the Scottish Department of the Royal Pharmaceutical Society of Great Britain and an organisation which is recognised by the Scottish Ministers as being representative of the general body of pharmacy contractors, the Scottish Ministers shall appoint persons as chair and vice-chair of the National Appeal Panel.

(2) A person so appointed shall not be a doctor, dentist, ophthalmic optician, pharmacist, or person, or employee of a person, whose name is on any pharmaceutical list.

#### **Membership**

**11.—(1)** In any case in which paragraph 5(6) of Schedule 3 falls to be applied, the Scottish Ministers shall arrange to convene in accordance with this paragraph the National Appeal Panel, the members of which shall be drawn from—

- (a) the lists maintained in accordance with paragraph 3(4); and
  - (b) the nominees proposed in accordance with paragraph 9.
- (2) No member of the National Appeal Panel shall be a member of—
- (a) the Board or the Pharmacy Practices Committee of the Board which considered the application; or
  - (b) any Board which was notified in terms of paragraph 1(1)(d) of Schedule 3 and which submitted representations in accordance with that paragraph.
- (3) The National Appeal Panel shall consist of nine members of whom—
- (a) one shall be chair appointed as provided for in paragraph 10;
  - (b) one shall be vice chair and likewise be appointed as such in accordance with the terms of paragraph 10;
  - (c) four shall be pharmacists, one of whom has been nominated by the Scottish Department of Royal Pharmaceutical Society of Great Britain and the other three by an organisation which is recognised by the Scottish Ministers as being representative of the general body of pharmacy contractors; and of the said four members two shall be persons whose names are, or who are employees of persons whose names are, included in a pharmaceutical list; and
  - (d) three shall be persons nominated by a Board none of whom is, or has been previously, a doctor, dentist, ophthalmic optician or a pharmacist nor a person employed by a doctor, dentist, ophthalmic optician or pharmacist.

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### **Declaration of interest**

**12.**—(1) Before the start of any meeting of the National Appeal Panel the chair, or vice chair if acting as chair, shall ask the members intending to be present whether, in respect of the appeal to be considered at the meeting, any of them—

- (a) has an interest to declare;
- (b) is associated with a person who has any personal interest,

and any such member who has or, as the case may be, is associated with the person who has, any such interest shall disclose it accordingly.

(2) Any member who has, pursuant to the provisions of sub-paragraph (1) disclosed an interest or who, in the opinion, expressed to the meeting, of the chair or vice chair as the case may be, should have disclosed such an interest, shall not be present at the consideration or discussion of that appeal or the voting on it.

### **Quorum**

**13.** No business of the National Appeal Panel shall be transacted unless the chair, or vice chair if acting as chair, and two members who are appointed under sub-paragraph (3)(c) of paragraph 11 and are in terms of paragraph 14 entitled to vote, and two members appointed under sub-paragraph (3) (d) of paragraph 11, are present.

### **Voting**

**14.**—(1) Subject to sub-paragraphs (2), (3) and (4), every appeal considered by the National Appeal Panel shall be considered by all members present, but be determined only by a majority of votes of the members present who are entitled to vote.

- (2) A member—
  - (a) appointed by virtue of paragraph 11(3)(c) and whose name is not included in any pharmaceutical list or who is not an employee of a person so listed;
  - (b) nominated by virtue of paragraph 11(3)(d); or
  - (c) who is the vice chair, provided the person is not acting as chair,

is entitled to vote.

(3) A member appointed by virtue of paragraph 11(3)(c) and whose name is included in any pharmaceutical list, or who is an employee of a person so listed, is not entitled to vote and shall withdraw immediately before a decision on an appeal by voting takes place.

(4) The chair, or vice chair if acting as chair, shall not be entitled to vote at any meeting except in the case of an equality of votes of the other persons present and voting, in which case the chair shall have a casting vote.

### **Decisions by the National Appeal Panel**

**15.**—(1) The National Appeal Panel shall determine an appeal in such manner as it thinks fit and its decision in respect of that appeal shall be final.

(2) The National Appeal Panel shall within 5 working days of taking its decision, give written notification of that decision with reasons for it to the Board to whom the original application was made.

(3) The Board shall, within 5 working days, of receipt of such notification, intimate to the applicant and all persons mentioned in paragraph 1 of Schedule 3 that decision and the reasons for it.

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