STATUTORY RULES OF NORTHERN IRELAND

2012 No. 312

PHARMACY

The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012

Made - - - -	*8th August 2012*
Coming into operation	*1st June 2013*

The Council of the Pharmaceutical Society of Northern Ireland makes the following Regulations in exercise of the powers conferred on it by Articles 4A(9) and (10), 5(1)(ff), (fff) and (ffg) of, and paragraphs 5(1) and (2)(b), and 15(1)(b), (2) and (3) of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976 [M1]. The Department of Health, Social Services and Public Safety [M2] has approved these Regulations in accordance with Article 25A (2) of that Order [M3].

Marginal Citations

M1 S.I. 1976/1213 (N.I.22) as amended by 1981 c.45 & c.55; 1983 c. 54; S.I.1984/703 (N.I.3); S.R. 1987 No.457; S.I. 1994/429 (N.I. 2); S.R.1996 No.393; 2004 c.33; S.R. 2004 No.78; S.R. 2008 No.192; and S.R. 2012 No.308

M2 See S.I. 1999/283 (NI 1) Article 3 (6)

M3 Article 25A is inserted by Article 9 of S.R. 2012 No.308

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012 and shall come into operation on 1stJune 2013.

(2) In these Regulations—

"CPD"—

(a) means the continuing professional development which registered persons are required to undertake in order to have their name retained in the register and to maintain competence; and

(b) includes—

(i) any continuing professional development that relates to an annotation in respect of a specialist area of practice recorded against a registered person's name in the register,

(ii) any continuing professional development that a registered person is required to undertake by virtue of these regulations;

"CPD framework" means the framework relating to the CPD of registered persons which is adopted by the Council under Article 4A(6)(a) of the Order;

"CPD record", in relation to a registered person, means a written record in hard copy form or electronic form which is completed by the registered person and in which details are entered by the registered person about the CPD that the registered person has undertaken since—

(c) the date of completion of the immediately preceding review by the registrar of the registered person's CPD; or

(d) if no review has taken place since the date on which the registered person's name was entered in, or restored to, the register, the date of that entry;

[[F1]"the chair" means the chair of the Statutory Committee;**]**

"Fitness to Practise Regulations" means the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012 [M4];

"Notice of Appeal" means a notice of appeal against an appealable decision;

"the Order" means the Pharmacy (Northern Ireland) Order 1976;

"remedial measure" means any requirement specified in regulation 4(1)(a) to (h);

"supplementary notice" means a notice under regulation 6(5)(b)(including a notice under that provision as it applies by virtue of regulation 6(6)).

F1 Words in reg. 1 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **2**

Marginal Citations

M4 S.R. 2012 No.311

Failure to comply with the CPD framework

2.—(1) Each of paragraphs (2) to (10) sets out circumstances in which a registered person is to be regarded as having failed to comply with the requirements or conditions of the CPD framework.

(2) The registrar is of the opinion that the registered person has failed without reasonable excuse to make an annual declaration regarding the registered person's compliance with the requirements or conditions of the CPD framework.

(3) The registrar is of the opinion that the registered person has failed without reasonable excuse—

(a) to comply with a request by the registrar to submit a CPD record to the registrar for review;

(b) to submit a CPD record to the registrar by the date specified by the registrar in accordance with the CPD framework; or

(c) to submit a CPD record to the registrar which is in the form and manner specified in the CPD framework.

(4) The registrar is of the opinion that the registered person has failed without reasonable excuse to record adequately in respect of any relevant period—

(a) the dates on which the registered person's CPD has been undertaken; or

(b) any other information about the registered person's CPD which is required by the CPD framework.

(5) The registrar is of the opinion that the registered person has made an insufficient number of entries in respect of any relevant period in the registered person's CPD record.

(6) The registrar is of the opinion that the entries in respect of any relevant period in the registered person's CPD record do not demonstrate that the CPD undertaken is relevant to—

(a) the safe and effective practice of pharmacy; or

(b) a learning need for the registered person that is relevant to the current scope of the practice of pharmacy including any specialist area of practice of the registered person and the environment in which the registered person practises.

(7) The registrar is of the opinion that the entries in respect of any relevant period in the registered person's CPD record do not—

(a) include any CPD that relates to a specialist area of practice of the registered person or the environment in which the registered person practises; or

(b) reflect any conditions as to the practice of pharmacy by the registered person which were in operation for the whole or part of the relevant period and were imposed—

(i) by virtue of a direction given by the Statutory Committee under paragraph 7(2)(e) or (3)(a)(v) or (b)(i) or (ii) of Schedule 3 to the Order; [F2]...

[F2](ii) . . . . . .

(8) The registrar is of the opinion that the entries in the registered person's CPD record do not reflect any requirement which—

(a) by virtue of regulation 10 was imposed on the registered person by the registrar to undertake by the date specified by the registrar any additional CPD after the restoration of the registered person's name to the register; or

(b) by virtue of regulation 10 was imposed on the registered person by the registrar to undertake by the date specified by the registrar any additional CPD after the restoration to the register of an annotation in respect of a specialist area of practice recorded against the registered person's name in the register.

(9) The registrar is of the opinion that the entries in the registered person's CPD record do not reflect any requirement imposed on the registered person by the registrar to take by the date specified by the registrar any remedial measure that was specified in a notice given to the registered person under regulation 6(2).

