

1987 No. 401

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The National Health Service (General Medical and
Pharmaceutical Services) Amendment (No. 2)
Regulations 1987**

<i>Made</i> - - - -	<i>11th March 1987</i>
<i>Laid before Parliament</i>	<i>11th March 1987</i>
<i>Coming into force</i> - -	<i>1st April 1987</i>

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 16(1), 41 and 42 of and paragraph 12 of Schedule 5 to the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(b), hereby makes the following Regulations:—

Citation, commencement and interpretation

1.— (1) These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations 1987 and shall come into force on 1st April 1987.

(2) In these Regulations “the principal regulations” means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(c).

Amendment to principal Regulations

2.— (1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) For regulation 26 there shall be substituted the following regulation:—

“Pharmaceutical lists

26.— (1) The Committee shall prepare lists, to be called the pharmaceutical lists, of the persons, other than medical practitioners and dental practitioners—

(a) 1977 c. 49; section 41 was amended by the Health Services Act 1980 (c. 53) sections 1, 2 and 20(1) and Schedule 1, paragraphs 53 and 95 and modified by S.I. 1985/79, section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3; see section 128(1) of the National Health Service Act 1977 for the definition of “regulations”.

(b) 1971 c. 62.

(c) S.I. 1974/160; the relevant amending instruments are S.I. 1975/719, 1982/288, 1983/313, 1985/39, 955.

- (a) whose applications to be included in a pharmaceutical list have been granted by the Committee subject to and in accordance with the following provisions of this regulation, and who accordingly undertake to provide pharmaceutical services from premises in the Committee's locality by way of the supply of drugs;
- (b) whose applications to be included in a pharmaceutical list have been granted by the Committee subject to and in accordance with the following provisions of this regulation, and who accordingly undertake to provide pharmaceutical services from premises in the Committee's locality by way of the supply of appliances;
- (c) with whom the Committee has for the time being entered into arrangements for the provision in the Committee's locality of oxygen concentrator services in accordance with regulation 26D,

and each such list shall contain the addresses of premises from which those services are provided and the particulars of the days and hours at which those premises are open for such provision.

(2) A person, other than a medical practitioner, dental practitioner or person wishing to be included in the pharmaceutical list for the provision of oxygen concentrator services—

- (a) who wishes to be included in a pharmaceutical list for the provision of pharmaceutical services, other than oxygen concentrator services, from premises in the Committee's locality; or
- (b) who is already included in a pharmaceutical list but wishes—
 - (i) to open, within the Committee's locality, additional premises from which to provide the same or different pharmaceutical services, or
 - (ii) to change the premises from which he provides pharmaceutical services to premises within that locality from which he wishes to provide the same or different pharmaceutical services,
 - (iii) to provide from his existing premises in that locality pharmaceutical services other than those already listed in relation to him,

shall apply to the Committee in the form set out in Part II to Schedule 4 to these regulations; and in the following provisions of this regulation "applicant" and "application" shall be construed accordingly.

(3) In the case of an application to which paragraph (1)(a) or (b) applies, where the applicant intends—

- (a) to change within the neighbourhood the premises from which he provides pharmaceutical services, being the same services as he intends to provide from the new premises, and the Committee is satisfied that the change is a minor relocation; or
- (b) to provide pharmaceutical services at premises from which those services are, at the time of the application, provided by a person who is included in a pharmaceutical list prepared by the Committee in accordance with paragraph (1)(a) or (b) and the Committee is satisfied that the same services will be provided from those premises,

and, in either case, the provision of pharmaceutical services will not be interrupted (except for any period during which, under the provisions of any such scheme made under regulation 29(1)(b) which applies to him, or any such

longer period as the Committee may for good cause allow, the provision of such services is not required), the application shall be granted by the Committee in accordance with the provisions of Schedule 4C to these regulations.

