

IN THE PRIVY COUNCIL

No. 14 of 1974

ON APPEAL FROM THE DISCIPLINARY COMMITTEE

CONSTITUTED UNDER SECTION 32 OF THE MEDICAL

ACT 1956

SHARANGDHAR PRASAD

Appellant

and

THE GENERAL MEDICAL COUNCIL Respondents

This is the transcript produced by the Shorthand Writer appointed by the Disciplinary Committee under Rule 51 (1) of their Procedure Rules of his note of the proceedings before the Disciplinary Committee of the General Medical Council on July 24, 25 and 26, 1974 in the case of Sharangdhar Prasad.

.....*M.R. Prasad*.....Registrar
...18th September 1974.

GENERAL MEDICAL COUNCIL

DISCIPLINARY COMMITTEE

Wednesday, 24th July, 1974

Thursday, 25th July, 1974

Friday, 26th July, 1974

Case of

PRASAD, Sharangdhar

T. A. REED & CO.

I n d e x

	<u>Page</u>
Charge	1
Opening address by Mr Du Cann	2
Malcolm John Lodge	
Examined by Mr Du Cann	14
Cross-examined by Mr Baylis	21
Re-examined by Mr Du Cann	30
Richard John Sorby	
Examined by Mr Du Cann	30
Cross-examined by Mr Baylis	33
Re-examined by Mr Du Cann	38
Graham Gene Robinson	
Examined by Mr Du Cann	39
Cross-examined by Mr Baylis	42
Re-examined by Mr Du Cann	45
Jess Brown	
Examined by Mr Du Cann	47
Cross-examined by Mr Baylis	50
Robert Owen Jones	
Examined by Mr Du Cann	51
Cross-examined by Mr Baylis	53
Re-examined by Mr Du Cann	59
John Gabriel Murray	
Examined by Mr Du Cann	60
Cross-examined by Mr Baylis	63
Re-examined by Mr Du Cann	65
Phillip Anthony Robichaux	
Examined by Mr Du Cann	67
Cross-examined by Mr Baylis	70
Re-examined by Mr Du Cann	72
Robert Joseph Donnelly	
Examined by Mr Du Cann	72
Cross-examined by Mr Baylis	74
Re-examined by Mr Du Cann	77
Henry Bryan Spear	
Examined by Mr Du Cann	78
Cross-examined by Mr Baylis	84
Re-examined by Mr Du Cann	87
...	
Sharangdhar Prasad	
Examined by Mr Baylis	89
Cross-examined by Mr Du Cann	119
Re-examined by Mr Baylis	145
Beryl Hooper	
Examined by Mr Baylis	106
Cross-examined by Mr Du Cann	107

(ctd.)

Saroj Prasad	
Examined by Mr Baylis	108
Cross-examined by Mr Du Cann	109
Phillip William Shakespeare	
Examined by Mr Baylis	110
Cross-examined by Mr Du Cann	112
Closing address by Mr Du Cann	147
Closing address by Mr Baylis	157
Legal Assessor's advice	173
Committee's decision on the facts	175
Address in mitigation by Mr Baylis	175
Statement by Mr Du Cann (re complaint in 1969)	176
Committee's direction of erasure and immediate suspension of registration	177

GENERAL MEDICAL COUNCIL

DISCIPLINARY COMMITTEE

Wednesday, 24th July, 1974

Thursday, 25th July, 1974

Friday, 26th July, 1974

The President, Sir JOHN RICHARDSON, in the Chair

Case of

PRASAD, Sharangdhar

The Committee inquired into the following charge against Sharangdhar Prasad, registered as of 229 Portland Road, Edgbaston, Birmingham 17, MB BS 1959 Patna:-

• "That, being registered under the Medical Acts,

Between about September 3, 1973 and about February 22, 1974, in return for fees, you issued prescriptions for drugs otherwise than in the course of bona fide treatment and, in particular, you so issued the prescriptions set out in the schedule accompanying the letter sent to you by the General Medical Council on April 9, 1974;

And that in relation to the facts alleged you have been guilty of serious professional misconduct."

Dr Prasad was present and was represented by Mr P. Baylis of Messrs Hempsons, Solicitors to the Medical Defence Union.

Mr R. Du Cann of Counsel, instructed by Messrs Waterhouse & Company, Solicitors to the Council, appeared in order to present the facts to the Committee.

The ASSISTANT REGISTRAR read the charge.

Mr DU CANN: The form of the charge here requires the Committee to examine the way in which and the ground upon which the doctor was issuing prescriptions to about 40 different patients between the dates which are set out in the charge, namely, the 3rd September 1973 and the 22nd February 1974. A schedule has been prepared setting out the relevant details of those prescriptions which have already been seen by Mr Baylis and, of course, by the doctor, together, I think, with photo copies of the prescriptions which form the basis of the schedule. May I tell you, before I ask for the copies of the schedule and some copies of the prescriptions to be handed in, that there are three additional prescriptions which apply to one of the patients, named Lodge. Those came to hand after the schedule had been prepared. Immediately that was done Mr Baylis was informed and I understand that there is no objection, and that those three further prescriptions can be added, and I can direct the attention of the members of the Committee to the relevant part of the schedule in due course.

Mr BAYLIS: That is correct.

Mr DU CANN: Can I ask that the copies of the schedule should be handed in to the members of the Committee together with the three extra copies of the prescriptions? May I ask that the schedule, to which we shall be referring a great deal during the course of the hearing, may be marked as Exhibit 1 and the prescriptions as Exhibit 2, and so that there is no moment when we are confused at all, the three additional prescriptions relating to Lodge could be 2(a).

The question of bona fide prescription - the words used in the charge - is one to be determined only by this Committee. Can I simply refer to it so that the matter can be examined at leisure in due course? I base that statement upon the judgment of the Privy Council in the case of John Petro in 1968, which concerned the prescribing of drugs which were then known as "dangerous drugs". The drugs that we are concerned with here, with the exception of Nembutal and Tuinal, fall under the heading of scheduled or controlled drugs as set out in the schedules at the back of the Misuse of Drugs Act, 1971, which came into force in July of 1973.

If the facts are established and accepted by the Committee then it would appear that this charge would amount to a criminal offence by the doctor as a result of the provisions of sections 5(1) and 7(3) of the Misuse of Drugs Act. Section 5(1) makes it unlawful for a person to have a controlled drug in his possession. Section 7(3) is a saving clause where such drugs are prescribed by a doctor acting in his capacity as such. Those are the words which appear in the sub-section of section 7.

In a nutshell, the facts appear to establish that Dr Prasad was not on these occasions which are set out in the schedule prescribing drugs in his capacity as a doctor.

This matter comes to light as a result of the change in the law in another direction brought about by the Misuse of Drugs Act, because one of its effects was to require chemists to retain private prescriptions issued by doctors where those prescriptions included dangerous or controlled drugs; and it is as a result of the collection

of a number of private prescriptions - by no means all; I wish to make that absolutely clear at the outset - issued by Dr Prasad that the inquiry was able to be made and a number of the persons seen whose names appear upon the schedule.

There are in fact seven persons who have attended as "patients" of Dr Prasad who are available to us to call to give evidence before you. Perhaps I could simply go through the schedule so that I can direct the Committee's attention to who those persons are. Each of the individuals whose names appear have a number. It is in fact No.2, whose name appears as Bremner but whose true name is Sorby. It is one of the features in the case that in a number of instances persons were able to attend and obtained prescriptions despite the fact that they were giving false particulars relating to themselves and to the addresses. I refer to No.7 on page 2, Mr Donnelly; No. 22 on page 6, Mr Lodge, who gave the name as Lande, as you can see from the schedule; and No.24, whose correct name is Robichaux but who gave the name of Miller. This is one of the instances of a false address as well. Then No.25, Mr Murray; No.27, Mr Robinson; and then finally one person whose name does not appear upon the schedule because the prescriptions have not been obtained, who has the name of Owen Jones. That is seven different witnesses.

I will tell you about those persons straight away. Mr Bremner is at present serving a sentence of imprisonment at Winson Green Prison and attends here under escort. No.22, Lande or Lodge, is about to complete a period of detention in a detention centre, and he also appears under escort. No.27, Robinson, is serving a sentence of

imprisonment at Shrewsbury Prison. From that fact alone it is clear that the Committee will have to regard the evidence coming from these persons with some caution, quite apart from the caution which would be necessary in any event in view of the fact that it was plain from the evidence that the persons who were attending Dr Prasad's surgery were those persons who were consuming quantities of drugs themselves, if not also acting as distributors for part of the quantities of drugs which they obtained. Some of these persons clearly are known to one another but I think not all,

but they will speak of many features surrounding ~~surrounding~~ the "prescription" by the doctor which appear to be wholly in common and from which it is possible for us to say that this was not bona fide prescribing, and secondly the doctor was well aware of what he was doing and indeed of the risks he was running.

Quite apart from the question of giving false addresses and names, it is clear on an examination of this matter that the persons who were attending at his surgery were drawn from a much wider area as private patients than those attending his surgery under the National Health Service. More significantly, perhaps, the doctor was instructing those who were obtaining these drugs - the Committee will already have seen that they include both stimulants and barbiturates which are rarely prescribed together - to drop the scripts anywhere other than at the city centre chemists, so that there would not be an accumulation of prescriptions in the city centre of Birmingham, but that they would be at different chemists

over as wide an areas as possible. Some of those who went to him attended to that instruction and some of them did not. The patients similarly were told not to mention his name to other people and not to say in any circumstances where or how the prescriptions were obtained. Save in one instance only, no kind of physical examination was made by the doctor of any of these people, no proper history was taken from them, and as a result evidence which could have been available to the doctor that some of these people either at the time or in the past had been attending All Saints Addiction Unit in Birmingham was not seen by the doctor. Out of the 40 different persons whose names appear upon the schedule, no less than 16 were known to All Saints - mostly in the past, it is right to say, but a few also concurrently with the prescribing.

This was a cash trade. The prescriptions were exchanged for pound notes initially upon the basis that £2 was required for a prescription of 20 tablets and £4 for 40. Subsequently those fees were raised to £3 for 20 and £5 for 40.

In addition to a number of the addicts - if that is the right word to give to these people to whom I have referred - I shall be calling briefly Dr Owens, who is the consultant psychiatrist at the All Saints Addiction Unit, to speak as to those persons whose names appear upon the schedule having been or being treated at that Unit, and who will be able to confirm what will already be known, of course, to members of this Committee - that prescribing in this way of these types of drugs outside the treatment available at the Unit and being given at the Unit undermines everything which is being done at that Unit. Dr Owens will be able to say that, so far as he is aware, at no

time did Dr Prasad contact the Unit, at any rate in a way which involved direct or indirect contact with him. He will add what is already also, I think, well known to the members of the Committee - that a physical examination and the taking of a detailed history from anybody who is seeking drugs of these categories is absolutely essential if proper treatment, controlled and directed and sensible treatment, is to be given.

In addition to those facts, which I have described only in the briefest possible outline, may I add these two facts. On the 6th December 1973, which is about half-way through the period with which the Committee is concerned, Dr Prasad was visited by a Detective Sergeant Brown and warned that a number of persons for whom he was prescribing drugs were giving to him false names and addresses, and that a number of the patients were, as a result of the quantities of drugs and types of drugs being prescribed by the doctor, suffering from overdoses of those drugs. The doctor's reply was that he was not responsible for what was done with the drugs by the patients after they left his surgery. But he said he would bear the information in mind. It would appear from the schedule and from the evidence which can be given by the addicts that the doctor continued in his practice exactly as before.

On the 19th February Mr Spear and Mr Waters, both Inspectors in the Drugs Branch of the Home Office, visited the doctor and will be able to give, if need be, the full detail of their interviews. Apart from one or two of the prescriptions which are contained in the bundle

of prescriptions already handed in and marked Exhibit 2, the doctor then admitted that all the prescriptions had been made out by him. There is no question, therefore, of any of those prescriptions being false. In one or two instances there is an alteration of the date, but that does not go to the root of the question the Committee have to determine. The doctor said, when being shown nearly all those prescriptions, that he thought that about 40 were all the patients for whom he had prescribed drugs of these kinds, adding that in some instances he had prescribed drugs because the patients had returned earlier than they would normally have been expected to return, i.e., before the supply ought to have run out, saying that the drugs had been stolen or that their girl friends had destroyed them. He was asked whether any of those patients were on his National Health Service list and he said that they were not, that they were new patients to him, and when he was asked what steps he took to check their stories he replied, "I thoroughly checked them and examined them and so far as possible checked with their previous doctors."

According to the evidence which is available, that claim is not in any way supported by any of the addicts. He was unable to furnish any doctors at all with whom he had checked. He was asked whether he knew whether any of the 40 persons were under the care of doctors at the All Saints Unit and he replied "No." He was asked if he had ever referred any of his patients to that Addiction Unit and he replied, "I have tried to persuade them to go but they refused." He was asked why it was he told the patients to

take the prescriptions as far afield as West Bromwich, and he replied that he had not done that, so that there would appear to be a conflict between the addicts and the doctor as to whether he did tell them to drop the scripts outside the centre of Birmingham. He said at one time to Mr Spear much as he had said to the Detective Sergeant - that he could not be responsible for what happens when the patients left with the prescriptions, and when he was told that some of them admitted to passing their supplies to others he said "I don't know anything about that." He complained that it was immensely difficult for him to run his practice because he was a stranger in this country and that running the practice was very much like sitting in an open market, and that it was in the circumstances difficult for him to turn people away without insulting them and getting a stream of abuse such as "you black bastard bugger." He promised to let Mr Spear have certain information, namely, a list of the patients for whom he said he had prescribed. That was not furnished to Mr Spear, and on the 3rd April he returned to see the doctor again, also with Mr Waters. Mr Spear said that not only had he not received that information from the doctor but, despite writing to him, no information had been furnished at all, and the doctor then claimed that he had been in touch with the Medical Defence Union and said that he had stopped prescribing on the 20th February for all these patients, and continued that claim in looking through the schedule, saying that he had by then stopped for everybody except Miss O'Shaughnessy, No.26 on the schedule.

It was on the 9th April that a letter was sent to the

doctor from the Penal Cases Committee. I will ask that a bundle of agreed correspondence may be handed in. I think that will be Exhibit 3. The form of the charge was set out in paragraph 2 on the first page of that letter is exactly the same as the form of the charge now before the Committee, but the dates are slightly narrower, as you will see. The reply, which is at page 2 of the bundle, simply described the letter from the Penal Cases Committee as a threatening letter and made a complaint about the letter being delivered half open. I need not ask the Com-
 ittee to read the detail of that now. You can read it later on and it does not go to the root of the issue which you have to investigate. As a result (page 3) Mr Gray on the 25th April 1974 wrote again asking, as you will see in the last paragraph, for any explanation the doctor wished to offer in relation to the matters set out in the Council's letter of April 9th. Subsequently two letters have been agreed as being put before you which touch upon the charge which you have to investigate.

