

Privy Council Appeal No. 69 of 1960

James Albert de Gregory - - - - - *Appellant*
v.
General Medical Council - - - - - *Respondents*

FROM

**THE MEDICAL DISCIPLINARY COMMITTEE OF THE GENERAL
MEDICAL COUNCIL**

**JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 26TH JULY, 1961**

Present at the Hearing:

LORD DENNING.

LORD MORRIS OF BORTH-Y-GEST.

LORD GUEST.

[*Delivered by* LORD DENNING]

James Albert de Gregory is a registered medical practitioner who has practised in Rhyl, North Wales, for the last fifteen years. On Friday, 25th November, 1960, the General Medical Council, acting by its Disciplinary Committee, found him guilty of infamous conduct in a professional respect and directed that his name should be erased from the Register of Medical Practitioners. He now appeals to Her Majesty in Council under section 36(3) of the Medical Act, 1956.

The charge preferred against Dr. de Gregory arose out of his association with Mrs. Round who was the wife of one of his patients Mr. John Round. From July, 1959, onwards Dr. de Gregory frequently committed adultery with her. As a result on 25th May, 1960, Mr. Round divorced his wife. On 15th June, 1960, she gave birth to a child of which Dr. de Gregory was the father and on 16th June, 1960, she married Dr. de Gregory. So she is now Mrs. de Gregory, but their Lordships will refer to her as Mrs. Round as that was her name at the times material to this appeal.

The charge against Dr. de Gregory as originally framed was, so far as material, in these words:

“ After you had entered into professional relationship with Mr. and Mrs. Round and their family, you improperly associated with Mrs. Round, and from a date in or about December, 1958, you frequently committed adultery with her, and between October 30, 1959, and November 14, 1959, and thereafter from November 28, 1959, onwards you lived and cohabited with her . . . and that in relation to the facts alleged you have been guilty of infamous conduct in a professional respect.”

After all the evidence had been heard the charge was amended so as to charge adultery only from July, 1959. The date “ December, 1958 ” in the charge was amended to “ July, 1959 ”. The Disciplinary Committee determined that the facts alleged in the *charge as amended* had been proved to their satisfaction and in relation to those facts judged him to have been guilty of infamous conduct in a professional respect. So the date of the adultery was ascertained to be from July, 1959. But the finding does not specify any date for the improper association. And it was on this point

that much of the argument turned: because on 9th December, 1958, Mrs. Round ceased to be a patient of Dr. de Gregory: and there was no finding as to whether the improper association started before or after that date.

Many of the facts were not in dispute. Dr. de Gregory is now some fifty-six years of age. He qualified as a doctor in December, 1931. He married in 1934 and of that marriage he has two sons, both of whom are now grown up and married. Since 1946 he has practised in Rhyl. His first wife died in November, 1957.

Mr. John Round is a water engineer. In 1949 he went to live in Rhyl. He was then a single man. About June, 1950, Dr. de Gregory became his doctor. On 9th September, 1950, Mr. Round married his wife Sheila Mary Round. She is now some thirty-one years of age. They have three children, all boys, the first born on 22nd June, 1951, the second born on 17th January, 1955, and the third on 19th March, 1956. Dr. de Gregory became the doctor to Mrs. Round and the children.

In addition to being the doctor to the family, Dr. de Gregory also became a friend of the family. He called frequently at the house, and on many occasions it was in the morning when Mr. Round was at work. Mrs. Round said in evidence that he only came when she asked him to do so, and that she only asked him when she thought one of the children was not well. Two of the most illuminating answers in the Record were those given by Mrs. Round:

“ Q. During the period from the beginning of 1955 to the end of 1959, when you finally left home, Dr. de Gregory was visiting your house two or three times a week? A. I asked him to.

Q. But is it right as a fact that he came to your house on an average two or three times a week? A. No, that is a slight exaggeration.”

By August, 1958, Mr. Round had become very suspicious of his wife's conduct. He discovered that she used to pretend she had gone to a meeting when she had not done so. Eventually he went to Dr. de Gregory's surgery and asked him whether he was having an affair with his wife. Dr. de Gregory said “ No, he was fond of all of us and liked the family ”. Dr. de Gregory did not deny this incident. He said that he could not recollect it.

After this incident Dr. de Gregory did not visit the house so frequently. But in November, 1958, Mrs. Round applied to have her name taken off Dr. de Gregory's list of patients: and it was taken off. She kept this secret from her husband but the doctor of course knew of it. The reason for her action was given by Mrs. Round herself to the inquiry agent a year later: “ I did this ” she said “ without my husband's knowledge as I knew then that I was becoming fond of Dr. de Gregory ”. It would appear that she was in love with him: for in her evidence she admitted that the inquiry agent in December, 1959, “ asked how long I had been in love with Dr. de Gregory and I said the last twelve months ”. Although she took her name off his list, the rest of the family remained on it.

