

IN THE PRIVY COUNCIL

No. 36 of 1970

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

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 Respondents

CASE FOR THE RESPONDENT COUNCIL

- Record
- 10 1. This is an Appeal by the Appellant, Paul Zammit-Hammet registered as Paul Zammit Hammet, from a determination of the Disciplinary Committee of the Respondent Council dated the 20th July 1970 that, by reason of a conviction which had been proved against the Appellant, the name of the Appellant should be erased from the Register. p. 14
2. On the 20th July 1970 the Disciplinary Committee held an inquiry into the following charge against the Appellant:- p. 1
- 20 "That you were on February 6, 1970, at the Stafford Assizes convicted (after pleading guilty) on 9 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."
- 30 3. At the said inquiry the Appellant was present and was represented by Mr. Michael Pratt of Counsel, instructed by Messrs. Slater, Miller & Co., solicitors. Mr. A.P.P. Honigmann, of Messrs. Waterhouse & Co., solicitors for the Respondent Council, appeared to present the facts on behalf of the Respondent Council. p. 1

Record

p. 1 4. The certificate of conviction was placed
 p. 2 before the Committee and the conviction was
 admitted by the Appellant. The Chairman then
 announced that the conviction had been proved.

p. 2 5. Mr. Honigmann then related the facts of the
 p. 3 offences of which the Appellant had been con-
 victed. These all arose from the submission of
 forms by the Appellant to the Walsall/Executive
 Council claiming fees in respect of medical
 services allegedly given by him. The forms in- 10
 volved were Form EC19, which is a record of
 treatment of a temporary resident; Form EC24,
 which concerns the provision of maternity medical
 services; and Form EC81, which is an application
 for a fee in respect of a night visit. In the
 p. 3 case of applications for payment of fees under
 Forms EC19 and EC81, the signatures of both the
 p. 3 doctor and the patient are requisite. The claim
 for payment in connection with maternity
 services only requires to be signed by the doctor, 20
 although it is necessary for the patient to
 certify that she has applied for such services.

p. 6 6. In each of the offences contained in the
 first eight counts of the indictment, the
 Appellant had forged the signature of the
 patient where such signature was required and
 had not rendered the medical services in respect
 of which in each case he claimed payment. In
 the offence which is the subject of the ninth
 count of the indictment, the Appellant had claim-- 30
 ed fees in respect of a night visit (Form EC81).
 The facts of this offence were that a Mr. Leslie
 p. 7 Gilbert had suffered a heart attack on the 16th
 November 1968 and had attempted to arrange for
 a visit by the Appellant. The Appellant did not
 visit Mr. Gilbert until 10.00 a.m. the following
 p. 7 day, but he nevertheless asked Mr. Gilbert to
 sign the Form EC81 and explained that such
 signature was necessary because Mr. Gilbert had
 attempted to contact the doctor during the night.
 Accordingly, Mr. Gilbert signed the form despite
 the fact that there had been no night visit.

p. 7 7. After the Police had made inquiries into
 the offences, the Appellant was interviewed at
 the offices of Messrs. Hempsons, Solicitors, in
 p. 7 the presence of a partner in that firm. Under
 caution he was asked individually about each of

the offences contained in the indictment but denied that the facts alleged against him were true or that he had in any way behaved improperly

8. The Appellant was subsequently charged and appeared at Stafford County Assizes on the 6th February 1970 on an indictment containing 11 counts. The Prosecution accepted a plea of Not Guilty to two of these eleven counts. The Appellant pleaded guilty to the remaining nine counts of the indictment and asked for 330 similar offences to be taken into consideration. He was sentenced to a total of twelve months' imprisonment. His subsequent appeal against sentence was dismissed by the Court of Appeal, Criminal Division. p. 7 p. 8
9. The total amount obtained by the Appellant through the commission of these offences was over £750. The certificate of conviction refers to substantially larger sums because the amount fraudulently obtained by the Appellant by each offence was paid as part of a larger cheque payable to him by the Walsall Executive Council p. 8
10. In summary the Appellant defrauded the National Health Service over a period of approximately 2½ years. The Appellant's Counsel accepted that the offences were "systematic" and "calculated and deliberate". p. 8 p. 9
11. The following further matters were brought to the attention of the Committee either by Mr. Honigmann or by Mr. Pratt in his speech in mitigation :-
- 30
- (i) The Appellant was 44 years of age and had qualified in Malta in 1950. He had come to the United Kingdom in 1952 and had been in continuous practice thereafter in the Midlands. From October 1956 he had been practising as a general practitioner under contract with the Walsall Executive Council. p. 2 p. 2
- (ii) The Appellant was held in high regard by many of his patients, and a petition had been signed on his behalf by numerous patients. p. 14
- (iii) The Appellant's offences were said to be

Record

- p.12 completely out of character and attributable to matrimonial difficulties which had culminated in divorce proceedings in 1964; thereafter it was said that the Appellant had worked even harder than previously in order to compensate for such difficulties.
- p.12
- p.13 (iv) The Appellant was said to have been in a highly confused mental and emotional condition at the time when the offences committed by him were discovered. 10
- p.14 12. After the speech in mitigation on behalf of the Appellant, the Committee deliberated in camera. At the conclusion of such deliberation
- p.14 the Chairman announced that by reason of the conviction which had been proved against him the Committee had directed the Registrar to erase the name of the Appellant from the Register.
13. The Respondent Council therefore humbly submits that this Appeal should be dismissed for the following among other: 20

R E A S O N S

- (1) BECAUSE the conviction of the Appellant was admitted by him and was proved to the satisfaction of the Committee on the 20th July 1970
- (2) BECAUSE in the proper exercise of its discretion the Committee was entitled to direct that the name of the Appellant should be erased from the Register. 30
- (3) BECAUSE the decision of the Committee was a proper decision.

ROBERT ALEXANDER

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B E T W E E N :-

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- and -

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CASE FOR THE RESPONDENT COUNCIL

WATERHOUSE & CO.,
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Solicitors to the Respondent