

SCHEDULE

The General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010

PART 3

Consideration by the Investigating Committee

Notices

11.—(1) In the case of a fitness to practise allegation, the information to be provided by the Registrar under article 53(2)(b) or (3)(c) of the Order or under rule 6(8) must be in a notice which is to be sent to the registrant concerned and the informant, if any, no later than 10 days after the date on which the relevant decision was made or, as the case may be, the allegation was referred.

(2) In the case of a disqualification allegation, the secretary to the Investigating Committee must inform the section 80 party of the decision of the Investigating Committee to refer, or not to refer, the allegation, and must do so in a notice of decision which is to be sent to the party no later than 10 days after the date on which the relevant decision was made.

(3) The notice under paragraph (1) or (2) must include the reasons for the decision or the referral and be accompanied by any legal advice considered by the Investigating Committee or the Registrar.

(4) Where the Investigating Committee has decided not to refer an allegation to the Committee, the notice under paragraph (1) or (2) must inform the person concerned that the Investigating Committee may nevertheless reconsider the allegation in the circumstances set out in rule 12.

(5) Where the Investigating Committee has decided to dispose of the allegation by agreeing undertakings or issuing a warning, the notice under paragraph (1) or (2) must, subject to paragraph (6), be accompanied by a statement setting out the undertakings or the warning.

(6) The statement referred to in paragraph (5) must not be sent to the informant if it includes undertakings relating to the health of a person concerned.

(7) If the statement relates to undertakings, it must also state, in terms, that if the Investigating Committee subsequently receives information that those undertakings have not been complied with, it may—

- (a) refer the original allegation to the Committee and treat the failure to comply with the undertakings as a separate allegation of misconduct and refer that allegation to the Committee; or
- (b) determine not to refer the original allegation to the Committee but treat the failure to comply with the undertakings as a separate allegation of misconduct and refer that allegation to the Committee.

(8) Where the Investigating Committee or the Registrar has referred the matter to the Committee, the notice under paragraph (1) or (2)—

- (a) must particularise the matters to be referred; and
- (b) where the Investigating Committee or the Registrar is of the view that the Committee should consider making an interim order, state the reasons for its view.