

**PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND  
STATUTORY COMMITTEE**

**GUIDANCE ON THE CONSIDERATION OF APPLICATIONS  
FOR RESTORATION TO THE REGISTER**

**1. PREAMBLE**

In line with modern trends in regulation, the Statutory Committee has produced this guidance on the consideration of applications for restoration to the register, to assist persons appearing before it. The Statutory Committee is keen to ensure that its disciplinary procedures are compliant with the Human Rights Act and conform with models of good regulatory practice being developed by other regulators and the Council for Healthcare Regulatory Excellence.

Fairness requires that a person making an application for restoration to the Statutory Committee knows, prior to any decision being made, what matters the Committee will take into account, and the principles to be applied by the Committee in coming to its decision.

The factual bases underpinning any application for restoration are many and varied, as are the personal circumstances of the individuals applying for restoration. The matters set out in paragraph 5 of this document, therefore, are not intended to be an exhaustive list.

The guidance contained herein cannot operate either to alter or to displace what is the law.

**2. DOCUMENTS TO BE PROVIDED BY APPLICANTS FOR RESTORATION**

An applicant seeking restoration to the register must provide:

1. A written application addressed to the Secretary of the Statutory Committee. The application must state the grounds on which it is made, and must be signed by the applicant (Regulation 30 of the Pharmaceutical Society (Statutory Committee) Order of Council 1978).
2. A Statutory Declaration in support of the application, made by the person making the application.  
The Statutory Declaration must identify the applicant with the application, the statements made in the application and with the certificates referred to below. **(Regulation 31 of the Pharmaceutical Society (Statutory Committee) Order of Council 1978).**
3. At least two certificates attesting to the applicant's identity and good character. One of the certificates must be given by a registered pharmaceutical chemist. The other certificate may be given by a registered pharmaceutical chemist, a fully registered medical practitioner, a justice of the peace or a legally qualified holder of a judicial office. (Regulation 31 of the Pharmaceutical Society (Statutory Committee) Order of Council 1978).
4. Applicants are advised that referees should indicate on the reference, that:
  - i) the referee knows why the applicant's name was removed from the register; and
  - ii) the referee has seen a copy of the Statutory Committee's determination in which the direction to remove the applicant's name from the register was made.
5. Where an applicant's referee is a registered pharmacist, applicants are advised that the Society will check that the pharmacist is in good standing and has not appeared before the Statutory Committee in the last ten years. Where this is not the case, the Society will bring such information to the attention of the Statutory Committee.

In addition, any applicant seeking restoration to the register is advised to provide, in support of the application, detailed evidence demonstrating the applicant's fitness to return to the register. This may include evidence of activities designed to address or learn from the original offence or misconduct, and evidence of learning activities designed to keep up to date with skills and knowledge, and with developments in practice. The applicant should also provide evidence demonstrating insight into the gravity of the offence or misconduct which resulted in the removal of his name from the register.

### 3. PURPOSE OF SANCTION IMPOSED BY THE STATUTORY COMMITTEE

When considering an application for restoration, the purpose of the original sanction of removal from the register must be borne in mind. The purpose of the sanction is threefold, namely :

- i) the protection of the public;
- ii) the maintenance of public confidence in the profession; and
- iii) the maintenance of proper standards of behaviour.

### 4. PRINCIPLES TO BE APPLIED WHEN CONSIDERING A RESTORATION APPLICATION

Removal from the register is the most serious sanction available to the Statutory Committee. Once removed from the register, a former practitioner is considered no longer fit to be a member of the profession. In ordinary circumstances, the Statutory Committee will not entertain an application for restoration within any period shorter than three years from the date that the removal from the register took effect.

Guidance on the approach to be adopted can be found in the extracts from the two cases below:

*“ It often happens that a former solicitor appearing before the tribunal can adduce a wealth of glowing tributes from his professional brethren. He can often show that for him and his family the consequences of striking off or suspension would be little short of tragic. Often he will say, convincingly, that he has learned his lesson and will not offend again. **On applying for restoration after striking off**, all these points may be made, and the former solicitor may also be able to point to real efforts made to re-establish himself and redeem his reputation. All of these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness. [...]The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is a part of the price.”*

***Bolton v Law Society [1994] 1WLR 512 per the Master of the Rolls at page 519E***

*“The Professional Conduct Committee accepted that the appellant was making real efforts to demonstrate his fitness to practise. However, the Professional Conduct Committee was entitled to conclude, **in relation to...the refusal of restoration**...that the efforts he had made were outweighed by other factors. These included the seriousness of the original offence when the Professional Conduct Committee stated that the appellant had “fallen lamentably below the professional standards to which patients were entitled”, “demonstrated clinical incompetence of the most basic kind”, and ...[had] “not been truthful.””*

*Gosai v General Medical Council [2003] UKPC 31 at paragraph 24*

The Statutory Committee will give careful consideration to all the circumstances of an individual case and the representations made by the applicant. However, the applicant will need to make a strong case and will be required to demonstrate his suitability to be restored to the register.

**5. MATTERS TO BE TAKEN INTO ACCOUNT BY THE COMMITTEE WHEN CONSIDERING AN APPLICATION FOR RESTORATION**

The seriousness of the original offence or misconduct
The degree of insight shown by the applicant into the gravity of the original offence or misconduct
Whether or not the applicant has made real efforts to demonstrate suitability to be restored to the register including attempts to keep up to date in terms of knowledge and skills, and with developments in practice
Whether public confidence in the profession would be maintained if the applicant were to be restored to the register
The length of time that has elapsed since removal from the register and/or any previous application for restoration
The conduct of the applicant since removal from the register and/or any previous application for restoration
Testimonials and character references submitted in support of the application
Any representations received from patients or victims affected by the original offence or misconduct

**6. REASONS**

The Statutory Committee will give reasons for its decision on whether or not to restore a person's name to the register.

**7. APPLICATION FOR RESTORATION POST DISMISSAL OF A HIGH COURT APPEAL.**

Where an applicant has previously appealed to the High Court against the decision to remove his name from the register and the appeal was dismissed, any direction by the Statutory Committee to restore his name to register shall not take effect unless it is approved by the Lord Chief Justice of Northern Ireland – Article 23 Pharmacy (Northern Ireland) Order 1976.

**Approved by the Statutory Committee on 16 December 2005**