

12, 1971

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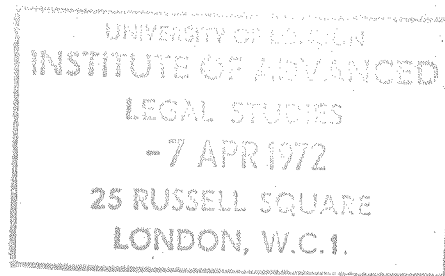
IN THE PRIVY COUNCIL

No: 52 of 1970.

On Appeal from the Disciplinary

Committee constituted under Section 32

of the Medical Act 1956



B E T W E E N :

GILBERT DALLEY

Appellant

-and-

THE GENERAL MEDICAL COUNCIL

Respondent

---

A P P E N D I X

---

Solicitors for the Appellant  
Hempsons  
33 Henrietta Street,  
Strand, W.C.2.

Solicitors for the Respondent.  
Messrs. Waterhouse & Co.,  
4 St. Paul's Churchyard,  
London, E.C.4.

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PRIVATE FRAUENKLINIK  
FAWKHAM MANOR  
Fawkham, Kent  
Tel.: Longfield 04-747 2481

Praxis - London  
Dr. G. Dalley  
22, Upper Wimpole Street,  
London, W. 1.  
Tel.: 01-935 4534

Herrn  
Prof. Dr. E. Saling

1 Berlin 19  
Spandauer Damm 233

W-Germany

Sehr geehrter Kollege!

Mit meinem heutigen Schreiben erlaube ich mir Ihnen mitzuteilen, daß ich meine private Frauenklinik „FAWKHAM MANOR“ eröffnet habe. Obwohl „FAWKHAM MANOR“ nur ca. 30 km von London entfernt ist, bietet es mit seinen gepflegten Parkanlagen eine wahre Stätte der Ruhe und Entspannung für unsere Patienten.

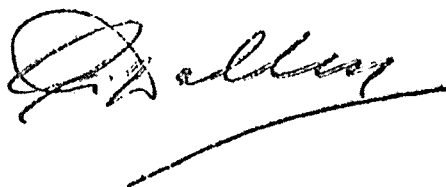
Alle Fälle medizinischer oder operativer Art werden in unserer Spezialabteilung für Frauenkrankheiten aufgenommen. Schwangerschaften, Entbindungen - normal und abnormal - sowie gynäkologische Behandlung, einschließlich Unregelmäßigkeiten der Menstruation werden behandelt.

Die Frauenklinik ist unter dem „Abortion Act, 1967“ gesetzlich registriert.

„FAWKHAM MANOR“ ist zentralgeheizt und komfortabel ausgestattet. Ein modern eingerichteter Operationssaal und die Behandlung durch erstklassige Spezialisten unter meiner Leitung, gewährleistet meinen Patienten allerbeste Behandlung. Patienten können nach Vereinbarung bei der Ankunft in London abgeholt werden.

Ich würde mich freuen, wenn Sie meine Adresse an eventuelle Patienten weitergeben würden, welchen wir gern über Einzelheiten schriftlich Auskunft geben. Für Ihre Mühewaltung dankend, grüße ich Sie

mit kollegialer Hochachtung



PS! Sollten Sie sich einmal in London aufhalten, würde es mich freuen, Sie persönlich begrüßen zu dürfen.

~~---~~ -g

Private Women's Clinic,  
Fawkham Manor,  
Fawkham, Kent.  
Tel. Tonbridge 07-747 2581

London Practice:  
Dr. G. Dalley  
22 Upper Wimpole St.  
London W.1.  
Tel. 01 935 4534

Dear Colleague,

This letter is to inform you that I have opened my private women's clinic "FAWKHAM MANOR".

Although "FAWKHAM MANOR" is only about 30 km. from London, the well-tended parkland in which it is set offers our patients a real atmosphere of peace and relaxation.

All types of medical and operative cases are dealt with in our special department for women's complaints. Pregnancies, confinements - normal and abnormal - also gynaecological treatment, including irregularities of menstruation are dealt with.

The women's clinic is registered under the Abortion Act, 1967, in accordance with legal requirements.

