

SCHEDULE 2

TRANSITIONAL PROVISIONS

PART 5

Transfer of responsibilities under the Medicines Act 1968

Referral of outstanding business and premises cases from the Statutory Committee to the Disciplinary Committee

13.—(1) Subject to the arrangements set out in sub-paragraph (6), where, before the appointed day, in proceedings under Part 4 of the Medicines Act 1968 which relate to alleged misconduct, the matter has been referred by the Infringements Committee to the Statutory Committee, if—

- (a) a day has been appointed for holding an inquiry (including cases where an inquiry has been postponed or adjourned)—
 - (i) the Statutory Committee (and its secretary and chairman) shall dispose of the matter, and
 - (ii) any appeal shall be disposed of, in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968 as they had effect immediately before the appointed day, or
- (b) a day has not been appointed for holding an inquiry—
 - (i) the Disciplinary Committee (and its secretary and chair) shall dispose of the matter, and
 - (ii) any appeal shall be disposed of, in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968; or

(2) Subject to the arrangements set out in sub-paragraph (6), where, before the appointed day, in proceedings under Part 4 of the Medicines Act 1968 which relate to a conviction for a criminal offence, information about the conviction has been submitted to the Chairman of the Statutory Committee by the Secretary of the Committee, if—

- (a) a day has been appointed for holding an inquiry (including cases where an inquiry has been postponed or adjourned)—
 - (i) the Statutory Committee (and its secretary and chairman) shall dispose of the matter, and
 - (ii) any appeal shall be disposed of, in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968 as they had effect immediately before the appointed day, or
- (b) a day has not been appointed for holding an inquiry—
 - (i) the Disciplinary Committee (and its secretary and chairman) shall dispose of the matter, and
 - (ii) any appeal shall be disposed of, in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968.

(3) Where, before the appointed day, proceedings in respect of a matter have begun under Part 4 of the Medicines Act 1968, but—

Status: This is the original version (as it was originally made).

- (a) in proceedings which relate to alleged misconduct, the matter has not been referred by the Infringements Committee to the Statutory Committee; or
- (b) in proceedings which relate to a conviction for a criminal offence, information about the conviction has not been submitted to the Chairman of the Statutory Committee by the Secretary of the Committee,

the matter shall be referred to the Disciplinary Committee for it to dispose of the matter in accordance with any relevant rules under this Order and with Part 4 of the Medicines Act 1968.

(4) Where, by virtue of sub-paragraph (1) or (2), the chair or the secretary of the Disciplinary Committee acquires functions with regard to a case, if the chairman or the secretary of the Statutory Committee has already taken steps with regard to that case, those steps shall, for the purposes of disposing of the case, be treated as steps taken by the chair or the secretary of the Disciplinary Committee.

(5) Sub-paragraph (6) applies to a case where—

- (a) there are related proceedings against a body corporate and an individual pharmacist;
- (b) those proceedings were, before the appointed day, dealt with by the same Committee; and
- (c) those proceedings would, by virtue of paragraph 10 and sub-paragraphs (1) and (2), be dealt with by different Committees.

(6) In a case to which this sub-paragraph applies—

- (a) the Registrar shall, if he considers it appropriate to do so, assign the case against the body corporate to the Committee that is dealing with the related case; and
- (b) that Committee shall dispose of the matter in accordance with whichever of the statutory procedures (that is, the old rules or any relevant rules under this Order, together with Part 4 of the Medicines Act 1968) it considers to be the most appropriate in the particular circumstances of the case.

(7) Except in connection with the bringing and disposing of an appeal by virtue of sub-paragraph (1)(a)(ii) or (2)(a)(ii), any direction of the Statutory Committee that has been given under Part 4 of the Medicines Act 1968 shall, once given, be treated for all purposes as a direction of the Disciplinary Committee.