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Re: NH v The General Medical Council [2016] EWHC 2348 (Admin)

Abstract

This is an application made pursuant to s.41A (10) of the Medical Act 1983 to terminate the interim suspension order imposed for a period of 18 months. The application was refused and the interim suspension remains in place.

Background

The Claimant, who is a trainee doctor, has been charged in criminal proceedings with offences of false imprisonment and assault. The alleged victim of those offences is his younger sister who, in the family's view, was conducting an inappropriate relationship with her boyfriend and bringing dishonour upon the family. The claimant is not said to have played any direct part in the commission of the alleged offences; the matter was charged on a joint enterprise basis because he is said to have provided support to the detention and assaults by others, and to have provided the morning after pill which he directed the alleged victim to take.

Application

At the High Court hearing, Mrs Justice McGowan heard the application to terminate the interim suspension order.

It was observed that the claimant is highly thought of by his colleagues and superiors, and there is no concern raised in relation to his clinical work. However, McGowan J did find it 'necessary for the maintenance of public confidence in the medical profession that the claimant should be suspended', and said that the question can be simply stated as 'would an average member of the public be shocked or troubled to learn, if there is a conviction in this case, that the doctor had continued to practice whilst on bail awaiting trial?'

The judge observed that these allegations involve serious criminal offences, whereby the claimant is said to have 'lent himself to a joint enterprise in which his younger sister, a minor, was held captive for a substantial period of time and was assaulted by others in the family group...because she had behaved in a way which the family found to be inappropriate and likely to cause them dishonour. In addition, [NH] is said to have obtained for her and given to her the morning after pill which he ordered that she should take'.

McGowan J considered these allegations to be of 'such a nature and are sufficiently serious to warrant interim suspension better to maintain public confidence in the medical profession' and that 'the inconvenience, expense and delay in the progression of his career is proportionate to the potential damage caused to public confidence' observing that the claimant is 'not an established practitioner who would lose his practice as a result of suspension', although there may be a delay to progressing to full qualification.

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