(4) An application in any case other than those specified in paragraph (3) shall be granted by the Committee only if the Committee is satisfied in accordance with the provisions of Schedule 4C to these regulations that it is necessary or desirable to grant the application in order to secure in the neighbourhood in which the premises are located, and from which he intends to provide services, the adequate provision by persons included in the list of the services, or some of the services, specified in the application.

(5) Any application to a Committee may be granted in respect of some only of the services specified in it.

(6) Where an application is one which must be referred to the Rural Dispensing Committee under regulation 26A(a), that application shall be considered in accordance with regulation 26A or 26B(a), and shall be referred to the Committee for decision under paragraph (3) or (4) above only if the application is finally granted.

(7) Where an application is granted by the Committee, the applicant shall be included in the relevant pharmaceutical list or lists only if, not less than 14 days before the expiry of six months after the date on which the grant was notified to him by the Committee in accordance with the provisions of Schedule 4C to these regulations, or such further period, not exceeding 24 months, as the Committee may for good cause allow, he notifies the Committee, in the form set out in Part III of Schedule 4 to these regulations, that he will, within the next 14 days, commence the provision of those services at the premises to which the application related.

(8) Where, at any time after making the application, but before the expiry of the six months or such further period mentioned in paragraph (7), the applicant notifies the Committee that he intends to change within the neighbourhood the premises from which he intends to provide pharmaceutical services, being the same services named in the application, and the Committee is satisfied that the change is a minor relocation, the Committee may, subject to the provisions of Schedule 4C to these regulations, amend the premises named in the original application.”.

(3) In regulation 27 (removal from the pharmaceutical list)—

- (a) for the words “the pharmaceutical list” in the six places where they occur, there shall be substituted the words “a pharmaceutical list”;
- (b) in paragraph (4)(a), after the words “a chemist” there shall be inserted the words “to apply”.

(a) See S.I. 1983/313, regulation 2(4).

(4) In regulation 28 (standards of and payments for drugs and applicances), after paragraph (3)(a) there shall be added the following paragraph:—

“(4) A chemist who is included in a pharmaceutical list shall supply, in response to a request from the Secretary of State and within one month of the notification of the request, any information which the Secretary of State may require for the purpose of conducting any inquiry into the prices, payments, fees, allowances and remuneration specified in paragraph (1)(e) to (i).”

(5) In regulation 29 (schemes for securing proper pharmaceutical services)—

(a) in each of paragraph (3) and paragraph (4), after the words “such scheme” there shall be inserted the words “prepared under paragraph (1)(a)”;

(b) after paragraph (4) there shall be added the following paragraph:—

“(5) Any scheme made under paragraph (1)(b) shall provide that, where the Local Pharmaceutical Committee (“Local Committee”), or any person who is included in a pharmaceutical list, is aggrieved by a decision of the Committee pursuant to that scheme, that Local Committee or person may appeal to the Committee, and that any such appeal—

(a) shall be sent to the Committee within 21 days from the date on which notification of the Committee’s decision was received by that Local Committee or person;

(b) shall be determined in accordance with paragraph 4(3) to (6) and paragraphs 13 and 14 of Schedule 4C to these regulations as if it were an appeal pursuant to paragraph 4(1) of that Schedule.”

(6) In regulation 30C (functions of the dispensing sub-committee) for the reference to “regulations 26, 26A to C,” there shall be substituted a reference to “regulations 26A to C.”

(7) In regulation 31 (publication of particulars) for the words “pharmaceutical list” in the three places in which they occur, there shall be substituted the words “pharmaceutical lists”.

(8) In Part I of Schedule 4 (terms of service for chemists)—

(a) for paragraph 3 there shall be substituted the following paragraph:—

“Premises and hours

3.— (1) Pharmaceutical services shall be provided—

(a) at each of the premises from which the chemist has undertaken to provide pharmaceutical services;

(b) during the hours specified in the scheme made by the Committee under regulation 29.

(a) See S.I. 1985/955, regulation 2(6).