(10) The registrar is of the opinion that, for any other reason—

(a) the amount or type of CPD undertaken by the registered person is inadequate; or

(b) the registered person's CPD record is inadequate or is not in a fit and proper state to be reviewed.

(11) For the purposes of paragraphs (4) to (7), references to "relevant period" are to any of the following that fall within the period covered by the CPD record of the registered person which is subject to review by the registrar—

(a) the period that commences with, and includes, the date on which the registered person's name was entered in, or restored to, the register, and ends on 31 May following that date;

(b) each subsequent 1 year period that commences with, and includes, 1 June – 31 May; and

(c) any part of the period referred to in sub-paragraph (a) or (b).

(12) In the application of paragraphs (4) to (7) to a period falling within paragraph (11)(c), any number or other quantity which, in accordance with the CPD framework, applies to a 1 year period is to be proportionately reduced.

F2 Reg. 2(7)(b)(ii) and word omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 27(2)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Steps which the registrar may take

3.—(1) Paragraph (2) applies where the registrar is satisfied that a registered person—

(a) has failed to comply with the requirements or conditions of the CPD framework (including any failure to comply with requirements imposed in accordance with the provisions referred to in regulations 2(8) or (9)); or

(b) has made a false declaration about compliance with the requirements or conditions of the CPD framework.

(2) Subject to paragraphs (3) to (5) the registrar may decide to—

(a) impose on the registered person a requirement to take one or more remedial measures in connection with the registered person's CPD; or

(b) remove the registered person's name from the register; or

(c) remove an annotation in respect of a specialist area of practice recorded against the registered person's name in the register.

F3(3) . . . . . .

(4) The registrar must follow the procedure set out in regulation 4(2) when imposing a requirement to take a remedial measure.

(5) If the registrar proposes to remove the name of a registered person or the annotation recorded against the registered person's name, the registrar must follow the procedure set out in regulations 5 to 8 (but this is without prejudice to regulations 7(5)(b) and (6).

(6) The fact that a registered person's failure to comply with the requirements or conditions of the CPD framework arises by virtue of regulation 2(9) does not prevent the registrar from deciding to impose on the registered person a new requirement to take one or more remedial measures.

F3 Reg. 3(3) omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 27(3)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Remedial measures

4.—(1) The remedial measures that the registrar may impose under regulation 3(2)(a) on a registered person in connection with the registered person's CPD are—

(a) a requirement for the registered person to make entries in the registered person's CPD record in the form and manner specified in the CPD framework;

(b) a requirement for the registered person to make entries in the registered person's CPD record that accurately reflect the CPD activities already undertaken by the registered person;

(c) a requirement for the registered person to undertake additional CPD activities;

(d) a requirement for the registered person to undertake CPD activities which relate to the safe and effective practice of pharmacy;

(e) a requirement for the registered person to undertake additional CPD activities which relate to a learning need for the individual registered person that is relevant to—

(i) the current scope of the practice of pharmacy,

(ii) any specialist area of practice of the registered person,

(iii) the environment in which the registered person practises,

(iv) the management or recording of a registered person's CPD;

(f) a requirement for the registered person to undertake CPD activities which relate to any condition as to the practice of pharmacy by the registered person which was imposed—

(i) by virtue of a direction given by the Statutory Committee under paragraph 7(2)(e) or (3)(a)(v) or (b)(i) or (ii) of Schedule 3 to the Order, [F4]...

[F4](ii) . . . . . .

(g) a requirement for the registered person to undertake CPD activities which relate to any requirement as to CPD which—

(i) by virtue of regulation 10 was imposed on the registered person on the restoration of the registered person's name to the register,

(ii) by virtue of regulation 10 was imposed on the registered person on the restoration of an annotation in respect of a specialist area of practice recorded against the registered person's name in the register;

(h) a requirement for the registered person to undertake CPD activities which relate to any requirement as to CPD which was previously imposed on the registered person by a remedial measure specified under paragraph (2).

(2) If the registrar decides to impose on the registered person a requirement to take one or more remedial measures, the registrar must notify the registered person of—

(a) the measures to be taken;

(b) the reasons for imposing the requirement; and

(c) the date (if any) by which the registered person must comply with each measure.

F4 Reg. 4(1)(f)(ii) and word omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 27(4)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, **reg. 20(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Notice of Intention to Remove: stage 1

5.—(1) Where the registrar proposes to remove the name of the registered person or the annotation recorded against the name of a registered person ("R") from the register under regulation 3(2)(b) or (c), the registrar—

(a) must consider whether the matter calls into question R's fitness to practise; and

(b) if no such question arises, may serve on R a Notice of Intention to Remove which notifies R in writing that the registrar is considering whether to remove R's name or the annotation recorded against R's name (as the case may be) from the register.

(2) If it appears to the registrar on reasonable grounds that R's fitness to practise is called into question, the registrar must determine whether to refer the matter—

(a) to the Scrutiny Committee in accordance with paragraph 5(1) of Schedule 3 to the Order; or

(b) to the Statutory Committee in accordance with whichever of regulation 5(5) or (8) of the Fitness to Practise Regulations the registrar considers to be appropriate in all the circumstances of R's case.

(3) Paragraph (2) applies irrespective of whether a Notice of Intention to Remove has already been served.

