

## 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.

(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

*Status: This is the original version (as it was originally made).*

- (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.

### **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.