

**STATUTORY COMMITTEE OF THE PHARMACEUTICAL SOCIETY OF
NORTHERN IRELAND**

In the matter of: Denver Jason Devlin (3397)

Location: The offices of the Pharmaceutical Society NI, 73
University Street, Belfast, BT7 1HL.

Date: 11 & 12 December 2025

Committee: Mr Gary Potter KC (Chair), Ms Barbara Stuart (Lay),
Ms Elizabeth Kerr (Registrant)

Persons Present and Capacity: Mr Eoghan McCarthy BL, Barrister, instructed by
Garrett Greene Solicitor & Andy Egerton of McCann
& McCann Solicitors (Registrant's Legal
Representatives), Mr Jonpaul Shields, Barrister,
instructed by Mr Ian Black, Case Presentation
Lawyer (PSNI's Legal Representatives), Ms Laura
Hughes (Registrar) Maha Shams (PSNI Paralegal)

PRELIMINARY

1. The Statutory Committee ('the Committee') met on the 11 December 2025, to consider allegations of misconduct in respect of Denver Jason Devlin, a registered pharmacist (the Registrant) made by the Pharmaceutical Society of Northern Ireland ('the Society').
2. The Registrant was in attendance at the hearing and was represented by Mr Eoghan McCarthy, instructed by Mr Garrett Greene. The Pharmaceutical Society of Northern Ireland (the Society) was represented by Mr Jonpaul Shields.
3. The Committee had a hearing bundle numbering page 1 to page 196 and an additional bundle numbering page 1 to page 23. In the course of the hearing, the Committee admitted in evidence the following documents.
 - Exhibit 1: Statement of Facts by the Society
 - Exhibit 2: Fitness to Practice Submissions by the Society

- Exhibit 3: Registrant's Bundle

PRELIMINARY LEGAL ARGUMENT

4. There was no preliminary legal argument.

ALLEGATIONS

5. The finalised particulars of the allegations:

Misconduct:

- As superintendent of Torrent Pharma Ltd, you failed to produce on demand to a Pharmacy Inspector all controlled drug registers during an inspection on 1st September 2023 contrary to Regulation 20(g) of the Misuse of Drugs Regulations (Northern Ireland) 2002.
- On and between 1st September 2023 and 4th September 2023, you made an unknown number of retrospective entries to Controlled Drug Registers contrary to Regulation 20(b) of the Misuse of Drugs Regulations (Northern Ireland) 2002.
- On various dates on and between 1st January 2020 and 1st September 2023, you failed to ensure that you properly completed records of private prescriptions in a manner that complied with Regulation 253 of the Human Medicines Regulations.
- On various dates on and between 1st January 2020 and 1st September 2023, you, as superintendent of Torrent Pharma Ltd, failed to ensure that records of private prescriptions were completed and retained properly and in a manner that complied with Regulation 253 of the Human Medicines Regulations.
- On and between 10th and 15th August 2023, you recklessly represented that you were a pharmacist registered with the Pharmaceutical Society of Northern Ireland and entitled to hold the position of Responsible Pharmacist whilst working in Torrent Pharmacy, 30 Main Street, Donaghmore, BT70 3EZ.

- On and between 10th and 15th August 2023, you provided pharmaceutical services for which registration with the Pharmaceutical Society of Northern Ireland was required without holding or maintaining such registration.
- On and between 10th and 15th August 2023, you recklessly caused, allowed or permitted Torrent Pharmacy, 30 Main Street, Donaghmore, BT70 3EZ to remain open for the provision of pharmaceutical services unlawfully in that Torrent Pharma Ltd of which you are a director, which owns the business known as Torrent Pharmacy, had no registered pharmacist in the position of superintendent.
- On and between 10th and 15th August 2023, you supplied controlled drugs and prescription only medication without any lawful authority.

Police caution:

On 23rd January 2025, in Dungannon you accepted a police caution for the following offences:

- (i) Between the 4th day of August 2022 and the 9th day of September 2022 being a person authorised to supply any drug specified in Schedules 1 or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1 and 2 supplied by you, namely Zoomorph 10mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971
- (ii) Between the 2nd day of February 2023 and the 3rd day of February 2023 being a person authorised to supply any drug specified in Schedules 1 or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1 and 2 supplied by you, namely Delmosart 54mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971.

