

THE HIGH COURT

2021 No 196 MCA

MONDAY THE 14TH DAY OF MARCH 2022

BEFORE MS JUSTICE EGAN

IN THE MATTER OF SECTION 51 OF THE PHARMACY ACT 2007

AND IN THE MATTER OF AN APPEAL

BETWEEN -

COLIN LANNON

APPELLANT

-AND-

COUNCIL OF THE PHARMACEUTICAL SOCIETY OF IRELAND

RESPONDENT

This Originating Notice of Motion on behalf of the Appellant dated the 19th day of August 2021 coming before the Court on the 29th day of November 2021 and the 8th day of December 2021 for hearing in the presence of Counsel for the Appellant and Counsel for the Respondent

Whereupon and on reading the said Originating Notice of Motion and the Affidavit of Colin Lannon filed on the 19th day of August 2021, the Statement of Opposition filed on the 14th day of October 2021, the Affidavit of Muireann Ní Suilleabháin filed on the 14th day of October 2021, the Supplemental Affidavit of Colin Lannon filed on the 29th day of November 2021 and the documents and exhibits respectively therein referred to and the submissions lodged on behalf of the Appellant and on behalf of the Respondent and the documents handed in to the Court on this day

THE HIGH COURT

And on hearing the oral evidence of Mr. Colm Lannon and Mr. Noel Stenson and on hearing the said respective Counsel

And the Court being pleased to reserve judgment herein

And the matter being listed for Judgment on the 11th day of February 2022 and Judgment having been delivered by electronic means on that day

And on hearing the said respective Counsel in respect of the form of the Order to be made

And the matter being adjourned to this day

And on hearing the said respective Counsel

IT IS ORDERED THAT pursuant to Section 51(4) of the Pharmacy Act 2007:

1. the said appeal be dismissed and the decision of the Respondent made on the 25th day of June 2021 to suspend the registration of the Appellant for a period of two months commencing on the date of confirmation of the Respondents decision and that the conditions set out at Schedule 1 hereto be attached to the retention of the Appellant's name on the Register maintained by the Respondent pursuant to the said Act be confirmed; and
2. the Appellant do pay to the Respondent the costs of the appeal such costs to be adjudicated in default of agreement between the parties

JUDITH CLINTON
REGISTRAR

Perfected: 24th of March 2022

Horan & Sons
Solicitors for the Appellant

Fieldfisher
Solicitors for the Respondent

SCHEDULE 1 HEREINBEFORE REFERRED TO

CONDITIONS ATTACHING TO APPELLANT'S REGISTRATION

1. The Appellant shall not act as a Superintendent Pharmacist and/or Supervising Pharmacist and/or sole practitioner for a period of 9 months commencing from the date upon which he returns to practise after the suspension expires.
2. During the 9-month period referred to in (1) above, the Appellant is prohibited from practising other than under the supervision of an independent, senior and experienced registered Pharmacist, who is acceptable to the Registrar of the PSI. The Council may extend this period of 9 months for such further period of time that it considers appropriate, upon consideration by the Council of the views of the Registrant and the report of the appointed Supervising Pharmacist to the meeting of the Council to be held before the expiry of the 9 month period.
3. During the said period of 9 months referred to in (1) and (2) above, the Appellant must not work as a locum or undertake any work where he is the sole Pharmacist on duty in a pharmacy unless approved by the appointed Pharmacist, referred to in (2) above, and with the prior agreement of the Registrar.
4. The Appellant will discharge all costs associated with these requirements.