⑩ The first of those is addressed to Mr Butcher, dated
 18th May 1974. I will direct the Committee's attention, if I may, to what would appear to be the relevant parts. Mr Butcher is a partner with Hempsons. The second paragraph reads: "As explained to you, I don't agree that I have done malafide treatment and hence I have seen them the patients as individuals and not as a group, and hence any suggestion by the Home Office (Mr Spears of the Home Office) would be discarded by me." I do not understand the second part of that. "(1) I have not issued prescription just to obtain money but the patients have come as

individuals and I have treated him/her to the best of my abilities, realising fully well that I would be labelled as incapable and ignorant if I send them to the doctor next door. (2) I have reviewed all the cases here and practically many of them have come for lack of energy, spirits, enthusiasm and loss of sleep, obesity, inability to concentrate and sleep, and whatever medicine I have prescribed has been for the wellbeing of the patient. I have prescribed medicines (drugs) for a week to a fortnight basis at the best. It has happened as I have stated that in a few cases the medicine in the possession of the patient has been lost from him and that he has taken a little more of the drug for his wellbeing and hence after proper verification and under oath of the patient, I have given him the repeat prescription, but this has been very few and that also on human reasons. Also, I I have to tell that I won't treat any patient assuming him to be a scoundrel. I may have erred in my clinical judgment but not in the substance. Many of the patients have never returned to me realising I am very stiff with them.

You have also to realise that the surgery is closed on the weekend (except for urgent cases) and hence to avoid a rush on Monday prescriptions for the next week have been issued on Saturday or Friday evening for the quantity due for next week." He then goes on to deal with what he describes as "the threatening letter of the G.M.C.", and at the top of the next page says: "I hope this clarifies the situation. I have helped and responded immediately in the course of better medicine. Please telephone me in the morning or by 12 noon or by afternoon."

Then on the next page there is a further letter of the 20th May 1974 addressed initially to Mr Butcher but I imagine furnished to the Penal Cases Committee by him on the doctor's behalf. In the first paragraph he refers to his analysing. That is at line 4. I do not think I need refer to anything on the first page, because it is dealing with the failure of correspondence to reach him and his attempts to delay the consideration by the Penal Cases Committee because he has not had sufficient time. Would you look at the last page of that letter, which begins at the top with paragraph (2)?

He writes; "No substantial amounts of amphetamines or barbiturates have been written, but hardly a supply of a week or two weeks (fifteen days at best) have been given. Number of days have not been short but just the week days when the surgery is in session, namely I had to give the patients treatment so that he did not suffer at the weekend or on holidays or on my half days etc. The interval has never been that except in a very few cases when the patient genuinely conveyed that he has lost his medicine and that was also under oath of the patient. After all I am also a human being and I don't work on the presumption that a particular patient/or a person is scoundrel to begin with. The patients in general had complaints of lack of concentration, enthusiasm, energy and inability to concentrate. I devote to the work. They also had pains in the body with lack of sleep and many had obesity problems. I have worked for the physical and mental wellbeing of the patients and have not given malafide treatment. Many did not see my face after second or third time since I was very strict with them and asked them to go elsewhere." In

paragraph (3) he repeats that he may have made an error in his clinical judgment, and in the next paragraph he adds: "I had asked the patients to come to my N.H.S. list but they have stubbornly refused the offer and in many cases I did not like to take them if they were living far away. I can further assure you that since the appeal of the Home Office representative I have stopped prescribing amphetamine, barbiturates and other drugs and it has completely been stopped with effect from 3 April 1974.

It must be appreciated that whatever referrals I have made to the psychiatric clinic have either been turned down or gone into default." My evidence from Dr Owens at the Unit is that no referrals have been made at all. In the last paragraph he refers to a patient named Beston. He says: "You can assure the G.M.C. that I have taken it seriously and am taking and have taken guidance in this field. In particular I have taken name of Mr Terry Beston who had committed suicide on his own account, but anyway please discuss with me before sending any reply to the G.M.C. You can also tell them about" - and the last word is indecipherable.

Mr BAYLIS: Also to us!

Mr DU CANN: If I may explain the reference to Beston, he is a person who died from an overdose of the drug Tuinal prescribed to him by Dr Brasad.

That deals with a substantial body of evidence in a very short form, but I have done so deliberately so that I can call as many witnesses as possible before the Committee adjourns. I would seek first to call those who are in custody, first of all Mr Lodge or Lande.

MALCOLM JOHN LODGE sworn

Examined by Mr DU CANN

Q Is your name Malcolm John Lodge? A. Yes.

Q Where are you detained? A. Whatton Detention Centre.

Q What sentence are you serving? A. Six months.

Q For what offence is that? A. Forging prescriptions.

Q To obtain what? A. Diconal.

Q Have you been taking that drug very long? A. For two years.

Q I think at some time in 1973 you were living in Gosport?
A. Yes.

Q Were you taking the drug then? A. Yes.

Q Following that did you come back to live at Birmingham?
A. I came to live at Birmingham after the offence which I have mentioned.

Q When was that, roughly speaking? A. June of 1973.

Q Were you registered at the All Saints Addiction Unit? A. Yes, Sir.

Q From that time onwards were you attending at the Unit? A. From September.

Q What drug were you receiving from them? A. Physeptone.

Q Were you getting supplies or prescriptions for that drug daily? A. Weekly.

Q Round about Christmas - just answer this yes or no - did you meet somebody in a chemists in Birmingham? A. Yes.

Q As a result of what he said did you go somewhere?
A. Yes.

Q Where was that? A. To Dr Prasad.

Q Whereabouts in Birmingham was that? A. Soho Road.

Q Before you saw the doctor did you see his receptionist?
A. Yes.

Q Whereabouts in Birmingham were you living at that time? A. Great Barr.

Q What address? A. 1 Rowdale Road.

Q After speaking to the receptionist did you go in to

see Dr Prasad? A. Yes.

Q Were you going to see him as a private patient or National National Service patient? A. As a private patient.

Q Did he ask you your name and address? A. Yes.

Q And what name did you give him? A. Malcolm Lande.

Q That is a false name. What about the address?
A. Lodge Road.

Q Taken no doubt from your own name? A. It is the same road that All Saints is in.

Q Did he make any note of either of those details while you were there? A. He made a note of the name and address.

Q On what sort of document, do you know? A. A piece of notepaper.

Q Was that handed to you at all? A. It was handed to me to sign.

Q Did you do so? A. Yes.

Q What was the next question that was put to you?
A. He asked me what drug I wanted.

Q Was there anything intervening between your giving a false name and address and signing the piece of paper with the false particulars on it and your simply being asked by the doctor "What drug do you want?" A. When I first went in there it was not the name and address first of all. I was asked what I was there for and wanted a prescription. He said, "What prescription do you want?" He said, "What do you want it for?" I said, "For Diconal."

Q You named the drug you wanted yourself, did you?
A. Yes. He then said that that was rather a strong drug and he did not like prescribing it. I then told him I had been using it for a while and that Diconal was the only one I wanted.

Q You said that was the only drug you wanted?
A. Yes. Then he gave me a short examination.

Q What did that consist of? A. He asked me to take my jumper off and he stethoscoped my chest and back.

Q What were you then wearing? A. A shirt. Then he went and sat down again and he asked me my name and address.

Q So we are now back in the order in which you have given things already? A. Yes.

Q Can I bring you back to the examination? Apart from listening to your chest and back with a stethoscope

did he examine any other part of your body at all?

A. No, Sir.

Q Did he examine your arms? A. No, Sir.

Q How were you taking Diconal? A. Intravenously.

Q Injecting it whereabouts in yourself? A. In my arm.

Q What sort of condition were your arms in at that time? A. Not too bad, not too good.

Q Having sat down again and having got your name and address what happened? A. He proceeded to write out a prescription which was for 20 Diconal and 20 Fortagesic.

Q Had you asked for Fortagesic? A. No, I asked for the Diconal and he said he would rather give me Fortagesic, and he started to write the prescription out for Fortagesic. After a lot of talking he put down the 20 Diconal as well as the Fortagesic. Then he said it would be £3. I did not have £3, only a £5 note, which I placed on the table.

Q What happened then? A. He took the £5 note, and as he had messed about with the prescription and crossed it out he wrote out a new prescription, and instead of giving me the change he wrote it out for 40 Diconal and 40 Fortagesic.

Q The first prescription he writes out for how many Diconal and Fortagesic? A. He proceeded to write it out for Fortagesic and added Diconal at the bottom.

Q At your request? A. Yes.

Q How many of each? A. Twenty.

Q He asked you for £3? A. Yes.

Q And you produced a £5 note? A. Yes.

Q And he writes out another prescription, this time for 40 of each? A. Forty Diconal and 40 Fortagesic.

Q How much of the £5 did he keep? A. The lot.

Q Did he ask you any questions about your medical or personal history? A. No, Sir. He asked me if the name and address I had given was right.

Q No doubt you said it was? A. I said it was.

Q Did he ask you any questions about your own doctor? A. No.

Q Or how he could get in touch with your own doctor? A. No.

Q Did he ask you any question directed to finding out

whether you had attended any kind of drug addiction unit? A. No, Sir.

Q Did he ask you for any evidence to identify yourself, in other words, that your true name was Lande and that your true address was Lodge Road? A. No, Sir.

Q Having passed over the prescription did he give you any information or any instruction as to how you ought to take the tablets or when you ought to take them? A. The instruction was the same instruction that he put on the prescription itself.

Q Was anything said before you left about your coming back? A. He said not to come back before the next week and not to take it to Boots in New Street.

Q Not to come back to him for a week? A. Yes.

Q And not to take the prescription to Boots in New Street? A. Yes.

Q Is that in the centre of Birmingham? A. Yes.

Q Was anything said about your speaking to anybody else about being successful in getting drugs of this character from Dr Prasad? A. He did say not to spread the word around; not to tell everybody; to keep it to myself.

Q Would you look at Exhibit 2A? The first appears to be dated 21st January 1974. Do you see that? A. Yes, the 21st.

Q Was that the first time you visited Dr Prasad? A. It is.

Q We can see from the stamp on it that it is prescribed and presented to you at Boots in Soho Road, Handsworth? A. Yes.

Q Is that somewhere near the surgery? A. On the other side of the road.

Q Have you in front of you now a prescription dated 29th January? Was that the next visit you made? A. Yes.

Q When you went in on that day what did Dr Prasad say to you? A. That was the following week. I went in on the Thursday of the week that I had got the 40, which was four days afterwards, and saw him, and he said that he could not prescribe me another prescription until the week had finished, because I went in too early. He also said that he had heard that I was getting a prescription from All Saints Hospital - one of the chaps who knew me had told him. On the next visit on the Monday ---

Q Pause for a moment. This is the visit in between those two prescriptions? A. That was a visit when I did not get a prescription.

Q He said that he knew you were getting treatment from All Saints. Was anything said by him to you or you to him as to what drug you were getting and what quantities?

A. Yes, he asked me what drug and how many times a day.

Q What did you say to him? A. I said Physeptone 3 x 5 mg per day.

Q Three amounts of Physeptone of 5 mg each a day?
A. Yes.

Q Was anything said on this visit about your name and address? A. No, Sir.

Q But he said he would not give you Diconal on this day? A. Yes.

Q Why was that? A. Because it was four days after I had already received 40 of each.

Q When you went back on the 29th did he give you any further Diconal or prescription? A. Yes, he gave me the one that is here.

Q That is only for ten tablets of Diconal, is it not?
A. When I went in this time he again said he would not prescribe them to me and I said that what I was receiving from the hospital was a minimal amount of Physeptone ---

The PRESIDENT: Would you speak up? You told him the amount of Physeptone you were getting was a minimum amount?
A. Yes, and I asked him if he could write me out a prescription for Diconal and he said that as I was getting a prescription from All Saints he did not like to write out a prescription for me, and I said then that I was not too worried about anything; I just wanted the Diconal because I was a bit sick on the Monday and was really ill enough to pay for anything. I needed a fix of Diconal. He wrote it out for 10 Diconal, which is this one here.

Mr DU CANN: How much money did you have with you on that day? A. £5.

Q How much did the doctor ask for the prescription of 10 Diconal? A. Five pounds.

Q And did you pay it to him? A. Yes.

Q On that day did he examine you in any way at all?
A. No, Sir.

Q Did he ask about your general health? A. No, Sir.

Q Apart from establishing that you had three lots of 5 mg of Physeptone from the All Saints Addiction Unit, did he ask you anything else about the treatment there or your medical history? A. He asked me how I knew that what I had been using before was Diconal, and ---

Q Did he make any notes? A. I think he made a few notes inside a folder.

Q Can you tell us when it was you saw him the third time? A. A week after that.

Q The 29th January was a Tuesday? A. Yes.

Q And so the next visit takes us into February, does it? A. Yes.

Q Was that at his surgery? A. In actual fact I 'phoned Dr Prasad and I told him I did not have any money for a prescription, and I asked him if he had any work he would like done in payment of the prescription. He said he did and over the weekend, on the Saturday, I think it was the 2nd ---

Q This is the second prescription in the bundle of three. The 2nd is Saturday. A. I went to Dr Prasad's house on the Saturday and I painted the inside of his garage. I worked there for about six hours. In the afternoon I asked Dr Prasad for a prescription to cash in the evening and he said he would give me one, and not to worry about it, and he would see me later on. He went out. Meanwhile I had almost finished the garage and he came back and I asked him again for the prescription. He was going out that night to an Indian religious thing and he gave me the prescription and told me to finish the garage. It was dated the 2nd, which was the Saturday.

Q Is that the one you have in your hand there? A. Yes. On the Saturday I could not cash it because I did not want to take it into the New Street Boots.

Q Was that because of what he had told you? A. Yes, I did not want any trouble - I was a bit worried - so I left it till the Monday, and then I was worried about the date, which was the 2nd, and so I took it in to Dr Prasad and asked him if he would change it to the 4th, which he has done here.

Q He changed the date at the top by writing a "4" over the "2"? A. Yes.

Q And then did he add the date underneath the signature as well on the 4th? A. He added the date underneath the bottom signature.

Q That is the third prescription you had got from him. I want to come on now to the next time you saw him, which was on the Friday of the same week as the Monday of which you have spoken. Did you go to his home to do some more painting? A. It was the following Monday. I worked the weekend at Dr Prasad's house again and ---

Q Is that working on the Friday and the Saturday of the following weekend? A. Yes, and on the Saturday I asked him for a prescription and he said he could not give me one because he had given me one on the Monday, and the other one would not have run out. He told me to come and see him on the Monday at his surgery and he would give me another prescription and arrange another time for me to go round and work.

Q Although he was not able to give you a prescription for the reasons you have stated, did he give you something else? A. No, he gave me a lift into town to catch the bus home.

Q Did he ever give you any drugs without prescription? A. Yes.

Q On what occasion was that? A. It was the following weekend from this.

