

**General Pharmaceutical Council**

**Fitness to Practise Committee**

**Principal Hearing**

Remote videolink hearing

**1 and 2 April 2026**

**Registrant name:** Edwin Joseph Nally

**Registration number:** 2074553

**Part of the register:** Pharmacist

**Type of Case:** Conviction

**Committee Members:** Rachel Forster (Chair)

Esosa Osakue (Registrant member)

Fahmina Begum (Lay member)

**Legal Adviser:** Gary Leong

**Committee Secretary:** Evie Davies

**Registrant:** Present but not represented

**General Pharmaceutical Council:** Represented by Ayshe Sevdan

**Facts proved:** Particulars 1, 2, and 3

**Facts not proved:** Particular 4 and 5

**Fitness to practise:** Impaired

**Outcome:** Suspension for 6 weeks

**Documentation**

Document 1 - GPhC hearing bundle

Document 2 - GPhC Statement of Case

This decision including any finding of facts, impairment and outcome is an appealable decision under *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010*. Therefore, this decision will not take effect until **5 May 2026** or, if an appeal is lodged, once that appeal has been concluded.

### Particulars of Allegation

*You, a registered pharmacist,*

*1. On 30 January 2024, were convicted at North Yorkshire Magistrates' Court of,*

*1.1. On 09 June 2023 at the Traffic Bureau, failed to provide information relating to the identification of the driver of a Volkswagen Golf VRM: CV22NMM.*

*Contrary to section 172(3) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.*

*2. On 20 January 2025, were convicted at York Magistrates' Court of,*

*2.1 On 30 July 2024, drove a BMW 5 Series with VRM: ND71 DMF on a road namely West Bank whilst disqualified from holding or obtaining a driving licence,*

*2.2 On 30 July 2024 drove a BMW 5 Series with VRM: ND71 DMF on a public road namely West Bank without third party insurance,*

*Contrary to the requirements of Part VI of the Road Traffic Act 1988.*

*3. Failed to declare your convictions to the GPhC within 7 days or at all.*

*4. Your conduct at 3 above was dishonest in that you knew you were required to disclose your convictions and deliberately sought to conceal that you had been convicted*

*OR in the alternative*

*5. Your conduct at 3 above lacked integrity in that you failed to make any reasonable enquiries to ascertain whether or not you were required to declare your convictions and ought reasonably to have known or believed that that needed to be disclosed.*

*By reason of the matters set out above, your fitness to practise is impaired by reason of your convictions and / or your misconduct.*

### Witnesses

No witnesses were called to give evidence on behalf of the Council. The Registrant gave oral evidence to the Committee.

## **Determination**

### **Introduction**

1. This is the written determination of the Fitness to Practise Committee at the General Pharmaceutical Council ('the Council').
2. The hearing is governed by *The Pharmacy Order 2010* ("the Order") and *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010* ("the Rules").
3. The statutory overarching objectives for these regulatory proceedings are:
  - a. To protect, promote and maintain the health, safety and well-being of the public;
  - b. To promote and maintain public confidence in the professions regulated by the Council; and
  - c. To promote and maintain proper professional standards and conduct for members of those professions.
4. The Committee also has regard to the guidance contained in the Council's *Good decision making: Fitness to practise hearings and sanction guidance* as revised March 2024.
5. A Principal Hearing has up to three stages:
  - Stage 1. Findings of Fact – the Committee determines any disputed facts.
  - Stage 2. Findings of ground(s) of impairment and impairment – the Committee determines whether, on the facts as proved, a statutory ground for impairment is established and, if so, whether the Registrant's fitness to practise is currently impaired.
  - Stage 3. Sanction – the Committee considers what, if any, sanction should be applied if the Registrant's fitness to practise is found to be impaired.

### **Conflict of Interests**

6. The Committee members confirmed that there are no conflicts of interest.

### **Preliminary matters**

7. The Legal Adviser raised the issue as to whether Particular 2.2 was superfluous in that it appears to have been accepted that the Registrant did have insurance cover when

he drove that day, but the insurance company would likely void the insurance on the basis that he had been disqualified from driving and had not informed them, notwithstanding that he did not know about the disqualification. Following a discussion between all parties and the Committee, it was agreed that Particular 2.2 should be deleted as it would not add to the gravity of the Conviction nor the misconduct (if found).

