

SCHEDULE 4

Schedule 3, paragraphs 2(6) and 4

PART I

pharmacy practices committee

Pharmacy Practices Committee

1.—(1) The Board shall, in accordance with regulation 7 of the Health Boards (Membership and Procedure) (No.2) Regulations 1991⁽¹⁾ and the provisions of this Schedule establish a committee (to be known as “the Pharmacy Practices Committee”).

Functions

2. The Pharmacy Practices Committee shall on behalf of the Board exercise the functions of the Board in terms of regulation 5(10) and paragraph 2 of Schedule 3.

Membership

3.—(1) The Pharmacy Practices Committee shall consist of seven members of whom—

- (a) one shall be the chairman appointed as such by the Board; the chairman shall be a member of the Board but shall not be an officer of the Board nor shall he be, nor previously have been, a doctor, dentist, ophthalmic optician or pharmacist or the employee of a person who is a doctor, dentist, ophthalmic optician or pharmacist;
- (b) three shall be pharmacists of whom—
 - (i) one shall be a pharmacist whose name is not included in any pharmaceutical list and who is not the employee of a person whose name is so listed; and he shall be appointed by the Board from persons nominated by the Royal Pharmaceutical Society of Great Britain; and
 - (ii) two shall be pharmacists each of whom is included in a pharmaceutical list or is an employee of a person whose name is so listed; and each shall be appointed by the Board from persons nominated by the Area Pharmaceutical Committee; and
- (c) three shall be persons appointed by the Board otherwise than from the members of the Board but none shall be nor previously have been a doctor, dentist, ophthalmic optician or a pharmacist, or an employee of a person who is a doctor, dentist, ophthalmic optician or pharmacist.

(2) Persons to act as deputies for, and corresponding in number to, each of those categories of person appointed pursuant to sub-paragraph (1) shall, provided they satisfy the criteria specified in that sub-paragraph, be appointed by the Board and in the absence of any of those persons a deputy from the appropriate category shall be entitled to act in his place.

(3) If a nomination sought for the purposes of sub-paragraph (1)(b)(i) or (ii) above is not made before such date as the Board may determine, the Board may appoint as a member a person who satisfies the criteria specified in the relevant sub-paragraph.

(4) The Board shall prepare and maintain lists of the persons who have been appointed, in accordance with paragraph 3(1)(a), (b)(i) or (b)(ii), or (c), as the case might be, and who currently serve as members of the Pharmacy Practices Committee, and shall provide the Secretary of State with a copy of such lists from time to time.

(1) [S.I. 1991/809](#), to which there is an amendment not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Declaration of interest

4.—(1) Before any meeting of the Pharmacy Practices Committee begins the chairman, or in his absence, the person acting as chairman, shall ask the members intending to be present whether, in respect of any matter to be considered at the meeting, any of them—

- (a) has an interest to declare; or
- (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 a person who has, any such interest shall disclose it accordingly.

(2) Any member who has, pursuant to the provisions of sub-paragraph (1) above, disclosed an interest or who, in the opinion, expressed to the meeting, of the chairman or in his absence, the person acting as chairman as the case may be, should have disclosed 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

5. No business shall be transacted at a meeting of the Pharmacy Practices Committee unless the chairman or in his absence, the person acting as chairman, one member appointed under each of paragraph 3(1)(b)(i) and (ii), and two other members appointed under paragraph 3(1)(c) are present.

Voting

6.—(1) Subject to sub-paragraphs (2), (3) and (4) below, every application considered by the Pharmacy Practices Committee shall be considered by all members present, but shall be determined only by a majority of votes of the members present who are entitled to vote.

(2) A member appointed by virtue of paragraph 3(1)(b)(i) is entitled to vote.

(3) A member appointed by virtue of paragraph 3(1)(b)(ii) is not entitled to vote and shall withdraw immediately before a decision on an application by voting takes place.

(4) The chairman, or in his absence the person acting as chairman, 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 he shall have a casting vote.

(5) The Pharmacy Practices Committee shall within ten working days of taking its decision give written notification of it to the Board with reasons for that decision.

Standing orders

7. Subject to the provisions of these Regulations, the Board may make, vary or revoke standing orders with respect to the terms of office of members of the Pharmacy Practices Committee, the procedure of that committee and the making of reports of its proceedings to the Board.

Vacancy

8. The proceedings of the Pharmacy Practices Committee shall not be invalidated by any vacancy in its membership, or any defect in a member's appointment.

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 Secretary of State and shall advise him from time to time of any changes in such nominees.

(2) At the request of the Secretary of State, the Scottish Department of the Royal Pharmaceutical Society of Great Britain and the Scottish Pharmaceutical General Council shall submit the names of their nominees for the National Appeal Panel.

Chairman of National Appeal Panel

10.—(1) After consultation with all Health Boards, the Scottish Department of the Royal Pharmaceutical Society of Great Britain and the Scottish Pharmaceutical General Council the Secretary of State shall appoint a person as chairman of the National Appeal Panel.

(2) The 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 4(6) of Schedule 3 falls to be applied, the Secretary of State 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 chairman appointed as provided for in paragraph 10;
 - (b) one shall be vice chairman 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 the Scottish Pharmaceutical General Council; 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;
 - (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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Declaration of interest

12.—(1) Before the start of any meeting of the National Appeal Panel the chairman, or vice chairman if acting as chairman, 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 chairman or vice chairman 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 chairman, or vice chairman if acting as chairman, 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 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 who is so listed, and the vice chairman provided he is not acting as chairman are 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 chairman, or vice chairman if acting as chairman, 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 he 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.