

SCHEDULE

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

PART 7

General

Vulnerable witnesses at hearings

44.—(1) In proceedings before the Committee, the following may, if the quality of their evidence is otherwise likely to be adversely affected, be treated as vulnerable witnesses—

- (a) any witness under the age of 18;
- (b) any witness with a mental disorder (within the meaning of the Mental Health Act 1983⁽¹⁾);
- (c) any witness who is significantly impaired in relation to intelligence or social functioning;
- (d) any witness with a physical disability who requires assistance to give evidence;
- (e) any witness, where an allegation against a person concerned is of a sexual nature and the witness was the alleged victim; or
- (f) any witness who complains of intimidation.

(2) Upon—

- (a) hearing representations from the parties; and
- (b) in relation to a health allegation, after seeking the advice of a legal adviser,

the Committee may adopt such measures as it considers necessary to enable it to receive evidence from a vulnerable witness.

(3) Measures adopted by the Committee may include, but are not to be limited to—

- (a) use of video links;
- (b) subject to paragraph (4), use of pre-recorded evidence as the evidence-in-chief of a witness, provided always that the witness is present at the hearing for cross-examination and questioning; and
- (c) use of interpreters (including signers and translators).

(4) Where—

- (a) there is an allegation against a person concerned of a sexual nature;
- (b) a witness is the alleged victim; and
- (c) the person concerned is not represented,

the person concerned is not to be allowed to cross-examine the witness directly in person.

(5) In the circumstances set out in paragraph (4), any questioning of the witness is to be undertaken by such person as the Committee considers appropriate.

(1) 1983 c.20. “Mental disorder” is defined in section 1(2) as any disorder or disability of the mind.