## **Background**

8. According to the memorandum of an entry in the Register of North Yorkshire Magistrates' Court LJA for the 30 January 2024 before the Committee, as part of the Single Justice Procedure, Harrogate Magistrates' Court sentenced the Registrant in his absence for one offence of Failing to Provide information contrary to s.172 of the Road Traffic Act 1988. The single magistrate imposed a 12-month disqualification and endorsed the Registrant's licence with 6 points. [REDACTED].
9. On 30 July 2024, the Defendant was stopped by the police and informed that he was driving whilst disqualified. The matter was prosecuted and on 20 January 2025 at York Magistrates' Court, the Defendant was convicted of the offence of driving whilst disqualified and the court imposed a three-month disqualification from driving upon the Registrant.
10. The Registrant did not report the convictions to the Council within 7 days of the convictions as required by Rule 4 of the General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010 (the "Rules").

## **Decision on Facts**

11. Ms Sevdan opened the case and outlined the background to the Committee. She drew the Committee's attention to the memorandum of conviction from the two Magistrates' Courts and the correspondence between the Council and the Registrant.
12. The Committee accepted the advice of the Legal Adviser. He gave general advice to the Committee in relation to the process and allegation. He also gave specific advice as to the approaches to be taken when determining matters of dishonesty and lack of integrity.
13. The allegation in this case relates to two convictions for motoring offences. The Committee had sight of the memorandum of conviction, and the Registrant accepted the fact of the convictions. The Committee found Particular 1 and 2 in accordance with Rule 24(4) of the Rules.

14. The Registrant also admitted Particular 3 in relation to both Particulars 1 and 2, namely that he failed to report those convictions to the Council. Accordingly, the Committee finds Particular 3 proved by way of the Registrant's admission pursuant to Rule 31(6) of the Rules.
15. Therefore, the only particulars requiring determination by the Committee were Particulars 4 and 5.
16. The Registrant denied that his conduct was dishonest as asserted in Paragraph 4 and also denied that it was lacking in integrity as asserted in Particular 5.
17. The Council relied upon its bundle of documentary evidence and did not call any live witnesses.
18. The Committee heard oral evidence from the Registrant, which was not substantively challenged by the Council.

#### **Particular 4**

4. *Your conduct at 3 above was dishonest in that you knew you were required to disclose your convictions and deliberately sought to conceal that you had been convicted*

#### **Particular 4 – dishonesty in relation to the failure to report the Conviction on 30 January 2024.**

19. The Registrant told the Committee that he did not report the conviction because he did not know about it. He told the Committee that at the time of these matters, he was living and working in Barrow-in-Furness but his correspondence address remained in Sunderland. He said that this was why he did not receive the correspondence asking for information about the driver of the vehicle, which then led to that prosecution. He explained that this was also the reason why he did not receive the summons for court, which resulted in the matter then being dealt with in his absence, without his knowledge, by the single magistrate under the Single Justice Procedure on 30 January 2024.
20. The Registrant told the Committee that the first he knew about his disqualification was when he was stopped by the police on 30 July 2024, who told him that he was driving whilst disqualified and that he was to be reported for the offence of driving a motor vehicle whilst disqualified.
21. The Registrant said that when he appeared in court on 20 January 2025 at York Magistrates' Court, he gave the court the above testimony that he did not know that he was disqualified from driving when he drove on 30 July 2024. The imposition of the short period of disqualification of three months only, when a significantly longer period of disqualification would normally have been imposed upon a Defendant who

knowingly drove whilst disqualified from driving is evidence that the court accepted this testimony.