- (iii) Between the 14th day of October 2020 and the 8th day of day of September 2021 being a person authorised to supply any drug specified in Schedules 1or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1and 2 supplied by you, namely Delmosart 36mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971
- (iv) Between the 19th day of October 2020 and the 23rd day of August 2023 being a person authorised to supply any drug specified in Schedules 1or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1and 2 supplied by you, namely Methylphenidate 5mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971.
- (v) Between the 8th day of November 2022 and the 13th day of March 2023 being a person authorised to supply any drug specified in Schedules 1or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1 and 2 supplied by you, namely Palexia 50mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971
- (vi) Between the 5th day of January 2021 and the 11th day of August 2023 being a person authorised to supply any drug specified in Schedules 1 or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse ofDrugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1and 2 supplied by you, namely Palexia SR 50mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971.
- (vii) Between the 24th day of February 2022 and the 20th day of April 2022 being a person authorised to supply any drug specified in Schedules 1or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of

the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1 and 2 supplied by you, namely MST 5mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971.

(viii) Between the 14th day of December 2021 and the 4th day of May 2022 being a person authorised to supply any drug specified in Schedules 1 or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1 and 2 supplied by you, namely MST 10mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971.

(ix) Between the 20th day of May 2021 and the 24th day of February 2022 being a person authorised to supply any drug specified in Schedules 1 or 2 to the Misuse of Drugs Act 1971, in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002, failed to keep a register and comply with the requirements in respect of entries made for drugs specified under Schedules 1 and 2 supplied by you, namely MST 15mg tablets, contrary to s. 18(1) of the Misuse of Drugs Act 1971

For the purposes of paragraph 1(3) of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976 as amended and Regulation 26(11) of the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012, the following principles and obligations (contained in the Pharmaceutical Society of Northern Ireland's Code of Professional Standards of Conduct, Ethics and Performance for Pharmacists in Northern Ireland (2016)) are regarded by the Pharmaceutical Society of Northern Ireland as relevant to the proceedings. Further, the Pharmaceutical Society of Northern Ireland alleges that you are in breach of these principles and associated obligations by reason of the misconduct particularised above.

- The general principle of registration as a pharmacist that requires you to act to promote and maintain public confidence in the pharmacy profession.

- Principle 2 – Provide a Safe and Quality Service
 - Standard 2.1 – Provide safe, effective and quality care.
 - Standard 2.1.2 - Effectively control and manage the sale or supply of medicinal and related products paying particular attention to those with a potential for abuse or dependency.
 - Standard 2.1.6 - Ensure that you do not, whether by your actions or omissions, create a risk to patient care or public safety.
 - Standard 2.3 - Record, store and process data clearly and accurately.
 - Standard 2.3.1 - Complete records promptly or as soon as reasonably practicable after the patient intervention or activity has occurred
 - Standard 2.3.3 - Ensure all entries in any record are accurate, clearly and legibly written and attributable.
- Principle 3 – Act with professionalism and integrity at all times.
 - Standard 3.1 – Act with honesty and integrity at all times.
 - Standard 3.1.1 – Adhere to accepted and acceptable standards of personal and professional conduct at all times both inside and outside the work environment.
 - Standard 5.1.1 - Practise only when you are competent and fit to do so.

By your acts or omissions, it is alleged that you have (a) brought the profession into disrepute, (b) failed, on a professional basis, to observe the principles and obligations set out above and (c) undermined public confidence in the profession.

FACTS

6. The Registrant is a pharmacist registered with the Pharmaceutical Society of Northern Ireland.
7. At the relevant time, the Registrant was a director and the superintendent pharmacist of Torrent Pharma Ltd. The company operated one retail community pharmacy, namely Torrent Pharmacy based at 30 Main Street, Donaghmore

("the Pharmacy"). As Superintendent Pharmacist, the Registrant had legal responsibility for the conduct of the business and had effective control over it.

