

SCHEDULE

The General Pharmaceutical Council (Appeals Committee) Rules 2010

Evidence

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

(2) Subject only to the requirements of relevance and fairness, the 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 subsequent civil proceedings if the decision of the Committee were appealed to the relevant court.

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

- (a) contains an attestation, in a format acceptable to the 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 England, Wales or Scotland, 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 Act 2006⁽¹⁾ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁽²⁾) by the Independent Barring Board—

- (a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 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 Board, authenticated in such manner as the Council 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⁽³⁾)—

- (a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that 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

(1) 2006 c.47.

(2) S.I. 2007/1351 (N.I.11).

(3) 2007 asp 14.

Status: This is the original version (as it was originally made).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

(b) a document from the Scottish Ministers, authenticated in such manner as the Council may approve, that provides a statement of the findings of fact that led to that 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 enactment 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 Committee may only allow a party to adduce written evidence at a hearing which has not been submitted in accordance with these Rules in such exceptional circumstances as it may determine.