22. The Committee reminded itself of the Legal Adviser's advice regarding the two-stage test for making determinations about dishonesty as set out in the case of *Genting v Ivey*.
23. The Committee accepted the Registrant's evidence that he did not know of the sentence imposed on 30 January 2024. The Memorandum of Conviction of the 30 of January 2024 notes that he was not present during the Single Justice Procedure and this supports his evidence. The Committee finds that it was more likely than not that the Registrant did not know about that conviction or his disqualification until he was stopped by the police six months later on 30 July 2024.
24. Particular 4 is an allegation that the Registrant failed to report that conviction. In order to fail to act, there has to be a duty to act. In this case and upon the evidence before the Committee, the duty upon the Registrant is under Rule 4 of the Rules, which states the requirement to report the conviction within 7 days of the date of the conviction.
25. The Committee determined that as the Registrant did not know about the conviction until several months later, he could not have complied with Rule 4 and as such, his failure to comply cannot amount to dishonesty. The Committee was satisfied that the ordinary honest member of the public would not consider the Registrant's conduct, that of failing to report something that he was not aware of, to be dishonest.

Particular 4 – dishonesty in relation to the failure to report the Conviction on 20 January 2025.

26. The evidence of the Registrant is that he knew he had to report the Conviction but he did not know about the 7-day rule. He believed that he only had to report the Conviction to the Council at some point or at the very least when renewing his Registration.
27. The Committee was told by Ms Sevdan for the Council that the Registrant had a previous Fitness to Practise finding in relation to twelve other convictions for motoring offences in 2011, which included not informing the Council of those convictions. When the Registrant was asked how he could have held his belief, he said that as a result of that previous matter, he was aware that he had to report the convictions to the Council but he did not recall the 7-day rule. He said that he was not present at the hearing of those matters when the Committee imposed the sanction of a warning on him. He also said that he did not really read their determination, other than to see that they had imposed a warning, and as a result, he was not aware of the 7-day rule.

28. The Registrant told the Committee that he knew that he should report the convictions to the Council and that he was intending to report them to the Council at some point. However, the Council contacted him first, two months after the last conviction, having been informed by the police of it.
29. The Committee accepted the evidence of the Registrant. It had before it, the transcript of the previous committee's determination and noted that the overwhelming bulk of the determination concerned the motoring convictions and did not dwell substantively on the Registrant's failure to report the convictions to the Council. In their words, "These driving offences were just over two years ago, and the failure to report was serious but not deliberate."
30. The Committee accepted the evidence of the Registrant that he knew he had to report the convictions and was going to do it at some point. The Registrant's evidence demonstrated a careless and blasé approach to his professional obligation to report the convictions to the Council. However, the Committee did not find that this reached the threshold of him deliberately seeking to conceal his conviction from the Council. There was no evidence before the Committee that he tried to conceal anything. The Committee found that he was disorganised and unfocussed. The Committee accepted that his failure to report the convictions within 7 days (or before the police had informed the Council of the convictions) was not motivated by an intent to conceal them.
31. The Committee determined that on the balance of probabilities, the ordinary honest person would not consider the Registrant's actions to be dishonest in the circumstances.
32. Therefore, the Committee determined that Particular 4 is not proved.

#### **Particular 5**

5. *Your conduct at 3 above lacked integrity in that you failed to make any reasonable enquiries to ascertain whether or not you were required to declare your convictions and ought reasonably to have known or believed that that needed to be disclosed.*
33. The Committee noted that Particular 5 is narrow in scope. Firstly, it is predicated on the assumption that the Registrant did not know that he had to report his convictions at all, and secondly, in those circumstances that he was under a duty to make reasonable enquiries.
34. It is clear from the evidence that the Registrant did know that the convictions needed to be disclosed and on that basis alone Particular 5 fails.
35. Furthermore, it was unclear to the Committee from where the duty to make reasonable enquiries to ascertain whether or not a Registrant is required to declare

their convictions arises. The Committee finds that there is no such duty on the evidence before it, nor from a reading of the Rules.

36. The Registrant did not report the conviction for almost two months, and such conduct **might** have amounted to a lack of integrity on the part of the Registrant but that is not the wording of the particular before the Committee and therefore the Committee did not make such a determination.
37. Therefore, the Committee finds that Particular 5 is not proved.

