

## SCHEDULE

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

### PART 3

#### Consideration by the Investigating Committee

##### **Reconsideration of allegations**

12.—(1) Where—

- (a) the Investigating Committee has considered a fitness to practise or a disqualification allegation and decided not to refer it to the Committee; and
- (b) within five years from the date of service of the notice given under rule 11, the Council receives a new allegation about the person concerned,

the Investigating Committee may take the action specified in paragraph (2).

(2) The Investigating Committee may—

- (a) when considering whether or not to refer the new allegation to the Committee, have regard to the original allegation; and
- (b) may refer both the original allegation and the new allegation to the Committee.

(3) Where the Investigating Committee has disposed of a fitness to practise or disqualification allegation, and within five years of that decision receives new evidence or information which makes the reconsideration of that decision—

- (a) necessary for the protection of the public;
- (b) necessary for the prevention of injustice to the person concerned; or
- (c) otherwise necessary in the public interest,

it may reconsider the allegation.

(4) The Investigating Committee may reconsider an allegation where it receives information that the Council has erred in its administrative handling of the case and it is satisfied that it is necessary in the public interest to do so.

(5) Where the Investigating Committee has decided to reconsider a fitness to practise or disqualification allegation, the secretary to the Investigating Committee must—

- (a) inform the person concerned and the informant, if any, of the decision to reconsider the allegation;
- (b) inform the person concerned and, where appropriate, the informant, if any, of any new evidence or information;
- (c) provide the person concerned and, where appropriate, the informant, if any, with copies of any new evidence and summaries of any new information received;
- (d) seek written representations from the person concerned and the informant, if any, on—
  - (i) the decision to reconsider the allegation, and
  - (ii) any new evidence or information received (unless, in the case of the informant, if any, this has not been sent to the informant).

(6) Following reconsideration of the original allegation, the original decision not to refer the allegation to the Committee may be rescinded in appropriate circumstances.

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

(7) Following reconsideration of the allegation, a new notice must be sent as provided for in rule 11.