"FAWKHAM MANOR" is centrally heated and comfortably furnished. An operating theatre with modern equipment and treatment by first-class specialists under my direction guarantee that my patients receive the best possible treatment. By agreement patients can be met on arrival in London.

I would be pleased if you would give my address to any possible patients to whom we would be pleased to give further details in writing. Thanking you for your efforts,

Yours etc.

~~\_\_\_\_\_~~ /Signed/ G. Dalley.

P.S. Should you ever be in London, I would be pleased to have the opportunity of meeting you personally.

2 copies

To be completed in triplicate and returned to the Department of Health and Social Security, Alexander Fleming House (Room A.401), Elephant and Castle, London, S.E.1 not later than .....

ABORTION ACT, 1967.

APPLICATION FOR A PLACE TO BE APPROVED BY THE SECRETARY OF STATE FOR SOCIAL SERVICES OR SECRETARY OF STATE FOR SCOTLAND FOR THE PURPOSES OF SECTION 1(3) OF THE ACT FOR TREATMENT FOR THE TERMINATION OF PREGNANCY

(To be completed and signed by the proprietor of the premises)

A. GENERAL

- 1. Name and address of premises The Nursing Home, Fawkham Manor.....  
Fawkham, Kent. ....
- 2. Proprietor's (a) name Gilbert Dalley.....  
(b) qualification F.R.C.O.G......
- 3. If nursing home registered under Section 187 of the Public Health Act, 1936.  
YES / NO (Strike out as appropriate)
- 4. If registered: (a) name of registering authority Kent C.C......  
(b) number of certificate of registration .....

B. ACCOMMODATION

- 5. Number of beds 24.....
- 6. Number of beds by type:
  - 1. Surgical (including gynaecological) 14.....
  - 2. Medical 6.....
  - 3. Maternity 4.....
- 7. Maximum number of beds expected to be used at any one time for abortion cases: 14.....
- 8. Is there a separate operating room? YES / NO  
(Strike out as appropriate)

9. If "Yes": (a) Size of operating room in square feet ...350.....

(b) State separate rooms (other than wards) ancillary to operating room:

YES NO

1. Sluice room

2. Clean utility room

(Tick as appropriate)

3. Others - (Specify) .....

10. If "No": What facilities exist for operating? .....

11. Are there rooms on the same floor as the operating theatre for patients to recover after the operation? YES / NO

12. If the answer to 11 is "No", is there a lift to take patients from the operating theatre direct to the rooms likely to be occupied by patients in the post-operative period?

13. What facilities exist in the event of a power failure? Secondary lighting system, trickle charged from mains

14. What arrangements are made for:

(a) the sterilisation of instruments ...2 boiling sterilisers.....

(b) the sterilisation of dressings purchase of sterile and disposable

dressings from C.S.S.D.

Describe the nature of any sterilising equipment or arrangements under both 14(a) and 14(b). (Details are required e.g. electric autoclave for instruments, purchase of sterile packs):

Electric instrument and bowl steriliser

purchase of sterilised dressings etc.

15. What arrangements exist for testing the efficiency of autoclaves, etc.?

Insertion of telltale strips or capsules

16. What arrangements exist for disposal of soiled dressings and similar articles?

by Incinerator

.....  
.....

17. Is there an anaesthetic suction unit suitable for use in a respiratory emergency, e.g. blockage due to inhaled vomit?

YES / ~~NO~~

If Yes, specify: Matburn TJ 20

.....  
.....

C. EMERGENCY ARRANGEMENTS

18. What standing arrangements are maintained for:-

(a) provision of saline and plasma for blood volume replacement in cases of emergency?

bottles of saline and dried plasma are kept on the premises.

.....

(b) taking blood samples from patients for grouping and cross matching?

blood is taken by the attending surgeon or a technician and

tested in the laboratory at West Hill hospital, Dartford.....

(c) obtaining whole blood for transfusion?

Blood is available at West Hill hospital and can be collected.....

by car

.....

(d) administering transfusions under (a) and (c)?

sterile apparatus is kept on the premises.....

.....

