

SCHEDULE

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

PART 6

Procedure at hearings

Procedure at interim order hearings

36.—(1) The order of proceedings at an interim order hearing is to be in accordance with paragraphs (2) to (8).

(2) The Committee must hear and consider any preliminary legal arguments.

(3) The chair must—

(a) where the registrant concerned is present, require the registrant concerned to confirm their name; or

(b) otherwise, require the presenter to confirm the registrant concerned's name.

(4) The presenter must address the Committee regarding whether it is necessary to make or review an interim order in respect of the registrant concerned and, subject to paragraphs (9) to (11), may adduce evidence in this regard.

(5) The registrant may present their case and, subject to paragraphs (9) to (11), may adduce evidence in support of it.

(6) The parties and members of the Committee may put questions to any witness.

(7) Where the registrant gives oral evidence, the presenter and members of the Committee may put questions to the registrant.

(8) The Committee must announce its decision and give its reasons for that decision.

(9) The Committee may, subject to paragraphs (10) and (11), receive any evidence which appears to it to be fair and relevant to its consideration under article 56 of the Order.

(10) No person may give oral evidence at the hearing unless the Committee considers such evidence is desirable to enable it to discharge its functions.

(11) The Committee may, at any stage in the proceedings—

(a) with the consent of the registrant; or

(b) where it is satisfied that to do so would be desirable to enable it to discharge its functions, allow a party to produce at the hearing any written evidence, notwithstanding that a copy has not been provided to the other party before the hearing or that its author is not being called as a witness.

(12) The Committee may vary the order of proceedings under paragraphs (2) to (8) where it is in the interests of justice to do so.

(13) Where—

(a) an interim order is being reviewed by the Committee; and

(b) the hearing is, or is likely to be, the last such hearing before the expiry of the interim order, the Committee may, after making its determination, advise the Registrar that an application should be made to the relevant court for the interim order to be extended, or if it has been extended, further extended, under article 56(5) of the Order.

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

(14) Where the terms of the order to be made or continued, or the terms of the variation to the order, or its revocation, are agreed between the parties, the Committee may make an order in those terms without the need for a hearing.