

Judgment 29; 1970

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IN THE PRIVY COUNCIL

No. 36 of 1970

ON APPEAL FROM THE DISCIPLINARY COMMITTEE  
of the GENERAL MEDICAL COUNCIL

B E T W E E N

PAUL ZAMMIT-HAMMET

Appellant

- and -

GENERAL MEDICAL COUNCIL

Respondent

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R E C O R D

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UNIVERSITY OF LONDON  
INSTITUTE OF ADVANCED  
LEGAL STUDIES  
6 - DEC 1971  
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LONDON W.C.1

Solicitors for the Appellant

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Agents for:

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GENERAL MEDICAL COUNCIL

DISCIPLINARY COMMITTEE

Monday, 20th July, 1970

The PRESIDENT, Lord COHEN OF BIRKENHEAD, in  
the Chair

Case of

ZAMMIT-HAMMET, Paul  
(registered as HAMMET, PAUL ZAMMIT)

10 The Committee inquired into the following  
charge against Paul Zammit Hammet, registered as of  
284 Wolverhampton Road West, Bentley, Walsall, Staffs  
MD Malta 1950 :-

20 "That you were on February 6, 1970, at  
the Stafford Assizes convicted (after plead-  
ing guilty) on nine charges of uttering  
forged documents and improperly obtaining  
cheques from the Walsall Executive Council  
with intent to defraud (dates of offences  
between September 30, 1966 and March 27, 1969)  
and you were sentenced to twelve months'  
imprisonment, 330 other similar offences  
being taken into consideration."

Dr. Hammet was present and was represented by  
Mr. Michael Pratt, Counsel, instructed by Messrs.  
Slater, Miller & Company, Solicitors

Mr. A.P.P. Honigmann, Solicitor of Messrs.  
Waterhouse & Company, appeared in order to present  
the facts to the Committee.

The Registrar read the charge.

30 Mr. HONIGMANN: I hand in the certificate  
of conviction.

Presentation  
of case by  
Mr. Honigmann

The PRESIDENT: Is this admitted?

Mr. PRATT: The whole of it is admitted.

Presentation  
of case by  
Mr.Honigmann  
Cont'd.

The PRESIDENT: I have to announce that the conviction has been proved.

Mr. HONIGMANN: I understand that Dr.Zammit Hammet is 44 years old and, as you will see, he qualified in 1950 with the degree of MD, Malta. He subsequently came to the United Kingdom and since the 1st October 1956 he has been under contract with the Walsall Executive Council of the National Health Service, practising as a general practitioner.

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The members of the Committee will see that the convictions referred to in the charge are concerned with forgery and also with obtaining money by false pretences, and I think it might be as well if I explain to the Committee the method by which this fraudulent activity was carried on.

Those members of the Committee who are themselves general practitioners will be far more aware than I am of the method by which general practitioners are paid by the National Health Service. Briefly, however, I understand that a general practitioner is paid a basic practice allowance plus capitation fees which are based on the number of patients on his list. In addition, a doctor is entitled to claim fees for special purposes. These include temporary residents fees in respect of medical services provided by a doctor for a person who is temporarily resident within the area of his practice but is not on his list ; and also fees for maternity medical services and for emergency visits at night. As and when a general practitioner provides these services he fills in the

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appropriate forms and these are then sent to the local Executive Council of the Health Service for vetting. The Health Service calculates the amount of fees which are payable to a doctor each quarter and then these are sent by the local Executive Council to the doctor on a quarterly basis.

Presentation  
of case by  
Mr. Honigmann  
Cont'd.

10 The relevant forms in this case are, first, a Form EC19, which is a record of treatment of a temporary resident; secondly, a Form EC24, which is connected with the provision of maternity medical services; and, thirdly, a Form EC81, which is an application for a fee in respect of a night visit. The applications for payment of the fees in respect of Forms EC19 and EC81 have to be signed both by the doctor and by the patient, but apparently the doctor's certificate and claim for payment in connection with maternity services only require to be signed by the  
20 doctor, although the patient also has to certify that she has applied for the services.

The circumstances which eventually led to Dr. Zammit Hammet's conviction and sentence at Stafford Assizes arose out of the deliberate misuse of these three types of forms.