19. What steps would be taken for dealing with perforation of the uterus or other injury requiring surgical intervention?

Inform the Proprietor; a set of laparotomy instruments is kept

sterile in a special drum

.....

20. What arrangements are made to ensure medical attendance in emergency? Give the names of the doctor(s) concerned:-

call Dr.G.Dalley

.....

Dr.W.Gross

.....

.....

.....

D. NURSING STAFF

21. Person in charge: (a) Name ... Miss Margaret Appleby .....

(b) Qualification ... S.R.N., C.M.R. ....

22. Number and qualification of day and night nursing staff, giving details of full and part-time employment:-

		Number employed		Whole-time equivalents of (2) (3)
		Full-time (1)	Part-time (2)	
S.R.N.	Day	4	2	1
	Night	1		
S.E.N.	Day	1		
	Night			
Other Qualifications (please specify)	Day			
	Night			
Staff with no qualifications	Day	3		
	Night		2	1.3

E. MEDICAL STAFF

23. Names and qualifications of resident medical staff (if any):

Gilbert Dalley, F.R.C.O.G.

I undertake to inform the Secretary of State for Social Services or the Secretary of State for Scotland of any change of substance in the information given above.

Signature (of proprietor)

*Gilbert Dalley* ..... Date ..... 11 June 69 .....



CONFIDENTIAL

G Dalley Esq MRCS LRCP FRCOG  
 Fawkham Manor  
 Fawkham  
 Kent

2/2/70

My Department has recently received a complaint from the Bundesärztekammer in West Germany that a letter, bearing the address of your nursing home and apparently bearing your signature has been circulated to certain doctors in West Germany. The letter advertises the treatment and facilities afforded to patients at your nursing home. The Bundesärztekammer consider that since advertising by a doctor in West Germany would constitute a breach of medical ethics, as a matter of principle foreign doctors should also refrain from advertising within the Federal Republic.

They object to the terms of your letter in particular because they consider that it could encourage West German doctors to send patients to England for operations which might be illegal in their own country.

I consider that, insofar as this complaint relates simply to advertising it involves a question of professional conduct and as such is a matter for the General Medical Council. A copy of the letter received from the Bundesärztekammer has accordingly been forwarded to them. I am, however, gravely concerned that your letter should represent Fawkham Manor as having received my approval under Section 1(3) of the Abortion Act 1967, when, as you are well aware, this is not the case.

Furthermore, the numbers of foreign women who are already coming to this country solely for the purpose of seeking abortion are a source of considerable public concern, and I deprecate most strongly the circulation of a letter which I consider to be tantamount to an invitation to West German doctors to send patients to your nursing home for treatment for termination of pregnancy in circumstances where, as the Bundesärztekammer have pointed out, the operation might be illegal in West Germany. I consider also that one result of such an invitation to foreign nationals to take advantage of the laws of this country to evade the laws of their own might be to offend public opinion in West Germany and thus be detrimental to relations between this country and the Federal Republic.

In view of the above I am doubtful whether I should approve your nursing home under the Abortion Act. However, before taking a final decision, I shall consider any observations you may wish to make.

R. H. S. CROSSMAN

~~11~~

*Copied to CMO  
MR. Dawey* (D.19)

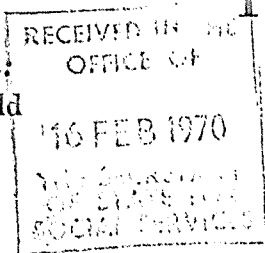
# THE NURSING HOME

Fawkham Manor *Rel. Lopez*  
Fawkham, Kent *C/A 223/3*

Telephone:  
Longfield 2481  
04-747 2481

12th February, 1970

Station:  
Longfield



Dear Mr. Crossman,

I am in receipt of your letter, the contents of which gave me a severe shock. In view of your action, I cannot comment on this as it is presumably subjudice except to say that I am very sorry. I must add, with respect, that a lot of trouble might have been avoided had it not taken eight months to elicit a reply from a silent and apparently hostile ministry.

