

SCHEDULE 4

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.

[^{F1}(2) The persons nominated by the Board under sub-paragraph (1) must not be, nor have been previously, a doctor, dentist, ophthalmic optician or pharmacist nor a person employed by a doctor, dentist, ophthalmic optician or pharmacist.]

Textual Amendments

F1 Sch. 4 para. 9(2) substituted (1.4.2011) by [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(9)** (with reg. 10)

Commencement Information

I1 Sch. 4 para. 9 in force at 1.7.2009, see [reg. 1](#)

[^{F2}Chair of National Appeal Panel

10.—(1) After consultation with all Health Boards, the Scottish Ministers shall appoint a Chair and a substitute Chair of the National Appeal Panel.

(2) Each person so appointed—

- (a) shall be an advocate, a solicitor or a solicitor-advocate; but
- (b) shall not be, nor previously have been, a doctor, dentist, ophthalmic optician, pharmacist, or person, or employee of a person, whose name is on the pharmaceutical list.

(3) Where the person appointed as Chair is unable for whatever reason to fulfil the duties of the Chair, the person appointed as substitute Chair shall take the place of that person and all references to the Chair in these Regulations shall be deemed to refer to the person appointed as substitute Chair]

Textual Amendments

F2 Sch. 4 para. 10 substituted (1.4.2011) by [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(10)** (with reg. 10)

Commencement Information

I2 Sch. 4 para. 10 in force at 1.7.2009, see [reg. 1](#)

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—

- [^{F3}(a) the lists maintained, in accordance with paragraph 3(4), of persons falling within paragraph 3(1)(b)(i); 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.
- [^{F4}(3) The National Appeal Panel shall consist of three members of whom—
- (a) one shall be chair appointed as provided for in paragraph 10;
- (b) one shall be a pharmacist; and
- (c) one shall be nominated by the Board under paragraph 9.]

Textual Amendments

- F3** Sch. 4 para. 11(1)(a) substituted (1.4.2011) by [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(11)(a)** (with reg. 10)
- F4** Sch. 4 para. 11(3) substituted (1.4.2011) by [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(11)(b)** (with reg. 10)

Commencement Information

- I3** Sch. 4 para. 11 in force at 1.7.2009, see [reg. 1](#)

Declaration of interest

12.—(1) Before the start of any meeting of the National Appeal Panel the chair ^{F5}... 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 ^{F6}... should have disclosed such an interest, shall not be present at the consideration or discussion of that appeal or the voting on it.

Textual Amendments

- F5** Words in sch. 4 para. 12(1) omitted (1.4.2011) by virtue of [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(12)(a)** (with reg. 10)
- F6** Words in sch. 4 para. 12(2) omitted (1.4.2011) by virtue of [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(12)(b)** (with reg. 10)

Commencement Information

- I4** Sch. 4 para. 12 in force at 1.7.2009, see [reg. 1](#)

Quorum

^{F7}13.

Textual Amendments

F7 Sch. 4 para. 13 omitted (1.4.2011) by virtue of [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(13)** (with reg. 10)

Commencement Information

I5 Sch. 4 para. 13 in force at 1.7.2009, see [reg. 1](#)

[^{F8}Voting

14. Every appeal must be considered by all members of the National Appeal Panel convened for that purpose and determined by a majority of the votes of those members.]

Textual Amendments

F8 Sch. 4 para. 14 substituted (1.4.2011) by [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(14)** (with reg. 10)

Commencement Information

I6 Sch. 4 para. 14 in force at 1.7.2009, see [reg. 1](#)

[^{F9}Notice of decision of National Appeal Panel

15.—(1) 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.

(2) The Board shall—

- (a) 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; and
- (b) within 5 working days of such intimation, publish that decision and the reasons for it on its website.]

Textual Amendments

F9 Sch. 4 para. 15 substituted (1.4.2011) by [The National Health Service \(Pharmaceutical Services\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/32\)](#), regs. 1, **9(15)** (with reg. 10)

Commencement Information

I7 Sch. 4 para. 15 in force at 1.7.2009, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, PART II.