

SCHEDULE

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

PART 6

Procedure at hearings

Procedure in relation to hearings of registration cases before the Committee

33.—(1) Unless the Committee determines otherwise, the order of proceedings where the Registrar is seeking the advice of the Committee—

- (a) under rule 10(8) of the Registration Rules (which relates to whether the fitness to practise of an applicant for registration may be impaired for reasons other than adverse physical or mental health);
- (b) under rule 10(10) of the Registration Rules (which relates to whether the fitness to practise of an applicant for registration may be impaired because of adverse physical or mental health);
- (c) under rule 20(2)(a) of the Registration Rules (which relates to proceedings in respect of fraud or error or fitness to practise matters prior to registration); or
- (d) under rule 9(1)(d) of the Appeals Committee Rules (which relates to where the Appeals Committee seeks the advice of the Committee),

is to be in accordance with paragraphs (2) to (10).

- (2) The Committee must hear and consider any preliminary legal arguments.
- (3) The chair must—
 - (a) where the applicant or registrant concerned is present, require the applicant or registrant concerned to confirm their name; or
 - (b) otherwise, require the presenter to confirm the applicant or registrant concerned's name.
- (4) The chair must inquire whether the applicant or registrant concerned wishes to make any admissions.
- (5) Where facts have been admitted, the chair must announce that such facts have been found proved.
- (6) Where facts remain in dispute, the presenter must open the case for the Council and may adduce evidence and, subject to paragraph (11), call witnesses in support of it.
- (7) The applicant or registrant concerned may open their case, adduce evidence and, subject to paragraph (11), call witnesses in support of it.
- (8) The presenter may adduce evidence in rebuttal of the position of the applicant or registrant concerned and in support of the position of the Council including, subject to paragraph (11), the calling of witnesses.
- (9) The applicant or registrant concerned may make a closing statement.
- (10) The Committee must announce its advice and, where appropriate, the reasons for its advice.
- (11) 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

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- (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.
- (12) Notwithstanding the procedure set out in paragraphs (2) to (10), the Committee may allow the parties to make additional submissions at any time.