30 With regard to the first charge in the certificate of conviction, this related to a Form EC24 which was supposed to have been completed by a Miss Lynda Margaret Edmunds. The form was submitted by Dr. Zammit Hammet in claim of a fee for maternity medical services in relation to this lady whom the doctor alleged had had a miscarriage on the 23rd August 1966. Miss Edmunds was interviewed by the police and

Presentation of case by Mr. Honigmann Cont'd.

shown the Form EC24. Not surprisingly, bearing in mind that she was and is a single woman, she was most upset by the suggestion that she was pregnant at the relevant time and had had a miscarriage. She said she was not and could not possibly have been pregnant in 1966 and that she certainly did not receive any of the examinations which were purported to have been carried out by the doctor; that she did not have a miscarriage, that she did not sign the form of application and that she had not authorised anyone else to do so for her. 10

The second charge in the certificate was again concerned with Form EC24, issued by Dr. Zammit Hammet in respect of a Mrs. Rosa Carter, and on this form it was alleged by the doctor that Mrs. Carter had had a miscarriage on the 13th September 1966. Mrs. Carter was interviewed by the police and she stated that all the information contained on the form was false, that she had not signed the form and that she had not authorised anyone else to do so. In other words, the form was obviously a forgery, but it was accepted by the National Health Service as genuine and as a result a special fee of four guineas was paid by the Health Service to Dr. Zammit Hammet on the strength of his false pretences. 20

With regard to the third charge, this related to a Mrs. Nora Evelyn Sheahan, and this time the forged form was a Form EC19: in other words, an application for fees in respect of a temporary resident. It was stated on the form that this particular lady was living temporarily at 235 Walsall Road, Darlestone, and that she 30

received treatment from Dr. Zammit Hammet in January 1967. The form was signed "N.E.Sheahan" but when Mrs. Sheahan was interviewed by the police she said that she had never lived at that address even on a temporary basis, and had not had treatment of any kind from Dr. Zammit Hammet in January 1967, and that she had not signed the form or authorised its signature on her behalf. Once again the charge was one of obtaining a cheque by false pretences.

Presentation  
of case by  
Mr. Honigmann  
Cont'd.

The fourth document related to the husband of Mrs. Sheahan, Mr. James Joseph Sheahan, and here again this related to a Form EC19 for services for a temporary resident in January 1967. Mr. Sheahan was interviewed by the police and he denied that he had lived at that address or received treatment at that time or that he had signed the form.

The fifth charge was once again concerned with a Form EC24, and this related to a Mrs. Earp, who Dr. Zammit Hammet alleged had a miscarriage on 17th October 1967. The circumstances are similar to those of Miss Edmunds and Mrs. Carter. Mrs. Earp was interviewed and denied that she had had any medical services in respect of miscarriage or that she had signed the form in question

The sixth conviction related to yet another Form EC24, this time in relation to a Mrs. Dorothy Collins for services in August 1967. Once again the facts set out in the form were a complete fabrication and the signature of the patient was a forgery.

Charge seven related to a Form EC81 in respect

Presentation of case by Mr. Honigmann Cont'd.

of a Mrs. Margaret Gill. This form was a claim by Dr. Zammit Hammet for payment in respect of a night visit which he said he had made between the hours of midnight and 7 a.m. on the 11th October 1967. The fee involved was £1. Perhaps I should emphasise that a doctor is only entitled to a special night visit fee provided that he carries out an emergency visit between midnight and 7 a.m. When Mrs. Gill was interviewed by the police she said she had never been visited in her home at all by the doctor, and that the document was accordingly another forgery. As a result, Dr. Zammit Hammet was charged and convicted of obtaining money by false pretences on this count.

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Charge eight related also to a purported night visit made by Dr. Zammit Hammet to a Mr. Horace Horton. A Form EC81 had been submitted by the doctor to the Health Service stating that Mr. Horton had been visited between midnight and 7 a.m. on 22nd December 1967, and this form was purported to be signed by Mrs. Horton on behalf of her husband. Both Mr. and Mrs. Horton were interviewed. Mr. Horton said he had only once ever been visited by the doctor and that was in the early afternoon, shortly after lunch. Mr. Horton said that the signature did not appear to be his wife's signature, and she said that it certainly was not her signature. In other words, this was another forgery.

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The final conviction related to yet another Form EC81. This was a claim for a fee for a night visit to a Mr. Leslie Gilbert on the night of 16th November 1968. Mr. Gilbert, when



interviewed, confirmed that he had had a heart attack on the night in question and that he had indeed attempted to arrange for a visit by Dr. Zammit Hammet because of that heart attack. However, Mr. Gilbert said that the doctor did not visit him until 10 o'clock the following morning, and therefore a claim on Form EC81 was not justified. Mr. Gilbert confirmed to the police that he had signed this particular form but said he did so because the doctor had explained to him that it was necessary for Mr. Gilbert to sign because he had attempted to contact the doctor during the night.

Presentation  
of case by  
Mr. Honigmann  
Cont'd.

