
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations of the Council of the Pharmaceutical Society of Northern Ireland (“the Society”) set out various matters relating to the procedures to be followed by the Society when considering allegations that the fitness to practise of its registered persons is impaired, allegations that a person should be disqualified from inclusion in the register of pharmacy retail business premises kept by the Society and allegations of criminal conduct that the Society is under a duty to investigate.

Part 1 of the Regulations contains preliminary matters including setting out the criteria by which the Society’s Statutory Committee is to determine whether or not the requirements as to fitness to practise are met in relation to any registered person.

Part 2 of the Regulations deals with the initial consideration of information which may give rise to allegations. The registrar screens the allegation and determines whether it is appropriate to refer the allegation to the Statutory Committee. The registrar is also given powers in respect of the initial screening of applications for restoration to the Society’s registers. If an allegation is to be referred to the Statutory Committee, the registered person concerned will be sent a notice of the referral. If that referral is to the Scrutiny Committee, the notice of referral is to be accompanied by the evidence that the Scrutiny Committee is to consider, and the person concerned will be invited to make written representations on the allegation, and on any recommendations for disposal of the case made by the registrar. Provision is also made for the voluntary removal of names from the register. Applications for the voluntary removal of a name from the register will generally be refused where there is an ongoing investigation or there are outstanding proceedings relating to a registered person’s fitness to practise.

Part 3 of the Regulations deals with consideration of allegations by the Scrutiny Committee. That Committee does not hear oral evidence, but considers on the papers allegations referred to it and decides whether or not to refer cases on to the Statutory Committee and whether or not the Society should bring criminal proceedings. Instead of making a referral to the Statutory Committee, the Scrutiny Committee may decide to dispose of the case by issuing a warning to the registered person concerned, or by accepting undertakings from the registered person as to their future conduct. If the Scrutiny Committee decides to refer the case on to the Statutory Committee, it issues a notice of decision, particularising the matters to be referred. There is also provision allowing the Scrutiny Committee to reconsider its decisions in appropriate circumstances.

Part 4 of the Regulations deals with the initial consideration of the case by the Statutory Committee. There are disclosure provisions relating to the exchange of each party’s case. The parties are also given powers to inspect the original versions of documents disclosed to them. Once the exchange of each party’s case has taken place, a Notice of Hearing is sent and there are provisions relating to bundles for hearings. There are also arrangements for case management directions that may modify the standard procedures and special arrangements relating to interim orders hearings in fitness to practise proceedings where suspension or conditional registration pending the full hearing is being considered.

Part 5 of the Regulations deals with additional matters that may arise both before and during hearings, including provision for issuing practice directions and provisions relating to the admissibility of evidence. It also sets out particular arrangements for dealing with specified cases where the standard arrangements will need to be adapted: cases where the Statutory Committee considers that the case should instead be dealt with by the other Committee; cases where joinder is appropriate; and cases where additional allegations or additional evidence comes to light at a late stage in proceedings.

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

Part 6 of the Regulations sets out the procedures for hearings of the Statutory Committee. These include the arrangements for the order of proceedings at different classes of hearings.

Part 7 of the Regulations makes provisions of general application. These include provisions relating to postponements and adjournments; cases where the presenter for the Society decides before a hearing that, on the evidence available, the Society should not proceed with its case; review of undertakings agreed with the registered person concerned; standard of proof to be applied; holding of hearings in public (except in certain cases); representation and the calling and questioning of witnesses. There are also provisions relating to the award and assessment of costs or expenses and in relation to recording hearings and producing transcripts of them.