

ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

STATUTORY COMMITTEE

PROTOCOL FOR SERVICE OF EVIDENCE AND BUNDLES OF EVIDENCE

Introduction

*The aim of this Protocol is to promote the **just and expeditious** consideration of infringements and allegations that are referred to the Statutory Committee of the Royal Pharmaceutical Society.*

The procedures outlined in this Protocol have been agreed by the Society and representatives of organisations who represent pharmacists before the Statutory Committee on a regular basis, and approved by the Chair of the Statutory Committee.

The Protocol is designed to smooth the transition to the new procedures under the new Pharmacists and Pharmacy Technicians Order, which will contain requirements for case management.

This Protocol will apply to all cases referred by the Chairman for inquiry on or after 1st January 2006.

Arrangement of Protocol

Part 1-Normal cases

1. Provision of time estimates and disclosure of Society's Case
2. Provision of time estimates and disclosure of Defence Case

Part 2- Fast Track cases

3. Provision of time estimates and disclosure of Society's Case
4. Provision of time estimates and disclosure of Defence Case

Part 3-Bundles

5. Service of bundles and agreed witness lists

Part 4-Non compliance with time limits

6. Applications to vary timelimits
7. Directions hearing

Part 1-Normal cases

Disclosure of Society's case

1. (1) No later than 28 days from the date on which an Inquiry is ordered by the Chairman of the Statutory Committee, the Society shall serve on the Committee Secretary a time estimate for the duration of its case.
- (2) No later than 7 months from the date on which an Inquiry is ordered by the Chairman of the Statutory Committee, the Society shall serve on the Respondent (and any representative)—
 - (a) a draft charge(s), sufficiently particularised to enable the respondent to understand the allegations made against him;
 - (b) any statements of evidence; expert reports (if any) and other documents relied upon by the Society, not previously served upon the respondent at the time the case was considered by the Infringements Committee;
 - (c) a list of witnesses whose evidence is relied on by the Society; and
 - (d) the Society's time estimate for the duration of its case.

Disclosure of Respondent's case

2. (1) No later than 28 days from the date of service of the Society's case, the Respondent shall serve on the Committee Secretary a time estimate for the duration of the hearing.
- (2) No later than 6 months from the date of service of the Society's case, the Respondent shall serve on the Society—
 - (a) a list of witnesses;
 - (b) any statements of evidence and expert reports (if any); and
 - (c) any other documents,

relied on by the Respondent.

Part 2-Fast Track cases

Disclosure of Society's case

3. (1) No later than 28 days from the date on which an Inquiry is ordered by the Chairman of the Statutory Committee, the Society shall serve on the Committee Secretary a time estimate for the duration of its case.
- (2) No later than 4 months from the date on which an Inquiry is ordered by the Chairman of the Statutory Committee, the Society shall serve on the Respondent (and any representative)—
 - (a) a draft charge(s), sufficiently particularised to enable the respondent to understand the allegations made against him;
 - (b) any statements of evidence; expert reports (if any) and other documents relied upon by the Society, not previously served upon the respondent at the time the case was considered by the Infringements Committee;
 - (c) a list of witnesses whose evidence is relied on by the Society; and
 - (d) the Society's time estimate for the duration of its case.

Disclosure of Respondent's case

4. (1) No later than 28 days from the date of service of the Society's case, the Respondent shall serve on the Committee Secretary a time estimate for the duration of the hearing.
- (2) No later than 4 months from the date of service of the Society's case, the Respondent shall serve on the Society—
 - (a) a list of witnesses;
 - (b) any statements of evidence and expert reports (if any); and
 - (d) any other documents,

relied on by the respondent.

Part 3- Bundles and agreed witness lists

Service of Bundles and witness lists

5. (1) No later than 7 days before the week in which their case is to be heard by the Statutory Committee, the parties shall serve all bundles of evidence on which they intend to rely on—
 - (a) each other; and
 - (b) the Committee Secretary.

- (2) No later than 7 days before the Monday of the week in which their case is to be heard by the Statutory Committee, the parties shall serve on the Committee Secretary an agreed list indicating—
 - (a) witnesses whose evidence has been agreed, and who therefore do not need to be called; and
 - (b) witnesses who are required to give oral evidence before the Committee.

Part 4- Non –compliance with time limits

Application for directions

6. (1) Where a party is unable to comply with the timelimits set out in this protocol, that party shall serve on the Committee Secretary, and the other party, an application to vary the timelimits, in writing—
 - (a) setting out the reasons for inability to comply with the time limits; and
 - (b) seeking directions for the management of the case.

- (2) The Committee Secretary shall —
 - (a) send a copy of the application, together with any representations made by the other party, to the Chair; and
 - (b) communicate any directions issued by the Chair to the parties.

Directions hearing

7. — (1) Where the Chair decides that a directions hearing is necessary, the Secretary shall list the matter for mention before the Committee.
- (2) The Committee Secretary shall serve on the parties, written confirmation of any directions issued by the Chair at a directions hearing.

Approved by the Chairman of Statutory Committee

Lord Fraser of Carmyllie QC

19 October 2005