

## SCHEDULE

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

### PART 1

#### Preliminary matters

##### Interpretation

2.—(1) In these Rules—

“the Act” means the Medicines Act 1968<sup>(1)</sup>;

“the Order” means the Pharmacy Order 2010;

“allegation” means a criminal conduct allegation, a disqualification allegation, a fitness to practise allegation or a health allegation;

“the Appeals Committee Rules” means the General Pharmaceutical Council (Appeals Committee) Rules 2010<sup>(2)</sup>;

“applicant concerned” means an applicant (or, where appropriate their representatives) for—

(a) registration or renewal of registration whose application has been referred to the Committee for advice;

(b) restoration of registration;

“the chair” means the chair of the Committee;

“the Committee” means the Fitness to Practise Committee established by virtue of article 4(6) (b) of the Order;

“criminal conduct allegation” means a complaint to, or concern of, the Council which gives rise or may give rise to criminal proceedings under any enactment;

“disqualification allegation” means a complaint to, or concern of, the Council which gives rise to, or may give rise to, an inquiry under Part 4 of the Act;

“fitness to practise allegation” means a complaint to, or concern of, the Council which is an allegation for the purposes of article 52(1), 53(1) or 54(1) of the Order, as appropriate;

“health allegation” means a complaint to, or a concern of, the Council which gives rise to, or may give rise to, an inquiry that a person’s fitness to practise is impaired by reason of article 51(1)(c) of the Order;

“informant” means a person who makes a complaint, or who raises a concern, to the Council relating to any person;

“interim order” means an interim order under article 56 of the Order;

“interim order hearing” means a hearing solely for the purposes of considering whether to make, confirm, vary, replace or revoke an interim order;

“legal adviser” means the person appointed to be a legal adviser under, or by virtue of rules under, article 63(1) of the Order in relation to the proceedings in question;

“parties” means the Council and the person concerned (or, where appropriate, their representatives) and “party”, except in the phrase “section 80 party”, is to be construed accordingly;

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(1) 1968 c.67. Relevant amendments are made by Schedule 4 to the Order.

(2) Scheduled to [S.I. 2010/1614](#).

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“person concerned” means, as the case may be, an applicant concerned, a registrant concerned or a section 80 party;

“prescribed fee” means a fee prescribed in rules under article 36(1) of the Order;

“the presenter” means the person instructed to represent the Council at a hearing (and includes employees of the Council);

“principal hearing” means—

- (a) in fitness to practise proceedings, a hearing of the Committee held in connection with making a determination under article 54(1) of the Order (as opposed to any further hearing to consider varying or revoking any direction given as a consequence of a finding of impairment); and
- (b) in disqualification proceedings, a hearing of the Committee held in connection with giving a direction under section 80 of the Act;

“registrant concerned” in the context of fitness to practise proceedings or proceedings under Part 4 of the Registration Rules, means the registrant who is the subject of the allegation or investigation to which those proceedings relate (or, where appropriate, their representatives);

“Registration Rules” means the General Pharmaceutical Council (Registration) Rules 2010(3);

“restoration hearing” means a hearing in fitness to practise proceedings to consider an application for restoration to the Register;

“review hearing” means a hearing for the purpose of—

- (a) reviewing directions issued by the Committee under article 54(2)(d) or (e) of the Order;
- (b) reviewing undertakings agreed by the Committee; or
- (c) revoking a direction by virtue of section 83(1) of the Act;

“secretary” means, except in relation to references to the secretary of the Investigating Committee, the secretary of the Committee;

“section 80 party” means an individual who, or a body corporate which, is subject to proceedings before the Committee in connection with the giving of a direction under section 80(1) or (4) of the Act (or, where appropriate, their representatives);

“threshold criteria” means the criteria published by the Council under article 52(2)(a) of the Order, as amended from time to time;

“witness” means a person who gives evidence, or whose evidence is received, at a hearing.

(2) For the purposes of these Rules—

- (a) a meeting or hearing of the Committee, other than when it is deliberating in private, is considered to be “in private” if it is held in the presence of—
  - (i) the parties and any person present who is representing a party,
  - (ii) the person acting as secretary,
  - (iii) any witness giving evidence,
  - (iv) any legal, clinical or specialist adviser,
  - (v) any person responsible for the recording of the proceedings, or
  - (vi) any other person whose presence is deemed necessary by the chair,but otherwise excluding everyone else; and
- (b) a meeting of the Investigating Committee and the private deliberations of that Committee are considered to be “in private” if they are held in the presence of—

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(3) Scheduled to [S.I. 2010/1617](#).

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- (i) the person acting as secretary to that Committee,
  - (ii) any legal, clinical or specialist adviser, or
  - (iii) any person responsible for the recording of the proceedings,
- but otherwise excluding everyone else.