8. The Medicines Regulatory Group at the Department of Health ("the MRG") carried out an unannounced inspection of Torrent Pharmacy on 1st September 2023. The Registrant was the Responsible Pharmacist (RP) at the time of the inspection.
9. The RP log was examined during the inspection and it showed that the Registrant was signed in as the Responsible Pharmacist on various dates between 10 and 15 August 2023.
10. The pharmacy maintained a book to record Private Prescriptions, required by Regulation 253 of the Human Medicines Regulations 2012, and this was examined. The Pharmacy's Private Prescription book did not record every sale or supply by way of a Private Prescription that occurred between 1st January 2020 and 1st September 2023. The book had not been maintained since January 2020 and at least 86 entries, including entries for Schedule 3 controlled drugs, had not been made.
11. At the time of the inspection on 1 September 2023, the Controlled Drug Registers (CDR) were not available in the Pharmacy for inspection and it was ascertained by the Principal Pharmaceutical Officer (PPO) that the Registrant had them at home. It is a legal requirement, pursuant to Regulation 20(g) of the Misuse of Drugs Regulations (Northern Ireland) 2002, that CDRs are kept on the pharmacy premises.
12. The PPO made arrangements to return on 4 September 2023 to review the CDRs. A reconciliation was undertaken between wholesale purchases and the available CDRs. CD Registers could not be found for 4 controlled drugs namely Methylphenidate 5mg tablets, Delmosart 36mg MR tablets, Delmosart 54mg MR tablets and Alexia SR 50mg tablets. When the Registrant was asked about these missing registers he informed the PPO that he had spent the weekend making retrospective entries. He then produced a carrier bag containing

invoices, prescriptions and controlled drug registers and advised that he could not complete the missing entries for these. When asked about the prescription forms for the entries made over the weekend, he advised that these were at home. He subsequently produced approximately 400 prescriptions on 5 September 2023.

13. The failure to retain the CD Registers on the premises for inspection and the subsequent backfilling of entries on a retrospective basis by the registrant makes it difficult to precisely appreciate the true position with respect to the CR Registers on 1 September 2023. What can be said is that it is likely that the Registrant, between 1 September 2023 and 4 September 2023, completed approximately 400 entries for controlled drugs sold or supplied over a period of years spanning from 2020 to 2023. He also did not have any CD Registers for a number of drugs.
14. The Registrant therefore did not properly maintain, or cause to have properly maintained, CD Registers, as legally required, over a period of approximately 3 years with respect to the purchase, sale and supply of a substantial number of Controlled Drugs. The reconciliation on 4 September 2023 revealed 134 missing prescription or invoice entries.
15. The Registrant was interviewed, under caution, by representatives from the MRG on 6th March 2024. He co-operated with the MRG during the interview process and made admissions to a number of legal and professional failings that were put to him by the interviewers.
16. The Registrant was formally cautioned on 23 January 2025 for 9 criminal offences relating to his failure to maintain a CD Register in contravention of Regulation 19(1)(a) of the Misuse of Drugs Regulations (Northern Ireland) 2002. The charges relate to the 134 missing prescription or invoice entries and variously span the period between 14 October 2020 and 23 August 2023.
17. On 9 June 2023, a statutory notice letter was issued by the Registrar to pharmacists who had not paid their annual retention fee. The Registrant was

sent the statutory notice letter for non payment of the retention fee. The letter warned the Registrant that failure to pay the retention fee could lead to his removal from the register.

18. On 10 July 2023, the Registrant was sent correspondence from the Registrar notifying him of her intention to remove him from the register on the grounds of non-payment of the retention fee.

19. On 10 August 2023, at 12.00pm, the Registrant was removed from the register of pharmaceutical chemists for non payment of the retention fee. He was promptly notified about his removal. During the afternoon of 10 August 2023, the Registrant paid his registration fee, paid an administration fee associated with restoration and completed an online application for restoration.