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After the police had completed their inquiries in connection with these investigations Dr. Zammit Hammet was interviewed by the police at the offices of Messrs. Hempsons in London in the presence of one of the assistant solicitors of that firm. Dr. Zammit Hammet was cautioned by the police and then asked individually about all the cases which I have just outlined to the Committee. In each case he denied that the facts as put to him by the police were true or that he had behaved improperly in any way. In due course the doctor was charged and he appeared at Stafford County Assizes on 6th February 1970 on an indictment containing 11 counts. In respect of two of these 11 he pleaded not guilty, and that plea of not guilty was accepted by the prosecution. With regard to the remaining nine counts in the certificate of conviction, he pleaded guilty, and, as you have heard, he also asked for no less than 330 similar offences to be taken into consideration. I understand that it is claimed by

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Presentation  
of case by  
Mr. Honigmann  
Cont'd.

the National Health Service that as a result of these activities the amount he obtained fraudulently was over £750.

As you will see, the doctor was sentenced to 12 months' imprisonment in respect of each count, the sentences to run concurrently, so that the effective term of imprisonment was 12 months.

The doctor lodged an appeal with the Court of Appeal Criminal Division and, rather surprisingly, in view of the fact that he had originally pleaded guilty to the nine offences which appear in the certificate, he appealed not only against sentence but also against conviction. However, I understand that he subsequently withdrew his appeal against conviction and the appeal was limited to sentence. Not surprisingly, in view of the serious nature of the offences, that appeal was dismissed.

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The Committee may well feel that this is a story of a long-sustained and even brazen attempt at defrauding the National Health Service over a fairly long period of time. The circumstances themselves relate to a history of some 2½ years of this sort of activity and the Committee may well feel in the circumstances that this is a very clear example of an abuse by a medical practitioner of his position under the National Health Service.

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That is all I wish to lay before you.

Speech in  
Mitigation

Mr. PRATT: I do not propose to call any evidence and take the view that what Dr. Zammit Hammet wishes to say can be said entirely through me.

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I face the fact at once that at Staffordshire

Assizes in February of this year Dr. Zammit Hammet had to plead guilty to nine separate instances of, in effect, fraud, and he had to ask the Court to take into consideration 330 other cases. At first sight, then, it must appear that my task in endeavouring to say something to this Committee about it must be formidable.

Speech in  
Mitigation  
Cont'd.

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The second fact which has to be faced up to at once is that these offences were committed over a period of nearly 2½ years altogether, and that they were systematic. It is clearly those factors which played a heavy part in the judgment of the learned judge who dealt with this case. It must also be accepted that the offences were calculated and deliberate, and it is this fact in particular which has always made this case both an astonishing one and a baffling one. I am speaking in particular from the point of view of the Court dealing with it and, I suspect, from the medical point of view also.

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I say "baffling" for two reasons in particular: first of all, in the general sense, because it is always baffling when a man who has, over the course of many years, built up for himself a first-class reputation for being a conscientious and industrious practitioner, and a place in local society in the Midlands, suddenly at the age of 40, as he was in 1966 when this case began, for no apparent reason, branches out into what I shall describe as petty crime of this kind. It certainly looks as though he went off the rails. That is the first thing: it is baffling.

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Secondly, it is baffling in the special context of this particular case because of the sheer

Speech in  
Mitigation  
Cont'd.

petty nature of what he was doing. That may sound curious in view of the number of offences involved, but if I can indicate what I mean, out of these 340 odd cases, three-quarters involved no more than either £1 or £1.2.6. each, and the remaining quarter involved either £4 or £5. The whole overall total, as you have fairly been told by my friend Mr. Honigmann, is less than £800, and spread over 2½ years it is a little over £300 per year.

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The reason I mention it is to get it, if we can, into the context of the case. He had at that time in his practice something in the region of 4,600 patients. He operated exclusively under the National Health scheme, with no private patients. General practitioners on the Committee will realise at once the reason for that large number. This has been termed a "designated area"--an area of very dense population in the Black Country. In fact, this doctor was, I think it right to say, encouraged to take on over 1,000 more patients than the normal practitioner would expect to have in other circumstances. The result was that his earnings for the year ending March 1969 were well over £9,000. I hope I will not be so naive as to disregard that all-important distinction that all professional people know about between gross and net earnings. But there is a further element that comes into play here. That is that every penny of the £300 a year which he obtained through these offences came, of course, through the Executive Council, through the normal channels, and was all subject to both income tax and, presumably, also to surtax. This is a very

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curious feature and one that one never normally meets in fraud cases.

Speech in  
Mitigation  
Cont'd.