Q How did you get this prescription which is dated the 11th from him? A. I worked the Friday and Saturday and he said to come and see him on the Monday. I went to see him on the Monday and he told me to come round the following Saturday to do some more work and he would give me the prescription which is here.

Q Was there any examination? A. No, Sir.

Q Was there any questioning of you at all? A. No. I failed to tell you that the previous weekend, when I was working in the garage, when he was writing out the prescription, he asked me if the original name I gave him was my right name, and I was a bit more confident then. He told me that giving the wrong name would get me into trouble and could cause prosecution, so that weekend that I worked on the garage I told him my right name and address.

Q And that is why one finds the change of name and address? A. Yes.

Q Did he pay you any money for the work you did? A. No, Sir.

Q Then did you work the following weekend for him? A. I worked the following Saturday.

Q That would be the 16th February? A. Saturday and part of Sunday the 17th.

Q Do I gather that this time you did not get a prescription from him? A. No.

Q Did you get something else? A. On the Saturday night I was asking him if I could have a prescription. I was asking him a lot during the afternoon and I did nag him a bit, actually. He said to get on with my work and everything could be sorted out for me. Later on, towards the night, when I knew all the chemists' shops would be shut, I started to get worried, because I knew I could not cash it myself, and I asked him again, and he said "Don't worry, it will all be sorted out for you", and about half-past nine he came back and he gave me the 20 Diconal in a piece of brown paper.

Q Was there any doubt about those tablets you received from him being Diconal? A. No doubt.

Q Did you take those in the same way that you had been taking the others? A. Yes.

Q That is crushing them and mixing them? A. Crushing and mixing them in hot water.

Q As a result of taking drugs in this way, injecting them intravenously, did you suffer from ulcers from time to time? A. I had a very bad arm, Sir.

Q Did you have any bad ulcers or a bad arm during the period that you have been describing to the Committee already - January and February of this year? A. Yes.

Q How were you keeping your arm on any of the visits you made to him? A. At the time I never showed him my arm.

Q Had you got it up or bandaged or what? A. I had it bandaged one week after this - one week after the brown paper occasion.

Q I think that your sentence of detention that you are serving at the moment is the result of a breach of a probation order? A. Yes.

Q Was one of the conditions of the probation order that you should take no more drugs? A. Yes.

Q When was that order imposed on you? A. Last December, and I had a six months' deferred sentence, and when I went back to court in December they gave me three years' probation as long as I kept away from the drugs.

Q So that the taking of the drugs in the manner you have described was a breach of that probation order? A. Yes.

Q When were you caught and sentenced to the detention centre? A. The day prior to this one - 1973.

Q I am interested in when you were sentenced for the breach of the probation order. A. That was in March.

Q Of this year? A. Yes.

Q Since that time have you had contact with any of the other people who were visiting Dr Prasad in Birmingham? A. No, Sir, I have been in detention.

Q I think it was while you were in Whetton Detention Centre that you were visited by Mr Summers, who sits next to me here? A. Yes.

Cross-examined by Mr BAYLIS

Q You told the Committee at the beginning of your evidence that you are now in detention for forging prescriptions for insulin? A. Yes.

Q As I understand it, strictly speaking you are in

detention for breach of a probation order which was imposed by a court for forging prescriptions for Diconal. Is that right? A. No. Originally last May, when I was caught forging prescriptions, I was bailed till July 3rd, when I was to appear, and when I appeared I was given a six months' detention centre sentence. I served eight days of the sentence and as I had already appealed I was let out on bail, and my grandfather stood as surety, and I was stopping in Birmingham. At the time I had a good probation officer and when I went back to court for the appeal they gave me six months' deferred sentence and to return in December, and see how I got on, and it was in December, when I went back, that they gave me the three years' probation, but I still had the six months detention hanging over my head.

Q I follow. At all events, the occasions on which you forged prescriptions for Diconal were before January and February of 1974? A. Yes, Sir.

Q And you have told the Committee that this was a drug which you had been taking for some two years? A. Yes.

Q How had you been obtaining that drug prior to February of 1974? A. I was getting it on the black market when I was living in Portsmouth. I was also forging prescriptions for them for quite a while. That was mainly how I was getting them.

Q And it was in June of 1973, that is to say, six months or so before you ever saw Dr Prasad, that you came to live in Birmingham? A. Yes.

Q Were you working in Birmingham? A. Yes.

Q What as? A. A carpet salesman in Debenhams.

Q During that six months were you taking any Diconal? A. Yes.

Q How were you obtaining it? A. Again from other people, buying them.

Q Purchasing them? A. Yes.

Q When did you become a patient of the Addiction Clinic at All Saints Hospital? A. At the beginning of September.

Q Of 1973? A. Yes.

Q While attending the Clinic, between September and, say, Christmas 1973, you were being treated by the doctor there with Physeptone. Were you at the same time taking Diconal? A. I was taking Diconal but not an awful lot - not very much at all, actually, because I did not know many people in Birmingham and at the time I really wanted a cure.

Q And it was, I think, the 21st January 1974 when you

first went to see Dr Prasad? A. Yes.

Q He asked you your name and your address and you said that you were Malcolm Lande and that your address was 30 Lodge Road? A. Yes.

Q I understand there is a Lodge Road, Birmingham, where the Hospital is situated? A. Yes.

Q Did you tell Dr Prasad how old you were? A. No, Sir. I am sorry; I might have done.

Q How old are you? A. Almost 21.

Q Did you tell Dr Prasad that you suffer very badly from pain which was principally in the back? A. No.

Q Did you say anything about suffering pain at all? A. No, Sir.

Q Did you say to Dr Prasad anything as to what was wrong with you? A. No, Sir.

Q Are you quite sure about that? A. Yes.

Q On that first occasion did Dr Prasad carry out any examination? A. Yes.

Q What was the nature of that examination? A. He used a stethoscope.

Q Whereabouts? A. On the chest and the lower part of my back.

Q He made you take your shirt off, did he? A. No, my jumper.

Q Did you tell him you had been taking Diconal? A. Yes.

Q Did you tell him for how long? A. I think so.

Q Did you tell him you had been under treatment by the doctors at All Saints Hospital? A. No, Sir.

Q Did you tell him that Diconal relieved the pain in your back? A. I did not tell him I had any back pain.

Q Did you tell him you were accustomed to suffering from cramps in the leg? A. No, Sir.

Q Did you tell Dr Prasad that you had no doctor in Birmingham? A. I cannot remember. I do not think I mentioned the doctor.

Q Are you sure that Dr Prasad did not ask you for the name of your doctor in Birmingham and you said "I don't have one"? A. It is quite possible.

Q Indeed, it was true? A. I cannot remember.

Q I am sorry. You misunderstood the question. It is true that you did not have a general practitioner family doctor in Birmingham? A. I did have, actually.

Q You did have a family doctor? A. Yes, Sir.

Q Were you under treatment? A. Yes.

Q What for? A. I was not actually under treatment. He was the one who gave me the note to take to All Saints.

Q He was the one who gave you the note for All Saints? A. Yes.

Q Had you been under treatment with him because you were taking Diconal? A. Yes.

Q Apart from going to All Saints what had you been to your family doctor in Birmingham for? A. Nothing at all other than stomach upsets. That was the first visit - just an ordinary stomach upset.

Q You have told the Committee that he referred you to All Saints Hospital, and I think we all perhaps assumed that you meant that he referred you to the Addiction Clinic? A. Yes, I went in to see my general practitioner and ask him if I could have some Physeptone and he said he could not prescribe it himself and he referred me to the Doctor at All Saints.

Q Why did you want Physeptone from your family doctor? A. Because from the time I got to Birmingham in June right through until the September when I went to All Saints I had been drinking cough mixture.

Q In large quantities? A. Yes.

Q Was that a cough mixture which contains something similar to Physeptone? A. Yes.

Q And your family doctor refused to supply Physeptone? A. Yes, Sir.

Q And sent you to All Saints Hospital? A. Yes, Sir.

Q Did you tell Dr Prasad anything about this? A. No, Sir.

Q You say that you told Dr Prasad on this occasion or asked him if you could have a prescription for Diconal? A. Yes.

Q What I suggest to you is that you said that the pains in your back had in the past been relieved by Diconal? A. No, Sir.

Q Because he did not give you a prescription for Diconal alone, did he? A. For Diconal and Fortagesic.

Q Have you ever been given a prescription for Fortagesic before? A. No.

Q Do you know what it is? A. Yes.

Q What is it? A. It is a pain killer.

Q He gave you a prescription, did he not, for 40 tablets of Diconal - 10 mg tablets? A. Yes.

Q And a similar number of Fortagesic? A. Yes.

Q And he charged you £5, did he not? A. No, £5.

Q I suggest that your evidence to the Committee that he first of all issued a prescription for 20 tablets and increased the number in effect in return for more money is quite untrue? A. Well, I have no reason to lie, Sir.

Q What happened to the first prescription? A. Dr Prasad stopped the prescription and gave me another one.

Q What do you mean by saying that he stopped it? A. He kept the prescription.

Q And substituted another one? A. Yes.

Q I have to suggest to you that your recollection about that is not right and that the only prescription he wrote out at all or gave you was the one for 40 tablets of each of these two analgesics? A. No, Sir.

Q And that he did not charge you £5 but £3? A. No, Sir, £5.

Q You told the Committee that he did not ask for any means of identifying you? A. No, Sir, he asked me if the name and address I had given him was right and he made me sign the piece of paper after I had written it down.

Q And he told you to come back in a week? A. Yes, he said not to come back before the week was out.

Q Which is right. I am suggesting to you that he told you to come back in a week's time? A. He did say not to come back before the week was out.

Q Do you say that he told you that you should not take the prescription to Boots in New Street? A. Yes.

Q Did he say why he gave you that piece of advice? A. No, Sir.

Q What impression did you get from this piece of advice? A. Boots in New Street handle nearly all the prescriptions for All Saints, and I should think it would have been questioned if it had been handed in there.

Q You had been in Birmingham by that time for six months? A. Yes.

Q And had been improperly obtaining Diconal, as you told the Committee quite frankly, from various sources? A. I got

it a few times from different sources.

Q From Boots? A. No, I got it from different people.

Q Had you ever been in the New Street branch of Boots?
A. Yes.

Q Would you know if it was a chemist where people suffering from dependence on drugs sometimes went? A. It is where most of the prescriptions are handed out for drug addiction. They are either dispensed there or in Associated Chemists.

Q What kind of prescriptions? A. Heroin and cocaine, Physeptone.

Q This is what you have heard from friends? A. No, this is what I knew from All Saints myself.

Q How do you know that this happened at this particular branch of Boots? A. When I used to go to All Saints there were quite a few other people in the waiting room there, and most of us used to get our prescriptions at the same time. When we got back into Birmingham nearly all of them went to New Street, and the others like me collected them at Associated.

Q I suggest that you knew that the Boots at New Street was an unwise place to go to get the prescriptions of this sort made up, for Diconal for somebody like yourself, but Dr Prasad never said anything of the sort. A. Dr Prasad did not say anything at all.

Q Still dealing with this first occasion on the 21st January, did Dr Prasad tell you how often you were to take the Diconal tablets? A. He told me the same as what was on the paper.

Q That is one tablet three times a day? A. Yes.

Q Did he tell you how to take them? A. No.

Q Did you say anything to him to give him to understand that you were taking them by intravenous injection?
A. No, Sir.

Q You say you did not show Dr Prasad your arm which had a sore or an ulcer on at that time? A. I did not, mainly because there was a good chance of not getting another one if I did.

Q The answer is that you did not show him your arm?
A. No.

Q I am afraid I got confused as to the dates. You saw Dr Prasad next about four days later, did you? A. On the Thursday.

Q You had gone to the surgery? A. Yes.

Q And he said he had heard you were getting treatment

at All Saints Hospital? A. Yes.

Q And you told him you admitted that that was true? A. Yes.

Q And told him you were being treated with Physeptone?
A. Yes.

Q And he refused to supply you with any prescription on that occasion? A. Yes.

Q The next time you saw him was on the 29th January?
A. Yes.

Q You said you had come for another prescription? A. Yes.

Q Did he on that occasion ask you about the pains you had complained about in the back? A. No, Sir.

Q At all events he gave you a much smaller prescription?
A. He gave me a smaller prescription, yes.

Q For 10 Diconal? A. Yes.

Q What did he say, if anything, about coming back?
A. He did not say anything at all about coming back.

(Short adjournment.)

Mr BAYLIS: I have already dealt with the particular incident on the 25th January. I have to put it to you that your recollection is at fault in saying that Dr Prasad told you that he had heard you were getting treatment at All Saints Hospital. Are you sure he said this to you on the 24th or 25th January?
A. It was on the Thursday before the prescription was given which was dated the 29th.

Q Do not worry about the date. Are you sure this conversation took place at all? A. Yes, Sir.

Q I was dealing with the 29th January, which I think was the second prescription, which was for a reduced quantity of Diconal, was it not - 10 tablets? A. Yes.

Q I suggest to you that you are mistaken in thinking that any payment was made for that particular visit to the surgery.
A. Payment was made, Sir.

Q The next prescription with which the Committee are dealing was dated either 2nd or 4th February and was for 20 Diconal tablets, one tablet to be taken three times a day. That is right, is it not? A. Yes.

Q You have told the Committee that you did some painting of Dr Prasad's garage? A. Yes.

Q I do not think we need to go into any detail but you did a certain amount of painting at his house? A. Yes.

Q You know about painting and decorating, do you? A. I have done a bit of it. I do not actually know about it.

Q At all events, you were good enough to paint - what was it, the outside of the garage? A. The inside.

Q Did you offer to do this work for him or did he ask you? A. I offered to do it.

Q He said something to the effect that it needs doing and you could do it? A. Yes.

Q How much actual work did you do, very roughly? A. I did the garage, one bedroom, and started another one.

Q Six or seven hours' work? A. Six hours' work on the garage and about ten or twelve on the bedrooms and a bit more.

Q And he paid you £7 for this job? A. Nothing, Sir.

Q Why did he pay you nothing? A. I did not ask him for money.

Q Were you doing it as a favour? A. I was doing it for the prescription.

Q But you have told the Committee that you were paying for the prescriptions? A. I was paying for the previous prescriptions and the reason I asked him if he had anything that wanted doing was that I did not have the money to pay for the other prescriptions.

Q What was the date on which you did this painting? A. The first time was on the 2nd February.

Q Just on one day, was it? A. It was the following Saturday and also Sunday.

Q Are you trying to tell the Committee that the prescription was issued on the 4th February? A. The 2nd February and changed on the 4th.

Q It finally became effective on the 4th. The date was changed from the Saturday to the Monday? A. Yes.

Q Are you telling the Committee that it was issued by Dr Prasad in return for some painting? A. I did the painting and I asked him for a prescription and that is what I got.

Q The truth of the matter is this, is it not - that Dr Prasad issued you with certain prescriptions as a doctor and as an individual he was rather sorry for you, you asked him if you could do some decorating to earn money and he agreed and paid you money for doing so? A. He did not pay me money.