(2) At each of the premises at which a chemist provides pharmaceutical services he shall exhibit—

- (a) a notice provided by the Committee in the form set out in Part IV or Part V of this Schedule;
 - (b) at times when the premises are not open, and in such manner as to be legible from outside the premises, a notice to be provided by the Committee in the form prescribed in Part VI of this Schedule giving the addresses of other chemists included in the same pharmaceutical list whose premises are required to be open in accordance with the said scheme at such times, and the times at which they are so open.”.
- (b) in paragraph 4 (dispensing of medicines and fitting of appliances), in sub-paragraph (1) for the words from “disqualified for inclusion” to “of the Act” there shall be substituted the words “disqualified for inclusion in a pharmaceutical list under section 46 of the National Health Service Act 1977”;
- (c) in paragraph 11 (withdrawal from pharmaceutical list) for the words “the pharmaceutical list” in the first place in which it occurs there shall be substituted the words “a pharmaceutical list”.

(9) For Parts II and III of Schedule 4 there shall be substituted Parts II and III of that Schedule set out in Schedule 1 to these Regulations.

(10) After Schedule 4B(a) there shall be inserted the Schedule set out in Schedule 2 to these Regulations.

Transitional provisions

3.— (1) Where, before the coming into operation of these Regulations, an application is made to a Committee to which regulation 26, 26A, 26B or 26C of the principal Regulations, as in force immediately before that date, applies, but is not determined before that date, the application shall be determined by the Committee in accordance with the provisions of the principal Regulations as in force immediately before that date.

(2) Where preliminary consent pursuant to regulation 26B of the principal Regulations has been granted to an applicant under that Regulation, as in force immediately before the coming into operation of these Regulations, before that date or, by virtue only of paragraph (1) above, after that date, any application to which regulation 26C of the principal Regulations applies made on or after that date shall be determined in accordance with the provisions of the principal Regulations as in force immediately before that date.

(a) See S.I. 1983/313, regulation 2(9).

Revocations

4. Regulation 3(11) of the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1975(a) (which inserted regulation 26(3) of the principal Regulations), regulation 2(3)(b) of the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1983(b) (which inserted regulation 26(4) of the principal Regulations) and regulation 2(4)(b) and (c) of the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 4) Regulations 1985(c) (which substituted regulation 26(2) of, and inserted regulation 26(5) to, the principal Regulations) are hereby revoked.
Signed by authority of the Secretary of State for Social Services

Tony Newton
Minister of State,

11th March 1987

Department of Health and Social Security

(a) S.I. 1975/719.
(b) S.I. 1983/313.
(c) S.I. 1985/995.

PARTS II AND III OF SCHEDULE 4 TO THE PRINCIPAL REGULATIONS AS SUBSTITUTED BY THESE REGULATIONS

PART II

Regulation 26(2)

APPLICATION FOR INCLUSION IN A PHARMACEUTICAL LIST OR INCLUSION IN A LIST IN RESPECT OF DIFFERENT SERVICES OR PREMISES

TO THE
FAMILY PRACTITIONER COMMITTEE

1. I/We
of

- * (a) apply to be included in the Committee's pharmaceutical list(s) for the provision of the services listed in paragraph 6 below. I/We are not already included in any pharmaceutical list kept by the Committee;
- * (b) am/are already included in a pharmaceutical list kept by the Committee, but apply to open additional premises for the provision of the services listed in paragraph 6 below;
- * (c) am/are already included in a pharmaceutical list kept by the Committee, but apply to relocate the premises from which I/we are to provide the services listed in paragraph 6 below;
- * (d) am/are already included in a pharmaceutical list kept by the Committee, but apply to provide from my/our existing premises the services listed in paragraph 6 below.

