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DRAFT STATUTORY INSTRUMENTS

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**2007 No.**

**The Pharmacists and Pharmacy Technicians Order 2007**

**PART 5**

Fitness to practise

**Consideration by the Investigating Committee**

**50.**—(1) Where an allegation or a matter has been referred to the Investigating Committee under this Order by the Registrar (referred to in this article as “the allegation”), it shall decide whether the allegation ought to be considered by the Disciplinary Committee or the Health Committee.

(2) If the Investigating Committee decides that the allegation need not be considered by the Disciplinary Committee or the Health Committee, unless the person who is the subject of the allegation (referred to in this article as “the person concerned”) has requested a referral under paragraph (3)—

- (a) the Investigating Committee may issue—
  - (i) a warning or advice to the person concerned in connection with any matter arising out of or related to the allegation, and
  - (ii) advice to any other person or other body involved in its investigation of the allegation on any matter arising out of or related to the allegation; and
- (b) the Registrar shall inform the person concerned and the person who made the allegation, if any, of the Committee’s decision and any action it is taking under sub-paragraph (a).

(3) If the Investigating Committee decides that the allegation ought to be considered by the Disciplinary Committee or the Health Committee or the person concerned has requested a referral under this paragraph—

- (a) the Investigating Committee shall refer the allegation—
  - (i) in the case of an allegation that the person concerned’s fitness to practise is impaired by reason only of adverse physical or mental health, to the Health Committee,
  - (ii) in the case of an allegation that the person concerned’s fitness to practise is impaired by reason of adverse physical or mental health and by reason of other matters, to the Health Committee or the Disciplinary Committee, whichever one the Investigating Committee considers more appropriate, or
  - (iii) in any other case, to the Disciplinary Committee;
- (b) where the Investigating Committee is of the opinion that the committee to which it is referring the allegation should consider making an interim order under article 54, it shall notify the committee accordingly; and
- (c) the Registrar shall inform the person concerned and the person who made the allegation, if any, of the Investigating Committee’s decision to refer the allegation to the Health Committee or the Disciplinary Committee.

(4) If, having considered an allegation, the Investigating Committee is of the opinion that the Society should consider exercising any of its powers to bring criminal proceedings under any enactment, it shall notify the Registrar accordingly.