(4) Before serving on R a Notice of Intention to Remove, the registrar may make such inquiries, including the instruction of external agents or investigators, and the commissioning of medical experts, as the registrar considers necessary or expedient.

(5) A Notice of Intention to Remove must—

(a) set out the grounds for believing that R—

(i) has failed to comply with the requirements or conditions of the CPD framework, or

(ii) has made a false declaration about compliance with the requirements or conditions of the CPD framework;

(b) be accompanied by copies of evidence (in a form that can be copied) on which the registrar would seek to rely in any proceedings under these Regulations to remove R's name or the annotation recorded against R's name;

(c) invite R to submit written representations, and any relevant evidence, to the registrar as to why R's name or the annotation recorded against R's name should not be removed from the register;

(d) inform R that any such representations or evidence must be submitted no later than 28 days after service of the notice;

F5(e) . . . . . .

F5(f) . . . . . .

(g) inform R that, if R fails to submit written representations to the registrar within the 28 day period referred to in sub-paragraph (d), R's name or the annotation recorded against R's name may be removed from the register.

F5 Reg. 5(5)(e)(f) omitted (31.5.2013) by virtue of The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **3**

Subsequent action by the registrar: stage 2

6.—(1) Where—

(a) the registrar has served a Notice of Intention to Remove on a registered person; and

(b) has not received any representations from the registered person within the 28 day period referred to in that notice (see regulation 5(5)(d)F6... and (g)),

the registrar may remove the name of the registered person, or the annotation recorded against the registered person's name in respect of a specialist area of practice, from the register.

(2) The following paragraphs apply where the registrar has received representations from the registered person within the 28 day period referred to in the Notice of Intention to Remove.

(3) The registrar—

(a) must consider the representations and any evidence received; and

(b) may make such further inquiries (including obtaining legal advice) as the registrar considers necessary or expedient.

(4) The registrar must close the matter and notify the registered person accordingly where the registrar is satisfied that the registered person did not—

(a) fail to comply with the requirements or conditions of the CPD framework; or

(b) make a false declaration about compliance with the requirements or conditions of the CPD framework.

(5) Where the registrar is not so satisfied and, in making a determination, proposes to rely on evidence that was obtained as a result of the registrar's further inquiries under paragraph (3)(b), the registrar must send to the registered person—

(a) copies of that evidence (in a form that can be copied); and

(b) F7... a notice (referred to in these Regulations as a "supplementary notice") which—

(i) invites the registered person to submit written representations, and any relevant additional evidence, to the registrar as to why the name of the registered person or the annotation recorded against the registered person's name should not be removed from the register, **[**F8and**]**

(ii) informs the registered person that any such representations or evidence must be submitted no later than 28 days after service of the supplementary notice **[**F9.**]**

F10(iii) . . . . . .

F10(iv) . . . . . .

(6) Paragraphs (3) to (5) also have effect in relation to any further representations from the registered person which the registrar receives within the 28 day period referred to in a supplementary notice.

(7) Unless the registrar determines the matter in accordance with paragraph (4), the registrar must proceed to determine it under regulation 7—

(a) in any case where paragraph (5) does not apply; or

(b) if that paragraph does apply, once the requirements of paragraphs (5) and (6) have been fully complied with.

F6 Words in reg. 6(1)(b) omitted (31.5.2013) by virtue of The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **4(a)**

F7 Words in reg. 6(5)(b) omitted (31.5.2013) by virtue of The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **4(b)(i)**

F8 Word in reg. 6(5)(b)(i) inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **4(b)(ii)**

F9 Reg. 6(5)(b)(ii): full stop substituted for semicolon (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **4(b)(iii)**

F10 Reg. 6(5)(b)(iii)(iv) omitted (31.5.2013) by virtue of The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), **regs. 1(1)**, 4(b)(iv)

Decisions in contested cases: stage 3

7.—(1) **[**F11Where regulation 6(7) applies**]** , the registrar must determine the matter—

(a) if the registrar was required to serve one or more supplementary notices on the registered person, after the expiry of the 28 day period referred to in the supplementary notice or, if more than one supplementary notice was served, the most recent supplementary notice; or

(b) if no supplementary notice was required to be served, after the expiry of the 28 day period referred to in the Notice of Intention to Remove served on the registered person under regulation 5.

F12(2) . . . . . .

(3) Where the registrar determines that the registered person did not—

(a) fail to comply with the requirements or conditions of the CPD framework; or

(b) make a false declaration about compliance with the requirements or conditions of the CPD framework,

the registrar must close the matter and notify the registered person accordingly.

(4) Paragraph (5) applies where the registrar determines that the registered person did—

(a) fail to comply with the requirements or conditions of the CPD framework; or

(b) make a false declaration about compliance with the requirements or conditions of the CPD framework.

(5) The registrar may—

(a) remove the name of the registered person, or the annotation recorded against the registered person's name in respect of a specialist area of practice, from the register; or

(b) if the registrar considers it is appropriate to do so having regard to all the circumstances of the case, impose on the registered person a requirement to take one or more remedial measures in connection with the registered person's CPD.

(6) In imposing a requirement to take a remedial measure, the registrar must follow the procedure set out in regulation 4(2).

