

APPEALS

The following fitness to practise decisions made by the Statutory Committee are appealable:

- a direction to strike the name of a registered person off the register;
- a direction for the suspension or conditional entry (including a direction extending a period of earlier suspension or of conditional entry or making a period of suspension indefinite);
- a direction to vary the conditions imposed by a direction for conditional entry;
- a direction that a person may make no further applications for the restoration of their name to the register.

The above includes such decisions made by the Statutory Committee at a review hearing.

A person who has an appealable fitness to practise decision made against them, may appeal that decision to the High Court.

Notice of any appeal must be filed at the High Court and served on the Pharmaceutical Society (in accordance with the rules of the court) within 28 days beginning with, and including, the date on which the written notice of the reasons for the decision was sent, or within such longer period as the High Court may, (in accordance with the rules of the court), allow.

Having considered the appeal, the High Court may:

- dismiss the appeal;
- allow the appeal, and quash the direction in respect of which the appeal is made;
- substitute for the direction in respect of which the appeal is made for any other direction that the Statutory Committee could have given; or
- remit or refer the case to the Registrar or the Statutory Committee for the disposal of the matter in accordance with the High Court's directions,

and may make such order as to costs as the High Court thinks fit.

The Taking Effect of Appealable Fitness to Practise Decisions

An appealable fitness to practise decision does not take effect:

- until the period for bringing an appeal has expired; or
- where the appeal is brought within the period for bringing an appeal, until the date on which the appeal is fully disposed of, is abandoned or fails by reason of its non prosecution.

Therefore, appealable decisions do not come into effect immediately.

Where an applicant brings an appeal (within the appeal time period) against a decision by the Statutory Committee that extends, varies or replaces an earlier direction, the earlier direction continues to have effect until the date on which the appeal is finally disposed of.

Interim Measures pending a direction taking effect

As explained above, the Statutory Committee's direction will not take effect immediately. In relation to certain directions, the Statutory Committee has the power to impose interim measures to restrict the registered person's registration until the direction takes effect.