The point I seek to make is that it is abundantly clear that the net gain to this doctor from all these offences was utterly trivial, and that only serves to make it all the more baffling.

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The nearest analogy I have been able to think of is the man or woman we often find in troubles of this kind who has no financial problems at all and yet for some reason goes into a supermarket and tries to get away with a loaf of bread or a pound of margarine without paying. It is in that class of petty, trivial and nasty case. It is a terrible thing for a professional man to sink to this kind of depth, but one immediately wonders what happened; why he should suddenly find himself doing these things.

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The answer may be that his actions have in some way been prompted or at least aggravated by stresses and strains both within his professional life and outside it. You medical gentlemen may take the view that something was made to snap in this man, and it is for this reason that I propose to say something about his life and his career in this country. I say "in this country" because he came from Malta, where he qualified in 1952 at the age of 26. He went straight to the Midlands, where he has been in practice ever since, and during those 18 years he has earned himself a first-class reputation. That can be said without any kind of reserve at all.

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I am assisted by this factor. By the nature

Speech in  
Mitigation  
Cont'd.

of the inquiries into this case, the local police officers had of necessity to interview no less than 800 of this doctor's patients on his panel. The factor which the police were fair enough to emphasise before the Court of Assize was that throughout the whole of those inquiries the story which they were given over and over again by all this man's patients was that he was a very fine doctor; that he really cared for his patients' needs, and so on.

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His practice has gone over the years from strength to strength. He was able to cope, one feels, until somewhere around the 1960 mark, and it was then that he had his real troubles: he had matrimonial difficulties. I am not going into the details of that but I will tell the Committee this. They culminated in 1964 in exceedingly protracted proceedings at Birmingham Assizes between the doctor and his former wife. There were cross-prayers and the action lasted a number of days. In the end each party was granted a divorce against the other by the Court. Those factors at the end of 1964 caused Dr. Zammit Hammet untold bitterness and disappointment, and he did what many professional men do to try to make up for those difficulties: he worked harder than ever. He threw himself even more wholeheartedly into this practice. He had, I am instructed, one holiday between 1964 and 1969, and a short holiday at that. One suspects that throughout this time he was bottling up his personal problems. The members of the Committee may feel that in those circumstances something had to give, and it was thus that we found him,

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when these offences came to light, in a most highly confused mental and emotional condition. It was thus that, even though he had pleaded guilty at the Assizes, he himself then drew up a curious document - there are no secrets about this - purporting to be a notice of appeal against conviction; a document which in many respects was somewhat irrational.

10 But one good thing that has come out of this case is that he has had now an enforced holiday, and I say that in no sense humorously, of course. He is now in a thoroughly lucid frame of mind. He is able to face up almost for the first time to what he did. He will never know why he did it but at least he does know what he did and, having had time to think, he can now see ahead, he hopes, to some kind of professional future once again.

20 What I have to suggest about the facts of this case is this: that society and the law have already extracted their toll from this man. I need not enlarge upon the disgrace, the shattering effect, of a prison sentence upon a general practitioner of this man's standing.

30 The point next to be emphasised to this Committee is that throughout these proceedings there has never been one breath or hint against this doctor's professional competence or ability. The learned judge, in passing sentence, called the case a tragedy because there was not one breath of criticism against him at all in the professional sense.

One appreciates that this Disciplinary

Speech in  
Mitigation  
Cont'd.

Committee feels obliged to record its disapproval of any practitioner who behaves in this kind of way, but I would earnestly submit that a lenient course here would not be construed as in any way marking approval of what he has done. It would be construed as marking recognition of the fact that he has already paid, and paid dearly, for what he did.

I have here a petition signed by many hundreds of his patients who are still hoping that he will return to them at some time in the future. I do not think there is any point in passing it round. You can imagine the sort of thing it is.

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There is no loss to anybody here, for repayment has been made. It is my earnest submission that, in all the exceptional circumstances of this case, it would be open to this Committee to allow this man to return to his practice, having become less mentally confused than he was, and to his patients who are still asking to have him back.

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Strangers then, by direction from the Chair, withdrew and the Committee deliberated in camera.

Strangers having been re-admitted:

The PRESIDENT: Dr. Hammet, I have to announce that, by reason of the conviction which has been proved against you, the Committee have directed the Registrar to erase from the Register the name of Paul Zammit Hammet.