F11 Words in reg. 7(1) substituted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **5(a)**

F12 Reg. 7(2) omitted (31.5.2013) by virtue of The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **5(b)**

Notification of removal of the name of a registered person or the annotation recorded against the registered person's name under regulation 6 or 7

[F13 8. Where the registrar has decided to remove the name of a registered person, or the annotation recorded against the registered person's name, the registrar must send the registered person a written statement giving notice of—

(a) the decision to remove the registered person's name or the annotation recorded against the registered person's name;

(b) the reasons for it; and

(c) the registered person's right of appeal under Article 4A(13) of the Order (in accordance with regulations 13 and 14) to the Statutory Committee.**]**

F13 Reg. 8 substituted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **6**

Suspension from the register pending appeal

9.—(1) Where—

(a) the registrar has decided to remove the name of a registered person from the register; and

(b) a Notice of Appeal is served under **[**F14Article 4A(13) of the Order (in accordance with regulations 13 and 14)**]** ,

the registrar may suspend the registered person's entry in the register pending the final outcome of the appeal.

(2) The provisions of paragraph 8(2) to (10) of Schedule 3 to the Order are to have effect in relation to the registrar's decision to suspend an entry under paragraph (1) as if that decision were an interim suspension order made by the Statutory Committee under paragraph 8(1)(a) to Schedule 3 of the Order.

F14 Words in reg. 9(1)(b) substituted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **7**

Restoration of a name to the register

10.—(1) Subject to the following paragraphs, an applicant whose name has been removed from the register under regulation 6 or 7, may apply for the restoration of their name to the register.

(2) An application under this regulation must be made to the registrar using the relevant application form, which must be in such form as the Council may from time to time determine.

(3) The application form may, in particular—

(a) require the applicant ("A") to—

(i) specify the applicant's full name, home address and contact details (including a telephone number and electronic mail address, where possible),

(ii) declare—

(aa) that A agrees, upon their name being restored to the register, to adhere to any standards set by the Council under Article 4A (1)(b) of the Order relating to the continuing professional development that it is necessary for a registered person to maintain in order to have their name retained in the register,

(bb) A's intention to adhere to the standards set by the Council under paragraph 1 (1)(a) of Schedule 3 to the Order relating to the conduct, ethics and performance expected of registered persons,

(cc) that A is not aware of any investigation by any enforcement or regulatory body, or proceedings brought by such a body, that relate to A's fitness to practise, or of any act or omission on A's part that might render A liable to an allegation being referred to the Society that A's fitness to practise is impaired, and

(dd) that A understands that, in the event that A is found to have given false or misleading information in connection with the application, A's name may be removed from the register,

(iii) specify—

(aa) whether any of the matters referred to in paragraph 4 (1)(d) to (j) of the Order exist in relation to the registered person which have not previously been notified to the Society; or

(bb) whether, in relation to the registered person, there have been any findings of impairment of the registered person's fitness to practise made by a regulatory body which have not previously been notified to the Society, and

(iv) provide any necessary supporting documents, information or evidence as mentioned in the application form;

(b) include a demand that the applicant pay the prescribed fees in respect of the application; and

(c) require the applicant to sign and date the application.

(4) The applicant must also provide such additional documents, information or evidence as the registrar may reasonably require for the purposes of verifying the information in, or determining, the application.

(5) The registrar must consider—

(a) whether the applicant should be required to undertake any additional education, training or experience before the applicant's name is restored to the register; and

(b) whether the applicant should be required to undertake any additional continuing professional development after the applicant's name is restored to the register,

and, where necessary, the registrar may determine the additional education, training or experience or additional continuing professional development that is appropriate for the applicant to undertake in the circumstances of the applicant's case.

(6) The registrar may grant an application under this regulation subject to the condition that the applicant agrees to comply with such undertakings with regard to continuing professional development as the registrar considers appropriate in the applicant's case.

(7) The registrar may refuse any application under this regulation which is not accompanied by the necessary supporting documents, information or evidence as mentioned in the application form or otherwise required by the registrar.

(8) The registrar must refuse the application under this regulation—

(a) if A's name was removed from the register because of a failure to provide any document, evidence or information and that document, evidence or information is not included in the application; or

(b) if A has not paid, or has not made arrangements with the registrar to pay by direct debit, the prescribed fees in respect of the application.

Restoration of an annotation to be recorded against a registered person's name in the register.

11.—(1) Subject to the following paragraphs, applicants for the restoration of an annotation in respect of a specialist area of practice to be recorded against their name in the register, which annotation has been removed under regulation 6 or 7, may apply to the registrar.

(2) An application under this regulation must be made to the registrar using the relevant application form, which must be in such form as the Council may from time to time determine.

(3) The application form may, in particular—

(a) require the applicant to—

(i) specify the applicant's full name, home address and contact details (including a telephone number and electronic mail address, where possible),

(ii) provide any other necessary supporting documents, information or evidence as mentioned in the application form;

(b) include a demand that the applicant pay the prescribed fees in respect of the application; and

(c) require the applicant to sign and date the application.

(4) The applicant must also provide such additional documents, information or evidence as the registrar may reasonably require for the purposes of verifying the information in, or determining, the application.