2. *(To be completed only by persons applying under paragraph 1(a), (b) or (c) above)*

- * The premises from which I/we wish to provide those services are at
- * Those premises are—
 - already constructed
 - already in my/our possession (by rental, leasehold or freehold)
 - registered by the Pharmaceutical Society of Great Britain.
 If so, state reference number

3. *(To be completed only by persons who are included in a pharmaceutical list kept by the Committee)*

- * The premises from which I/we provide pharmaceutical services are at
- * The services I/we provide from those premises are

4. *(To be completed only by persons applying under paragraph 1(a) above who are proposing to provide services at premises from which services are already provided.)*

- * The name of the chemist who is providing services from the premises named in paragraph 2 above is
- * The provision of services from those premises will be continuous/interrupted by (*state period*)

5. (To be completed only by persons applying under paragraph 1(c) above)

* The relocation is for the following reasons:—

.....
.....

* (To be completed only if the applicant considers relocation to be minor.)

I/We consider the relocation to be minor for the following reasons:—

.....
.....

* The provision of services by me/us will be continuous/interrupted by (state period)

.....

6. (To be completed by all applicants.)

I/We propose to provide the following pharmaceutical services

* DISPENSING OF DRUGS

SUPPLY OF THE FOLLOWING LISTED APPLIANCES:—

* OXYGEN CYLINDERS

* STOMA APPLIANCES

* ELASTIC HOSIERY

* TRUSSES

* OTHER APPLIANCES (please specify)

7. (To be completed by all applicants except those proposing to provide services from premises from which the services listed in paragraph 6 are already provided.)

In my/our view the provision of those services at the premises named in this application is necessary or desirable in order to secure in the neighbourhood in which the premises are located the adequate provision of those services by persons in the list of services for the following reasons:—

.....
.....
.....

Signed

Date

Footnote

The sections or words which do not apply should be deleted as necessary.

NOTIFICATION OF COMMENCEMENT DATE

TO THE
FAMILY PRACTITIONER COMMITTEE

1. The application which

I/We
of
made on (date)
was granted on (date)

2. The application related to premises at
.....
.....

3. The services I/we are entitled to provide are
.....
.....

4. I/We intend to commence provision of those services at those premises on
..... (date)

5. Those premises have been registered by the Pharmaceutical Society of Great Britain
Reference No

6. The registered pharmaceutical chemist in charge at those premises will be
Name
Registration No.

7. I/We undertake to provide the said services under the terms of service for the time
being in operation by the Family Practitioner Committee.

Signed
Date

Footnote
The sections or words which do not apply should be deleted as necessary.

SCHEDULE 4C TO THE PRINCIPAL REGULATIONS AS INSERTED BY THESE REGULATIONS

SCHEDULE 4C

Regulation 26(3) and (4)

PROVISIONS FURTHER TO REGULATION 26

PART I

PROCEDURE ON, AND DETERMINATION OF, APPLICATIONS TO WHICH REGULATION 26(3) OR (4) APPLIES

Notification of applications

1.— (1) On receipt of any application to which regulation 26(4) applies, the Committee shall, as soon as is practicable, give notice of the application, in writing, to—

- (a) the Local Pharmaceutical Committee;
- (b) the Local Medical Committee;
- (c) any person who is included in a pharmaceutical list and whose interests may, in the opinion of the Committee, be significantly affected if the application were granted;
- (d) any Committee whose boundary is within two kilometres of the premises;
- (e) the Community Health Council serving the locality of the Committee and any other Committee notified under paragraph (d) above,

and any person so notified may, within 28 days from the date on which the notification was sent to him, make representations in writing to the Committee.

(2) Any Committee who is notified under sub-paragraph (1)(d) above shall, as soon as is practicable, give notice of the application, in writing, to—

- (a) the Local Pharmaceutical Committee;
- (b) the Local Medical Committee;
- (c) any person whose name is included in a pharmaceutical list and whose interests may, in the opinion of the Committee, be significantly affected if the application were granted,

and any person so notified may, within 28 days from the date on which the notification was sent to him, make representations, in writing, to the Committee to whom the application was made.

(3) Any notice given under sub-paragraph (1) or (2) above shall include a notification of the right to make representations in accordance with that sub-paragraph.

