
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 interim order hearings

38.—(1) The order of proceedings at an interim order hearing is to be in accordance with paragraphs (2) to (8).

(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 concerned to confirm their name; or

(b) otherwise, require the presenter to confirm the registered person concerned's name.

(4) The presenter must address the Statutory Committee regarding whether it is necessary to make or review an interim order in respect of the registered person concerned and, subject to paragraphs (9) to (11), may adduce evidence in this regard.

(5) The registered person may present their case and, subject to paragraphs (9) to (11), may adduce evidence in support of it.

(6) The parties and members of the Statutory Committee may put questions to any witness.

(7) Subject to paragraph (10), where the registered person gives oral evidence, the presenter and members of the Statutory Committee may put questions to the registered person.

(8) The Statutory Committee must announce its decision, and must give its reasons for that decision.

(9) The Statutory Committee may, subject to paragraphs (10) and (11), receive any evidence which appears to it to be fair and relevant to its consideration under paragraph 8 of Schedule 3 to the Order.

(10) No person may give oral evidence at the hearing unless the Statutory Committee considers such evidence is desirable to enable it to discharge its functions.

(11) The Statutory Committee may, at any stage in the proceedings—

(a) with the consent of the registered person; or

(b) where it is satisfied that to do so would be desirable to enable it to discharge its functions, allow a party to produce at the hearing any written evidence, notwithstanding that a copy has not been provided to the other party before the hearing or that its author is not being called as a witness.

(12) The Statutory Committee may vary the order of proceedings under paragraphs (2) to (8) where it is in the interests of justice to do so.

(13) Where—

(a) an interim order is being reviewed by the Statutory Committee; and

(b) the hearing is, or is likely to be, the last such hearing before the expiry of the interim order, the Statutory Committee may, after making its determination, advise the registrar that an application should be made to the High Court for the interim order to be extended, or if it has been extended, further extended, under paragraph 8(5) of Schedule 3 to the Order.

(14) Where the terms of the order to be made or continued, or the terms of the variation to the order, or its revocation, are agreed between the parties, the Statutory Committee may make an order in those terms without the need for a hearing.