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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 32**

**The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2011**

**Amendment to Schedule 4**

9.—(1) Schedule 4 (pharmacy practices committee and national appeal panel) is amended as follows.

(2) In paragraph 3(1)(b)(i) (pharmacist member who is not on the pharmaceutical list) for “Royal Pharmaceutical Society of Great Britain” substitute “Area Pharmaceutical Committee”.

(3) After paragraph 3(1) (membership) insert—

“(1A) In the circumstances described in sub-paragraph (1B) the Pharmacy Practices Committee shall have an additional member appointed by the Board from persons nominated by the Area Medical Committee.

(1B) The circumstances are where the premises that are the subject of the application are located in the same neighbourhood as premises from which a dispensing doctor dispenses.”.

(4) In paragraph 3(2) (deputies) after “sub-paragraph (1)” insert “and, as the case may be, sub-paragraph (1A)”.

(5) In paragraph 3(3) (lack of nomination: Board to appoint member) after “or (ii)” insert “or sub-paragraph (1A)”.

(6) In paragraph 3(4) (preparation and maintenance of list of members) for “or (b)(ii), or (c)” substitute “or (ii), (c) or (1A)”.

(7) For paragraph 6(2) (members entitled to vote) substitute—

“(2) Except in the circumstances set out in paragraph (4) only a member appointed by virtue of paragraph 3(1)(c) is entitled to vote.”.

(8) In paragraph 6(3) (members not entitled to vote) for “3(1)(b)(ii)” substitute “3(1)(b) or 3(1A)”.

(9) In paragraph 9 (nominees for the National Appeal Panel), for sub-paragraph (2) substitute—

“(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.”.

(10) For paragraph 10 (chair and vice-chair of national appeal panel) substitute—

**“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”.

(11) In paragraph 11(membership of National Appeal Panel)—

(a) for sub-paragraph (1)(a) substitute—

“(a) the lists maintained, in accordance with paragraph 3(4), of persons falling within paragraph 3(1)(b)(i); and”

(b) for sub-paragraph (3) (national appeal panel: number of members) substitute—

“(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.”.

(12) In paragraph 12 (declaration of interest)—

(a) in sub-paragraph (1) (disclosure of interest) omit “, or vice chair if acting as chair,”; and

(b) in sub-paragraph (2) (exclusion of person with interest) omit “or vice chair as the case may be,”.

(13) Omit paragraph 13 (quorum).

(14) For paragraph 14 (voting) substitute—

**“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.”.

(15) For paragraph 15 (decisions by the National Appeal Panel) substitute—

**“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.”.