20. The Registrant was advised, at that time, that there was a process to be restored to the register, which involved the completion of an online application. Claire Connolly, Registration Coordinator of the Society, believes that she would have told the Registrant that restoration was not instant but that his application would be processed as quickly as possible. The Registrant maintains that he has no recollection of being provided with this information. The Society accepts that, at the time, the Registrant failed to appreciate the consequence, and significance, of the information conveyed. The Registrant was, however, also directed to the Society's website, where it was outlined that restoration applications are normally dealt with within 21 days. The Registrant was restored to the register on 23 August 2023.

21. The RP log for Torrent Pharmacy establishes that the pharmacy was open daily between 10 August 2023 and 15 August 2023 (save for Sunday, 13 August 2023) and that the Registrant was the Responsible Pharmacist throughout. The Registrant was also acting as the superintendent pharmacist for the business during this period. As the Registrant had been removed from the register, he could not -

- (1) Provide any pharmaceutical services for which registration with the Pharmaceutical Society of Northern Ireland was required;
- (2) Act as the RP for the pharmacy; or
- (3) Act as Superintendent Pharmacist for the business.

Notwithstanding his loss of registration, the Registrant did all of these things.

22. As the company, Torrent Pharma Ltd, did not have a registered pharmacist in the position of superintendent pharmacist between noon on 10th August 2023 and 6pm on 15th August 2023, the pharmacy could not lawfully sell or supply medicinal products, other than medicinal products on a general sale list, during this period. There was, however, Patient Medication Record (PMR) activity noted between 10 August 2023 and 15 August 2023 with respect to controlled drugs and prescription only medication at Torrent Pharmacy. The pharmacy therefore unlawfully remained open for the sale and supply of medicinal products and the Registrant sold and supplied medicinal products, other than medicinal products on a general sale list, without any lawful authority.

23. Whilst unregistered as a pharmaceutical chemist, the Registrant signed the RP log as the Responsible Pharmacist and undertook pharmaceutical services for which registration was required. He did so recklessly (reckless as to the true position having not taken appropriate and proper steps to satisfy himself that he remained a registered pharmacist).

24. As the person in charge of the premises and who had effective control of the pharmacy business, the Registrant recklessly caused, allowed or permitted Torrent Pharmacy, 30 Main Street, Donaghmore, to unlawfully remain open for the provision of pharmaceutical services in that Torrent Pharma Ltd of which he was, and remains, a director, which owns the business known as Torrent Pharmacy, had no registered pharmacist in the position of superintendent.

DECISION ON FACTS

25. By reason of the admission of the allegations and the admission of the facts the Committee finds the facts proved.

DECISION ON IMPAIRMENT

26. The Committee received oral and written submissions from Mr Shields on behalf of the Society, and from Mr McCarthy on behalf of the Registrant.

27. At this stage, the Committee has to consider whether the admitted allegations and admitted facts together with the police cautions amount to misconduct. The Committee are satisfied that these admissions, the facts and the police cautions do amount to misconduct.

28. The next consideration, at this stage, is whether the Registrant's fitness to practise is currently impaired. As set out in CHRE -v-NMC and Grant (2011) the Committee has to ask itself, and determine,

"Is this Registrant's current fitness to practise impaired?"

29. An assessment of current impairment involves consideration of public interest issues. The Committee has to consider;

- (i) the protection of the public
- (ii) the maintenance of public confidence in the pharmacy profession and
- (iii) the maintenance of proper professional standards and conduct from members of the profession.

The Committee has considered the Registrant's past conduct, and has taken into account the Registrant's actions up to the present time.

30. The Committee took into consideration the words of Sir Anthony Clarke MR in Meadow v General Medical Council (2006) EWCA Civ 1390:

"In short, the purpose of [fitness to practise] proceedings is not to punish the practitioner for past misdoings but to protect the public against the acts and omissions of those who are not fit to practise. The FPP thus looks forward not back. However, in order to form a view as to the fitness of a person to practise today, it is evident that it will have to take account of the way in which the person concerned has acted or failed to act in the past".

31. The Committee also took into consideration the words of *Silber J in Cohen v GMC*;

"It must be highly relevant in determining if a doctor's fitness to practise is impaired that first his or her conduct which led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated."

