

## SCHEDULE 4

### PART IV

#### NATIONAL APPEAL PANEL

##### **Nominees for the National Appeal Panel**

14.—(1) The Board shall submit the names of its nominees for the National Appeal Panel to the Department and shall advise of any changes in such nominees.

(2) The Department shall request the Pharmaceutical Society of Northern Ireland and such organisation which is, in the opinion of the Department, representative of the general body of chemists, to submit to the Department their nominees for the National Appeal Panel.

##### **Chairman and Vice-Chairman of National Appeal Panel**

15.—(1) After consultation with all Boards, the Pharmaceutical Society of Northern Ireland and such organisation which is, in the opinion of the Department, representative of the general body of chemists, the Department shall appoint persons as chairman and vice-chairman of the National Appeal Panel.

(2) The persons appointed in accordance with sub-paragraph (1) shall not be a doctor, dentist, ophthalmic optician, pharmacist, or a person or employee of a person whose name is included in the pharmaceutical list.

##### **Membership**

16.—(1) In any case in which paragraph 4(6) applies, the Department 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 8; and
  - (b) the nominees mentioned in paragraph 14.
- (2) A member of the National Appeal Panel shall not be a member of—
- (a) the Board or the Pharmacy Practices Committee which considered the application; or
  - (b) any Board which was notified in accordance with paragraph 1(1)(d) and which submitted representations in accordance with that paragraph.
- (3) The National Appeal Panel shall consist of 9 members of whom—
- (a) one shall be chairman appointed in accordance with paragraph 15;
  - (b) one shall be vice-chairman and likewise be appointed as such in accordance with paragraph 15;
  - (c) 4 shall be pharmacists one of whom has been nominated by the Pharmaceutical Society of Northern Ireland and the other 3 by such organisation which is, in the opinion of the Department, representative of the general body of chemists; and of those 4 members only 2 shall be persons whose names are, or who are employees of persons whose names are, included in the pharmaceutical list; and
  - (d) 3 shall have been nominated by a Board, but none shall be a pharmacist or a person, or employee of a person, whose name is included in the pharmaceutical list, or be a doctor who is required to supply drugs and appliances under regulation 12; and not more than one of those 3 shall be a doctor, dentist or ophthalmic optician.

*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**

17.—(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; or
- (b) is associated with a person who has such interest,

and any such member who has or, as the case may be, is associated with a person who has, any such interest shall declare it accordingly.

(2) Any member who has, pursuant to sub-paragraph (1), declared an interest or who, in the opinion, expressed to the meeting, of the chairman or vice-chairman as the case may be, should have declared such an interest, shall not be present at the consideration or discussion of that appeal or the voting on it.

### **Quorum**

18. No business of the National Appeal Panel shall be transacted unless the chairman, or vice-chairman if acting as chairman, and 2 members who are appointed under paragraph 16(3)(c) and are entitled to vote, and 2 members appointed under paragraph 16(3)(d) are present.

### **Voting**

19.—(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 in accordance with paragraph 16(3)(c) and whose name is not included in the pharmaceutical list and who is not an employee of a person whose name is included in that list, and the vice-chairman, provided he is not acting as chairman, are entitled to vote.

(3) A member—

- (a) who is appointed in accordance with paragraph 16(3)(c) and whose name is included in the pharmaceutical list, or who is an employee of a person whose name is included in that list; or
- (b) who is appointed by virtue of paragraph 16(3)(d),

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**

20.—(1) The National Appeal Panel shall determine an appeal in such manner as it thinks fit and may, if it considers that oral representations are unnecessary, determine the appeal without hearing any oral representations, and its decision in respect of that appeal shall be final.

(2) The National Appeal Panel shall, within 5 working days of making its decision, give written notification of that decision together with reasons therefor to the Board to whom the application was made.

(3) The Board shall, within 14 days of receipt of such notification, notify the applicant and all persons mentioned in paragraph 1 of that decision together with the reasons therefor.