## MISCONDUCT

38. The Committee then went on to consider whether allegation 3 namely, the Registrant's failure to inform the Council of his convictions as set out in Particulars 1 and 2, within seven days or at all, amounted to misconduct.
39. Again, the Committee accepted the advice of the Legal Adviser. It was aware that misconduct is "*a word of general effect, involving some act or omission, which falls short of what would be proper in the circumstances.*" It was also aware that it was stressed that misconduct is qualified by the word "*serious*". It is not just any professional misconduct, which will qualify.
40. The Committee had careful regard to the context and circumstances of the matters
41. In relation to the failure by the Registrant to report his convictions, the Committee accepted the Registrant's evidence that he did not remember about the 7-day rule.
42. However, the Committee noted that the Registrant had full confirmation of both convictions by 30 January 2025. The Committee found that he did not inform the Council about his convictions and that it was the Council who contacted him about the convictions in March 2025 after the Council had been informed of a conviction by the police.
43. Ordinarily, the Committee might have found that not informing the Council of those convictions in such circumstances alone did not amount to misconduct.
44. However, the Committee is aware, as is the Registrant, that he had gone through a fitness to practise process with the Council in 2013 regarding multiple convictions for motoring offences and failing to report those convictions to the Council.
45. Notwithstanding that the Registrant was not present at the hearing in 2013, he was given a warning by that committee and was sent a full determination setting out the committee's reasoning for giving him a sanction of a warning. This Committee considered that this should have made the Registrant more vigilant about his professional obligation to report any convictions, if not within the 7-day period then certainly within a reasonable period of time. In this case the Registrant had not reported the convictions within two months of becoming aware of them, or at all,

and it was the Council that contacted him after the police had informed them of one of the Registrant's convictions.

46. The Committee determined that not reporting within the period of two months was outside what would be considered a reasonable period of time. The Committee also took into consideration the Registrant's evidence that, had the Council not contacted him about these convictions, he could not say when he would have informed the Council about them.
47. The Registrant knew he had to report his convictions to the Council, and whilst he did not intend to conceal them from the Council, his lackadaisical approach to reporting them would have appalled fellow practitioners and attracted moral opprobrium, especially after he had been given a warning several years before for precisely the same issue.
48. In the circumstances, the Committee determined that the Registrant's failure to report the convictions in this case reached the threshold for serious misconduct.
49. Therefore, the Committee finds that Particular 3 amounted to misconduct in these proceedings.

## **IMPAIRMENT**

50. The Committee then went on to consider whether the Registrant's fitness to practise is impaired by reason of the convictions and/or misconduct.
51. Ms Sevdan submitted that the Registrant's fitness to practise was currently impaired. She drew the Committee's attention to the fitness to practise criteria set out in Rule 5 of the Rules.
52. Ms Sevdan submitted that the Registrant's failure to notify the Council of these convictions put patients at risk as the delay meant that the Council could not carry out its safeguarding responsibilities in a timely manner. She also submitted that the Registrant's convictions and misconduct had brought the profession into disrepute and undermined the public's confidence in the profession. She said that he had not acted professionally with the Council, thereby breaching standard 6 of the standards for pharmacy professionals. Standard 6 articulates the need for pharmacy professionals to behave in a professional manner and Ms Sevdan said that this included timely communications with the regulator.
53. Ms Sevdan submitted that this being the second time that the Registrant has failed to notify the Council of his convictions within 7-days means that his integrity could no longer be relied upon.
54. The Registrant told the Committee that he accepted that his actions had brought the profession into disrepute and that in future, should he ever be convicted of any offence, he would immediately inform the Council of such conviction. He said that he

understood that his lack of action meant that he had not kept to the high standards that were expected of him as a professional.

