
STATUTORY RULES OF NORTHERN IRELAND

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 restoration hearings

37.—(1) Unless the Statutory Committee determines otherwise, the order of proceedings at a restoration hearing is to be in accordance with paragraphs (2) to (9).

(2) The Statutory Committee must hear and consider any preliminary legal arguments.

(3) The chair must—

- (a) where the applicant concerned is present, require the applicant concerned to confirm their name; or
- (b) otherwise, require the presenter to confirm the applicant concerned's name.

(4) The presenter—

- (a) must address the Statutory Committee as to the background to the case and the circumstances in which the applicant's name was removed from the register;
- (b) must direct the attention of the Statutory Committee to any relevant evidence, including transcripts of previous hearings; and
- (c) may adduce evidence and, subject to paragraph (11), call witnesses in relation to the applicant's fitness to practise.

(5) The applicant may address the Statutory Committee, adduce evidence and, subject to paragraph (11), call witnesses in relation to any relevant matter, including their suitability for restoration to the register.

(6) The Statutory Committee may receive further evidence and hear any further submissions from the parties as to its decision whether to grant or refuse the application.

(7) The Statutory Committee must then consider and announce whether to grant or refuse the application and give its reasons for that decision.

(8) Before reaching a decision under paragraph (7), the Statutory Committee may adjourn and give such directions as it sees fit.

(9) Where the Statutory Committee adjourns under paragraph (8), it must—

- (a) consider any assessment reports produced further to a direction under paragraph (8), together with any other relevant evidence and reports; and
- (b) invite further representations and evidence from the parties,

before reaching a decision as to whether the applicant's name should be restored to the register.

(10) Where the Statutory Committee decides that a person's name should be restored to the register, the secretary must notify the registrar accordingly.

(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
- (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 (9), the Statutory Committee may allow the parties to make additional submissions at any time.