The Act officially made abortion legal in this country, but one wonders, just how legal; in practice, Authority appears to regard it as near criminal at best, the effects of which attitude have penetrated to at least some sections of the public (Observer, Jan. 11th, The Times, Febr. 5th.). On the other hand, those affected regard it as abortion on demand: I am sure that nobody at the Ministry or in Parliament realises that 40 % of new patients presenting at a gynaecological clinic are demanding an abortion, all with equally good, or bad, reasons. I checked the figures at one hospital where three Consultants work and found that in one quarter of last year there were 67 major operations and 54 terminations. No provision has been made for this and it is fatuous to say that this makes no difference to the waiting list. You have not heard the proper indignation of a woman who has waited 6 months for a bed for an operation which may give her a chance to have a much wanted baby only to find that her neighbours (in hospital) have come in at a week's notice to have their (annual) abortion.

I am one of a small minority of National Health Consultants who have any professional contact outside their own hospital group; I correspond with doctors in half a dozen countries besides several states in the U.S.A. I am invited to international conferences (I am reading a paper at one in April). I was at a European congress last autumn where there were many German doctors: those I spoke to were sympathetic and felt that their laws in this respect should and probably would be liberalised. Three years ago I spent a year in an under developed country at a cost to myself of over £ 10,000, so am unlikely deliberately to provoke international friction. There are many abuses resulting from the Act more calculated to upset international goodwill, not the least of which is the Mafia like activities with which foreign women are intimidated at London's terminals, regardless of the purpose of their visit; there are very few countries where this would be tolerated.

With regard to Fawkham Manor, I presume you have seen the papers; there is not much I can add and in any case it is probably too late. I cannot expect you to appreciate the sense of achievement one derives from creations, especially if it involves sacrifice. Ever since I returned from

# THE NURSING HOME

Station:  
Longfield

Fawkham Manor  
Fawkham, Kent

Telephone:  
Longfield 2481  
04-747 2481

- 2 -

abroad, I have given up everything, leisure, luxuries, social life etc. for this. I obtained a large mortgage for which, thanks to the economic situation of the country, I have to pay an astronomical rate of interest. I have done about half of the conversion work with my own hands. I gathered an experienced staff, some of which have left for lack of work; those remaining do so out of personal loyalty to me, but it is problematical how much longer I can afford to pay them. There is a family atmosphere which all patients have appreciated. The result is good and I am not ashamed to show it to anyone, even yourself.

What seems not to have been realised is that this is a general acute nursing home with a bias towards obstetrics and gynaecology. At first I envisaged about 50 % of the beds for maternity with a sprinkling of abortions. Now, as a result of the Act, the ratio is reversed; a crude method of birth control for an allegedly advanced country, which I do not like but one has to face the facts. It also means, unfortunately, that the place is not viable without abortions, at any rate in the immediate future and I cannot afford to subsidise it any more.

At least patients who come here are received as human beings and their problems sympathetically respected, instead of the conveyor belt treatment at some London clinics which remind me of prewar Soviet Russia.

Apart from personal considerations, it would be sad if all this were to be liquidated. We offer patients comfort, safety and sympathy with expert nursing and medical supervision but it seems that this is not what is required.

Yours faithfully,



D.20

3

CONFIDENTIAL

G Dalley Esq MRCS LRCP FRCOG  
Fawkham Manor  
Fawkham  
Kent

23 March 1970

I have given careful consideration to the points made in your letter of 12 February and to the other circumstances relating to your application. Having done so I have decided that I am unable to approve Fawkham Manor for the purposes of the Abortion Act 1967.

R. H. S. CROSSMAN

August 7, 1970

RECORDED DELIVERY

Sir,

I am directed by the President of the Council to notify you in accordance with Rule 5 (2) of the Disciplinary Committee (Procedure) Rules, 1970 that the Council has received from the Solicitor to the Council information which appears to raise a question whether as a registered medical practitioner you have committed serious professional misconduct within the meaning of section 33 (1) of the Medical Act, 1956 as amended by section 13 (1) of the Medical Act, 1969. A copy of the relevant provisions is enclosed, together with a copy of the Procedure Rules and of a pamphlet on the Functions, Procedure and Disciplinary Jurisdiction of the Council.