55. The Legal Adviser advised the Committee that it should consider all the evidence in the round. There is no burden or onus of proof at this stage of proceedings. It is a matter for the Committee's judgement as to whether a Registrant's fitness to practise is impaired.
56. Article 51(1)(a) of the Pharmacy Order gives the Committee the power to find impairment on ground of misconduct. There are no definitions of either misconduct or impairment in the Pharmacy Order. Guidance is provided by Rule 5(2) of the Rule, which states:

*"In relation to evidence about the conduct or behaviour of the registrant which might cast doubt on whether the requirements as to fitness to practise are met in relation to the registrant, the 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; or*  
*(d) shows that the integrity of the Registrant can no longer be relied on."*

57. The Legal Adviser advised the Committee that impairment is a forward-looking exercise and that it is relevant to consider whether the conduct is easily remediable, whether it has been remedied, or whether it is likely to be repeated. The Committee should assess the Registrant's insight.
58. The Legal Adviser also advised the Committee that it must consider not only whether Registrant continues to pose risk to members of public, but also whether the need to uphold public standards and public confidence in profession would be undermined if a finding of impairment was not made in this case.
59. The Committee considered the nature and circumstances of the convictions as set out in Particulars 1 and 2. They were not part of his pharmacy practice and although members of the public could have been put at risk by the Registrant unwittingly driving whilst disqualified, there was no evidence before the Committee to suggest that any member of the public had been put at risk of harm.
60. The Committee determined that the convictions themselves did not bring the profession into disrepute. A member of the public knowing that the offence of not providing information when requested under s.172 of the Road Traffic Act 1988 was a strict liability offence, and that the circumstances were such that the Registrant did not know that such information had been requested of him, would not consider this conviction to have brought the profession into disrepute.

61. Likewise, the Committee determined that the conviction for driving whilst disqualified did not bring the profession into disrepute. A member of the public would not consider it to be so if they knew that the Registrant did not intentionally drive whilst disqualified, but had done so as a result of not knowing about the disqualification.
62. The Committee does not consider the convictions and the circumstances surrounding those convictions to have breached any fundamental principles of the profession nor do they demonstrate a lack of integrity on the part of the Registrant.
63. Therefore, the Committee determined that Particulars 1 and 2 do not amount to an impairment of the Registrant's fitness to practise.
64. In relation to Particular 3, ie – failing to report the convictions within 7 days or at all, the Committee has found that this amounted to misconduct solely on the grounds that the Registrant failed to report the convictions within a reasonable period of time when he had already been put on notice several years before of his obligations to report. The Committee had accepted that the Registrant did not know about the 7-day rule for reporting convictions and also that it was impossible for him to comply with the 7-day rule in relation to the earlier conviction as he had been unaware of the conviction.
65. The Committee determined that by his misconduct, the Registrant had posed a risk to the public in that the Council could not start an investigation into these matters in a timely manner to ascertain whether the Registrant posed a risk to the public. The Committee also determined that the Registrant's failure to report the convictions to the Council in a timely manner had brought the profession into disrepute and had breached a fundamental principle of the profession, namely to actively engage with the Regulator.
66. The Committee did not find that the Registrant's misconduct affected the reliability of the Registrant's integrity.
67. The Committee was cognisant that impairment is a forward -looking exercise. Taking into consideration the evidence before it, the Committee was satisfied that the Registrant has shown sufficient insight into his misconduct and that the risk of repetition was low. The Registrant accepted that he needed to be more intentional and less careless and gave assurances that should he ever receive a driving conviction again, he would definitely inform the Council within seven days. As such, the Committee considered that there is no real risk to patients and the public in the future due to a repetition of the Registrant's misconduct. Likewise, there was no real risk that the Registrant would bring the profession into disrepute again. Therefore, the Committee does not find impairment of the Registrant's fitness to practise on those grounds.
68. However, the Committee determined that the need to declare and uphold professional standards and to maintain public confidence in the profession requires a

finding of impairment. This is because a member of the public with the knowledge that the Registrant has once again failed to notify the Council of convictions in a timely manner, despite having been through this process 13 years ago, would be shocked if no action were taken to mark this second transgression.

69. Therefore, the Committee finds the Registrant's fitness to practise to be impaired in order to declare and uphold professional standards of behaviour, to maintain public confidence in the profession, and to send a message to the profession that such behaviour is unacceptable.

