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STATUTORY INSTRUMENTS

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**1995 No. 414**

**The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995**

**Pharmaceutical list**

5.—(1) The Board shall prepare a list to be called “the pharmaceutical list” of the names of persons, other than doctors and dentists, who undertake to provide pharmaceutical services and of the addresses of the premises within the Board’s area from which these persons undertake to provide such services. The said list shall also state the nature of the pharmaceutical services to be provided, and the days and hours during which the premises are open, and show pharmacists as a separate category of persons within that list.

- (2) A person (hereinafter referred to in this regulation as an “applicant”)—
- (a) who wishes to be included in the pharmaceutical list for the provision of pharmaceutical services; or
  - (b) whose name is already included in the pharmaceutical list, but who intends—
    - (i) to open within the Board’s area additional premises from which to provide pharmaceutical services, or
    - (ii) to relocate within the Board’s area the premises from which he provides pharmaceutical services, or
    - (iii) to provide pharmaceutical services other than those already listed in relation to him from premises which are already included in the pharmaceutical list,

shall apply to the Board in accordance with whichever version of Form A set out in of Schedule 2 is appropriate or, in the case of an application to which the applicant proposes that paragraph (4) should apply, Form A(MR) set out in that Schedule.

- (3) Where an application is made and—
- (a) the applicant intends to provide the same pharmaceutical services from premises from which, at the time of the application, another person whose name is included in the pharmaceutical list provides those services, in place of that person, and
  - (b) the condition specified in paragraph (5) is fulfilled, the Board shall grant the application.
- (4) Where an application is made and—
- (a) the applicant intends to relocate to new premises, within the neighbourhood in which he provides pharmaceutical services, from the premises already listed in relation to him, and to provide from those new premises the same pharmaceutical services which he is listed as providing from his existing premises,
  - (b) the Board is satisfied that the relocation is a minor relocation, and
  - (c) the condition specified in paragraph (5) is fulfilled,

the Board shall grant the application.

(5) The condition referred to in paragraphs (3)(b) and (4)(c) is that in either case the provision of the particular pharmaceutical services by the applicant will not be interrupted, except for any period

during which, in terms of any scheme made under regulation 8(3) that applies to him, or any such longer period as the Board may for good cause allow, the provision of such services is not required.

(6) In this regulation the reference to a minor relocation is to one where there will be no significant change in the neighbourhood population in respect of which pharmaceutical services are provided by the applicant and other circumstances are such that there will be no appreciable effect on the pharmaceutical services provided by the applicant or any other person whose name is included in the pharmaceutical list of the Board.

(7) Before satisfying itself that a relocation is a minor relocation the Board shall seek and take into account the views of the Area Pharmaceutical Committee and of the Chief Administrative Pharmaceutical Officer of the Board.

(8) In the case of an application to which paragraph (4)(a) applies, where the Board is not satisfied that the relation is a minor relocation, it shall not grant the application but shall notify the applicant in writing of its decision and of its reasons.

(9) Nothing in this regulation shall preclude or prevent an applicant from making an application in accordance with Form A or Form A(MR) in circumstances where the applicant considers that paragraph (4) may apply to such an application.

(10) An application made in any case other than one to which paragraph (3) or (4) applies shall be granted by the Board, after the procedures set out in Schedule 3 have been followed, only if it is satisfied that the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the pharmaceutical list.

(11) Where an application is granted, it shall be notified in accordance with whichever version of Form C set out in Schedule 2 is appropriate.

(12) Where an application is granted in accordance with paragraph (10), it shall be competent for the Board to grant it in respect of some only of the pharmaceutical services specified in that application.

(13) An application, in any case other than one to which paragraph (4) applies, which is made by a person who qualified to have his name registered under the Pharmacy Act 1954(1) by virtue of section 4A of that Act (qualification by European diploma) shall not be granted unless the applicant satisfies the Board that he has the knowledge of English, which, in the interests of himself and persons making use of the services to which the application relates, is necessary for the provision of pharmaceutical services in the Board's area.

(14) Where an application is granted, the Board shall make the relevant entries in the pharmaceutical list only after the expiry of the period within which an appeal against the decision to grant the application might be intimated or the conclusion of all the appeal procedures, whichever is appropriate.