It is alleged that :-

- (1) With a view to obtaining patients or otherwise promoting your financial benefit, you advertised your professional services and the services offered by a clinic named Fawkham Manor, Fawkham, Kent in which you had a substantial financial interest by despatching during 1969 to medical practitioners in West Germany, circular letters signed by you directing attention to your professional services and the services of the said clinic and canvassing for patients for yourself and the said clinic;
- (2) In the aforesaid letters, you falsely suggested that the said clinic had been approved for the purposes of the Abortion Act, 1967.

cont/d....

In accordance with the provisions of Rule 5 of the Procedure Rules, the President may direct the Registrar to refer the information to the Penal Cases Committee of the Council; and in this event it will be the duty of that Committee to consider the information and any explanation furnished by you, and to determine whether the case shall be referred to the Disciplinary Committee of the Council for inquiry into a charge against you. The next meeting of the Penal Cases Committee will be held on October 6, 1970.

I am accordingly to invite you to submit to the Council any explanation which you may have to offer.

I am also to request you to acknowledge this letter upon receipt.

I am, Sir,

Your obedient Servant,

M. D. ROBINS

Assistant Registrar

Dr. G. Dalley,  
25 Wimpole Street,  
London W1.

cc Waterhouse . 6

C. EXPLANATION

The following letter of September 18, 1970 was received from the practitioner:-

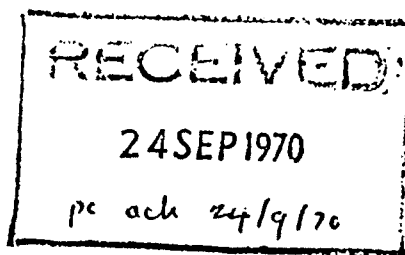
GILBERT DALLEY,  
22, UPPER WIMPOLE STREET, WIM 7TA.

01-935 4534.  
04-747 2481.

18th September 1970

Your Ref: PDI/6524/MDR/GDC

The Registrar,  
General Medical Council,  
44, Hallam Street,  
London W.1.



Dear Sir,

I am writing to reply to your letter of August 7th, 1970.

I am naturally most concerned and distressed that any act of mine might raise the question of whether I have committed serious professional misconduct and if I have in any way contravened the ethical rules of my profession I would like to say to the President and the Penal Cases Committee at once that I did so inadvertently and unwittingly and to tender my sincere apologies.

I am Consultant Obstetrician and Gynaecologist to the Darent & Stone and the Dartford and Medway and Gravesend Groups of Hospitals and I carry on private practice at the above address. Fawkham Manor Nursing Home has been owned and operated by me for the past ten years. It has 24 beds. In about 1967, I decided to upgrade the nursing home to enable it to take acute surgical cases and in particular

gynaecological and maternity cases. I installed an operating theatre and other appropriate facilities. The conversion was completed early in 1969 and the home was then licensed for surgery and maternity.

By this time the pattern had changed: the demand for maternity beds had dropped and there was a rapidly growing demand for termination of pregnancy and so in June 1969, I applied for approval of the nursing home under section S.1 (3) of the Abortion Act 1970. The nursing home was certainly equal to other nursing homes with which I am familiar in terms of equipment, facilities and staffing and I have to admit that I assumed that approval was a formality only. It was not until nine months later that I was notified that approval was refused and it was made clear that my application had been rejected, not because of any inadequacy in the nursing home, but simply on account of the letter which I had written to doctors in Germany, which is the subject of this explanation.

The letter in question was printed and sent by me to about 70 or 80 gynaecologists in Germany. This was done on the advice of a number of such doctors in Germany. My wife is of German nationality and I had occasion to meet many German doctors on family visits. In October 1969 I attended a medical conference in Yugoslavia and again met a number of German doctors. The question of abortion was naturally discussed as there was a good deal of interest in the recent changes in the English law on the subject. I mentioned my plans for Fawkham Manor and several of the doctors suggested that I notify doctors



in Germany likely to be consulted by patients requiring termination of pregnancy, as this would be of assistance to them. When I returned to England, my letter was accordingly composed, translated and printed and copies were sent as I have said, to 70 or 80 doctors.