Q I suggest that he paid you £7 and, as it happens, his wife paid you 15/- or the equivalent? A. His wife did give me some bus fare one night.

Q About 75p? A. Somewhere round there, yes.

Q And the last prescription we are dealing with is the

one dated the 11th February 1974. That is right, is not it?
A. Yes.

Q Was that the occasion when you say you went to Dr Prasad and nagged him a bit? A. That was the week after that I worked the Friday and the Saturday and I asked him on the Saturday night if I could have a prescription and he said "No, it is not possible until Monday."

Q Was the 11th February the date on which the prescription is dated? A. That is a Monday.

Q What is the occasion on which you say that Dr Prasad gave you some tablets of Diconal in a piece of brown paper?
A. The following Saturday.

Q The following Saturday? A. Yes.

Q You say you went a bit wild. What did you mean by that? A. I went a bit wild? When did I say that?

Q I may be mistaken but my note of your evidence about this was that "I asked him on the Saturday for some more Diconal. I did nag him a bit. I went a bit wild and he said, 'Don't worry, it will all be sorted out.'" A. That was the following Saturday when he gave me just the tablets, not the prescription.

Mr BAYLIS: Perhaps I have misled you. I am talking about that particular Saturday.

Mr DU CANN: I thought the evidence was that he was rather worried because it was getting late and the chemist was going to be shut - not wild but worried.

The LEGAL ASSESSOR: I have not got "wild" either.

Mr BAYLIS: When you say you were a bit worried and you nagged him a bit, why were you worried? A. Because I did not think that I would get the prescription that weekend, and I was a bit ill and I wanted it.

Q You were feeling ill? A. Yes.

Q Does it make you feel ill if you run out of this drug?
A. Yes.

Q And you were afraid it would happen on this occasion?
A. Yes.

Q Would it be fair to say that you bullied him a bit on this Saturday? A. No, I have never bullied anybody.

Q At all events, he gave you a quantity of Diconal?
A. He gave me a quantity - 25 in a piece of brown paper.

Q And he said something to the effect of, "Don't worry, it will all be sorted out"? A. He said that before he went to get them.

Re-examined by Mr DU CANN:

Q You have told Mr Baylis about buying Diconal in Birmingham on the black market in effect before you went up to Dr Prasad with the results that we know. Just help us, would you? The first prescription you got, for which you paid £5, was for 40 tablets of Diconal? A. Yes.

Q And 40 of Fortagesic? A. Yes.

Q If we relate it only to the Diconal, that works out at something less than 12½ p per tablet? A. Yes.

Q How does that compare with the price on the black market?
A. They are about 25/- each.

Witness withdrewRICHARD JOHN SORBY swornExamined by Mr DU CANN

Q What are your full names? A. Richard John Sorby.

Q Where are you detained? A. At Winson Green Prison.

Q What sentence are you serving? A. Nine months' imprisonment.

Q What is that for? A. Theft of a car.

Q Have you previous convictions other than for the theft of the motor car? A. About six.

Q In relation to what sort of matters? A. One conviction of possession of stolen drugs.

Q What type of drug. A. Methadone, I think it was, and Physeptone.

Q And the other convictions are in relation to crime generally, are they? A. Different categories.

Q Any others in relation to drugs? A. No.

Q When was the sentence imposed on you? A. April.

Q April of this year. So since that time you have been detained in Winson Green. Have you seen any of the other people in this case who are giving evidence as witnesses since you have been detained in prison? A. No.

Q From August 1973 at any rate up till your sentence in April of this year, 1974, were you out of prison? A. Yes.

Q How old are you? A. Twenty-four.

Q In that period that I specified - August 1973 to April

1974 - were you taking drugs at all? A. From August?

Q Yes, from 1973 up to April 1974. In that period of time were you taking drugs at all? A. Yes.

Q What kind of drugs? A. Various kinds - barbiturates, amphetamines.

Q Where did you get them from? A. Off friends and off Dr Prasad.

Q Can you tell me the first time you ever went to Dr Prasad? A. I cannot say the exact date. It was the middle of August.

Q 1973? A. About that, or it may have been just after that.

Q Did you go to his surgery? A. In Soho Road, yes.

Q Did you go as a National Health patient or as a private patient? A. A private patient.

Q When you got into his surgery were you asked to give a name and address? A. I was, yes.

Q What name did you give? A. Joseph James Bremner.

Q What address did you give? A. 8 Richmond Road, Handsowth.

Q The name was false. What about the address? A. The address was false as well.

Q No doubt the doctor asked you why you came? A. Yes.

Q What was your reply? A. I told him that I had heard he was giving drugs out.

Q What did he say to that? A. I cannot remember exactly.

Q Did you ask him for a particular drug? A. I did, yes.

Q What was that? A. Durophet.

Q Anything else? A. And some barbiturates, Durophet and Nembutal.

Q Coming to the end of the story, when you left the surgery had you got something with you? A. A prescription, yes.

Q For? A. Durophet and Nemnutal.

Q Do you remember how many tablets of each? A. On the first occasion I think it was 20 and 20.

Q Did you make any payment for them? A. £3.

Q Were you asked any questions by the doctor? A. Just where I was getting my drugs from previously.

Q What was your reply to that? A. Off friends, off the black market.

Q Did he ask you anything about your medical history?
A. No.

Q Did he ask you who your own doctor was? A. I cannot remember exactly.

Q Did he ask you anything about your present condition - why you wanted drugs? A. He did.

Q Apart from the fact that you desired to have them?
A. He did ask me that.

Q What sort of questions did he ask you, do you remember?
A. If I was hooked on them.

Q And you replied? A. Yes.

Q Did he ask you anything else at all, do you remember?
A. No.

Q Specifically did he ask you whether you had received any treatment in the past for drugs or whether you were attending any drug addiction unit? A. I cannot remember exactly.

Q Having gone in August did you go again from time to time?
A. I did, yes.

Q I want you to look at three prescriptions that have been recovered. They are dated 19th October, 26th October and 5th January 1974. Do you see those? A. Yes.

Q Were those prescriptions which you obtained? A. I think so, yes.

Q Do they bear the false name and the false address which you have given so far as the first two are concerned? A. Yes.

Q The last one, of 5th January 1974, has got the same name but a different address - 15 Church Road, Birmingham? A. Yes.

Q Was that a true address or a false one? A. I did stay there at that address.

Q It may have been a true one? A. It was a true address, yes.

Q You went in August, twice in October and once in January 1974. Are there any other occasions when you went? A. I think there were, yes, but I cannot remember exactly.

Q Were you going regularly or not? A. I was not going regularly.

Q How much did you pay? On the first prescription you got 20 Durophet and 20 Nembutal. How much did you pay for that?
A. £3.

Q On the second occasion, 26th October, it is the same quantity of drugs. How much did you pay for that? A. About £5.

Q And the last one, January 1974? A. I am sorry, I think I paid £3 for that as well.

Q £3 for the 20's? A. Yes.

Q What about the 40 one? A. That was £5.

Q Did the doctor on any of those occasions examine you physically? A. No.

Q Or ask you any more questions than those you have mentioned to us? A. Not that I can remember, no.

Q Would you help us about another thing? You have got the prescription in front of you for the 19th October. Does it bear the stamp of a chemist where it was dispensed? A. Yes.

Q Where is that? A. Associated Chemists. I think it is the Birmingham City Centre - the Bull Ring.

Q The next one is the 26th. That was cashed at Boots in New Street? A. Yes.

Q And the third one at a chemist in Lodge Road, Winson Green? A. Yes.

Q Why did you cash them all at different chemists? A. Because I was going that way at the time.

Q Do you remember anything being said to you about where you should or should not or could or could not cash prescriptions given to you by the doctor? A. No.

Cross-examined by Mr BAYLIS:

Q May I see the prescription issued in the middle of August - the fourth prescription? ---

Mr DU CANN: I have not got it. The only prescriptions we have retrieved are those which have been copied, and I think my friend has a bundle of the photostat copies, the ones which are produced as Exhibit 2. We have none of the others so I am afraid I simply do not know at all where it was dispensed.

Mr BAYLIS: My friend unintentionally has led evidence from a prescription for Duronphet in the middle of August which is not only not produced but outside the period of the charges. If my friend is relying on this he should either amend the charge or possibly clarify the date with the witness. As I understand it, according to the evidence, there are only three prescriptions which relate to this particular patient.

Mr DU CANN: I do not apply to amend the charge. I have to lead this evidence, do I not, in order to introduce the evidence of the subsequent visits made by this witness to Dr Prasad and the method by which Dr Prasad saw him and treated him, if that is not an inappropriate word to use. One can regard it as

part of the preliminary history of the matter and in part also as similar fact evidence to those instances which are contained and particularised in the charge. It has not been included in the charge because we have prescriptions only from the beginning of September onwards.

The LEGAL ASSESSOR: And this is the best evidence which can be given, because it has not been possible to recover the originals?

Mr DU CANN: Precisely. This is only a partial recovery of prescriptions issued.

The LEGAL ASSESSOR: And you are not relying on this as an actual part of the offence?

Mr DU CANN: Not as falling within the charge, no.

Mr BAYLIS: I do not think it operates fairly on my client. He is charged with issuing certain prescriptions which are alleged to be improper in a certain period. Now evidence has been led and the indication is that this offence was committed at a previous time. If that is right my friend should not only tell me during what period my client is alleged to have committed these offences but produce some evidence to that effect. As things stand at the moment I am now being asked to deal with evidence which relates not to the charge on which he is standing before this Committee.

The LEGAL ASSESSOR: So far as the first objection is concerned, namely, that the original prescription has not been produced, I think that is not a valid objection, for the reason I have just given. So far as the second is concerned, Mr Du Cann says it is similar fact evidence. Similar facts are admitted in certain circumstances to meet certain defences, but I do not think any of them are likely to be applicable here, are they? I would have thought there was some substance in the second objection.

Mr DU CANN: I am quite happy that the Committee simply regards it as part of the history leading up to repeated visits made by this witness within the period led in the charge. It seems to me that it is no use my going straight to October and the two prescriptions we have got in October and the one in January 1974 and concealing from the Committee that this is a repetition of a visit which has already been made.

The LEGAL ASSESSOR: You are not relying on similar facts in the sense of evidence advanced to rebut some defence. You say it simply narrows it.

Mr DU CANN: It has both features attached to it. We have quite enough evidence here without having to rely on similar fact evidence.

The LEGAL ASSESSOR: Also it is difficult to see how an offence requiring rebuttal by similar facts could arise here. As narrative it is a different matter. Do you really want to object to that?

Mr BAYLIS: Not in those terms. To witness: May I suggest to you that the evidence you gave about seeing Dr Prasad in the middle of August 1973 is mistaken as to date? Is that possible? A. That is possible.

Q Could it in fact have been the middle of October?
A. It more than likely was October.

Q I will leave it at that. You went to Dr Prasad's surgery in Soho Road, Birmingham, and you saw Dr Prasad?
A. Yes.

Q You went into his consulting room? A. Yes.

Q And you had a discussion? A. Yes.

Q Do you remember him writing down anything in this discussion apart from the prescription that you have already given evidence about? A. My name and address.

Q Was he writing in a book or on a piece of paper or what?
A. In a book.

Q What is your National Insurance number? A. I cannot remember offhand.

Q Could it be YP734223D? A. It might be. I do not know.

Q If the doctor had put that one number down he could only have got it from you, could not he? A. I think that was a labour card that I had with the name Joseph James Bremner on it which I forged myself.

Q I see. You had a card in the name of Joseph James Bremner which bore your National Insurance number? A. The National Insurance number was the one I wrote in myself.

Q At all events you had a document on you which bore your name, or rather the name you were using, and a number which appeared to be a National Insurance number? A. Yes.

Q Did the doctor ask you what was wrong with you? A. He did, yes.

Q What was your occupation at that time? A. I was out of work.

Q Were you drawing unemployment benefit? A. I was, yes.

Q Did you tell him that you suffered from insomnia or that you found it difficult to get to sleep at night? A. No.

Q Did you tell him that you could not concentrate? A. No.

Q Did you tell him that you had tried a drug called Duromin?
A. No.

Q Did you mention Duromin at all? A. No, Durophet.

Q Duromin? A. No.

Q Was any mention made of a drug called Mogadon? A.No.

Q Or Soneryl? A. No.

Q You know the drugs I am talking about, do you not?
A. I have heard of them, but not Duromin.

Q There was no discussion about those particular drugs?
A. No, not that I know of.

Q Do you know how much you weighed on that occasion?
A. About 10½ stone.

Q Dr Prasad in fact weighed you, did not he? A. No.

Q And recorded your weight as 12 stone? A. No.

Q And he carried out a brief examination of you, did not he?
A. No.

Q Did not he examine you at all? A. No.

Q He gave you a prescription. May I look at it? That is the prescription, is not it, Mr Sorby (Handed)? A. Yes.

Q "Capsules Durophet 20, 2 to 3 capsules with breakfast." Is that when he told you to take them? A. Yes, I think so.

Q He said you should take two or three of these a day at breakfast time? A. Yes.

Q And the second part of the prescription is "Capsules Nembutal, 100 mg, 20, 2 to 3 capsules at bedtime." Did he tell you to take two or three of them at bedtime? A. I cannot remember exactly.

Q May he have given you those instructions about taking these tablets? A. He may have done, yes.

Q You say that you told him that you were hooked on these drugs. To which drugs are you referring? A. Durophet and Nembutal.

Q How long had you been taking Durophet and Nembutal?
A. Since the beginning of 1973.

Q Where had you been getting them? A. I got them off friends.

Q I have to suggest to you that you did not say anything at all to Dr Prasad about being hooked on any drugs at all?
A. I did.

Q Had you been under any treatment by anybody for drug addiction? A. I went to my own doctor in St Pauls Road and he gave me a note to take to All Saints and I went there in 1972, at the end of the year, but I was not hooked on the drugs then. I had not really started taking them. They refused me; they would not sign me on.

Q Nothing like that was said to Dr Prasad, was it? A. I think I did mention it.

Q You have not told us about that before. Are you sure you mentioned to Dr Prasad that you had been referred something over a year before? A. I cannot remember exactly.

Q You went to Dr Prasad on two other occasions, I gather. There was the 26th October, when you were given a further prescription for 20 Durophet. That is right, is not it? A. Yes.

Q And a prescription for 20 capsules of Tuinal? A. I cannot remember Tuinal; Nembutal.

Q Is that the prescription issued to you on the 26th October 1973? (Handed) A. That is right; that is the one.

Q Can you remember being prescribed Tuinal on that occasion? A. I think I did get Tuinal, yes, but I usually take Nembutal.

Q There cannot be any doubt about that. That is what you got the prescription for. Did Dr Prasad tell you why he was changing the sedative at night from Nembutal to Tuinal? A. No, I asked for the Tuinal, I think.