Determination of applications

2.— (1) In considering any application to which regulation 26(4) applies, the Committee shall have regard in particular to—

- (a) the pharmaceutical services specified in the application which are already provided in the neighbourhood in which the premises named in the application are located, by persons included in a pharmaceutical list;
- (b) any information available to the Committee which, in its opinion, is relevant to the consideration of the application; and
- (c) any representations received by the Committee whether received under paragraph 1 of this Schedule or otherwise.

(2) The Committee may determine an application in such manner as it thinks fit and may, if it considers that oral representations are unnecessary, determine the application without hearing any oral representations.

(3) In any case where the Committee decides to hear oral representations, the Committee shall give the applicant and any person from whom it received representations under paragraph 1 of this Schedule reasonable notice of the meeting at which the representations are to be heard.

(4) The applicant and any such person mentioned in paragraph (3) above shall be permitted by the Committee to be assisted at any such hearing in the presentation of his representations by some other person, but no person shall be entitled in the capacity of Counsel, solicitor or other paid advocate.

(5) The procedure by which representations are heard shall be such as the Committee may determine.

Notification of decisions

3.— (1) The Committee shall, as soon as practicable, notify the applicant and the persons mentioned in paragraph 1 of this Schedule of its decision under regulation 26(3) or, as the case may be, (4) and the reasons for that decision, and shall notify them of any rights of appeal applicable under paragraph 4 of this Schedule.

(2) The Committee shall, as soon as practicable, notify the applicant and the persons mentioned in paragraph 1 of this Schedule of any amendment to an application made pursuant to regulation 26(8).

(3) For the purposes of regulation 26(7), the date of notification of the grant of any application shall be—

- (a) if there is no appeal in accordance with paragraph 4 of this Schedule, the day after the expiry of the 28 days mentioned in that paragraph;
- (b) if there is an appeal, the date on which the Committee notifies the applicant under paragraph 14(4) of this Schedule.

Appeals

4.— (1) In a case to which regulation 26(3) applied, the applicant or any person mentioned in paragraph 1 of this Schedule may, if he is aggrieved by the decision, appeal to the Committee, and any such appeal shall be sent to the Committee within 28 days from the date on which notification of the Committee's decision was sent to him.

(2) In a case to which regulation 26(4) applied, the applicant and any person who submitted representations to the Committee in accordance with paragraph 1 of this Schedule may, if he is aggrieved by the decision, appeal to the Committee, and any such appeal shall be sent to the Committee within 28 days from the date on which notification of the Committee's decision was sent to him.

(3) Any notice of appeal made under this paragraph shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(4) On receipt of any notice of appeal made under this paragraph, the Committee shall appoint a Chairman of the Appeal Panel in accordance with Part IV of this Schedule and shall refer the notice of appeal to him.

(5) If that Chairman, after considering the notice of appeal, is of the opinion that the notice discloses no reasonable grounds of appeal or that the appeal is otherwise vexatious or frivolous, he may determine the appeal by dismissing it forthwith.

(6) In any other case, the Committee shall convene an Appeal Panel in accordance with Part IV of this Schedule, and that panel shall determine the appeal in accordance with the provisions of that Part.

PART II

PHARMACY PRACTICES SUB-COMMITTEE

Establishment

5. The Committee shall appoint, under regulation 8(1) of the Family Practitioner Committees (Membership and Procedure) Regulations 1985(a) ("the Procedure Regulations") and in accordance with the provisions of this Part of this Schedule, a sub-committee ("the pharmacy practices sub-committee") and the provisions of Part III of this Schedule shall apply to the proceedings of that sub-committee.

