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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 183**

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

**Removal from and amendment to pharmaceutical list**

9.—(1) Where the Board determines in accordance with paragraph (3) that a person whose name has been included for the preceding six months in the pharmaceutical list has not during that period provided pharmaceutical services the Board shall remove that person's name from the said list.

(2) A period during which the person was suspended by direction of the Tribunal does not count towards the period of six months referred to in paragraph (1).

(3) Where a Board determines in accordance with paragraph (4) that the supply of equipment necessary to provide domiciliary oxygen therapy service is no longer required, either in total or in part, and this service or part thereof has not been provided for the preceding six months the Board may cancel or amend the contract to provide the domiciliary oxygen therapy service contracted for.

(4) Before making a determination under paragraphs (1) or (3), the Board shall—

- (a) give the person not less than 28 days' notice in writing of its intention so to do;
- (b) afford the person an opportunity of making written representations to the Board; and
- (c) consult the Area Pharmaceutical Committee.

(5) Nothing in paragraphs (1) and (3) shall—

- (a) prejudice the right of a person to apply to be included again in the pharmaceutical list; or
- (b) prevent a person from applying to increase the supply of equipment for domiciliary oxygen therapy service already provided; or
- (c) affect a person who is performing a period of relevant service and in such a case no removal under paragraphs (1) or (3) shall be effected in respect of any such person until six months after such person has completed that service.