Q You asked for Tuinal? A. I asked for Tuinal.

Q You told us a moment ago that you were addicted to Nembutal? A. I was taking all kinds of barbiturates and "sleepers" - any kind of "barbs".

Q I suggest that this is quite untrue, and that the doctor, having originally prescribed Nembutal to be taken at night, decided to change it to another sedative, namely, Tuinal, which he did. That is right, is not it? A. I do not think so, no.

Q At all events, it was something over two months before you saw the doctor again - is that right? A. It could have been. I cannot say exactly how long it was.

Q We know, at all events, that the short prescription to which your evidence relates is dated 5th January 1974? A. Yes.

Q That is the right date, is not it? A. I cannot remember dates exactly. I was taking that many different kinds of drugs and the dates did not seem to matter.

Q Your recollection of many of the events of this time is no doubt clouded by the fact that you were taking drugs? A. It could be, yes.

Q It does appear, does it not, that you did not see the doctor, Dr Prasad, between 26th October and 5th January. That is quite a time. Were you seeing any other doctor during that period? A. No.

Q Why did you not go back to Dr Prasad some time at the beginning of November? A. I had friends who were getting drugs off Dr Prasad so I had them off them. They used to give me them.

Q You had them off them? A. My friends gave me the drugs.

Q So far as you were concerned, the quantity of drugs Dr Prasad prescribed for you did not allow any to be given to your friends, did it? A. No.

Q He prescribed small quantities, did he not? A. I would not say small.

Q Twenty tablets for a week. Did you regard that as a large quantity of Durophet or Nembutal? A. Not for a week, no.

Q And after this period of about eight or nine weeks you went to see Dr Prasad for the third and last time, on the 5th January. What did he prescribe for you then? Have a look at the prescription. (Handed.) A. Some pencillin tablets for my throat.

Q He prescribed 40 Durophet capsules? A. Yes.

Q Do you remember anything significant about those Durophet capsules? A. They were 12.5 mg.

Q 12.5 mg as against 20 mg on a previous occasion? A. Yes.

Q And he prescribed 40 Nembutal capsules. That is right, is it? A. I think so, yes.

Q He got back to Nembutal from the previous prescribing of Tuinal? A. Yes.

Q And he prescribed tablets of pencillin - a three-day course of pencillin. Why was that? A. At that time I had some casual employment on demolition work and the dust was getting in the back of my throat and causing it to swell up.

Q Did he examine your throat? A. He did look at the throat, yes.

Q And gave you some penicillin for it? A. Yes.

Q Did he weigh you on that occasion? A. No.

Q I suggest that he did and that your weight was then 11 stone 10. You do not remember? A. No.

Q Do you remember him telling you that you must report to your own doctor? A. No.

Q You do not remember him doing that? A. No.

Q That is the last occasion on which you saw Dr Prasad? A. I think so, yes.

Re-examined by Mr DU CANN

Q We have got the three prescriptions, showing that you went to Dr Prasad and obtained those prescriptions on at any rate three occasions - twice in October and once in January

of this year. Do you follow? Did you go to see Dr Prasad on any other occasions than those three? A. I did but I cannot remember exactly.

Q Can you give us some idea of how many times you may have gone to see Dr Prasad? A. About three occasions in between.

Q Did you ever go with friends? A. Not that I can remember. I waited for friends in town and things like that.

Q While they went where? A. To Dr Prasad.

Q When they came back did they have anything in their possession? A. They had a prescription.

Q Did you see the prescriptions ever? A. I did see them, yes.

Q What types of thing were written on the prescription? A. The same as I was having - Durophet. Sometimes it was Nembutal and sometimes Tuinal.

Mr BAYLIS: I did not object to the last questions but I do not think they arose out of cross-examination. But may I ask the witness the names of the persons concerned whose prescriptions you say you saw? A. I do not want to disclose the names.

Q Do not be too sensitive. We have got the names of a lot of people on our schedule. If you prefer to write them down, by all means do so. We will give you a piece of paper. Would you like to do that? (Witness writes names.)

Mr BAYLIS: The witness has written the surname of No.9. The sex has apparently changed.

Mr DU CANN: There are two names under No.10.

Mr BAYLIS: I am much obliged. It is indeed case No.10.

Witness withdrew

GRAHAM GENE ROBINSON sworn

Examined by Mr DU CANN

Q Is your full name Graham Gene Robinson? A. Yes.

Q You are, I think, detained at the moment in Her Majesty's Prison at Shrewsbury? A. Yes.

Q How long have you been there? A. Since January 11th.

Q This year? A. At several prisons, starting at Winson Green, then Shrewsbury and now I am in Wormwood Scrubs.

Q Were you in custody before being sentenced? A. From January 11th.

Q What term of imprisonment are you serving? A. Three years.

Q For what offences? A. Aggravated robbery and resisting arrest with a firearm.

Q How old are you? A. Twenty-five.

Q Have you previous convictions before that? A. Yes.

Q Any of them in relation to drugs? A. Yes.

Q What sort of convictions? A. Possession of cannabis and possession of L.S.D.

Q In 1973 were you living in the Birmingham area? A. Yes.

Q And did you remain in that area until your arrest in January 1974? A. Yes.

Q During that time did you go at all to Mr Prasad's surgery? A. I did.

Q Roughly speaking how many times did you go there? A. I would imagine five or six times.

Q Whom did you see there? A. The doctor himself.

Q Did you see anybody other than the doctor on any of your visits? A. I saw the young doctor the first time I visited there. I believe Dr Prasad was on holiday.

Q I think that first visit was some time in August? A. I think so, yes.

Q And your other visits to the surgery were after that? A. They would be, yes.

Q What name did you give? A. My own name.

Q And what address? A. My own address.

Q What was that? A. 69 Lilac Road, Bentley, Walsall.

Q I am going to ask you to look at four prescriptions. Were those prescriptions which you obtained as a result of going to the surgery? A. Yes.

Q Just help us, would you? If you were living out at Walsall about how far is that from Soho Road, Handsworth? A. It is about a 30 minute bus journey.

Q On one of the prescriptions there is a different address, Broughton Road, Birmingham - the one dated 30th December? A. Yes.

Q How does that come about? A. I gave the incorrect address.

Q Deliberately? A. Yes.

Q Was any question raised by the doctor? A. No.

Q All the drugs which one can see recorded there are Durophet and Tuinal? A. Yes.

Q Who chose those drugs? A. I chose those drugs.

Q How did you justify, if you did, your choice of those drugs to the doctor? A. No justification was necessary. I merely requested these drugs.

Q Did the doctor ask you any questions as to why you wanted them? A. No.

Q Did he ask you any questions about your own medical history? A. Not that I can recall.

Q Did he ask you any questions about your own doctor - whether you had one or not? A. I believe he asked me about the Drug Addiction Clinic at All Saints.

Q What did he ask you about that? A. If I had attended, which I had.

Q What did you say? A. I told him that I had attended that.

Q Having given him that information did he ask you anything else about it? A. Not that I can remember.

Q Did he make any suggestion to you about going back or anything like that? A. Not at all, no.

Q Did he give you any kind of examination? A. None whatsoever, no.

Q Did he ask you any questions as to why it was you wanted the drugs? You told us that you told him you wanted them. Did he ask you why you wanted them? A. Not that I can remember.

Q With regard to the amounts of the drugs, on the first two prescriptions, in chronological order, November and December, there are 20 of each type. Did you make any payment for either of those? A. I paid £2 each for those prescriptions.

Q And the third one is for 40 of each. Did you make any payment for those? A. £5.

Q Then it goes back to 20 again. Was there any payment for those? A. Three pounds for the last one of 20.

Q Was that paid by cash or cheque or how? A. That was paid in cash.

Q Did the doctor make any records or entries upon any document while you were seeing him on these four or five occasions? A. I believe on all these occasions he did, yes.

Q Did he ask you any more questions on the occasions when you went back than on the first occasion? A. I am sorry; I am not clear.

Q I agree it is not very clear. Did he ever examine you? A. No.

Q Did he ever ask you any questions about your medical history and so on? A. No.

Q I think you have been registered at All Saints? A. Yes.

Q Receiving what type of drugs? A. Heroin and cocaine.

Q Were you receiving treatment at this time, in the November-December-January period, at All Saints? A. I finished cured from heroin and cocaine addiction in October of last year.

Q As a result of visiting All Saints and perhaps your own activities as well can you recognise by sight a number of those persons addicted to drugs in the Birmingham area?
A. Quite a number.

Q Did you see any of those persons waiting outside Dr Prasad's surgery? A. Several times.

Q Perhaps it is not very important to know what the waiting room is like but on those occasions that you were visiting him can you give us any idea how many people would be waiting? A. On every occasion I went there were at least two other people waiting that I would classify as drug users.

Q That is two out of how many? A. There would usually be about four or five people in the surgery.

Q Since being arrested in January of this year and thereafter being kept in Winson Green and transferred to Shrewsbury, have you had contact with any of those other persons who might be using Dr Prasad's services in November and December? A. I have had one letter from a person who did use Dr Prasad.

Q And that is the only contact, is it? A. That is the only contact.

Cross-examined by Mr BAYLIS

Q You say you finished your cure at All Saints Hospital in October 1973. That was the treatment you were receiving for heroin and cocaine addiction? A. Yes.

Q How long had you been on those drugs? A. I had been using them prior to that for about four years.

Q After October 1973, when you ceased treatment at All Saints, were you taking any of those drugs? A. I was not taking heroin or cocaine or any intravenous drug.

Q What, if any, drugs were you taking during that period?
A. Amphetamines, barbiturates.

Q In large quantities? A. Fairly large quantities.

Q How many amphetamines would you take in a normal day?
A. I would take perhaps 15 to 20 mg of Durophet and six

200 mg Tivinal.

Q How many tablets of Durophet? A. Ten to 15.

Q Would you take those during the day? A. During the day and during the night; at all times.

Q Would you take the Tivinal during the day as well as during the night? A. Not so much during the day but towards the end of the day, to sleep.

Q At all events, you were taking in October of 1973 fairly large quantities of these two drugs? A. When I could get my hands on them, yes.

Q By the standards that you were using at that time, the amount you got on prescription from Dr Prasad - we know the precise figures; you have got the prescriptions - was trifling? A. They were.

Q Please do not think this offensive, but the amount he was prescribing for you was for the treatment of a normal patient who was not used to these drugs? A. I would disagree there.

Q Let us look at the first prescription. That was given on the 26th November 1973. That was for 20 tablets? A. Yes.

Q Does he give any indication as to how many you should take a day? A. Two to three.

Q That was infinitely less than you were taking. You were taking about 15 a day? A. What is stated on the prescription is less than I was taking, yes, but this prescription would last me perhaps a day.

Q But, of course, you did not go back to Dr Prasad, according to the schedule we have, for a week? A. No.

Q He issued you a prescription for 20 Durophet tablets, two or three to be taken a day, and said "Come back in a week." That is right, is it not? A. I imagine he did, yes.

Q You came back in a week and the same prescription was ordered? A. Yes.

Q Perhaps you would be good enough to look at it. I expect you can see it is for two or three capsules a day. Is that right? A. They are for two or three a day, yes.

Q Did he say "Come back in a week" after that? A. He did stipulate. I would go back earlier and he would write the prescription but he would write the date on the prescription that the prescription was to be cashed so that it would correspond with the day the actual capsules would run out, as stated on the prescription.

Q When you went back again you did not get another prescription until the 18th December - 15 days later? A. Yes.

Q And then you got a prescription for 40 Durophet?
A. Yes.

Q Was there anything significant about that prescription apart from the fact that the number of tablets had increased?
A. In what way?

Q What was the strength of the tablets? A. They would be lowered.

Q To 12.5 mg? A. Yes.

Q Presumably not very satisfactory by your standards?
A. They were not, no.

Q It was not until after the New Year that you went to see Dr Prasad again - the 4th January. That is right, is it?
A. Yes.

Q How many capsules of Durophet did he prescribe on that occasion? A. Twenty.

Q To be taken two or three times a day? A. Yes.

Q What was the strength? A. 12.5 mg.

Q Very small stuff by the standards which you required at that time? A. They were.

Q Are you really telling the Committee that you simply walked into Dr Prasad's surgery and in effect bought these drugs like you might have walked into a sweet shop and bought sweets? A. That is what I am telling the Committee, yes.

Q Do you think it is possible that you gave information to the doctor - whether it was true or false - about your condition? A. I gave him no information.

Q Did you say anything to him about feeling sleepy during the daytime? A. No.

Q And being unable to concentrate on your job? A. I never mentioned the word.

Q Did you have a job? A. No.

Q You were unemployed, were you? A. Yes.

Q Are you sure you said nothing about working in the building trade? A. No, I said nothing.

Q Do you remember Dr Prasad weighing you? A. He did ask me to stand on the scale; yes, I think so.

Q And he recorded your weight in the notes that you have told us already he was taking? A. He may have done.

Q When was it that you gave the wrong address? That was on the second occasion, the 3rd December, was it?

Why did you do that? A. We heard that the Drug Squad were checking up on people receiving prescriptions from Dr Prasad so I did this as a safeguard.

Q What is No.6 Broughton Road, Handsworth? A. I had lived there previously.

Q Is it possible that you told Dr Prasad on the first occasion that you had moved recently to Lilac Road from 6 Broughton Road, Handsworth? A. It may have been.

Q Are you sure the position is not this: that each time you went to Dr Prasad you gave a convincing performance of a patient in need of treatment in order to deceive him into giving you prescriptions? A. No, nothing like that.

Q Are you sure it is not possible that that is the case? A. No, I am certain that that is not the case.

Q Because he gave you prescriptions for very small quantities, did he not? A. Well, they are slimming drugs and I did not look like a fellow needing slimming drugs, so they seemed to be quite adequate for the price.

Q Did you ever say to Dr Prasad, when he offered you a prescription for 20 tablets of Durophet, "Don't be so silly, that is no good to me"? A. That may have been on the occasion when the number of milligrams was dropped, you know.

Q The very first time you went there he gave you a prescription for 20 capsules of Durophet at a time when you were taking 15 a day, as you have told the Committee. He gave you really about a day's supply? A. No, 15 was what I would take in a day. I was not taking 15 in a day but what I could get. When I got a prescription I would take 15.

Q When you got 15 you would take 15? A. Yes.

Q If the picture you have presented is right, walking in to buy drugs as you would go into a sweet shop for sweets, why did you not say "I will have 100"? A. The doctor would not allow you to buy 100 and I did not have the money to buy 100.

Q Did you ask him for 100? A. I never had the money. The most was 40, when I could afford to pay £5.

Re-examined by Mr DU CANN:

Q I gather you say that this supply, good, bad or indifferent, was quite adequate for the price. In order to make a comparison one needs to know the black market price for Durophet and Tuinal in Birmingham at about that time. Can you help us about that? A. Tuinal would be about 25p.

