
STATUTORY INSTRUMENTS

2010 No. 231

The Pharmacy Order 2010

PART 6

Fitness to practise

Consideration by the Investigating Committee

53.—(1) Where an allegation or a matter (referred to in this article as “the allegation”) is referred to the Investigating Committee by—

- (a) the Registrar under article 52(1) or (6)(a); or
- (b) an individual assessor or an assessment team under rules made under article 55(3)(c),

the Committee must decide whether the allegation ought to be considered by the Fitness to Practise Committee.

(2) If the Investigating Committee decides that the allegation need not be considered by the Fitness to Practise Committee, then unless the person who is the subject of the allegation (referred to in this article as “the person concerned”) has requested a referral under paragraph (3)—

- (a) the Investigating Committee may give—
 - (i) a warning to the person concerned in connection with any matter arising out of or related to the allegation and give a direction that details of the warning be recorded in the Register,
 - (ii) advice to the person concerned in connection with any matter arising out of, or related to, the allegation, and
 - (iii) advice to any other person or other body involved in its investigation of the allegation on any issue arising out of, or related to, the allegation; and
- (b) the Registrar must inform the person concerned and the person who made the allegation, if any, of the Investigating Committee’s decision and any action it is taking under sub-paragraph (a).

(3) If the Investigating Committee determines that the allegation ought to be considered by the Fitness to Practise Committee or the person concerned has requested a referral under this paragraph—

- (a) the Investigating Committee must refer the allegation to the Fitness to Practise Committee;
- (b) where the Investigating Committee considers that the Fitness to Practise Committee should consider making an interim order under article 56, it must notify the Fitness to Practise Committee accordingly; and
- (c) the Registrar must inform the person concerned and the person who made the allegation, if any, of the Investigating Committee’s decision to refer the allegation to the Fitness to Practise Committee.

(4) If, having considered the allegation, the Investigating Committee considers that the Council should consider exercising any of its powers to bring criminal proceedings under any enactment, it must notify the Registrar accordingly.