(5) The registrar must consider—

(a) whether the applicant should be required to undertake any additional education, training or experience before the annotation to be recorded against the registered person's name is restored to the register; and

(b) whether the applicant should be required to undertake any additional continuing professional development after the annotation to be recorded against the registered person's name is restored to the register,

and, where necessary, the registrar may determine the additional education, training or experience or additional continuing professional development that is appropriate for the applicant to undertake in the circumstances of the applicant's case.

(6) The registrar may grant an application under this regulation subject to the condition that the applicant agrees to comply with such undertakings with regard to continuing professional development as the registrar considers appropriate in the applicant's case.

(7) The registrar may refuse any application under this regulation which is not accompanied by the necessary supporting documents, information or evidence as mentioned in the application form or otherwise required by the registrar.

(8) The registrar must refuse the application under this regulation—

(a) if an annotation recorded against the registered person's name was removed because of a failure to provide any document, evidence or information and that document, evidence or information is not included in the application; or

(b) if the applicant has not paid, or has not made arrangements with the registrar to pay by direct debit, the prescribed fees in respect of the application.

[[F15](9) Where the registrar has refused an application for the restoration of an annotation to be recorded against a registered person's name in the register, the applicant may appeal to the Statutory Committee under Article 4A(13) of the Order (in accordance with regulations 13 and 14) against the refusal of the application.

(10) The registrar must send a written statement to the applicant giving notice of—

(a) the refusal of the application;

(b) the reasons for it; and

(c) the applicant's right of appeal to the Statutory Committee**]**

F15 Reg. 11(9)(10) inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **8**

[F16Appeals

12. Where a decision has been taken to remove the name of a registered person or the annotation recorded against the registered person's name from the register under regulation 6 or 7, the decision does not take effect—

(a) until the time for serving a Notice of Appeal on the secretary in respect of the decision has expired, and

(b) where a Notice of Appeal is served within time, until the date on which the appeal is finally disposed of, or is abandoned or fails by reason of its non-prosecution.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Time for serving Notice of Appeal

13.—(1) Subject to paragraph (2), on receipt of the written statement sent by the registrar under Article 4A(of the Order or regulations 8 or 11(10), the registered person or applicant as the case may be, (hereafter referred to as "the appellant") must serve a Notice of Appeal on the secretary in accordance with regulation 14, within 28 days beginning with, and including, the date on which the written statement was sent.

(2) Where the secretary considers that it was not reasonably practicable for the Notice of Appeal to be served within 28 days, the secretary may by authorisation in writing extend the time limit for serving the Notice of Appeal.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Notice of Appeal

14.—(1) Subject to paragraph (3), a Notice of Appeal will only be valid if it is in the format described in paragraph (2).

(2) The Notice of Appeal must—

(a) state that it is a Notice of Appeal;

(b) provide the full name and address of the appellant;

(c) provide a daytime telephone number at which the appellant can be contacted;

(d) state the appellant's registration number, or former registration number;

(e) state whether the appellant is to be represented in the course of proceedings, and if so, provide contact details for the representative;

(f) state the date of the decision being appealed against;

(g) set out the decision being appealed against;

(h) set out the grounds on which the appeal is being brought;

(i) be accompanied by copies of any material—

(i) submitted by the appellant to the registrar prior to the appealable decision being taken, and

(ii) not so submitted, but on which the appellant intends to rely in the course of the appeal proceedings;

(j) be accompanied by a skeleton argument containing the submissions of the appellant;

(k) state whether the appellant wishes the appeal to be considered on the papers or at a hearing; and

(l) in a case where the appellant wishes a hearing to be held, state whether the appellant wishes to have a case management meeting, and if so, the issues that the appellant wishes to be considered at that meeting.

(3) At a case management meeting, the chair may—

(a) extend the time for the delivery of the skeleton argument and any additional material necessary to determine the appeal; and

(b) allow the appellant to amend the details regarding representation provided under paragraph (2)(e).

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Action following receipt of Notice of Appeal

15. Following receipt of the Notice of Appeal, the secretary must—

(a) acknowledge receipt of the Notice of Appeal and the accompanying material submitted by the appellant;

(b) send copies of the Notice of Appeal and the accompanying material to the Society;

(c) require the Society to provide the secretary with copies of all documents on which they intend to rely in defending the appeal;

(d) send copies of any documents provided by the Society under paragraph (c) to the appellant or (where applicable) the appellant's representative;

(e) as soon as possible, inform the parties of the date—

(i) of any case management meeting (if the chair decides that one should be held), and

(ii) on which the Statutory Committee will consider the appeal (which, in the case of a hearing, unless the parties agree otherwise, must be no less than 28 days after the date on which the secretary serves the Notice of Hearing); and

(f) where the appellant has stated that the appellant wishes the Statutory Committee to consider the appeal at a hearing, send a Notice of Hearing to any person to whom the proceedings relate, which must be in the format described in regulation 16.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Notice of Hearing

16. The Notice of Hearing must—

(a) state the date, time and venue of the hearing;

(b) inform the appellant of the appellant's right to attend the hearing and to be represented or accompanied at the hearing in accordance with regulation 23(2) or (3)**;**

(c) inform the appellant of the provisions relating to—

(i) evidence set out in regulation 18,

(ii) procedure at hearings set out in regulation 22,

(iii) witness evidence set out in regulation 24;

(d) require the appellant to inform the secretary, within 14 days beginning with, and including, the day on which the Notice is served, whether the appellant intends to—

(i) attend the hearing,

(ii) be represented at the hearing, and if so, by whom, and

(iii) seek to call any witnesses at the hearing, and if so, whom, and

(e) inform the appellant that, if the appellant fails to attend the hearing, the Statutory Committee may proceed with the hearing in the appellant's absence.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Case management meetings

17.—(1) Where a hearing is to be held a case management meeting may be convened by the chair of the chair's own motion or at the written request of one or both of the parties.