32. In this case, the Committee was informed that:-

- (i) The Registrant was cautioned for 9 criminal offences relating to his failure to maintain a CD register. The charges related to 134 missing prescriptions or invoice entries, and span a period between 14 October 2020 and 23 August 2023. CD registers could not be found for 4 controlled drugs. By accepting the caution, the Registrant accepted that he had committed the criminal offences for which he was cautioned.
- (ii) The Registrant did not have the CD Registers in the pharmacy when the PPO carried out an inspection on 1st September 2023. This was a breach of a legal requirement to have the CD Registers in the pharmacy.
- (iii) CD records were not properly maintained. The Registrant attempted to backfill approximately 400 entries before producing the Registers on 4th September 2023. The Registrant, over a significant period of time, failed to properly record a substantial number of entries associated with the safe and effective management of Controlled Drugs within the pharmacy.

- (iv) The Pharmacy's Private Prescription book was not properly maintained between 1st January 2020 and 1st September 2023. No entries had been made since January 2020 including those for Scheduled 2 Controlled Drugs.
- (v) There was a routine and persistent failure to maintain core records over an extended period of time. As the Superintendent and Responsible Pharmacist, the failure was the Registrant's. He was responsible for the governance and safe practices within the pharmacy. He failed to establish safe and effective systems within the pharmacy and failed to undertake legal and professional requirements.
- (vi) After the Registrant was removed from the Register for non-payment of fees, he kept the pharmacy open and provided pharmacy services without there being a Registered Pharmacist in the position of Superintendent.
- (vii) As there was no Registered Pharmacist holding the position of Superintendent, the pharmacy could not lawfully sell or supply medicinal products, other than medicinal products on a general sale list, during this period. The Registrant's failure to maintain his registered status resulted in the unlawful supply of a substantial number of medicinal products including Controlled Drugs.
- (viii) The Registrant was reckless with regard to his registered status in that he was reckless as to the true position having not taken appropriate and proper steps to satisfy himself that he remained a Registered Pharmacist after being removed from the Register.
- (ix) For the period when he allowed Torrent Pharmacy to remain open for the unlawful provision of pharmaceutical services, there would have been no professional indemnity insurance cover in place.
- (x) Whilst there is no direct evidence of actual patient harm, the way in which the Registrant operated the pharmacy created an unsafe environment which could readily have impacted patient safety and the safe and effective delivery of services. There was therefore a potential risk of patient harm.

33. Whilst there was some evidence of insight, and that the Registrant undertook some acts of remediation, the Committee could not be satisfied on the evidence that he has shown demonstrable insight, that he has undertaken sufficient acts of remediation, and consequently the Committee could not be satisfied that the risk of recurrence was low.

34. The Committee considered that the wider public interest was very much engaged in this case. The Registrant had failed to comply with basic legal obligations in respect of the maintenance of proper and accurate records, which occurred over a prolonged period of time, and on a substantial number of occasions. The Registrant also failed to take basic steps to ensure that he was registered to practice which gave rise to potential risks to patients.

35. The Committee had regard to words of Cox J in the Grant case, when he said;

“In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.”

36. The Committee also had regard to Regulation 4(2) of The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012, which provides;

“In relation to evidence about the conduct or behaviour of the registered person which might cast doubt on whether the requirements as to fitness to practise are met in relation to the registered person, the Statutory Committee must have regard to whether or not that conduct or behaviour—

(a) presents an actual or potential risk to patients or to the public;

(b) has brought, or might bring, the profession of pharmacy into disrepute;
(c) has breached one of the fundamental principles of the profession of pharmacy as defined in the standards, or
(d) shows that the integrity of the registered person can no longer be relied upon.”

