

SCHEDULE

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

PART 6

Procedure at hearings

Procedure at principal hearings before the Committee in fitness to practise proceedings

31.—(1) Unless the Committee determines otherwise, the order of proceedings at a principal hearing in fitness to practise proceedings is to be in accordance with paragraphs (2) to (18).

(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 to confirm their name, or

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

(4) The person acting as secretary must read out the allegation and the alleged facts upon which it is based.

(5) The chair must inquire whether the registrant wishes to make any admissions.

(6) Where facts are admitted, the chair must announce that such facts have been found proved.

(7) Where facts remain in dispute, the presenter is to open the case for the Council and may adduce evidence and, subject to paragraph (19), call witnesses in support of it.

(8) The registrant may make submissions regarding whether sufficient evidence has been adduced to find the facts proved or to support a finding of impairment, and the Committee must consider and announce its decision as to whether any such submissions should be upheld.

(9) The registrant may open their case and may adduce evidence and, subject to paragraph (19), call witnesses in support of it.

(10) The Committee must consider and announce its findings of fact.

(11) The Committee must receive further evidence and hear any further submissions from the parties as to whether, on the basis of any facts found proved, the registrant's fitness to practise is impaired.

(12) The Committee must consider and announce its finding on the question of whether the fitness to practise of the registrant is impaired, and give its reasons for that decision.

(13) The Committee may receive further evidence and hear any further submissions from the parties or from any other person who has a direct interest in the proceedings where the registrant's fitness to practise is found to be impaired, as to the appropriate sanction, if any, to be imposed, including evidence as to any mitigating circumstances and any relevant matters in the previous history of the registrant concerned.

(14) The Committee must consider and announce its decision as to the appropriate course of action to be taken in respect of the registrant of those specified in article 54(2) of the Order and give its reasons for that decision.

(15) Where the Committee considers that it might make an order under article 60(2) or (4) of the Order in relation to the registrant's registration (interim measures pending a direction taking effect), it must invite representations from the parties before considering and announcing whether it is to impose such an order, together with its reasons for that decision.

(16) The Committee must deal with any interim order in place in respect of the registrant.

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(17) At any stage in the proceedings, before making a determination as to whether the registrant's fitness to practise is impaired, the Committee may, having regard to the nature of the allegation under consideration, adjourn and direct that a clinical adviser or a specialist adviser be appointed to assist the Committee under article 64 of the Order.

(18) At any stage before making its decision as to a sanction, the Committee may adjourn for further information or reports to be obtained in order to assist it in exercising its functions.

(19) The chair may refuse to allow a witness to give oral evidence, or to give oral evidence on a particular matter—

- (a) if not satisfied that the witness is in a position to provide relevant testimony; or
- (b) if 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.

(20) Notwithstanding the procedure set out in paragraphs (2) to (18), the Committee may allow the parties to make additional submissions at any time.