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**These are to Certify** *That at the Assizes and General*

*Delivery of the Gaol of our Lady the Queen holden at* Stafford

*in and for the* County of Stafford

*on* Monday *the* twenty-sixth

*day of* January *in the year of our Lord One thousand*

*nine hundred and* seventy

PAUL ANTHONY ZAMMIT-HAMMET

*was in due form of Law ~~made and~~ convicted upon* Indictment upon his own confession for that he :-

1. on the 30th day of September, 1966, at Walsall in the County of Stafford, uttered a forged document, namely a form E.C.24 relating to Lynda Margaret Edmunds knowing it to be forged and with intent to defraud.
2. on a day unknown between the 21st day of October, 1966, and the 31st day of December, 1966, at Walsall in the County of Stafford, with intent to defraud obtained from the Walsall Executive Council ( National Health Service) a valuable security, namely a cheque for £767.11.9d by falsely pretending that he had administered Maternity Medical Services to Rosa Carter who had had a miscarriage on the 13th day of September, 1966.
3. on a day unknown between the 20th day of January, 1967, and the 31st day of March, 1967, at Walsall in the County of Stafford, with intent to defraud, obtained from the Walsall Executive Council (National Health Service) a valuable security, namely a cheque for £774.5.10d by falsely pretending that he had administered treatment to Evelyn Norah Sheahan as a temporary resident.
4. on the 20th day of January, 1967, at Walsall in the County of Stafford, uttered a forged document namely a form E.C.19 relating to John Michael Sheahan knowing it to be forged and with intent to defraud.

**It was thereupon ordered by the Court.** *that* he be imprisoned for 12 months on each of 9 counts, sentences to run concurrently - 12 months in all. (330 other offences T.I.C.)

*Given under my Hand and Seal this*

18th day of March 1970

*Lewis (Spang)*

Clerk of Assize,

for the

OXFORD

Circuit.

C/A 13

**These are to Certify** *That at the Assizes and General*

*Delivery of the Gaol of our Lady the Queen holden at*

*in and for the*

*on*

*the*

*day of*

*in the year of our Lord One thousand*

*nine hundred and*

**was in due form of Law tried and convicted upon**

5. on a day unknown between the 19th day of July, 1967, and the 30th day of September, 1967, at Walsall in the County of Stafford, with intent to defraud, obtained from the Walsall Executive Council (National Health Service) a valuable security, namely a cheque for £1,126.12.9d by falsely pretending that he had administered Maternity Medical Services to Ann Earp who had had a miscarriage on the 17th day of June, 1967.
6. on the 26th day of September, 1967, at Walsall in the County of Stafford, uttered a forged document, namely a form E.C.24 relating to Dorothy Collins knowing it to be forged and with intent to defraud.
7. on a day unknown between the 11th day of October, 1967, and the 30th day of December, 1967, at Walsall in the County of Stafford, with intent to defraud, obtained from the Walsall Executive Council (National Health Service) a valuable security, namely a cheque for £800.13.8d by falsely pretending that he had made a visit to Margaret Gill between the hours of midnight and 7 a.m. on the 11th day of October, 1967.
8. on the 22nd day of ~~December~~, 1967, at Walsall in the County of Stafford, uttered a forged document namely a form C.E.81 relating to Horace Horton knowing it to be forged and with intent to defraud.

**It was thereupon ordered by the Court. that**

*Given under my Hand and Seal this*

18th day of March 19 70

*Lewis (Spays)*

Clerk of Assize,

for the OXFORD

Circuit.

C/A 13

**These are to Certify** *That at the Assizes and General*

*Delivery of the Gaol of our Lady the Queen holden at*

*in and for the*

*on*

*the*

*day of*

*in the year of our Lord One thousand*

*nine hundred and*

*was in due form of Law tried and convicted upon*

9. on a day unknown between the 31st day of December, 1968, and the 27th day of March, 1969, dishonestly procured with a view to gain by himself the execution of a valuable security, namely a cheque for £45,991.5.8d by deception, namely that he had made a visit to Leslie Gilbert between the hours of midnight and 7.0 a.m. on the 16th day of November, 1968.

**It was thereupon ordered by the Court.** *that*

*Given under my Hand and Seal this*

18th day of March 19 70

*Lewis (Spencer)*

Clerk of Assize,

for the OXFORD

Circuit.

C/A 13

THE MEDICAL ACTS 1956 TO 1969

NOTIFICATION OF ERASURE

To. *Paul. Zarnett. Hammet*

In pursuance of section 36 (1) of the Medical Act 1956, as amended by section 14 (1) of the Medical Act 1969, notice is hereby given to you that at a meeting of the Disciplinary Committee of the Council held today the Committee directed that your name be erased from the Register.

Dated this *20th* day of *July* 1970.

*M. R. H. P. J.*  
Registrar.

Received a notice of which the above is a duplicate

this *20th* day of *July* 1970

*M. R. H. P. J.*  
*M. R. H. P. J.*