
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 2

Initial consideration by the registrar

Initial action in respect of allegations

- 5.—(1) The registrar may only refer an allegation where—
- (a) the person concerned is identifiable; and
 - (b) the allegation is capable of being referred.
- (2) The registrar must not refer the allegation where—
- (a) in the case of a fitness to practise allegation, the allegation is of a type stated in the threshold criteria which should not be referred;
 - (b) more than 5 years have elapsed since the most recent events referred to in the allegation unless the registrar considers that it is necessary for the protection of the public, or otherwise in the public interest, for the allegation to be referred; or
 - (c) the allegation is made by an informant who—
 - (i) is anonymous and the allegation is not capable of verification from an independent source; or
 - (ii) is identifiable but does not participate in the consideration of the allegation and the allegation is not capable of verification from an independent source.
- (3) The registrar's consideration of an allegation under paragraphs (1) and (2) may include the carrying out of any investigations which, in the registrar's opinion, are appropriate to the consideration of it.
- (4) Investigations referred to in paragraph (3) may include—
- (a) requesting the Pharmacy Inspector to undertake further inquiries;
 - (b) requesting the informant to provide a written statement or statutory declaration;
 - (c) instructing solicitors; or
 - (d) in relation to a health allegation, requiring the person concerned to agree to be medically examined by a medical practitioner nominated by the Society.
- (5) The allegation must be referred to the Statutory Committee instead of to the Scrutiny Committee if the registrar considers that—
- (a) the Statutory Committee should consider making an interim order, and if the registrar does so consider, the registrar must notify the Statutory Committee accordingly; or

(b) the public interest is best served by urgent consideration of the case.

(6) The registrar must also refer an allegation to the Statutory Committee instead of to the Scrutiny Committee if it relates to a conviction for one or more criminal offences and the sentence imposed in respect of one offence or in respect of some or all of those offences, is a custodial or suspended custodial sentence.

(7) The registrar may refer an allegation to the Statutory Committee instead of the Scrutiny Committee if—

(a) it relates to a determination by a regulatory body in the United Kingdom responsible under any statutory provision for the regulation of a health or social care profession that the registered person's fitness to practise is impaired; and

(b) the registrar considers that the allegation should be so referred.

(8) The registrar may refer an allegation to the Statutory Committee instead of to the Scrutiny Committee where—

(a) in so far as the allegation relates to an entry in the register, the registrar has reasonable grounds for believing that that entry may have been fraudulently procured or incorrectly made; and

(b) the registrar considers that the allegation should be so referred.

(9) The registrar may refer an allegation to the Statutory Committee instead of to the Scrutiny Committee where the allegation relates to—

(a) a failure to comply with the requirements or conditions of the framework adopted by the Council under Article 4A(6)(a) of the Order relating to the continuing professional development of registered persons; or

(b) the making of a false declaration about compliance with the requirements or conditions of that framework;

and the registrar considers that the circumstances of the failure or false declaration are such that the allegation should be so referred.

(10) Where the registrar refers an allegation to the Statutory Committee under any of paragraphs (5) to (9) the registrar must inform the person concerned and the informant, if any, that the allegation has been so referred.