Membership

6.— (1) The pharmacy practices sub-committee shall consist of seven members appointed by the Committee of whom—

- (a) one shall be the Chairman and one of whom shall be the vice-chairman, who shall both be members of the Committee, but neither of whom shall be a doctor, a dental practitioner, an ophthalmic optician, a registered pharmaceutical chemist or a person who is included in a pharmaceutical list;
- (b) two shall be members of the Committee of whom only one may be a doctor (but not a doctor entitled to provide pharmaceutical services under regulation 30), one may be a dental practitioner and one may be an ophthalmic optician but neither of whom is a registered pharmaceutical chemist or a person who is included in any pharmaceutical list;
- (c) three shall be registered pharmaceutical chemists of whom—
 - (i) two shall be from persons nominated by the Local Pharmaceutical Committee, and who may be included in a pharmaceutical list or be an employee of a person who is so included, and
 - (ii) one shall be from persons nominated by the Pharmaceutical Society of Great Britain from persons not so included or employed.

(2) Persons to act as deputies for, and corresponding in number to, those persons appointed pursuant to sub-paragraph (1)(b) above shall be appointed by the Committee in like manner as those persons and in the absence of one of those persons a deputy appointed in like manner shall be entitled to act in his place.

(3) If a nomination required for the purposes of sub-paragraph (1)(c) above is not made before such date as the Committee may determine, the Committee may appoint a member (being a registered pharmaceutical chemist) without waiting any longer for the nomination.

Functions

7. The pharmacy practices sub-committee shall exercise on behalf of the Committee the functions of the Committee under regulation 26(3) to (8) and paragraphs 1 and 2 of this Schedule, and any other functions which the Committee may make arrangements for it to exercise under, and in accordance with, regulation 8 of the Procedure Regulations.

(a) S.I. 1985/213.

PART III

PROCEDURE AT MEETINGS OF THE PHARMACY PRACTICES SUB-COMMITTEE

Declaration of interest

8.— (1) Before the start of any meeting of the pharmacy practices sub-committee the person presiding shall ask the members who are present whether, in respect of any matter under consideration at the meeting, any of them—

(a) has an interest which he is required to declare under regulation 10 of the Procedure Regulations;

(b) has, or is associated with a person who has, any other current 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) Subject to regulation 10(5) of the Procedure Regulations, a member who has, pursuant to the provisions of sub-paragraph (1) above, disclosed an interest in respect of any matter or who, in the opinion of the person presiding expressed to the meeting, was required to disclose such an interest shall not be present at the consideration or discussion of that matter or the voting on it, and a deputy who has no such interest may act in his place.

Quorum

9. Subject to paragraph 11 below, no business shall be transacted at a meeting of the pharmacy practices sub-committee unless the chairman or vice-chairman, and either the two members appointed under paragraph 6(1)(b) of this Schedule and two other members not so appointed or deputies for them are present.

Voting

10.— (1) Subject to sub-paragraphs (2) and (3) below, every question at a meeting of the pharmacy practices sub-committee shall be determined by a majority of votes of the members present and voting on the questions.

(2) The chairman or vice-chairman acting as chairman shall not be entitled to vote at that meeting except in the case of an equality of votes of the other persons present and voting, in which case he shall have the casting vote.

(3) Where at that meeting any question arises in connection with an application to which regulation 26(3) or (4) applies falls to be determined in accordance with this paragraph—

(a) persons appointed under paragraph 6(1)(c)(i) of this Schedule shall not be entitled to vote on that question and shall leave that meeting immediately before any voting takes place; and

(b) no voting shall take place unless there are present at that meeting the chairman or vice-chairman and any two members appointed otherwise than under paragraph 6(1)(c)(i) of this Schedule.

Standing orders

11. Subject to the provisions of these regulations and of this Schedule, the Committee may make, vary or revoke standing orders with the respect of the terms of office of members of the pharmacy practices sub-committee, the procedure of that sub-committee and the making of any reports of its proceedings to the Committee.

Vacancy

12. The proceedings of the pharmacy practices sub-committee shall not be invalidated by any vacancy in the membership or any defect in a member's appointment.

PART IV

APPEALS

Appeal Panel

13.— (1) The Appeal Panel shall be convened by the Committee (“the convening Committee”) and shall be drawn from the list of persons approved for that purpose by the Secretary of State.