## **OUTCOME**

70. The Committee heard the representations from Ms Sevdan and the Registrant. She drew the Committee's attention to its powers under Article 54 of The Pharmacy Order 2010. The Committee's power in order of severity are as follows. The Committee may:
- a. take no action
  - b. agree undertakings
  - c. issue a warning
  - d. impose conditions on the Registrant's practice
  - e. suspend the Registrant from practising, or
  - f. remove the Registrant from the register in the most serious cases
71. Ms Sevdan pointed out that this was the second time the Registrant is before the Committee for failing to notify his regulator of motoring convictions in good time. She submitted that as the Registrant had received a warning previously for the same misconduct, any sanction up to and including a warning was not appropriate, notwithstanding the Committee must consider sanctions from the least restrictive upwards.
72. Ms Sevdan submitted that conditions of practise would not be appropriate because there were no concerns about the Registrant's competency or practice as a Pharmacist. She submitted that in the circumstances, the most appropriate and proportionate outcome to impose should be a short period of suspension from the Register. She submitted that such an outcome is necessary to mark the misconduct found.
73. The Registrant told the Committee that he could not argue that a sanction was required to uphold professional standards and to maintain public confidence in the profession. He told the Committee that he accepted that a warning would not be appropriate and he expected a period of suspension. He asked that the period be as short as is necessary in the circumstances.

74. The Registrant said that if he was unable to work as a pharmacist for an extended period of time it would have a disproportionate impact upon him financially as he explained that most of his work is during the summer, as a locum covering leave and absences over the holiday period.
75. The Committee accepted the advice of the Legal Adviser. The Committee took into account the *Good decision making: Fitness to practise hearings and outcomes guidance* issued by the Council.
76. The Committee reminded itself that the outcome is not to be punitive although it may have a punitive effect. The Committee bore in mind the principles of fairness and proportionality when determining what the appropriate outcome in this case should be.
77. The Committee also bore in mind that its over-arching duty is:
- a. to protect, promote and maintain the health, safety and wellbeing of the public;
  - b. to promote and maintain public confidence in the profession.;
  - c. to promote and maintain proper professional standards and conduct for members of the profession;
78. The Committee considered the fact that this is the second time the Registrant has failed to notify the Council of motoring offences in good time. It considered this to be an aggravating feature. However, it also took into account that the Registrant has engaged with this process and attended this meeting and accepted his shortcomings.
79. The Committee considered the following to be mitigating features in this case:
- a. no members of the public were put at risk of harm;
  - b. these matters did not involve any aspect of pharmacy practice.
80. The Committee agreed that outcomes up to the issuance of a warning would not be appropriate in this case in light of the fact that a warning had already been issued previously by this Committee for similar misconduct.
81. The Committee also agreed that conditional registration would not be appropriate in this case. This was not a case where the Registrant's clinical skills are in question. There are no identifiable areas of his practice that might benefit from re-training. These are matters involving maintenance of public confidence in the profession that cannot be addressed by the imposition of conditions upon his registration.
82. Therefore, the Committee considered the imposition of a period of suspension from the Register. The Committee was satisfied that a short period of suspension was the appropriate and proportionate outcome to be imposed in this case.
83. The Committee considered that the appropriate period of such suspension to be two months. However, the Committee also took into account the particular circumstances of this case, where the Registrant would mainly be working during the summer

months and that he works as a locum providing covering for absent pharmacists. The Committee also took into account that the public interest includes the retention of a competent pharmacist providing a service to the public. Therefore, in the light of all of this information, the Committee determined that the proportionate period of suspension in this particular case would be six weeks.

84. The Committee therefore directs that the Registrant be suspended from the Council's Register for a period of six weeks. The Committee further directs that this order need not be reviewed and that when the period of suspension is completed, the suspension order should be allowed to lapse.
85. This decision to suspend the Registrant from the Council's Register for a period of six weeks will not take effect until 28 days after the Registrant is formally notified of the outcome, or until any appeal is concluded.