
STATUTORY INSTRUMENTS

2010 No. 300

The General Pharmaceutical Council (Constitution) Order 2010

PART 2

Membership of the Council

Suspension of members from office

7.—(1) The Privy Council may suspend a member from office by a notice in writing served on that member—

- (a) if the Privy Council has reasonable grounds for suspecting that the member has become a person to whom article 6(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;
- (b) while the Privy Council is considering whether or not it is satisfied as to the matters set out in article 6(1)(g) to (j);
- (c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—
 - (i) any licensing body, or
 - (ii) the Council,

and the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

- (d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the Register, or part of the Register, was fraudulently procured or incorrectly made and the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's entry in the Register, or part of the Register, is or are ongoing; or
- (e) if the member is subject to any investigation or proceedings in the United Kingdom relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—
 - (i) either—
 - (aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or
 - (bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment or detention, and
 - (ii) the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings are ongoing.

(2) The Privy Council must suspend a registrant member from office by a notice in writing served on the member if the member is the subject of an interim suspension order under article 56 of the Order (interim orders).

(3) The notice in writing served under paragraph (1) or (2) must set out the reasons for the suspension and the duration of the period of suspension, which is (in the first instance) not to be for more than 6 months.

(4) The Privy Council may stay its consideration under paragraph (1) of whether or not to suspend a member while the Council considers whether or not to suspend the member provisionally under standing orders of the Council.

(5) If a member has been suspended provisionally under standing orders of the Council—

- (a) the Council must notify the Privy Council in writing of the provisional suspension as soon as is reasonably practicable; and
- (b) the Privy Council must consider the matter with a view to determining whether or not to suspend the member under paragraph (1) or to remove the member under article 6(1).

(6) If after considering the matter under paragraph (5)(b) the Privy Council decides not to suspend the member and not to remove the member from office, the Council must terminate its provisional suspension of the member under its standing orders.

(7) The Privy Council—

- (a) may at any time review a suspension of a member by it; and
- (b) must review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(8) Following a review, the Privy Council may—

- (a) terminate the suspension; or
- (b) if that review is within 3 months of the end of the period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(9) The Privy Council must notify the suspended member in writing of the outcome of any review and that notice must include the reasons for any decision taken.