(2) An Appeal Panel shall consist of seven members of whom—

- (a) one shall be the chairman who shall not be a doctor, a dental practitioner, an ophthalmic optician, a registered pharmaceutical chemist or a person who is included in any pharmaceutical list;
- (b) three, of whom only one may be a doctor (but not a doctor entitled to provide pharmaceutical services under regulation 30), one may be a dental practitioner and one may be an ophthalmic optician but none of whom is a registered pharmaceutical chemist or a person whose name is included in any pharmaceutical list;
- (c) three shall be registered pharmaceutical chemists, of whom—
 - (i) two shall be from persons who had been nominated by a Local Pharmaceutical Committee, and who may be included in a pharmaceutical list or be an employee of a person who is so included,
 - (ii) one shall be from persons who had been nominated by the Pharmaceutical Society of Great Britain from persons not so included or employed,
 - (iii) none shall be included in a pharmaceutical list kept by the convening Committee, nor of any Committee who was notified, under paragraph (1)(d) of this Schedule, of the application to which the appeal relates.

(3) The convening Committee shall ensure that the members of any Appeal Panel are not resident in the locality of, or included in the pharmaceutical list kept by, any one Committee.

(4) At least 14 days before the consideration by any Appeal Panel of an appeal, the Chairman shall ask the members in writing whether, in respect of any matter under consideration in that appeal, any of them—

- (a) has an interest which he would be required to declare under regulation 10 of the Procedure Regulations if those regulations applied to him;
- (b) has, or is associated with a person who has, any other current 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.

(5) Subject to regulation 10(5) of the Procedure Regulations, which shall apply to any Appeal Panel as it applies to a Committee, a member who has, pursuant to the provisions of sub-paragraph (4) above, disclosed an interest in respect of any matter or who, in the opinion of the Chairman expressed to the convening Committee, was required to disclose such an interest, shall no longer be a member of the Appeal Panel to hear the appeal in question, and the convening Committee shall appoint another member in his place.

Determination of Appeals

14.— (1) Subject to the provisions of paragraph (2) and (4) of this Schedule which shall apply to the Appeal Panel as they apply to the Committee, the Appeal Panel shall determine an appeal in such manner as it thinks fit.

(2) In arriving at its decision on the appeal-

- (a) the decision of the Appeal Panel shall be determined by a majority of votes;
- (b) in the case of an equality of votes, the Chairman shall have a second and casting vote;
- (c) the members appointed under paragraph 13(2)(c)(i) above shall not be entitled to vote, and shall leave any meeting of the Appeal Panel immediately before any voting takes place.

(3) The Appeal Panel shall notify, in writing, the convening Committee of its decision and the reason for that decision.

(4) The convening Committee shall adopt the decision of the Appeal Panel as its own and shall, as soon as is practicable, notify the applicant and persons mentioned in paragraph (1) of this Schedule of the decision and the reasons for it.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 ("the principal Regulations") regulating the terms upon which chemists provide pharmaceutical services under the National Health Service Act 1977.

Regulation 2 substitutes a new regulation 26 of the principal Regulations, which requires pharmaceutical lists to be kept by the Family Practitioner Committee ("the Committee"), and for applications to be made to the Committee for inclusion in a list and for additional premises or relocation of premises; unless pharmaceutical services are already provided in those premises or the move is minor, the application is to be granted only if the Committee is satisfied that it is necessary or desirable to grant it in order to secure in the neighbourhood adequate provision of such services. Further provision as to applications is made in a new Schedule 4C to the principal Regulations, and in particular for a sub-committee to be appointed which will be responsible for determining applications; provision is made for appeals against decisions to an Appeal Panel. Regulation 2 makes consequential amendment to the principal Regulations and the terms of service for chemists, substitutes new prescribed forms of application in such cases and introduces a new notice of intention to commence provision of services. Regulation 2 also makes provision for the supply of information by chemists who are included in the pharmaceutical list and for an appeal to the Committee against decisions made under hours of opening schemes. Transitional provisions and consequential revocations are made in regulation 3.