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STATUTORY INSTRUMENTS

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**1987 No. 385**

**The National Health Service (General  
Medical and Pharmaceutical Services)  
(Scotland) Amendment Regulations 1987**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment 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) (Scotland) Regulations 1974((1)).

**Amendments to the principal regulations**

2. In regulation 2 (interpretation) of the principal regulations—

(1) in paragraph (1) there shall be inserted at the appropriate points in the alphabetical order the following definitions:— “person” includes firm or body corporate; “pharmaceutical list” has the meaning assigned to it in regulation 28(1); “pharmaceutical services” means those services as defined by section 27 of the National Health Service (Scotland) Act 1978((2));

(2) in paragraph (2)(c)((3)) the words, “firm or body corporate” shall be deleted.

3. In regulation 27 (terms of service for chemists) of the principal regulations((4)) the words “which it is the duty of the Board to make under section 40 of the Act,” shall be deleted.

4. Regulation 28 (pharmaceutical list) of the principal regulations((5)) shall be deleted and the following inserted—

**“Pharmaceutical list**

28.—(1) The Board shall prepare a list to be called the pharmaceutical list of the names of persons, other than doctors and dentists, who undertake to provide pharmaceutical services and of the addresses of the premises within the Board’s area from which these persons undertake to provide such services. The said list shall also state the nature of the pharmaceutical services to be provided, and the days and hours during which the premises are open, and show chemists as a separate category of persons within that list.

(2) A person (hereinafter referred to in this regulation as an applicant)—

(a) who wishes to be included in the pharmaceutical list for the provision of pharmaceutical services; or

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(1) Section 27 was amended by the Health Services Act 1980 (c. 53), section 20(2), and by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3).  
(2) Paragraph (2)(c) was inserted by S.I. 1981/56.  
(3) Regulation 27 was amended by S.I. 1975/696: see also S.I. 1981/56 which extended scope of inter alia regulation 27.  
(4) Regulation 28(3) was inserted by S.I. 1975/696.  
(5) S.I. 1975/197, amended by S.I. 1981/147.

- (b) whose name is already included in the pharmaceutical list, but who intends—
  - (i) to open within the Board’s area additional premises from which to provide pharmaceutical services, or
  - (ii) to relocate within the Board’s area the premises from which he provides pharmaceutical services, or
  - (iii) to provide pharmaceutical services other than those already listed in relation to him from premises which are already included in the pharmaceutical list, shall apply to the Board in accordance with whichever version of Form A set out in Part III (chemists) or Part IV (persons other than chemists) of Schedule 3 is appropriate.

(3) Where an application is made and—

- (a) the applicant intends to provide the same pharmaceutical services from premises from which, at the time of the application, another person whose name is included in the pharmaceutical list provides those services, in place of that person, or
- (b) the applicant intends to relocate, within the neighbourhood in which he provides pharmaceutical services, the premises already listed in relation to him and to provide from those premises the same pharmaceutical services, and the Board is fully satisfied that the relocation is minor, and, in either case, the provision of those particular pharmaceutical services will not be interrupted, except for any period during which, in terms of any scheme made under regulation 29(2) that applies to him, or any such longer period as the Board may for good cause allow, the provision of such services is not required, the application shall be granted by the Board.

(4) An application made in any case other than one to which paragraph (3) applies shall be granted by the Board, after the procedures set out in Schedule 3A have been followed, only if it is satisfied that the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the pharmaceutical list.

(5) Where an application is granted, it shall be in accordance with whichever version of Form C set out in Part III (chemists) or Part IV (persons other than chemists) of Schedule 3 is appropriate.

(6) Where an application is granted in accordance with paragraph (4), it shall be competent for the Board to grant it in respect of some only of the pharmaceutical services specified in that application.

(7) Where an application is granted, the Board shall make the relevant entries in the pharmaceutical list only after the expiry of the period within which an appeal against the decision to grant the application might be intimated or the conclusion of all the appeal procedures, whichever is appropriate.”

5. After regulation 28 (pharmaceutical list) of the principal regulations there shall be inserted the following regulation:—

**“Removal from pharmaceutical list**

**28A.**—(1) Where the Board determines in accordance with paragraph (2) that a person whose name has been included for the preceding six months in the pharmaceutical list has not during that period provided pharmaceutical services the Board shall remove that person’s name from the said list.