(2) Where a case management meeting is to be convened the secretary must give the parties such notice of it as is reasonable (in the opinion of the chair) in all the circumstances of the case.

(3) A case management meeting may be conducted be teleconference or such other method as is determined by the chair, in consultation with the parties.

(4) A case management meeting must be held in private.

(5) At a case management meeting, the chair (in addition to the matters mentioned in regulation 14(3)) may issue such directions as the chair considers necessary for the just and expeditious management of the case and may give preliminary rulings for the purpose of resolving questions of law and admissibility of evidence.

(6) Any preliminary rulings mentioned in paragraph (5) are binding on the Committee hearing the appeal.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Evidence

18.—(1) All questions of admissibility of evidence and law before the Statutory Committee must be decided by the Statutory Committee.

(2) Subject only to the requirements of relevance and fairness, the Statutory Committee may receive—

(a) subject to paragraph (3), any documentary evidence; and

(b) where a hearing is held, any oral evidence,

whether or not such evidence would be admissible in any civil proceedings.

(3) Where a party wishes to adduce a witness statement in evidence, the Statutory Committee may only receive such evidence if the statement—

(a) contains an attestation, in a format acceptable to the Statutory Committee, that the statement is true; and

(b) is signed by the person making it.

(4) Where a person has been convicted of a criminal offence in the British Islands or a conviction elsewhere than in the British Islands which, if committed in Northern Ireland, would constitute a criminal offence (and has not successfully appealed against the conviction), a copy of a certificate purporting to be under the hand of a competent officer of a court that the person has been convicted of a criminal offence (or in Scotland, an extract conviction) is admissible as conclusive proof of that conviction and the findings of fact on which it was based.

(5) The only evidence which may be adduced by a person in rebuttal of a conviction certified or extracted in accordance with paragraph (4) is evidence for the purpose of proving that the person is not the person referred to in the certificate or extract.

(6) Where it is alleged that a person is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 or the Safeguarding Vulnerable Groups Act 2006 by the Independent Safeguarding Authority ("the Authority")—

(a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 or the Safeguarding Vulnerable Groups Act 2006 that attests to that inclusion is to be conclusive proof of that inclusion, unless the person concerned can prove that they are not the person referred to in the information provided; and

(b) a document from the Authority, authenticated in whatever way the Society may approve, that provides a statement of the findings of fact that led to that inclusion is conclusive proof of those facts.

(7) Where it is alleged that a person is included in the children's or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

(a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to the inclusion is conclusive proof of that inclusion, unless

the person concerned can prove that they are not the person referred to in the information provided; and

(b) a document from the Scottish Ministers, authenticated in whatever way the Society may approve, that provides a statement of the findings of fact that led to the inclusion is conclusive proof of those facts.

(8) A formal notification of a determination about a person's fitness to practise made by a body responsible under any statutory provision for the regulation of a health or social care profession (in the United Kingdom or elsewhere), and signed by an officer authorised by that body to sign such a notification, is sufficient evidence, unless the contrary is proved, of any facts found proved by that regulatory body.

(9) The Statutory Committee may only allow a party to adduce written evidence at a hearing which has not been submitted in accordance with these regulations in such exceptional circumstances as it may determine.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Advice from clinical, specialist and legal advisers

19. The Statutory Committee may, at any time in the course of proceedings before it (including during a hearing), seek advice from—

(a) a clinical adviser, appointed under paragraph 18 of Schedule 3 to the Order, on a health related issue;

(b) a specialist adviser, appointed under paragraph 18 of Schedule 3 to the Order, on issues falling within the specialty of the adviser or related to it; or

(c) a legal adviser appointed under paragraph 17 of Schedule 3 to the Order.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Burden and standard of proof

20.—(1) The appellant bears the burden of establishing that the registrar's decision against which the appellant is appealing should be overturned.

(2) Where facts are in dispute, the Statutory Committee must consider whether they have been established in accordance with the civil standard of proof.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Consideration of appeals on the papers

21.—(1) The Statutory Committee shall determine an appeal on the papers unless the appellant has requested a hearing in the Notice of Appeal.

(2) No later than 7 days before the day of a meeting for the purposes of determining an appeal on the papers, the secretary must provide the Statutory Committee with an agenda and the documents relevant to the consideration of the appeal.

(3) An appeal on the papers shall be conducted in accordance with regulations 18, 19 and 20 insofar as those regulations apply to an appeal on the papers and in accordance with practice directions given by the chair under regulation 24 of the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) (2012).

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Procedure at appeal hearings

22.—(1) No later than 7 days before the day of the hearing, the secretary must provide the Statutory Committee with an agenda and the documents relevant to the consideration of the appeal.

