
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 148

**The National Health Service (Pharmaceutical Services)
(Scotland) (Miscellaneous Amendments) Regulations 2014**

Pre-application and joint consultation

5. After regulation 5 insert—

“5A Pre-application and joint consultation

(1) A person who intends to make an application under regulation 5(2) (except in the instance of an application to which paragraph (3) or (4) of regulation 5 applies) must, prior to making that application—

- (a) consult with the Board to which their intended application relates to discuss the case for the proposed pharmacy, having regard to the Board’s pharmaceutical care services plan, for the purpose of determining the scope of the application; and
- (b) agree the approach to completing a joint consultation in accordance with paragraphs (2) and (3).

(2) The joint consultation must be undertaken jointly with the Board to which the intended application relates and be for the purpose of—

- (a) assessing whether the neighbourhood to which the application relates has adequate provision, by persons on the pharmaceutical list, of some or all of the pharmaceutical services that the applicant intends to provide; and
- (b) establishing the level of support of residents in the neighbourhood to which the application relates.

(3) The joint consultation must—

- (a) be completed within the period of 90 days immediately prior to the making of the application;
- (b) seek views on—
 - (i) the pharmaceutical services to be provided by the applicant;
 - (ii) gaps in existing pharmaceutical service provision;
 - (iii) the relationship and integration of the pharmaceutical services to be provided by the applicant with other NHS funded services;
 - (iv) the potential for the pharmaceutical services to be provided by the applicant to impact on other NHS funded services;
 - (v) the neighbourhood to which the application relates; and
 - (vi) the location and proposed opening hours of the premises to which the application relates;
- (c) be undertaken in such a way as to reach, as far as possible, the majority of residents in the neighbourhood to which the application relates, including publication on social media used by the Board and advertisement of the joint consultation—

- (i) (where the application is to relocate) through display in a prominent place where the applicant currently provides pharmaceutical services; or
 - (ii) (where the application is to open additional premises or to be included in the pharmaceutical list) through advertisement in a newspaper most likely to have the largest circulation in the neighbourhood to which the application relates; and
 - (d) be for a continuous period of not less than 90 working days from the date of advertisement under sub-paragraph (c).
- (4) Following the completion of the joint consultation, the Board and applicant must agree upon and produce a consultation analysis report which details—
- (a) the methods of engagement used to undertake consultation activity;
 - (b) the list of consultation questions and responses;
 - (c) the number and category of respondents; and
 - (d) the level of support of residents in the neighbourhood to which the application relates for the issues consulted upon.
- (5) The Board and applicant must complete the consultation analysis report as soon as reasonably practicable, following which the Board must submit that report to the Chair of the Pharmacy Practices Committee prior to any determination of the application under Schedule 3.”.