37. The Committee considered that sub paragraphs a, b and c were engaged in this case. The Registrant’s actions did not cause any actual harm to patients, but they gave rise to a potential risk to patients. His actions brought the profession of pharmacy into disrepute. His actions also gave rise to breaches of some of the provisions of the pharmacy Code of Conduct. Specifically, the Committee considered that he had breached the following provisions of the code,

Principle 2 – Provide a Safe and Quality Service

- Standard 2.1 – Provide safe, effective and quality care, in particular,
- Standard 2.1.2 - Effectively control and manage the sale or supply of medicinal and related products paying particular attention to those with a potential for abuse or dependency.
- Standard 2.1.4 – Ensure that workload or working conditions do not compromise patient care or public safety.
- Standard 2.1.6 - Ensure that you do not, whether by your actions or omissions, create a risk to patient care or public safety.
- Standard 2.3 - Record, store and process data clearly and accurately.
- Standard 2.3.1 - Complete records promptly or as soon as reasonably practicable after the patient’s intervention or activity has occurred
- Standard 2.3.3- Ensure all entries in any record are accurate, clearly and legibly written and attributable
- Standard 3.1.1 – Adhere to accepted and acceptable standards of personal and professional conduct at all times both inside and outside the work environment.

38. The Committee accepts that there is no element of dishonesty in the Registrant's actions but rather he acted recklessly in the respects set out in the agreed statement of facts. The Committee also accepts that the integrity of the Registrant is not an issue.
39. Accordingly, the Committee considered that when taking into consideration the totality of his conduct it clearly breached basic professional requirements associated with recordkeeping, and the provision of a safe and effective pharmacy environment for the delivery of quality care. Further, after over 20 years of practice without blemish the Committee was surprised that the Registrant failed to ensure that he was properly registered to practice. Whilst he acted promptly once he received further Notice from the Society that he was in fact not registered by temporarily closing his business until he had engaged a Superintendent Pharmacist, he did provide pharmaceutical services to the public without being registered and without having professional indemnity insurance in place, which had the potential to cause harm to patients.

INTERIM ORDER

40. At this stage, the Committee received submissions from Mr Shields that the Registrant was currently the subject of an Interim Conditions Order and before moving to the sanction stage of the proceedings, the Committee were invited to discharge the existing Interim Order pursuant to paragraph (8) of Schedule 3 to the Pharmacy (Northern Ireland) order 1976. Accordingly, the Committee revoked the Interim Conditions Order.

DECISION AS TO SANCTION

41. The Committee is grateful for the submissions on behalf of the Society, from Mr Shields and on behalf of the Registrant, from Mr McCarthy.
42. The Committee has reviewed the Indicative Sanctions Guidance and reminded itself that its decision must be proportionate. The Committee acknowledges that the purpose of the sanction is not to be punitive, but to protect the public interest,

and that the sanction it determines should impose no greater restriction on the Registrant than is absolutely necessary to achieve regulatory objectives.

43. The Committee is entitled to give greater weight to issues of public interest, and to the need to maintain public confidence in the profession, than to the consequences to the Registrant himself of the imposition of the appropriate sanction.
44. The Committee has to take into consideration issues of protection of the public, maintenance of public confidence in the profession and the maintenance of proper standards of professional behaviour.
45. As is required, the Committee considered all the potential sanctions available to it, starting with the lowest potential sanction, to decide which was the most appropriate and proportionate sanction in the circumstances of this particular case.
46. The Committee considered both relevant mitigating and aggravating circumstances.
47. As to mitigating factors the Committee took into consideration that:
 - (a) The Registrant had provided pharmaceutical services to the local community in Donaghmore for over 20 years without any previous blemish on his professional record.
 - (b) As we have said in our decision on impairment the Registrant has shown some insight.
 - (c) As we have said in our decision on impairment the Registrant has taken some remedial steps.
 - (d) The Registrant was interviewed by the MRG, and the Head of the MRG advised the Society that the Registrant had been open and honest during interview, made admissions and a caution was recommended.
 - (e) The Registrant admitted all the allegations and the facts at this hearing.
 - (f) At an inspection on the 1st September 2023 a number of deficiencies were identified. By the time the next inspection took place on the 20th October 2023 the following steps had been taken by the Registrant by that time;