(2) The order of proceedings at the hearing is to be as follows—

(a) the chair must declare the hearing open;

(b) where the appellant is neither present nor represented at the hearing, the chair—

(i) must require the secretary to adduce evidence that all reasonable efforts have been made to serve the Notice of Hearing on the appellant, or

(ii) having consulted the Statutory Committee, may—

(aa) if the chair is satisfied that the Notice of Hearing has been duly served, proceed with the hearing in the absence of the appellant, or

(bb) adjourn the hearing and issue appropriate directions;

(c) the Statutory Committee must hear and consider any preliminary legal arguments;

(d) the presenter must make an opening statement, outlining what the presenter considers to be the relevant circumstances of the case;

(e) subject to paragraph (4), the appellant may adduce evidence in support of the appellant's appeal, and may call witnesses (provided that the chair is satisfied that the witness is in a position to provide relevant testimony);

(f) subject to paragraph (4), the presenter may adduce evidence in rebuttal of the position of the appellant and in support of the position of the Society, and may call witnesses (provided that the chair is satisfied that the witness is in a position to provide relevant testimony);

(g) the appellant and the presenter may respectively make a closing statement;

(h) the Statutory Committee must deliberate in private and must then announce its decision on the appeal in the presence of the parties (where present), together with the reasons for its decision.

(3) Otherwise the conduct of the hearing is to be at the discretion of the chair, who may (amongst other matters) invite the parties to make additional submissions to those outlined in paragraph (2).

(4) The Statutory Committee may refuse to allow a witness to give oral evidence, or to give oral evidence on a particular matter, if the Committee is satisfied that all or part of the evidence that the witness is to provide, or is to provide on that matter, should have been disclosed to the party not calling the witness at an earlier stage in the proceedings.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Representation

23.—(1) The presenter must be a person who is—

(a) a barrister or solicitor; or

(b) an employee of the Society.

(2) The appellant may be represented by a person who is—

(a) a barrister or solicitor; or

(b) a representative from the appellant's defence organisation or their trade union.

(3) Where the appellant is not represented, the appellant may be accompanied and advised by a supporter, but the supporter—

(a) may not be—

(i) a member of the Council or one of its Committees,

(ii) an employee of the Society, or

(iii) a witness at the hearing; and

(b) may only address the Statutory Committee with the permission of the chair.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Witness evidence

24.—(1) Witnesses must be required to take an oath, or to affirm, before giving their oral evidence.

(2) The Statutory Committee may not compel the appellant to be a witness.

(3) A party may not call a person to be witness unless—

(a) that party has provided to the other party a written statement of evidence to be provided by the witness at least 7 days before the day of the hearing (which meets the requirements of regulation 18); or

(b) the chair determines otherwise.

(4) The Statutory Committee may, upon the application of the party calling a witness, direct that any details which may identify that witness should not be revealed in public.

(5) Where a witness's first language is not English, the Statutory Committee may direct that their evidence be given through an interpreter.

(6) Witnesses other than an unrepresented party—

(a) must first be examined by the party calling them;

(b) may be cross examined;

(c) may then be re-examined by the party calling them; and

(d) may then be questioned by the Statutory Committee through the chair and, with the leave of the chair, by a legal, clinical or specialist adviser.

(7) If witnesses are questioned under paragraph (6)(d) the parties may then question the witnesses on matters arising out of the questions of the Statutory Committee or the legal, clinical or specialist adviser (as the case may be) with the party calling the witness being given the last opportunity to do so (as between the parties).

(8) Where the witness is an unrepresented party, the witness—

(a) must first be questioned by the Statutory Committee through the chair;

(b) may then be cross examined; and

(c) may then be questioned again by the Statutory Committee through the chair and, with the leave of the chair, by a legal, clinical or specialist adviser.

(9) Any further questioning of witnesses is to be at the discretion of the chair.

(10) Except for expert witnesses and the appellant, witnesses must not be allowed to attend the proceedings until after they have completed giving evidence and been formally released by the chair.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Attendance of the public at hearings

25.—(1) Except as provided for by this regulation, hearings of the Statutory Committee must be conducted in public.

(2) Where an issue under consideration relates to the health of the appellant or a third party, the hearing, or the relevant part of the hearing, that relates to that issue must be conducted in private if the Statutory Committee is satisfied—

(a) having given the parties (where present), and any third party from whom the Statutory Committee considers it appropriate to hear, an opportunity to make representations; and

(b) having obtained the advice of a clinical adviser,

that the interest of the appellant or the third party in maintaining their privacy as regards that issue outweighs the public interest in holding the hearing, or the relevant part of the hearing, in public.

(3) Where an issue under consideration does not relate to the health of the appellant or a third party, the hearing, or the relevant part of the hearing, that relates to that issue may be conducted in private if the Statutory Committee—

(a) has given the parties (where present), and any third party from whom the Statutory Committee considers it appropriate to hear, an opportunity to make representations; and

(b) is satisfied that the interest of any person in maintaining their privacy as regards that issue outweighs the public interest in holding the hearing, or the relevant part of the hearing, in public.

(4) The Statutory Committee may exclude from the whole or any part of a hearing any person whose conduct, in its opinion, has disrupted or is likely to disrupt the hearing.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Postponements and adjournments

26.—(1) The chair may, of the chair's own motion, or upon the application of a party, postpone any hearing of which notice has been given under these regulations before the hearing begins.

