

SCHEDULE

The General Pharmaceutical Council (Registration) Rules 2010

PART 4

Fraudulent and incorrect entries: Parts 1, 2, 4 and 5 of the Register

Notice of Intention to Remove: stage 1

18.—(1) Paragraph (2) applies where the Registrar has reasonable grounds for believing—

- (a) that the entry of a registrant (“R”) in Part 1 or, as the case may be, Part 2, 4 or 5 of the Register may have been fraudulently procured or incorrectly made; or
- (b) that R’s fitness to practise was impaired at the time when R was entered in the relevant part of the Register and R had not informed the Registrar of the relevant matter before R’s name was entered in that part of the Register.

(2) In the circumstances set out in paragraph (1), the Registrar—

- (a) may serve a Notice of Intention to Remove on R which notifies R in writing that the Registrar is considering whether to remove R’s entry from the relevant part of the Register; and
- (b) must consider whether or not to refer the matter to the Fitness to Practise Committee under rule 6(7) of the Fitness to Practise Rules.

(3) If the Registrar has reasonable grounds for believing that R’s fitness to practise is impaired, the Registrar may decide to refer the matter to the Fitness to Practise Committee in accordance with rule 6(7) of the Fitness to Practise Rules instead of serving a Notice of Intention to Remove on R.

(4) Before serving a Notice of Intention to Remove on R, the Registrar may make such inquiries, including the instruction of external agents and investigators, and the commissioning of medical reports, as the Registrar considers necessary or expedient.

(5) The Notice of Intention to Remove must—

- (a) set out the grounds for believing that—
 - (i) R’s entry in Part 1 or, as the case may be, Part 2, 4 or 5 of the Register may have been fraudulently procured or incorrectly made, or
 - (ii) R’s fitness was impaired at the time of R’s entry in the relevant part of the Register and R had not informed the Registrar of the relevant matter before R’s name was entered in that part of the Register;
- (b) be accompanied by copies of any evidence that is in a form which can be copied and on which the Registrar would rely in any proceedings under this Part to remove R’s entry from the relevant part of the Register;
- (c) invite R to submit written representations and any relevant evidence to the Registrar no later than 28 days after service of the Notice, as to why R’s entry in the relevant part of the Register should not be removed;
- (d) inform R that, should R fail to submit written representations to the Registrar within the period stipulated in sub-paragraph (c), R’s entry in the relevant part of Register will be removed; and
- (e) except in cases where the Registrar has reasonable grounds for believing that R’s entry in the relevant part of the Register was incorrectly made, invite R to indicate whether or not R wishes the matter to be considered at a hearing.

Status: This is the original version (as it was originally made).

- (6) In this Part, “the relevant matter” means—
- (a) any matter referred to in article 51(1)(e) to (n) of the Order which exists in relation to R; or
 - (b) any adverse report relating to R’s physical or mental health.

Subsequent action by Registrar: stage 2

19.—(1) Where the Registrar has issued a Notice of Intention to Remove and has not received any representations from R within the period stipulated in rule 18(5)(c), the Registrar must remove R’s entry from Part 1 or, as the case may be, Part 2, 4 or 5 of the Register.

(2) Where the Registrar receives representations from R within the period stipulated in rule 18(5)(c), the Registrar—

- (a) must consider the representations and any evidence received; and
- (b) may make such further inquiries (including obtaining legal advice) as the Registrar considers necessary.

(3) The Registrar must close the matter and advise R accordingly where the Registrar is satisfied that—

- (a) R’s entry in the relevant part of the Register was not fraudulently procured or incorrectly made; or
- (b) R’s fitness to practise was not impaired at the time R’s name was entered in the relevant part of the Register, or that it was so impaired but that R had informed the Registrar of the relevant matter before R’s name was entered in that part of the Register.

(4) Where the Registrar is minded to determine that—

- (a) R’s entry in Part 1 or, as the case may be, Part 2, 4 or 5 of the Register was fraudulently procured or incorrectly made; or
- (b) R’s fitness to practise was impaired at the time R’s name was entered in the relevant part of the Register and R had not informed the Registrar about the relevant matter before R’s name was entered in that part of the Register,

if the Registrar is minded to rely, when making that determination, on evidence that was obtained as a result of the Registrar’s further inquiries, paragraph (5) applies, but in all other cases, the Registrar must determine the matter in accordance with rule 20(1)(b) or (2).

(5) Where this paragraph applies, the Registrar must send to R the additional evidence on which the Registrar is minded to rely, and if R has not already requested a hearing or is not entitled to one, invite R, no later than 28 days after service of the additional evidence—

- (a) to submit written representations and any relevant additional evidence to the Registrar; or
- (b) except in cases where the Registrar has reasonable grounds for believing that R’s entry in Part 1 or, as the case may be, Part 2, 4 or 5 of the Register was incorrectly made, invite R once again to indicate whether or not R wishes the matter to be considered at a hearing.

Decisions in contested cases: stage 3

20.—(1) The Registrar must determine the matter if R does not request a hearing or is not entitled to one—

- (a) after the period stipulated in rule 19(5); or
- (b) if no such period need be stipulated, once the Registrar has taken a decision to that effect.

(2) Where R has requested a hearing (as a response to the invitation in the Notice of Intention to Remove or the notification under rule 19(5))—

- (a) the Registrar must refer the matter to the Fitness to Practise Committee, which must hold a hearing in accordance with rule 33 of the Fitness to Practise Rules, for the purposes of making findings of fact in relation to the matter and advising the Registrar accordingly; and
 - (b) once the Registrar has received the advice of the Fitness to Practise Committee, the Registrar must determine the matter.
- (3) Where the Registrar determines that—
- (a) R's entry in Part 1 or, as the case may be, Part 2, 4 or 5 of the Register was fraudulently procured or incorrectly made; or
 - (b) R's fitness to practise was impaired at the time R's name was entered in the relevant part of the Register and R had not informed the Registrar of the relevant matter before R's name was entered in that part of the Register,

the Registrar must remove R's entry from the relevant part of the Register, in accordance with article 29(3) or 30(1) of the Order, whichever is appropriate in R's case.

- (4) Where the Registrar determines that—
- (a) R's entry in the relevant part of the Register was not fraudulently procured or incorrectly made; or
 - (b) R's fitness to practise was not impaired at the time R's name was entered in the relevant part of the Register, or that it was so impaired but that R had informed the Registrar of the relevant matter before R's name was entered in that part of the Register,

the Registrar must close the matter and notify R accordingly.