

PRACTICE DIRECTION OF THE CHAIR OF THE STATUTORY COMMITTEE

MADE PURSUANT TO REGULATION 24 OF THE COUNCIL OF THE PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND (FITNESS TO PRACTISE AND DISQUALIFICATION) REGULATIONS (NORTHERN IRELAND) 2012

Practice Direction (No. 1 of 2017)

- A. This Practice Direction sets out pre-hearing procedures for the Statutory Committee of the Pharmaceutical Society of Northern Ireland.
- B. This Practice Direction shall come into effect on 1 June 2017.

Initial Stages

1. Where the Scrutiny Committee or the Registrar has referred a fitness to practise allegation to the Statutory Committee, the referral notice must (a) particularise the matters to be referred and (b) where the Scrutiny Committee or the Registrar is of the view that the Statutory Committee should consider making an interim order, state the reasons for its view.¹
2. On receipt of the referral document the Secretary of the Statutory Committee ('the Secretary') shall serve on the Society a Listings Questionnaire and a request for a time estimate of hearing.²
3. The Society must, as soon as is reasonably practicable after the date of referral, serve on the person concerned the materials outlined in Regulation 16(1) (Disclosure Provisions), namely:
 - (a) finalised particulars of the allegation, sufficiently particularised to enable them to understand the allegation;

¹ The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012 (2012 No.311), Regulations 13(8)(a) and (b). Note this practice direction does not apply to pre-hearing processes for interim orders.

² 2012 No.311, Regulation 15(1)(c). Note that under Regulation 16(1)(e) the Society must serve on the person concerned, a copy of the listings questionnaire duly completed. The Society serving the Listings Questionnaire on the person concerned under 16(1)(c) is considered to meet the requirements placed on the Secretary under 15(1)(c).

(b) any statements of evidence, expert reports or other documents relied upon by the Society in support of its case, not previously served upon the person concerned;

(c) any evidence or documents that the Society has in its possession (other than documents for which privilege is claimed) which, whilst not relied upon by the Society, may assist the person concerned in the preparation of their defence;

(d) a list of witnesses whose evidence is (or whose oral evidence will be) relied upon by the Society in support of its case;

(e) a copy of the listing questionnaire duly completed by the Society; and

(f) any time estimate for the duration of the Society's case.

3.1 The Society must inform the Secretary that the materials listed in 16(1) have been served and provide the Secretary with a copy of the finalised particulars of the allegation.³

4. As soon as is reasonably practicable after receiving the materials outlined in Regulations 16(1), the person concerned shall return to the Secretary a completed Listings Questionnaire and agreed time estimation.⁴
5. If the parties are unable to agree a time estimate for the duration of the hearing, they must request case management directions.⁵
6. The parties must notify the Secretary of any changes to the agreed time estimation for the hearing or to the information provided by the parties in the listing questionnaire as soon as possible after becoming aware that the estimate or information has changed.⁶

Case Management

7. A party to proceedings before the Statutory Committee may at any time serve on the Secretary and the other party a written request for a case management meeting (in addition to the occasions on which they must, by virtue of the Regulations, make such a request).

7.1 The request must—

³ This is to allow the Secretary to meet requirements under 2012 No.311, Regulation 18(1)(b) relating to the Notice of Hearing.

⁴ 2012 No.311, Regulations 16(2)(a) and (b)

⁵ 2012 No.311, Regulation 16(3)

⁶ 2012 No.311, Regulation 16(5)

- (a) state the reasons why the party is seeking a case management meeting;
- (b) state what directions are sought for the management of the case (and the party may enclose draft directions where appropriate);
- (c) state whether the person making the request seeks the participation of the parties at the meeting (and if so, the preferred format for that meeting) or whether the issues can be dealt with by way of directions without oral representations from the parties.

7.2 The Secretary shall send a copy of the request, together with any other material considered relevant, to the Chair.

7.3 The Chair must agree to the request for a case management meeting unless the Chair determines that the meeting is unnecessary or the request is an abuse of process.⁷

7.4 All case management meetings must meet the requirements laid out in Regulation 22.⁸

7.5 All case management directions must meet the requirements as laid out in Regulation 23.⁹

Pre-hearing requirements

- 8. Upon consultation with the Chair concerning the case requirements and securing of a Panel, the Secretary must serve Notice of Hearing on the parties no less than 35 days before the date fixed for the hearing¹⁰.
- 9. As soon as is reasonably practicable after the date of service of the materials required at paragraph 3 above and, in any event, not less than 28 days before the hearing, the person concerned shall serve on the Society the materials set out in Regulation 16 (4)(a) and (b).¹¹

Hearing Bundles

- 10. The person concerned and the Society shall serve on each other, no less than 16 days before the Monday of the week in which the hearing is to take place, copies of the bundles on which they intend to rely on at the hearing.¹²

⁷ 2012 No.311, Regulation 20

⁸ 2012 No.311, Regulation 22

⁹ 2012 No. 311, Regulation 23

¹⁰ 2012 No.311, Regulation 18

¹¹ 2012 No.311, Regulation 16(4)(a) and (b)

¹² 2012 No.311, Regulation 20(2)

11. No later than nine days before the Monday of the week in which the hearing is to take place, the parties must serve on the Secretary 10 paginated copies of—

- (a) where the bundle for the hearing has been agreed between the parties, the agreed bundle; or
- (b) where the bundle for the hearing has not been agreed between the parties—
 - (i) any part of the bundle that has been agreed; and
 - (ii) a statement from the party seeking to rely on any disputed material why the party seeks to include it in their bundle;
- (c) a statement of each party's case; and
- (d) where the case necessitates consideration of a point of law, each party's skeleton argument.¹³

12. Any document which has not been served on the Secretary by the end of the period specified in paragraph 11 above is, except in exceptional circumstances, not to be admitted into evidence at the hearing.¹⁴

Witnesses

13. No later than 9 days before the Monday of the week in which the hearing is to take place, the parties must serve on the Secretary a list indicating—

- (a) any witness whose evidence has been agreed and who therefore does not need to be called; and
- (b) any witness who is to be called to give oral evidence before the Statutory Committee.

The Chair of the Statutory Committee:

Michael Wise

Dated: 24 May 2017

¹³ 2012 No.311, Regulations 20(3), (4) and (5).

¹⁴ 2012 No.311, Regulation 20(5)