(2) The Statutory Committee may, of its own motion, or upon the application of a party, adjourn the proceedings at any stage, provided that—

(a) no injustice is caused to the parties; and

(b) the decision to adjourn is made after hearing representations from the parties (where present).

(3) In considering whether or not to grant a request for postponement or adjournment, the chair or Statutory Committee must, in particular, have regard to—

(a) the public interest in the expeditious disposal of the case;

(b) the potential inconvenience caused to a party or any witnesses to be called by a party;

(c) the conduct of the party seeking the postponement or adjournment; and

(d) fairness to the parties.

(4) Where the proceedings have been postponed or adjourned, the secretary must, as soon as practicable, notify the parties of the date, time and venue of the re-listed or resumed hearing.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Decision of the Statutory Committee

27.—(1) Having considered the appeal, the Statutory Committee may—

(a) dismiss the appeal;

(b) allow the appeal and quash the decision appealed against;

(c) substitute for the decision appealed against any other decision that the registrar could have taken; or

(d) remit or refer the case to the registrar for disposal of the matter in accordance with their directions.

(2) The Statutory Committee must as soon as is reasonably practicable, send to the appellant a statement in writing, giving notice of the Statutory Committee's decision and the reasons for it.

(3) The written statement, under paragraph (2), given to the appellant must be accompanied by a record of any rulings on questions of law or admissibility of evidence made by the Statutory Committee.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Costs of the hearing

28.—(1) Where a hearing is to be held and a party is seeking or intends to seek an order for payment of its costs, the party must serve on the other party, and on the secretary, a schedule of costs relating to the hearing no less than 24 hours before the date of the hearing.

(2) After announcing the Statutory Committee's decision on the appeal, the chair may invite representations as to whether the costs should be assessed against either party.

(3) After hearing any representations from the parties, the Statutory Committee may, if it thinks fit and having regard to the ability of any party to pay, order that a party pay by a specified date all or part of the costs relating to the hearing incurred by other party.

(4) Where the Statutory Committee orders a party to pay costs, the chair may—

(a) summarily assess the costs to be paid; or

(b) require the parties either to agree the figure for the costs to be awarded or to submit to taxation before a person appointed by the secretary.

(5) Where a person is appointed by the secretary in accordance with paragraph (4)(b), that person must also determine how the costs of the assessment are to be apportioned.

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

Notes and transcripts of hearings

29.—(1) Subject to paragraph (3), the Statutory Committee must arrange for all hearings to be recorded in writing or electronic form.

(2) Any party to the proceedings must, on application to the Statutory Committee, be furnished with a transcript of the record of any part of the hearing at which that party was entitled to be present.

(3) The private deliberations of the Statutory Committee must not be recorded.**]**

F16 Regs. 12-29 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **9**

Modifications etc. (not altering text)

C1 Regs. 14-29 applied (1.6.2014) by The Council of the Pharmacetical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (S.R. 2014/126), regs. 1(1), **10**

C2 Reg. 29 applied (21.11.2022) by The Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2022 (S.R. 2022/285), art. 1(1), **reg. 10**

Sealed with the Common Seal of the Pharmaceutical Society of Northern Ireland on 8th August 2012

L.S.

Roberta Tasker
Trevor Patterson
President Chief Executive

The Department of Health, Social Services and Public Safety hereby approves the foregoing regulations.
Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 8th August 2012

L.S.
Department of Health, Social Services and Public Safety

Diane Taylor
A senior officer of the

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations approve the Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012 ("the Regulations"). The Regulations were made by the Council of the Pharmaceutical Society of Northern Ireland ("the Council") under the Pharmacy (Northern Ireland) Order 1976 ("the Order"). The Regulations set out matters relating to non-compliance by registered persons with the requirements or conditions of the continuing professional development framework adopted by the Council under Article 4A(6)(a) of the Order. The framework relates to standards of proficiency for the safe and effective practice of pharmacy that are set by the Council under Article 4A(1)(a) of the Order.

Regulation 2 sets out the circumstances in which a registered person is to be regarded as having failed to comply with the requirements or conditions of the framework or as having made a false declaration as to compliance. The steps which the registrar can take on being satisfied that a registered person has failed to comply, or has made a false declaration, are set out in regulation 3. One of the steps available to the registrar is to require a registered person to take remedial measures and regulation 4 contains further provision about such measures and notifying the registered person about them.

The other steps set out in regulation 3 are to remove an entry, or annotation, in respect of a registered person from the register. The procedure for such cases is set out in regulations 5 to 8. Under regulation 5, the registrar must determine whether to refer the matter to the Council's Scrutiny Committee or Statutory Committee if there are reasonable grounds to consider that the registered person's fitness to practise is called into question. If not, the registrar serves a notice to inform the registered person of the proposal to remove the entry or annotation from the register. Regulation 5(5) sets out the information that must be provided in the notice. The registrar then determines the matter in accordance with regulations 6 and 7. Regulations 6, 7 and 8 include provision about the circumstances in which a hearing is held and about notifying the registered person of the determination made in the registered person's case.

Regulation 9 sets out where the registrar may suspend a registered person's entry in the register and regulations 10 and 11 outline the procedure for the restoration of a registered person's name to the register and the restoration of an annotation to be recorded against a registered person's name in the register.

Changes to legislation:
There are currently no known outstanding effects for the The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012.