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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 310**

**The Council of the Pharmaceutical Society of Northern Ireland (Statutory Committee, Scrutiny Committee and Advisers) Regulations (Northern Ireland) 2012**

**Disqualification from appointment to the Statutory Committee or Scrutiny Committee**

**5.** A person is disqualified from appointment as a member of the Statutory Committee or Scrutiny Committee if that person—

- (a) has at any time been subject to any investigation or proceedings concerning that person's professional conduct (including fitness to practise) conducted by any licensing body, other than the Society, the final outcome of which was—
  - (i) the person's suspension from a register held by that licensing body, and that suspension has not expired or been terminated,
  - (ii) the person's erasure from a register held by that licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by that licensing body, or
  - (iii) a decision that had the effect of only allowing the person to practise that person's profession subject to conditions, and those conditions have not expired or been terminated;
- (b) has at any time been subject to any investigation or proceedings concerning that person's professional conduct (including fitness to practise) by the Society, the final outcome of which was—
  - (i) the person's entry in the register was suspended (including by an interim suspension order), and that suspension has not expired or been terminated,
  - (ii) the person's name being struck off the register, or
  - (iii) the person's entry in the register was made subject to an order imposing conditions with which the person must comply (including an order for interim conditional entry), and those conditions have not expired or been terminated;
- (c) has at any time been subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured—
  - (i) in the course of which the person's entry in the register was suspended, and that suspension has not expired or been terminated, or
  - (ii) the final outcome of which was the person's name being struck off the register;
- (d) has at any time been subject to any investigation or proceedings concerning the person's professional conduct (including fitness to practise) by—
  - (i) the Society, or
  - (ii) any other licensing body,

and the Council is satisfied that the person's membership of the Statutory Committee or Scrutiny Committee would be liable to undermine public confidence in the regulation of pharmaceutical chemists;

- (e) has at any time been convicted of an offence—
- (i) in the United Kingdom where the final outcome of the proceedings was a sentence of imprisonment or detention, and the conviction is not spent,
  - (ii) in the United Kingdom where the final outcome of the proceedings was not a sentence of imprisonment or detention, the conviction is not spent, and the Council is satisfied that the person's membership of the Statutory Committee or Scrutiny Committee would be liable to undermine public confidence in the regulation of pharmaceutical chemists, or
  - (iii) outside the United Kingdom and the Council is satisfied that the person's membership of the Statutory Committee or Scrutiny Committee would be liable to undermine public confidence in the regulation of pharmaceutical chemists;
- (f) has received a caution for a criminal offence in the United Kingdom and the Council is satisfied that the person's membership of the Scrutiny Committee would be liable to undermine public confidence in the regulation of pharmaceutical chemists;
- (g) has at any time been included in—
- (i) any barred list within the meaning of the Safeguarding Vulnerable Groups Act 2006 **(1)**, or
  - (ii) any barred list within the meaning of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007**(2)**

unless that person was removed from the list either on the grounds that it was not appropriate for that person to have been included in it or as a result of a successful appeal;

- (h) is included in the children's list or the adult's list maintained under the Protection of Vulnerable Groups (Scotland) Act 2007**(3)**
- (i) has at any time been adjudged bankrupt, or sequestration of the person's estate has been awarded, and—
- (i) the person has not been discharged, or
  - (ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986**(4)** or Schedule 2A to the Insolvency (Northern Ireland) Order 1989**(5)** or sections 56A to 56K of the Bankruptcy (Scotland) Act 1985**(6)**

and the Council is satisfied that the person's membership of the Statutory Committee or Scrutiny Committee would be liable to undermine public confidence in the regulation of pharmaceutical chemists;

- (j) is a person to whom a moratorium period under a debt relief order Part VIIA of the Insolvency Act 1986 (debt relief orders) applies, or is the subject of a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to that Act**(7)** (debt relief restrictions order and undertaking), and the Council is satisfied that the

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**(1)** 2006 c.47

**(2)** S.I. 2007/1351 (N.I.11)

**(3)** 2007 asp 14

**(4)** 1986 c.45. Schedule 4A was inserted by section 257(2) of, and Schedule 20 to, the Enterprise Act 2002 (c.40)

**(5)** S.I. 1989/2405 (N.I. 19); Schedule 2A was inserted by S.I. 2005/1455 (N.I. 10)

**(6)** 1986 c.66. Sections 56A to 56K were inserted by section 2(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

**(7)** 1986 c.45. Part VIIA was inserted by section 108 (1) of, and Schedule 17 to, the Tribunals, Courts and Enforcement Act 2007 (c.15) ("the 2007 Act"); Schedule 4ZB was inserted by section 108(2) of, and Schedule 19 to, the 2007 Act.

- person's membership of the Statutory Committee or Scrutiny Committee would be liable to undermine public confidence in the regulation of pharmaceutical chemists;
- (k) is subject to—
- (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986<sup>(8)</sup>
  - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989<sup>(9)</sup>
  - (iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(10)</sup>, or
  - (iv) an order made under section 429(2) of the Insolvency Act 1986<sup>(11)</sup> (disabilities on revocation of a county court administration order);
- (l) has at any time been removed from the office of charity trustee or trustees for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—
- (i) for which that person was responsible or to which that person was privy, or
  - (ii) which was contributed to, or facilitated by, that person's conduct;
- (m) has at any time been removed from being concerned with the management or control of any body in any case where removal was by virtue of—
- (i) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990<sup>(12)</sup> (powers of Court of Session to deal with management of charities), or
  - (ii) section 34(5)(e) of the Charities and Trustees Investment (Scotland) Act 2005<sup>(13)</sup> (powers of Court of Session);
- (n) has at any time been removed from office as the chair, or a member, convenor or director, of any public body on the grounds that it was not in the interests of, or conducive to the good management of, that body that the person should to continue to hold that office; or
- (o) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it.

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<sup>(8)</sup> 1986 c.46.

<sup>(9)</sup> S.I. 1989/2404 (N.I. 18).

<sup>(10)</sup> S.I. 2002/3150 (N.I.4); the relevant amending instrument is S.I. 2005/1454 (N.I.9)

<sup>(11)</sup> Section 429(2) was amended by section 269 of, and paragraphs 1 and 15 of Schedule 23 to, the Enterprise Act 2002 (c.40)

<sup>(12)</sup> 1990 c.40; section 7 was amended by section 269 of, and paragraphs 1 and 15 of Schedule 23 to, the Enterprise Act 2002 (c.40).

<sup>(13)</sup> 2005 asp 10.