Q A tablet? A. Yes, 200 mg Tuinal, and Durophet could be anything up to 45p, 50p, starting at about 30p.

Q Per tablet? A. Per capsule, yes.

Mr STEELE: On the occasion when you went to see the doctor did you ask for so many tablets according to the money you had in your possession at that time? A. Yes.

Q So that the question in your mind was not what the doctor was going to prescribe but how much money you happened to possess to enable you to buy the tablets? A. That is right.

Mr POTTER: Did you know, when you were paying £5 for the 40 capsules of Durophet and the 40 of Tuinal, that they were roughly half the strength of the 20? A. At first I did not know, until I had received the prescription in the chemist's. I accepted the first prescription, and then on the second occasion, when the 12½ mg Durophet and the lesser amount of Tuinal were prescribed, I mentioned it to the doctor and he said, "Look, I am trying to look after you."

Witness withdrew

(Adjourned at 6 p.m. until
10.30 a.m. the following day)

Resumed

Thursday, 25th July, 1974

Mr DU CANN: Before continuing to call the evidence may I ask for copies of a schedule which I have prepared to be handed to the Committee? I have given a copy already to Mr Baylis. Out of the 40 names which appear in the main schedule, in Exhibit 1, 16 of those persons were known in one way or another by the staff of the Addiction Unit at All Saints Hospital. What I have done is to list those 16 persons here on this single piece of paper. It will then become much easier to absorb the evidence to be given by Dr Owens in due course. In the left-hand column the numbers correspond to the numbers in the main schedule for ease of cross reference, and the true names of the persons are set out. Sometimes one has to remember the false name: for instance, No. 10, Ennis, is also known as Casey. With regard to the dates in the centre, may I make it absolutely clear that where treatment was given by the Addiction Unit and one finds a spread of dates, for instance in the case of J.B. Brookes, the second on the list, it does not necessarily mean that Mr Brookes was attending regularly throughout the whole of that period but he was known within that period and treatment by amphetamine in that particular case was given. The very first name, Brookes, has the letter (A) against the drug, which means that that was the addiction that he displayed or claimed to have at the time he attended. In that particular instance no treatment was given at all. In the case of No. 16, P.J. Huberay, he attended on three separate occasions between 1966 and 1971 but no treatment was actually given and no addiction actually established,

so I have left the last column blank. The last column is intended only to indicate in the most general sense either what was found by way of addiction or given by way of treatment - again not necessarily continuous - throughout the periods shown in the date column in the centre. But it gives a general guide and a shorthand version of the evidence that it may be necessary to take from Dr Owens. (Put in as Exhibit 5.)

I now call Detective Sergeant Brown.

JESS BROWN sworn

Examined by Mr DU CANN

Q Would you give the Committee your particulars?

A. Jess Brown, Detective Sergeant, West Midlands Police, Birmingham.

Q Until April 1974 did your duties include visiting chemists' premises in the city of Birmingham? A. They did.

Q And there examining private prescriptions issued specifying controlled drugs under the Misuse of Drugs Act 1971? A. For the purpose of all controlled drugs, Sir.

Q As a result of those visits did you see a number of private prescriptions issued by Dr Prasad at Soho Road, Birmingham? A. I did.

Q Mainly what drugs? A. Mainly for Durophet and Tuinal.

Q Separately or in combination? A. The vast majority of them were together.

Q As a result of that did you make enquiries in respect of the identities of the persons named upon the prescriptions? A. Yes, I did.

Q And also in respect of the addresses? A. That is correct.

Q Were you able to identify some of the persons named on the prescriptions? A. Yes, I was.

Q Were they known to the Drugs Branch of the Birmingham City Police? A. The vast majority of the young people I did see were known to members of the Drug Squad, yes.

Q It is now the West Midlands Police Force, is it not? A. That is correct.

Q On checking the addresses were you able to establish whether some of those existed or did not exist? A. There were quite a number of those addresses that were non-existent. Others were office blocks or shop premises. In other cases the persons named were not known at those addresses.

Q Would you look at the main Schedule Exhibit 1? Would you turn to the third page, entry No.10, in relation to a man whose true name is Ennis but who is giving the name Casey?

A. Yes.

Q Is one of those an instance found by you of a false name being given? A. Yes, both a false name and a false address.

Q Can you help about one or other of these two addresses?

A. 8 Richmond Road is an office block with no private accommodation at all. 243 Mary Street is an address at which "Casey" may possibly have lived. I cannot really be sure of that. These young people very often drift from one address to another.

Q Would you look at No.11, Elwell? A. I do not know this person and I cannot be sure of Murdock Road. To the best of my knowledge no one is known of that name.

Q While that address is in our mind can you turn to Item 37, which appears to be the same address, but instead of Elwell the name is Helliwell? A. If I remember rightly, this is an address occupied by Indian people. No white people live there at all. I cannot be 100 per cent sure.

Q Can we go back to No.13? The first address given there is 45 Mostyn Road, Birmingham 21. A. This address does exist. It is occupied by two elderly white people and the man Harris is not known at that address. It says "Harris" here but ---

Q No.14, 17 Murdoch Road? A. That is also a house occupied by an Indian family and no one of that name is known. I do know the man Garnett.

Q What about 2 Constance Road? A. It is a lodging house. It has been utilised regularly by people who have been connected with drug abuse.

Q It is a common lodging house? A. I have never been there but I am aware that a number of these people have been there.

Q No.15 is 18 Soho Road? A. That is a club for Polish people. There is no one known at that address of that name, as having stayed there.

Q No.16, Hubrey. That is the same address as Harris, No. 13 - 45 Mostyn Road? A. Francis John Hubrey is known to me as being a person connected with offences in relation to drug abuse. He is not known at that address. It belongs to two elderly white people.

Q He has given a number of addresses. Do you know 45 Prospect Road? A. No.

Q In this list we have Birmingham 21, Birmingham 13, Birmingham 14, West Bromwich, Birmingham 12 and Birmingham 16. What is the area of Soho Road? A. Mostyn Road is in very close proximity to the Soho Road area - Birmingham 20 and 21. The other areas, Mosley, Birmingham 14, Kings Heath and Gillott Road, are all quite some distance away. West

Bromwich is out of the Birmingham city area completely, though not far away.

Q Are these other addresses genuine - Kingswood Road being the next one? A. I believe that to be a common lodging house but I have not been there myself.

Q What about Joiner, No.18. A. These are all so-called common lodging houses. I did not go there myself.

Q What about Jones, 37 Priary Close? A. Robert Owen Jones is a correct name. He is known to me. This young man lives at that address, which is a correct one, with his parents.

Q What about No.20 - 48 Grove Lane? A. The name is given as Kavanagh with a K or a C - Dermott Kavanagh or Cavanagh. He is not known to me. 48 Grove Lane is a cake shop. There is no accommodation at those premises and no one of that name is known there.

Q No.21, Kitchner? A. I believe it to be a false name. It was utilized by a man I know as James Tracy Sheedy, who is not here today. This man is wanted for other offences. I rather think this one is either non-existent or not known there. I cannot be absolutely sure.

Q It is one or the other? A. Yes.

Q Lodge or Lande I need not ask about. Can I go to Miller or Robich Aux? A. Harry Miller's correct name is Phillip Robich Aux. He is known to me. He has never used the address at Murdoch Road.

Q Other addresses appearing on the next page I think do exist. May we look at Nos. 28 to 32? A. No.26 on the schedule is Miss or Mrs Hillary O'Shaughnessy. The address is 48 Grove Lane. The man Kavanagh or Cavanagh gave the same address and that, I have already said, is false. No one of that name is living there. That is a cake shop. With regard to Robinson, 69 Lilac Grove, he is known to me and that is his correct address.

Q No.28 - Stoney Lane? A. I do not know the lady or the address.

Q No.29, Ryan? A. I am not in a position to say.

Q No.30, Sayce, Stirling Road? A. I do not know.

Q Shakespeare, of Finchpath Road? A. That I do not know either.

Q And Smith of Wellington Road? A. I have every reason to believe there is a Brian David Smith living at that address, although I do not know this man personally.

Q I think I can jump to No.36 on the last page, at 80 Broughton Road? A. That is the address I mentioned before. There is no one of that name known there. Either that or it is a non-existent address. I cannot honestly remember.

Q Following your examination of the prescriptions, on the 6th December 1973, together with a police constable also from the Drug Squad, did you go to see Dr Prasad at his surgery at 391 Soho Road, Handsworth? A. I did.

Q And did you speak to him about what you had found?
A. Yes, I did.

Q Can you tell us what it was you said to him? A. I went there to warn the doctor inasmuch as I was aware that a number of his patients, people seeing him privately, were giving him false names and addresses, and of the fact that a number of them were known to me to have been convicted of drug offences or to be connected with the abuse of drugs. I also told him that I was aware of the fact that some of these young people had been taken into hospital suffering with overdoses of the drugs that he had apparently described.

Q Having related that information to him, what was his reply? A. The doctor told me that he did not consider he could be held responsible for what these young people did once they left his surgery, neither could he be held responsible for what they did with the drugs that he prescribed. However, he did say that he would bear in mind what I had told him.

Q Was that the end of the interview? A. Yes, there were other words spoken but it literally was the end of the interview.

Cross-examined by Mr BAYLIS

Q What it amounts to, so far as these addresses, are concerned, is that some of them are correct - the patients concerned are living there? A. Correct.

Q And in quite a number of other cases the addresses are false but they are not wholly imaginary ones, as it were? A. No, there are two or three where the addresses are non-existent, but the vast majority are actual addresses.

Q Even though the person concerned may not have been living there at the particular time? A. Correct.

Q Young people of the kind we are talking about move around a great deal? A. They most certainly do.

Q It is possible that in some of these cases the patients may have lived at the lodging house but were not there at the time you visited? A. I have not visited all of these addresses personally but that may well be the case.

Q You have had very considerable experience of young people suffering from drug dependence or drug addiction?
A. I have worked as a Drug Squad officer for eight years.

Q Is it a common experience that they tend to give false names and false addresses? A. Yes, it certainly is.

Q When you saw Dr Prasad on the 6th December 1972 - you

have told the Committee why you went to see him - was he in any way difficult or obstructive? A. No, he was not difficult or obstructive. I had the impression that I may have been wasting his time. He was obviously a busy man, but he was not difficult or obstructive.

Q You said that he said something to the effect that he was not responsible for what the patients did when they had left the surgery? A. That is correct.

Q Is it possible that what he said was words to the effect that he was not able to control what the patients did with the drugs after they left the surgery? A. To the best of my knowledge he used the words "I can't be held responsible."

Witness withdrew

ROBERT OWEN JONES sworn

Examined by Mr DU CANN

Q What are your full names? A. Robert John Owen Jones.

Q And your address? A. 37 Friary Close, Handsworth, Birmingham.

Q And your occupation? A. Carpenter.

Q Have you been using drugs? A. Yes.

Q For about how long? A. Seven years.

Q In the main what type? A. I started smoking and went on to barbiturates, amphetamines and heroin. That is about it.

Q At one time during 1973 did you know Graham Robinson who gave evidence yesterday? A. Yes.

Q On the 1st November 1973 did you suffer from an overdose of drugs? A. Yes.

Q Which you had taken in company with Graham Robinson? A. Yes.

Q Together with some brandy? A. Yes.

Q As a result of which you were taken off to hospital? A. Yes.

Q What kind of drugs were those? A. Barbiturates, amphetamines.

Q What kind of barbiturate? A. Tuinal, and Dexedrine.

Q Who had obtained the drugs? A. I had.

Q Where from? A. Dr Prasad.

Q Had you obtained them on that day or some day previously? A. On that day.

Q That morning. Was that the first time that you had been in Dr Prasad's surgery? A. No, Sir.

Q How long had you been going there? A. Since June or July.

Q How frequently had you been going there? A. Once a week.

Q And what category of drugs had you been obtaining? A. Tuinal and Dexedrine.

Q In that combination? A. Yes.

Q Had you been going as a National Health patient or as a private patient? A. Private, Sir.

Q Had you paid anything for the drugs or for the prescription? A. Yes, for the prescription.

Q How much did you pay? A. Two pounds a time.

Q What quantity of drugs was prescribed for you on paying £2? A. At first 60 Tuinal and 60 Dexedrine and then it went down to 20 of each.

Q Was any reason given for reducing it? A. No, Sir.

Q Do I gather that you went back on a weekly basis? A. Yes.

Q On any of the visits, including that which led to the overdose, were you asked for a medical history by Dr Prasad? A. No, Sir.

Q Were you ever given a physical examination? A. No, Sir.

Q Did you advance any reason for wanting drugs other than the fact that you desired to have them? A. No.

Q Were you suffering from any complaint which would justify the drugs? A. Just depression, that was all.

Q After the overdose on the 1st November did you go on back to the surgery or was that the last time you ever went? A. I think I went back after that.

Q And did you obtain any further drugs? A. Yes.

Q Where do you get your drugs dispensed? A. Sometimes Roots in Birmingham and sometimes at another place in Birmingham, Cross's.

Q Was there any reason for going to two different places? A. In the daytime I would go to Cross's because it was cheaper and at night I would go to Roots because it was open till 10 o'clock.

Q Was that the only one open in Birmingham at night?
A. Yes.

Q Was anything ever said to you by Dr Prasad as to where you should or should not have the prescriptions dispensed? A. He said "Don't change them in Birmingham" - cash them.

Q Did you know why? A. No.

Q Did you ask him why? A. No.

Q I want you to look at this bundle of prescriptions which bear your name and your address as you have given them already to the Committee. Were those prescriptions all issued to you? A. Yes.

Cross-examined by Mr FAYLIS

Q You have told the Committee that you first saw Dr Prasad in about June or July of 1973? A. Yes.

Q At the time you first saw him were you taking drugs? A. Yes.

Q In what sort of quantity? A. Do you mean how many would I take when I took them?

Q How many would you take each day? A. As many as I had got.

Q How many could that amount to? Would it be as many as ten or twelve barbiturates a day? A. Yes.

Q It could be. Could it be more than that? A. It could be sometimes.

Q Could it be as many as, say, 20? A. It depends what strength they were.

Q Are you sure it was not the 4th October 1973 which was the first time you went to Dr Prasad's surgery? A. No, before that.

Q What makes you remember that it was before that? A. I do not know but I remember it was June or July that I started to go.

Q As far as you can remember did you see Dr Prasad between July and September of that year? A. Yes, Sir.

Q Are you sure it was Dr Prasad? A. There was a month when it was Dr Singh who was in charge of the surgery - four weeks.

Q That was another doctor who was working in this surgery? A. Yes.

Q Would you be good enough to look at the top prescription there? What date is that? A. 4.10.73.

Q I suggest that your recollection about dates in 1973 is at fault and that the first occasion on which you were seen by him was the date of that prescription, namely, the 4th October? A. No, because I saw him before Dr Singh was there. I saw him twice, I think, before Dr Singh spent the month at surgery.