(2) Before making a determination under paragraph (1), the Board shall—

- (a) give the person 28 days' notice of its intention so to do,
  - (b) afford the person an opportunity of making written representations to the Board,
  - (c) consult the area pharmaceutical committee.
- (3) Nothing in paragraphs (1) and (2) shall—
- (a) prejudice the right of a person to apply to be included again in the pharmaceutical list, or
  - (b) affect a person who is performing a period of relevant service and in such a case no removal under paragraphs (1) and (2) shall be effected in respect of any such person until six months after he has completed that service,
  - (c) apply before 1st October 1987 to a person whose name was in the pharmaceutical list on 31st March 1987.”.

6. In regulation 29 (schemes for securing proper pharmaceutical service) of the principal regulations—

- (a) in paragraph (2) the words “each district” shall be deleted and the words “the area of the Board” inserted in their place;
- (b) in paragraph (3) the words “the said schemes” shall be deleted and the words “schemes prepared under paragraph (2)” inserted in their place;
- (c) in paragraph (4), after the words “of a scheme”, there shall be inserted the words to be prepared under paragraph (2) ;
- (d) paragraph (5) shall be deleted and the following inserted:—
  - “(5) Where the Board after consultation with the area pharmaceutical committee, amends the provisions of a scheme approved under paragraph (2), the area pharmaceutical committee or any person whose name is included in the pharmaceutical list may appeal in respect of any such amendment, and any such appeal—
    - (a) shall be made in writing and received by the Board within 21 days from the date on which notification of that amendment was published; and
    - (b) may be determined by the Secretary of State, or if he so decides, in accordance with paragraph 4(3) to (5) and paragraphs 14 to 20 of Schedule 3A.”.

7. In regulation 32 (payments to chemists and standards of drugs and appliances) of the principal regulations, there shall be inserted after sub-paragraph (i) the following sub-paragraph:—

- “(j) A chemist whose name is included in the 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 this regulation.”.

8. In Part I of Schedule 3 (terms of service for chemists other than those employed by a health board at a health centre) to the principal regulations—

- (a) in paragraph 3(1) (place and hours of business) for the expressions “place”, “place or places of business” and “place or places”, there shall be substituted the word premises;
- (b) paragraph 3(2) shall be deleted and the following inserted:—
  - “(2) At every premises at which pharmaceutical services are provided there shall be exhibited a notice to be provided by the Board in the form prescribed in Part V or Part VI of this Schedule. There shall also be exhibited at such premises, at times when those premises are not open, and in such a manner as to be visible at such times, a notice in a form approved by the Board, indicating the facilities available for securing the dispensing of medicines urgently required.”;

(c) in paragraph 4 (dispensing of medicines) the words from “disqualified for inclusion” to the end shall be deleted and the words “disqualified under section 29 of the National Health Service (Scotland) Act 1978 for inclusion in a pharmaceutical list.” inserted in their place.

9. For Parts III (form of application for inclusion in pharmaceutical list for use by chemists) and IV (form of application for inclusion in pharmaceutical list for use by persons other than chemists) of Schedule 3 to the principal regulations there shall be substituted Parts I and II respectively of Schedule 1 to these Regulations.

10. After Schedule 3 to the principal regulations there shall be inserted therein as Schedule 3A the Schedule set out in Schedule 2 to these Regulations.

### **Transitional provisions**

11.—(1) Subject to paragraph (2) below where, before the date of the coming into force of these Regulations, there is received by the Board an application to which the principal regulations, as in force immediately before that date, apply, but such application is not determined before that date, that application shall be determined by the Board in accordance with the provisions of the principal regulations as in force immediately before that date, but such a determination may be made in accordance with this paragraph only if made within a period of six months from the date of the coming into force of these Regulations.

(2) Where an application to which paragraph (1) above applies is granted, it shall be a condition of such grant that the applicant shall commence to provide pharmaceutical services, in accordance with the terms of service for the time being in operation, within six months of the date of the coming into force of these Regulations, otherwise the said grant shall immediately upon expiry of the period of six months be thereby revoked and the applicant’s name shall be removed forthwith from the pharmaceutical list in respect of the premises and services which were the subject of such application.

New St. Andrew’s House,  
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