Dr. de Gregory himself seems to have attached some considerable importance to the fact that Mrs. Round took her name off his list. He himself told the inquiry agent “ Before our association became really serious, I ceased to be Mrs. Round's doctor ”, but according to him, it was only in June, 1959, that it became “ really serious ”. In his evidence he said it was not till June, 1959, that he fell in love with her.

In June, 1959, Mr. Round being still suspicious followed his wife and found Dr. de Gregory waiting to meet her. He told him he was not to visit the house any more. In the same month Mrs. Round went with Dr. de Gregory to a party, contrary to her husband's clear objections. Mr. Round followed and found them there, asked Dr. de Gregory to come outside, and “ spoke to him pretty forcibly outside ”.

In July, 1959, Dr. de Gregory and Mrs. Round started to commit adultery with one another. In October, 1959, she left her home to live with him: and, although she returned for a fortnight to her husband (who was ready to take her back for the sake of the children) nevertheless on 28th November, 1959, she left finally.

Such being the facts, Mr. Rankin for Dr. de Gregory submitted that there was no real reason for saying that any improper association existed between Dr. de Gregory and Mrs. Round before May or June, 1959. Their Lordships cannot accept this view. It depends, of course, what is meant by "improper association". The Divorce Court acts only on proof of adultery. Undue familiarities are not enough in that Court to warrant a decree. But the Disciplinary Committee of the General Medical Council rightly insists on a higher standard. A doctor gains entry to the home in the trust that he will take care of the physical and mental health of the family. He must not abuse his professional position so as, by act or word, to impair in the least the confidence and security which should subsist between husband and wife. His association with the wife becomes improper when by look, touch, or gesture he shows undue affection for her, when he seeks opportunities of meeting her alone, or does anything else to show that he thinks more of her than he should. Even if she sets her cap at him, he must in no way respond or encourage her. If she seeks opportunities of meeting him, which are not necessary for professional reasons, he must be on his guard. He must shun any association with her altogether, rather than let it become improper. He must be above suspicion.

It was suggested that a doctor, who started as the family doctor, might be in a different position when he became a family friend. His conduct on social occasions was to be regarded differently from his conduct on professional occasions. There must, it was said, be cogent evidence to show that he abused his professional position. It was not enough to show that he abused his social friendship. This looks very like a suggestion that he might do in the drawing-room that which he might not do in the surgery. No such distinction can be permitted. A medical man who gains the entry into the family confidence by virtue of his professional position must maintain the same high standard when he becomes the family friend.

Such being the standard required of a doctor, their Lordships think that the Disciplinary Committee may well have thought an improper association existed between Dr. de Gregory and Mrs. Round before she took her name off his list. His frequent visits to the house when the husband was not there, coupled with the fact that Mrs. Round became fond of him and for that very reason took her name off his list—which must have been to the doctor's knowledge but it was not to the husband's knowledge—is quite sufficient evidence, without more, from which an improper association may be inferred between them whilst she was his patient. That would by itself be ground on which the Disciplinary Committee could hold him guilty of infamous conduct in a professional respect. But inasmuch as the findings of the Disciplinary Committee do not specify the date when the improper association started, their Lordships will approach the case on the footing that it only started after December, 1958, when she took her name off the list. This does not excuse him. He gained his access to the home in the first place by virtue of his professional position. Afterwards, although the wife ceased to be on his list, he still had access to the home so as to attend Mr. Round and the children, if called upon. It was an abuse of his professional relationship with the husband and father for him to enter upon an improper association with the wife and mother of the family. It was infamous conduct in a professional respect, even though she herself had ceased to be his patient.

It was said that Mrs. Round set her cap at Dr. de Gregory and that he was caught in a spider's web. Mrs. Round indeed admitted that she deliberately set out to seduce Dr. de Gregory and succeeded in her efforts. Assuming this to be true, it could afford him no answer. It takes two to make and maintain an improper association of this kind, and it ill becomes the man to blame the woman for it. The doctor must resist temptation, not succumb to it.

Their Lordships are of opinion that there was ample evidence on which the Disciplinary Committee could find that Dr. de Gregory was guilty of infamous conduct in a professional respect and they see no reason to interfere with the sentence that his name should be erased from the Register. It was suggested that erasure was too severe a sentence. Their Lordships do not think so. Dr. de Gregory has been guilty of a grave breach of trust and, despite the very high testimonials that were submitted as to his character and reputation, the General Medical Council were fully justified in marking their disapproval by directing his name to be erased.

Their Lordships will accordingly humbly advise Her Majesty that this appeal should be dismissed with costs.



In the Privy Council

JAMES ALBERT DE GREGORY

v.

GENERAL MEDICAL COUNCIL

DELIVERED BY LORD DENNING

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