It did not occur to me for a moment that in sending this letter, I was doing anything wrong, or unethical. I was aware that it is permissible for nursing homes to be advertised in medical journals and that there is no objection to the names of the proprietors being given, even if they are medically qualified. I had in mind also that a consultant starting practice in a new speciality or in a new area is permitted to notify appropriate professional colleagues. I did not therefore consider that my action in writing exclusively to professional colleagues could be called in question. That it has been demonstrated that I might have been wrong.

I was certainly wrong in stating that the nursing home was registered under the Abortion Act. This arose because I was confident that approval would be given during the period in which the letter was being printed and I very much regret that this occurred. I also realise now that the wording of my letter was unwise in the sense that it refers to me personally. I think I was justified in referring to the nursing home in attractive terms but I accept that the reference to the treatment of patients under my direction and the request that my address be given to possible patients are open to criticism.

I can only say that I wrote the letter in all innocence, without thinking it necessary to seek advice, and not thinking that I was guilty of any impropriety. I trust that the Committee will find it possible to accept this explanation and it is perhaps unnecessary for me to give my assurance that no similar letter or communication of any sort will be sent to anyone.

Finally, it is perhaps not irrelevant to point out that as a result of sending this letter, I have already suffered serious financial loss because it has resulted in the licensing of the nursing home under the Abortion Act being rejected.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "G. Kelly", with a long horizontal flourish underneath.

**MISCELLANEOUS**

**PERSONAL**

**H. I. CHAMPERNOWNE, THE** of the Gilbert Champernowne and the Trustees of the Withmead Exeter, wish to state that they have action in any way whatsoever with blishment known as the Withmead-ndre Centre. 63-1

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For the attention of Mr. Baylif.

19th November, 1970.

Messrs. Hempsons,  
53 Henrietta Street,  
Strand, W.C.2.

Dear Sir,

Re: Mr. G. Dalley, F.R.C.O.G.

I have known Mr. Dalley for over thirty years and have been his colleague during the last twenty.

He has always been a most honourable man, meticulous in his dealings with his colleagues, general practitioners and patients, scrupulous in the conduct of his affairs, both private and public.

His attention to detail is impressive. He is a first class gynaecologist and does not spare himself in the care of his patients, in the business of the department or in committee. I have often sought his advice in consultation and in professional matters, when his opinion has been most valuable.

Mr. Dalley is a sober, trustworthy man who is highly regarded by people who know him.

Yours faithfully,

A.W. CHESTER, M.D., F.R.C.O.G.,  
Consultant Obstetrician and  
Gynaecologist.

MR. J. AUBREY WATTS

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*Fairacre,  
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For the attention of Mr. Bayliss.

Messrs. Hempsons,  
Solicitors,  
55 Henrietta Street,  
Strand,  
London, W.C.2.

17th November 1970

Dear Sir,

I understand that Mr. G. Dalley is in some trouble with the General Medical Council and I would like to record the fact that I have known Mr. Dalley for twenty-three years and during all this time, I have always found him to be a most agreeable colleague. He has taken a very active part in the running of the Dartford Hospital Group and is a most eminent Gynaecologist, being in charge of the large Obstetric and Gynaecological unit in this Group.

I have always considered his standard of medical ethics to be very high and I am sure whatever trouble he is now in could not be due to any ulterior motive. I have every confidence in his integrity as a man and as a doctor.

Yours faithfully,

*J. Aubrey Watts*  
Chairman of the Group Medical Committee  
to the Dartford Group of Hospitals.

JAW/SAH/WH.

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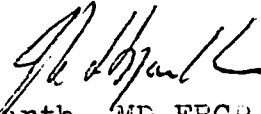
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TO WHOM IT MAY CONCERN

I have known and worked with Mr. G. Dalley for more than twenty years.

He is a tough and outspoken man. In my relationship with him, which has been entirely in hospital and not in private work, I have found him to be ethical, competent and professional. I have had an interchange of patients with him over these years and he has shared the care of my wife when our daughter was born.



J.C. Hogarth, MD, FRCP (Ed. & Lond) DPH.

Consultant Physician  
Dartford Hospital Group.