- (i) Date checking records were available from September 2023 and a process had been implemented to ensure this activity was regularly completed and recorded.
- (ii) A private prescription record was being maintained with entries dating from the 6th September to the 13th October 2023.
- (iii) A record of patient return controlled drugs was available.
- (iv) Controlled drug registers were present on the premises and entries had been made on dates ranging from the 4th September to the 18th October 2023.
- (g) The Registrant had implemented a number of policies designed to reduce the risk of a recurrence.
- (h) The Registrant had reduced the non core services provided by his pharmacy.
- (i) The Registrant restructured his staffing levels engaging two locums per week and two counter staff.
- (j) The Registrant had also engaged his wife to ensure that deadlines were met and records were completed on time.
- (k) The Registrant submitted two supportive testimonials. One of those was from his mentor who advised the Committee by a letter of the 25th November 2025 that pharmacy records inspected from November 2023 to November 2025 were of the highest standard, that the Registrant was open and honest with his mentor at all times, and that the changes that the Registrant had made to his pharmacy had been a complete success.

48. As to aggravating factors the Committee took into consideration that:

- (a) The allegations occurred over a prolonged period of time and were frequent within that period.
- (b) His actions gave rise to a potential for harm although there was no evidence of any actual harm to patients or the public.
- (c) His actions resulted in the loss of pharmaceutical services in Donaghmore with the closure of his practice for one day until he got a Superintendent Pharmacist in place.

- (d) His actions gave rise to fundamental breaches of the Code as set out in our decision on impairment.
- (e)He received a caution in respect of 9 criminal charges.

49. Dealing with the sanctions in ascending order, given the findings of impairment, and the reasons for it, taking no action did not reflect the Committee's decision.

50. The Committee did not consider that a warning was the most appropriate or proportionate sanction and did not meet the public interest. As set out in our decision on impairment whilst the Registrant had shown some insight and had undertaken some acts of remediation the Committee did not believe that he had shown demonstrable insight and did not believe that the remedial steps taken so far were sufficient.

51. The next sanction is that of Conditions. The Committee considered that this sanction was appropriate and proportionate as the admitted impairment was of a significant nature but the admitted failures were capable of being remedied and some actions had been taken to date. The fact that the Registrant has already shown a level of insight and has shown that he has undertaken some remedial action is relevant to the Committee's decision to impose Conditions. The Committee considered that the public would be protected by the imposition of Conditions. The Registrant said he was burnt out and suffered from significant work overload from Covid times. He could not get staff to assist him in his pharmacy partly because of the impact of Covid and because of the remote country location of his pharmacy. He struggled to keep proper records and meet deadlines as he was required to do legally and under the Code. The Conditions the Committee intend to impose are designed to address these issues, to ensure the Registrant understands his legal and professional obligations, and the impact that they could have had on patients and the public as a whole., and to ensure, in so far as is possible, that the Registrant can continue to provide a professional service to the public. This will have the effect of protecting the public, maintain confidence in the pharmacy profession, and maintain professional standards. The Registrant's behaviour has been remedied to a certain extent by his actions to this time.

52. The Committee also noted that the Registrant had complied fully with interim Conditions imposed on him in November 2023. However, the Committee want to make it clear that this is not relevant to the reasons why it has decided that Conditions are the appropriate sanction in the case at these proceedings. The Committee acknowledges that interim conditions were imposed to manage the Registrant's practice leading up to this Statutory Committee hearing. However, as a matter of fact the Registrant did comply with the conditions imposed for different reasons and the statement of his mentor makes that entirely clear.
53. The Committee did give serious consideration to imposing a Suspension Order for a short period of time to reflect the seriousness of his admitted behaviour and to ensure public confidence in the pharmacy profession. However, it was fairly set out on behalf of the Society that the Committee would need to have regard to the impact that the imposition of a Suspension might have on the provision of pharmacy services to the local community in Donaghmore. The Committee were advised that the Registrant provided the only pharmacy services in this local community. From Covid the Registrant had experienced considerable difficulties obtaining any permanent or locum staff to assist with his increasing workload. He has now engaged two locum each working one day a week. His business provides pharmacy services 6 days a week. The Registrant advised the Committee that he now dispenses on average approximately 1000 items each week, and provides a Pharmacy First Service, which is a significant pharmaceutical service for the local community. If the Committee suspended the Registrant, the pharmacy would not be able to open for 4 of the 6 days each week and if this occurred this was likely to have a significant impact on the members of the public in the local community. In these particular circumstances the Committee determined that it was not in the public interest to suspend the Registrant. It would not be in the public interest to materially impact the provision of Pharmacy Services in the Donaghmore area. For this reason, the Committee decided not to impose the more serious sanction of suspension.
54. Quite properly the Committee were not invited to consider removal as an appropriate or proportionate sanction. The Registrant's conduct was clearly not fundamentally incompatible with continued registration on the evidence.
55. In conclusion the Committee considered that the fair proportionate and appropriate sanction was that of the imposition of conditions for a period of 12 months. These

