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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 311**

The Council of the Pharmaceutical Society  
of Northern Ireland (Fitness to Practise and  
Disqualification) Regulations (Northern Ireland) 2012

PART 6

Procedure at hearings

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

**34.**—(1) Unless the Statutory 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 Statutory Committee must hear and consider any preliminary legal arguments.

(3) The chair must—

(a) where the registered person concerned is present, require the registered person to confirm their name, or

(b) otherwise, require the presenter to confirm the registered person 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 registered person 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 Society and may adduce evidence and, subject to paragraph (19), call witnesses in support of it.

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

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

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

(11) The Statutory 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 registered person's fitness to practise is impaired.

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

(13) The Statutory 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 registered person'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 registered person concerned.

(14) The Statutory Committee must consider and announce its decision as to the appropriate course of action to be taken in respect of the registered person of those specified in paragraph 7(2) of Schedule 3 to the Order and give its reasons for that decision.

(15) Where the Statutory Committee considers that it might make an order under paragraph 12(2) or (4) of Schedule 3 to the Order in relation to the registered person'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 Statutory Committee must deal with any interim order in place in respect of the registered person.

(17) At any stage in the proceedings, before making a determination as to whether the registered person's fitness to practise is impaired, the Statutory 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 Statutory Committee under paragraph 18 of Schedule 3 to the Order.

(18) At any stage before making its decision as to a sanction, the Statutory 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 Statutory Committee may allow the parties to make additional submissions at any time.