Q When you first saw Dr Prasad did you tell him that you were having difficulty with sleeping? A. I cannot remember.

Q You may have done? A. I may have done.

~~Q Did you tell him that you had no doctor of your own?
A. No, I told him that I had a family doctor but he would not give me anything at all.~~

Q Are you quite sure you did not say to him that you did not have a doctor at all? A. No. I remember telling him that I had a family doctor.

Q Did you tell Dr Prasad that you were feeling very depressed? A. I do not think I did.

Q Were you suffering from depression at that time? A. Yes.

~~Q Do you think it is possible that you told Dr Prasad that?
A. I might have done.~~

Q Would you be good enough to look at the first prescription for the 4th October 1973? What is the prescription for? A. 20 Tuinal.

Q Is there any indication on there of how often you should take these tablets? A. One to two capsules at bedtime.

Q That is what Dr Prasad told you to do? A. Yes.

Q Turning to the next prescription, what date is that? A. The first of the 11th.

Q And is that for 20 Dexedrine and 20 Tuinal? A. Yes.

Q On that occasion did you tell Dr Prasad that you were still suffering from depression? A. I do not think so. When I first started going I may have told him that but after that I just used to go in and he would give me a prescription.

Q Do you remember that on the second occasion he weighed you? A. No, he never weighed me.

Q And that he carried out a physical examination? A. No examination.

~~Q Do you remember him writing on any paper apart from the prescription form? A. No.~~

Q Was it in respect of that occasion when you were taken to hospital, having taken too much Tuinal? A. I do not remember the date.

Q I think the date put to you by the gentleman who questioned you first - you do not remember whether that was the date or not? A. No.

Q Were you working at this time? A. Yes.

Q As a carpenter? A. Yes.

Q Were you working for somebody or doing piece-work?
A. I was working for myself - self-employed.

Q You were working full-time, were you? A. Yes.

Q And living at Friary Close? A. Yes.

Q Is that your parents' home? A. Yes.

Q How old are you? A. 22.

Q Do you remember the doctor asking you how old you were? A. Yes.

Q Do you remember him writing it down? A. He did not write anything down until I paid him a few visits and then he kept a record of how many I had taken and how many he had prescribed for me.

Q You did not come back to the surgery, according to the prescriptions issued, for something over a fortnight?
A. That could be.

Q Look at the third prescription. Is that dated 17th November? A. Yes.

Q Was that because the doctor told you not to come back for 14 days? A. It could have been, or it could have been that I did not have the money to go back. I do not remember.

Q Would you turn over to the next one, the 17th, and you will see it is dated the 18th? Can you explain how you came to receive a prescription on the 17th and another on the 18th?
A. I went to his surgery on the Saturday and got the one prescription for 20 of each, and I went to his house again on the Sunday, the day after, and got another prescription for 20 of each.

Mr DU CANN: That is a Saturday and Sunday, the 17th and 18th.

Mr BAYLIS: You told the doctor on the Sunday, when you went to see him at Regents Road, that you had lost the tablets which had been prescribed on the previous day. That is right, is it not? A. I think that is right.

Q Was that true? A. No.

Q It was not true? A. No.

Q What had you done with them? A. I had taken them.

Q And he believed you apparently and issued you another prescription? A. Yes.

Q Did he tell you not to come back for another week? A. No.

Q You did not, did you? You will find that the next prescription is dated the 24th November? A. Yes.

Q That was a week's interval from the previous prescription? A. I used to go back every week because I was paid on the Friday and I had the money then to go to the surgery to get a prescription.

Q You say that, but if you go on one further prescription you will find that you went back on the 27th. Why was that? A. Just to get more.

Q Think carefully and see if you can remember any reason for going back after four days, rather than after a week as the doctor had told you to? A. I cannot think of anything.

Q Is not it right that you told the doctor that you were going away to London and wanted a supply to last you till you got back? A. I may have told him that.

~~Q You may have done. Is that possibly correct? A. It could be. I would tell him all sorts of things.~~

Q On that occasion did you tell Dr Prasad that you felt that you were more able to cope with life? A. I do not remember.

Q Did you in fact go to London in November - about that time? A. No.

Q You never went to London at all? A. No.

Q But if it is true that you told him that, that would not be true? A. No, it would not be true.

~~Q Do you remember him telling you, "I will give you the prescription on this occasion but you are not to come back for another eleven days", that is to say, until the fortnight was over? A. I do not remember him saying that.~~

Q At all events, you did not go back, according to the dates of the prescriptions, until the 7th December? A. Yes.

Q And then after that, in another week's time, on the 14th December? A. Yes.

Q Are there any prescriptions after the 14th December? A. Yes, the 22nd December, 29th December, 11th January 1974, 19th January 1974, 25th January 1974, and the 7th February 1974.

Q All at intervals of roughly a week or ten days?

A. It was about this time - towards the end of last year - that I had to go back exactly on the day that the tablets ran out before he would give another prescription.

Q Do you remember seeing him on the 11th January 1974? There is a prescription of that date, is not there? A. Yes.

Q Do you remember that he said you must go to hospital? A. Yes, he did tell me that. He said he would give me a letter to attend All Saints but he never gave me one.

Q Was that because you said you would prefer to die rather than go to hospital? A. No.

Q You had been before, had you not? A. Yes.

Q For quite a long period in 1971 and 1972? A. Yes.

Q Why did you stop in November 1972 going to All Saints? A. Because they would not give me any treatment.

Q Have you ever been back there after December 1972? A. I was there in 1973 but I cannot remember when it was. I paid about six visits to the hospital.

Q Not after that? A. No.

Q Was it because they were not prepared to treat you at any rate in the way you wanted that you refused the doctor's suggestion that you should go to hospital? A. Yes, I would have gone to the Hospital if he had given me a letter but he never gave me one.

Q Was there any reason, so far as you know, why he would not give you a letter? He said he offered to? A. No, he just said that he would give me a letter and that I would have to start attending All Saints, and he just never mentioned it again after that.

Q Was that not because you said, "I am not going to that hospital"? A. No, because I would have gone if I had had a letter from him.

Q Did you ask him on any subsequent occasion, "Where is the letter?" A. No, I never mentioned it.

Q I suggest that the reason you did not get a letter referring you to hospital was that you refused point-blank to go back to hospital, and indeed said you would rather be dead than go back to the hospital? A. No.

Q On the 25th January 1974 you went to see Dr Prasad again? A. Yes.

Q Did you complain on that occasion of a severe pain in the back? A. No.

Q A pain in the tummy? A. No.

Q And ask him for something for that? A. No.

Q He changed the prescription, did he not? A. He added Multivite.

Q This prescription - correct me if I am wrong - is for Tuinal, 20 tablets of Diconal, and 20 tablets of Multivite? A. Yes.

Q There was no Dexedrine on that occasion? A. No, it was changed to Diconal. That was because I asked him for Diconal.

Q Do you know anything about Diconal? A. Nothing.

Q Do you know what it is for? A. No, Sir.

Q Did he tell you that Diconal would relieve the pain in your back? A. No, I did not have a pain.

Q What did you say when you got the prescription for something called Diconal? A. I had asked him to change it from Dexedrine to Diconal.

Q And he said he would do that? A. Yes.

Q You cannot remember him saying why he was going to do that? A. No, he never asked me why I wanted the Diconal.

Q Did he give any indication as to why he was adding a prescription for Multivite? A. No, Sir.

Q Do you know what Multivite is? A. It is a vitamin tablet.

Q The last prescription is dated 7th February, is it not? I think we can take it that it is. We are working on a schedule of these prescriptions. Was that a repeat prescription for the Diconal? A. Yes, 20.

Q Did he repeat that prescription because you had told him that the pain in your back had been relieved by the previous Diconal that you had been given? A. No, I just asked him for Diconal again and he just made the prescription out.

Q That was the last occasion on which you received the prescription from Dr Prasad, was not it? A. Yes.

Q Was that the last time you saw him? A. Yes.

Q Do you remember that he said words to the effect of "This is the last time, I am warning you, you must go to All Saints Hospital"? A. Not that I can remember. I just stopped it of my own accord. I packed it in. I have not taken any drugs since January or February. That was the last time I went to him. I have been working seven days a week since then and have not seen a doctor or bought any at all. It was my own choice that I stopped seeing the doctor.

Re-examined by Mr DU CANN:

Q You have told us that you had a family doctor and that he would not give you any drugs, and you told the doctor that - is that right? A. Yes.

Q What is the name and address of your family doctor?
A. Yukevich, but I do not know the address.

Q You know how to get there? A. Yes. I have never been to him to try to get anything off him. I have hardly ever seen him since I was a child. That was the last time I went.

Q Do I understand that you told the doctor - you said you told him all sorts of things - that your family doctor would not give you any drugs? A. Yes.

Q You have told us that to begin with the doctor kept no records of the drugs he was giving to you? A. Yes.

Q But at some time he started to keep a book in which he listed how many he had given and the dates on which he had given them? A. Yes.

Q Can you tell us about when roughly speaking that was? You were seeing him from the beginning of October reasonably continuously up till the 7th February? A. I think I had made about six or seven visits to him - maybe only five - and then he produced this book, and he had my name and address, and I had to bring proof of identification - who I was and where I lived - and he entered it all in the book, and then he would keep a record of every time I visited him.

Q Can you describe the book to us? A. It was about 8 in. long by 6 in. wide, a white pad, and there were records of everybody who ever attended his surgery.

Q Had it a cover? A. No.

Q Did it open sideways or from the top? A. From the top.

Q What was the colour of the paper inside? A. White.

Q Was it lined? A. It had got writing in black and it was split off into sections.

Q Was there any kind of index to the book so that he could turn to J for Jones? A. No, he just flipped through the book until he found the name.

Q So far as you could see was it kept on a name basis or a date basis? A. Everybody had his own separate page and every time I went he would flip through it. You had to come in at a certain time. If you went in a day early he would not give you a prescription. You had to come in exactly on the day if you wanted a prescription. That is when he started keeping the book.

Q You say that he started a system under which you had to go back exactly on the day when your tablets ran out before he would give you any other prescription? A. Yes.

Q The tablets running out according to the amount you were supposed to be taking, as written on the prescription? A. Yes.

Q And you put that as being about the end of 1973? A. About November or December.

Q You have been asked about the individual prescriptions. On 22nd December, 29th December and then the 11th January he appears to have given you 40 tablets of Dexedrine and 40 of Tuinal, as opposed to the 20 which he had given you before? A. Yes.

Q What was the reason for that? A. For £2 you could have 20 of each, 20 Dexedrine and 20 Tuinal, and for £5 you could have 40 Dexedrine and 40 Tuinal.

Q So was it simply a matter of having extra cash? A. Yes.

Q Was there any medical reason why you had an extra amount? A. No, Sir.

Q I gather that from the 7th February you have given up drugs completely? A. Yes.

Witness withdrew

JOHN GABRIEL MURRAY sworn

Examined by Mr DU CANN

Q What is your full name? A. John Gabriel Murray.

Q And your address? A. 5/48 Bristol Road, Edgbaston, Birmingham.

Q That is Flat 5, 48 Bristol Road, is it? A. Yes.

Q How far is Soho Road, Birmingham, from there? A. Four or five miles.

Q How old are you? A. Twenty-five.

Q Are you in work at the moment? A. Yes.

Q As what? A. A pipe fitter.

Q Until the late spring of 1973 were you receiving treatment at All Saints Hospital? A. Yes.

Q That is at the Addiction Unit there? A. Yes.

Q What drugs were you getting from them? A. Prinamyl, Tuinal and Resbutal.

Q I think you came to be involved in some court case in Birmingham? A. Yes.

Q Involving drugs? A. Yes.

Q And as a result were you struck off their treatment list? A. Yes.

Q Were you able to get another supply of drugs from some other source? A. There are various sources in the streets of Birmingham on the black market but they are not reliable sources.

Q And eventually did you go to the surgery of Dr Prasad?
A. Yes.

Q Can you tell us when it was, from your recollection, first of all, roughly speaking, that you went there first?
A. I think it was about September or October.

Q At what time of day did you go? A. Night time.

Q Were you going as a National Health patient or a private patient? A. Private.

Q When you went in on the first occasion and saw the doctor were you asked any questions by him? A. He asked me why I wanted these things and I told him I had been a previous addict at All Saints but All Saints would not treat me, and would he treat me, and he obliged.

Q You say the doctor asked you why you wanted these things. What had you said to him that you wanted? A. Well, I had to hear from someone of this doctor.

Q We can imagine that you got the name from someone.
A. And I heard what they were getting so I asked for Durophet and Tuinal.

Q Had you taken Durophet previously? A. Yes, many times.

Q But through All Saints had you been taking it? A. No.

Q What about Tuinal? A. Tuinal, yes.

Q You had taken that. But through All Saints? A. No.

Q Did you specify any quantity that you wanted? A. Yes.

Q How many? A. Twenty of each.

Q How did you put it to the doctor? A. 20 and 20.

Q Just "I want 20 and 20"? A. Yes.

Q How soon after you had got into the doctor's surgery did you say that? A. One or two minutes.

Q Did you give your name? A. Yes.

Q As you have given it to us? A. Yes.

Q And your address? A. Yes.

Q Were you asked for any proof of identity? A. Yes.

Q Were you able to give something? A. No.

Q And then, having had the conversation about being at All Saints, and that All Saints would not give you any further treatment, what happened next? A. The doctor wrote out a prescription for 20 Tuinal and 20 Durophet and said that that would be £3.

Q What did you say to him then? A. I gave him the £3 and he said "Thank you" and I said "Shall I come back next week?" and the doctor said "Yes."

Q Did he ask you any questions about your medical history? A. No, I do not think he did.

Q Did he examine you at all? A. No.

Q Apart from your telling him that you had been to All Saints and they would not give you any further treatment, did he ask you anything about any other treatment that you had had for drugs? A. No.

Q Or about your own doctor? A. No.

Q Following that first visit did you go back on a fairly regular basis until mid February of 1974? A. Yes.

Q Did he ever during that time ask you any questions about your medical history or condition? A. No.

Q At one point, as we can see from the schedule, in mid-December, he started giving you 40 Durophet and 40 Tuinal? A. Yes, that is correct.

Q How did that come about? A. I was going on a weekly basis, and then it was starting to be fortnightly, and that was why I was getting 40 and 40.

Q What payment did you make for 40? A. £5.

Q Just look at these prescriptions. There are, I think, ten of them in all. Are those the prescriptions you have got? A. Yes.

Q Is there any particular place where they were dispensed or did you get them dispensed all over the place? A. At various chemists in the city.

Q Why did you go to various different chemists? A. It was common sense, really, but the doctor had put it to me that it would be better to go to a different chemist all the time.

Q You stopped going on the 15th February, as we can see from the prescriptions. How did that come about? A. Well,

the police approached me one day and they said, "We are going to do Dr Prasad - will you make a statement?" After that everyone I knew who had been using the doctor and getting treatment from him was not going any more, so I did not go at all then, and the doctor put the notice up in the surgery saying, "No more barbiturates or amphetamines will be prescribed."