conditions will be reviewed by this Committee prior to the expiration of this 12-month period. The conditions imposed are set out in the schedule to this decision.

INTERIM MEASURE

56. A period of 28 days is allowed for a Registrant to lodge an appeal with the High Court. The decision of the Committee is not formally imposed until this period of appeal has formally ended or, where an appeal is brought, the date on which the appeal is fully disposed of. If the Committee considers that it is in the public interest to do so, it has the power to impose 'interim measures' until the appeal period is over or, if an appeal is successfully lodged, until the appeal has been fully disposed of.
57. The Committee received a submission from the Society in favour of imposing an interim measure to cover the appeal period. This was objected to on behalf of the Registrant on the grounds that interim measures were not necessary or proportionate, and that any interim measures should mirror the Conditions Order that the Committee has made. The Committee has a discretion under the Pharmacy (NI) Order 1976 Schedule 3 paragraph 12(4) to impose such interim measures as it thinks fit in the public interest. Interim measure 1 below reflects the interim conditions and also the Conditions Order made by this Committee. Interim measure 2 is appropriate, and is linked to interim measure 1. Interim measures 3 and 4 address basic obligations in respect of record keeping that the Registrant would be required to undertake as a pharmacist in any event. In light of the findings at the Statutory Committee hearing the Committee considered that the imposition of the interim measures set out below are appropriate and necessary and in the public interest. The Registrant will therefore be subject to the Interim Measures Order for the duration of the 28-day appeal period, or if an appeal is brought, up to the date when that appeal is fully disposed of.
58. The following interim measures shall be imposed during the appeal period;
1. The Registrant shall continue to work with the mentor appointed as part of the interim order conditions.
 2. The Registrant shall meet with the mentor on or before 23rd December 2025 and again on or before 9th January 2026.
 3. The Registrant will complete and maintain all controlled drug registers required to be kept and provide a copy to the Society by the end of the appeal period.

4. The Registrant will complete and maintain all private prescription logs required to be kept and provide a copy to the Society by the end of the appeal period.

COSTS

59. No costs application was made by the Society.

Gary Potter KC

Chair of the Statutory Committee

12 December 2025

SCHEDULE OF CONDITIONS

1. The Registrant shall appoint and work with a mentor to be approved by the Society.
2. The Registrant shall ensure that the mentor provides 3 monthly written reports on the Registrant's progress to the Registrar, with a final written report to be provided in advance of the review of this Conditions Order.
3. The Registrant shall be responsible for identifying suitable training surrounding the key responsibilities of the role of Superintendent Pharmacist and shall undergo such training.
4. The Registrant shall undertake a review of the key responsibilities of the Superintendent Pharmacist role, and;
 - (a) provide a written report in advance of the review of this Conditions Order of what steps he has actually taken to ensure compliance with all his legal and governance obligations,
 - (b) provide evidence as to how he has met his obligations set out in the Pharmacy Code of Conduct,
 - (c) provide evidence as to how he has ensured the maintenance of, and adherence to, a sound system of internal controls in his practice to manage risk and promote patient safety.

5. The Registrant shall provide a detailed written reflective piece, which should include details of his insight, and the acts of remediation he has actually undertaken, and why this was necessary, in advance of the review of this Conditions Order.