
EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules of the General Pharmaceutical Council (“the Council”) setting out various matters relating to the procedures to be followed by the Council when considering allegations that the fitness to practise of its registrants is impaired, allegations that a person should be disqualified from inclusion in the register of pharmacy retail business premises kept by the Council and allegations of criminal conduct that the Council is under a duty to investigate.

Part 1 of the Rules contains preliminary matters, including provisions relating to the service of documents and setting out the criteria by which the Council’s Fitness to Practise Committee (“the Committee”) is to determine whether or not the requirements as to fitness to practise are met in relation to any registrant.

Part 2 of the Rules deals with the initial consideration by the Registrar of the Council 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 Committee. The Registrar is also given powers in respect of the initial screening of applications for restoration to one of the Council’s registers. If an allegation is to be referred to the Committee, unless it is exclusively a criminal conduct allegation, the person concerned will be sent a notice of the referral. If that referral is to the Investigating Committee, the notice of referral is to be accompanied by the evidence that the Investigating 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.

Part 3 of the Rules deals with consideration of allegations by the Investigating 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 Committee and whether or not the Council should bring criminal proceedings. Instead of making a referral to the Committee, the Investigating Committee may decide to dispose of the case by issuing a warning to the registrant concerned, or by accepting undertakings from the registrant as to their future conduct. If the Investigating Committee decides to refer the case on to the Committee, it issues a notice of decision, particularising the matters to be referred. There is also provision allowing the Investigating Committee to reconsider its decisions in appropriate circumstances.

Part 4 of the Rules deals with the initial consideration of the case by the 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 Rules 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 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.

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

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

Part 7 of the Rules makes provisions of general application. These include provisions relating to postponements and adjournments; cases where the presenter for the Council decides before a hearing that, on the evidence available, the Council should not proceed with its case; review of undertakings agreed with the registrant 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.