Q Did you receive any telephone call from the doctor after that? A. Yes.

Q What did he want? A. He wanted to see me but I was just leaving for work in the morning and could not have a very long conversation with him.

Q Did he say what he wanted to see you about? A. Over what had happened to him.

Q In what way? A. He wanted to know why people were making statements against him and things like that.

Q Was he wanting you to do anything? A. We did not have much time for conversation on the 'phone. He just wanted to see me and I said, "If I can I will come round and see you", but I did not get round to it.

Cross-examined by Mr BAYLIS

Q It was the 11th October 1973 when you first went to Dr Prasad's surgery? A. Yes.

Q That is right, is it? A. I cannot recall the exact date but I know it was around October.

Q You gave him your name and address as 5/48 Bristol Road? A. Yes.

Q Is that a true address? A. Yes.

Q Did you tell him you were 24 years old? A. Yes.

Q That is right, is it not? Did you mention any address in London at any time? A. No.

Q Does 18 Church Crescent, NW5, mean anything to you? A. Is that in Finchley?

Q I think it probably is. A. Yes, it does mean something to me.

Q Did you tell Dr Prasad that you were feeling very depressed and could not sleep at nights, sometimes not being able to get to sleep until two o'clock in the morning? A. I may have done on other visits but definitely not on the first visit.

Q Did you tell him that because of this you found it difficult to do your job properly? A. Yes, I may have done.

Q Do you remember telling him that you tried Mogadon,

and also Nembutal? A. No.

Q Do you remember those drugs being mentioned at all?
A. I may have mentioned Nembutal or Sodium Amytal but not Mogadon.

Q What was your weight at that time, can you remember?
A. Nine stone.

Q Are you sure it was not 8 stone 1½ lbs? A. No.

Q The doctor weighed you, did he not? A. No, he did not.

Q And he examined you, did he not? A. No.

Q Did he write anything down on any paper apart from what he wrote on the prescription? A. He kept his own record of what he had given me.

Q Did he ask you to sign anything? A. I think he did once but I do not know when it was.

Q Would you be good enough to look at the top right-hand corner of this? Do you see your signature there? A. Yes.

Q Is that your signature? A. Yes.

Q Perhaps it would be easier for me to read this. Is it your signature under the words, "I certify that I have not received medicine from any other doctor"? I think those are the words. I am told now that it is, "I don't receive medicines from anywhere else." Would you look and see whether you recall that? A. That is what it looks like, yes.

Q Was that true, --- A. I cannot recall it.

Q Was it true that at that time you were not receiving medicines from anywhere else? A. Yes.

Q Would you look at the next prescription, the second one? You did not see Dr Prasad again for another month, did you - the 9th November? A. Yes.

Q Did you tell him that you were feeling better - more able to concentrate? A. The treatment I was getting from the doctor was obviously helping me, because I was addicted to drugs at the time and I was feeling slightly better.

Q Did you tell him that the Nembutal did not suit you? A. Yes.

Q And he changed the prescription, did he not, on that occasion from Nembutal to Tuinal? A. Yes.

Q As a sedative Tuinal continued, did it, until the prescription on 21st December? A. Yes.

Q When there was a change back to Nembutal? A. Yes.

Q May we look at the prescription dated 11th May? I think it is the seventh down. Has this got a third medicine or drug on it? A. Yes.

Q What is that? A. Solprin.

Q How many? A. 15.

Q Have you any recollection of how Solprin came to be prescribed on that occasion? A. I think it is a pain killer of some sort and I do not know why I got it at all.

Q Did you take the Solprin? A. No, I have still got it at home. I have not touched it.

Q You have no idea why those were added? A. No.

Q The last occasion on which you attended the surgery was the 15th February? A. Yes.

Q Do you remember that the doctor gave you a prescription then and advised you to cut down your dosage of these drugs that you were taking? Do you remember him doing that? A. I was not cutting the doses down but the strength of the drug itself.

Q Did he advise you that you must cut down your consumption of these drugs? A. He prescribed a bottle of syrup to help.

Q Was this on the last occasion? A. Yes.

Q This prescription contains 100 ml of Syrup Becosyn, 5 ml to be taken twice a day with fruit juice. I am instructed that it is a vitamin preparation of some sort. On this last occasion do you remember the doctor telling you that you ought to go back to the Addiction Unit at All Saints Hospital? A. The doctor said he was going to refer me to All Saints. He did not tell me to go there.

Q At all events, he was suggesting that you should go back to the Addiction Unit? A. I told him it was impossible because All Saints did not want to know me.

Q You say that some time after the 15th February 1974 you saw a notice put up outside the doctor's surgery? A. Yes.

Q To the effect that there was no question in future of any prescriptions for amphetamines or drugs of that sort being prescribed? A. Yes.

Re-examined by Mr DU CANN

Q Would you look again at this document which has been shown to you and on which you have identified your signature (exhibit 6)? A. Yes.

Mr DU CANN: Not all the members have seen this yet.

Mr BAYLIS: I have copies of all of them. I can supply copies of the documents which everybody has been talking about.

Mr DU CANN: The document this witness has would appear to be the first document, at page 1 of the photostat copies which you have been handed. You have got the original. Would you look now at the word "Name"? There is your name, John Murray, and "24 yrs"? A. Yes.

Q In a blackish biro ink? A. Yes.

Q Am I right in thinking that the same kind of ink has been used to write the address 5/48 Bristol Road, Edgbaston, Birmingham? A. Yes.

Q And I think also the London address immediately under that? A. Yes.

Q Then there is a bracket sign and there appears your signature "J.G. Murray"? A. Yes.

Q Just above the word "Address" which is printed on the form there is a little line with an arrow? A. Yes.

Q And then there is something written in a different pen? A. Yes.

Q Across where the word "Notes" is printed we see: "I certify that I am not getting drugs from anywhere else", or words to that effect? A. Yes.

Q Is the pen in which that is written the same as the pen in which your address is written and with which you signed this form? A. No.

Q When you signed this form were those words, "I certify that I am not getting drugs from anywhere else" on this form? A. They may have been but I really do not think they were.

Q Did you sign the form with a pen given to you by the doctor? A. Yes.

Q Just under your signature to the right of the long stroke of the "y" there appears to be a date? A. Yes.

Q What is that? A. 11th October 1973.

Q That is the date which appears on the first prescription that we have got? A. Yes.

Q Just look underneath your name "John" going right to the left-hand margin. Is there a date there? A. Yes.

Q What is that? A. 11.10.73.

Q Is the pen in which those two dates are written the same pen in which your name and address and signature are written, or the same pen in which the words "I certify that I am not getting drugs from anywhere else" were written? A. The same

pen as the "I certify", etc., was written.

Q You have been asked about the additional item put on the very last prescription on the 15th February 1974 - Becosyn. Did you have any conversation with the doctor about suffering from a Vitamin B deficiency? A. No.

Q Did you know that you were suffering from any lack of vitamins? A. I had no idea at all.

Q Do you remember any conversation to that effect? A. No.

Q Did you know that this is a preparation which appears to be recommended for infants and children? A. No.

Q How old are you? A. 25.

Mr DU CANN: I am referring to the latest edition of MIMS in asking that question.

The PRESIDENT: Becosyn is widely used for adults as well.

Mr DU CANN: I am very grateful.

Witness withdrew

PHILLIP ANTHONY ROBICH_AUX sworn

Examined by Mr DU CANN

Q Is your full name Phillip Anthony Robichaux? A. Yes.

Q Where do you live? A. 31 Buckland House, Edgbaston, Birmingham 15.

Q I think you have just been released from Winson Green? A. No, Stafford.

Q After serving how long a sentence? A. Six months.

Q For what offence? A. Forging prescriptions.

Q To obtain drugs? A. That is correct.

Q What category of drugs? A. Barbiturates.

Q When were you sentenced? A. The 7th February.

Q This year? A. Yes. I got out on the 24th May.

Q Prior to your being sentenced had you been treated as an outpatient at the Drug Addiction Unit at All Saints Hospital? A. That is correct.

Q And I think in fact at various periods you had been treated as an inpatient as well there? A. Yes.

Q Were you being treated at the Hospital during 1973? A. Yes.

Q Either as an inpatient or an outpatient? A. Yes.

Q I need not trouble you with the details but in 1973 did you go to the surgery of Dr Prasad in Soho Road?
A. Yes.

Q Did you go as a National Health or private patient?
A. Private patient.

Q For what purpose did you go there? A. To obtain drugs.

Q What category of drugs were you after in particular?
A. Dexedimes and barbiturates.

Q ~~When you went into his consulting room did you give information about yourself?~~ A. I gave a false name and a false address and that was all that was required.

Q Were you asked anything about your medical history?
A. No.

Q Anything about your personal condition? A. No.

Q Were you asked about your family doctor? A. Yes, I was asked about a family doctor and I gave the name of a doctor in Manchester.

Q You gave the name and address of a doctor? A. In Manchester.

Q What did you ask for? A. I just asked for something to keep me awake at work during the day and to put me asleep at night, and I was given Durophet to take during the day and Tuinal for the night.

Q Were you required to produce any further justification for that? A. Nothing.

Q Were you examined by the doctor? A. No.

Q Were you given a prescription? A. Yes.

Q Did you have to make any payment? A. I paid £3 the first time.

Q Do you remember the number of times that you went to Dr Prasad altogether? A. Roughly about eight times.

Q And did you get a prescription each time? A. Yes.

Q For the same drugs? A. Yes.

Q Did you have any difficulty about getting the prescription? A. No.

Q Was there any examination at any time or any questioning at any time? A. No.

Q Did you get the same quantities each time?
A. The first time there were about 20 of each and on other

occasions I was getting 40 of each.

Q How much did you have to pay if you got 40? A. £4.

Q Was anything said to you about dispensing the drugs or getting them dispensed? A. I was told not to use the same chemist.

Q And did you obey that instruction? A. Not very well, no.

Q I want you to look at those prescriptions that we have got. There are three of them in all, as shown from the schedule, covering two dates in October and one in November 1973. Are those three of the prescriptions that you got?

A. Yes.

Q Can you tell us where it was you got the others dispensed or not? A. I gave the information to the Drug Squad who came to see me, but apparently they have not found him yet.

Q There came a time when you did not go to Dr Prasad any more? A. Yes.

Q Why was that? A. I was doing pretty well when I was an in-patient in the hospital and was having a good cure in hospital, All Saints, and did not really need the drugs at the time until I hit a hard period, and then I went to see him and I took the script pad from the surgery and I was sent to prison for it.

Q Would you look at the original document which is shown at about page 9 of the new Exhibit 7. Did you sign anything at all when you were in the doctor's surgery on any occasion? A. No, I did not.

Q You know the address you gave was 4 Murdoch Road? A. That is correct.

Q Were you ever asked to confirm in any way your name and address? A. No, nothing.

Q Would you look at this? In the left-hand column at the top the name you gave appears? A. Yes.

Q Is that your correct date of birth, 11.4.50? A. No.

Q What is your date of birth? A. 11.6.51.

Q Then it says "4 Murdoch Road, Handsworth, Birmingham 21"? A. Yes.

Q And in the right-hand column the signature "H. Miller"? A. Yes.

Q Is that your signature? A. Yes.

Q You did put that on? A. Yes.

Q Can you read the words above your signature? A. Not very well, no.

Q What does it appear to be? A. "I Harry Miller hereby certify that I am receiving treatment" or something, "and not from anybody else."

Q Is that in the same pen as your signature? A. No.

Q Were those words on the document when you signed it? A. No.

Q With regard to the date just to the right of your signature, 18.10.73, is that date written with the same pen in which you have signed the document or the same pen in which the certification appears? A. The same pen as the certification.

Cross-examined by Mr BAYLIS

Q Was it true that you were not receiving treatment from anyone else other than Dr Prasad? A. I was receiving treatment at All Saints.

Q If that appeared on there that would be false? A. That is correct.

Q And your name, "Mr Harry Miller", was false? A. That is correct.

Q Was the address "4 Murdoch Road, Handsworth," correct? A. That was false.

Q And the date of birth, 11 April 1950, was false? A. That is correct, yes.

Q The Committee will see that the entry records "Bed-sitter flat." Were you living in a bed-sitting room flat? A. At that time I was living at home.

Q That was false as well. All the information you gave the doctor on this occasion was a tissue of lies, was it not? A. That is correct, yes.

Q He questioned you about yourself, did he not? A. No, he did not.

Q You told him that you had been taking drugs, did you not? A. I just asked him for some drugs to keep me awake at work and drugs to put me to sleep at night.

Q You discussed that with him? A. Yes.

Q You said that you had no discussion of any sort with the doctor? A. I said, "Can I have something to keep me awake in the day and to put me to sleep at night?". He said, "What would you like?" I said, "I don't know" and he prescribed these drugs, and that was the limit of the discussion.

Q And he gave you a prescription for some Durophet and some Tuinal? A. Yes.

Q And he told you, did he not, that you could take, so far as the Durophet were concerned, two or three capsules each morning at breakfast time. A. That was written on the prescription.

Q But he told you as well? A. I cannot remember now.

Q He may have? A. He may have.

Q So far as the Tuinal is concerned, he told you that you should take two or three capsules each night when you went to bed? A. He may have done.

Q He told you, did he not, to come back in a week's time and see him? A. Yes.

Q And you did? A. Yes.

Q On the 24th October, when you got a prescription in precisely similar terms? A. Yes.

Q And you went to see him some three weeks later, on the 13th November. That is right, is it? A. I think so, yes.

Q And you got a similar prescription? A. That is correct.

Q That is the last time you saw Dr Prasad, is it not? A. It is not, no. I went a couple of times after as well.

Q Presumably receiving no prescription? A. That is correct.

Q At all events, you were sent to prison in February? A. Yes.

Q Had you been arrested before that? A. I was arrested on January 7th.

Q Were you on bail? A. I was on remand for three weeks in custody and I was let out on bail for a week.

Q Effectively you were in custody from the middle of January? A. Yes, from the beginning of January.

Q You say you gave Dr Prasad the name and address of your doctor - a doctor in Manchester? A. Yes.

Q Was that by any chance true? A. No, it was a lie as well.

Q That was false. There was no doctor? A. Yes.

Q You just made it up? A. That is correct.

Q I suggest that he said nothing at all about where you should have the prescriptions made up. You say he said you should not always use the same chemist? A. Yes.

Q I am suggesting that that is not correct? A. It is correct.

Q And that, like everything you told the doctor, was also false? A. No.

Re-examined by Mr DU CANN

Q The three prescriptions we have are dated October and November. Did I understand you to say that you went on other occasions after those three? A. Correct.

Q Did you get any prescriptions from the doctor? A. Yes.

Q And were those dispensed for you in due course?
A. Yes.

Witness withdrew

ROBERT JOSEPH DONNELLY sworn

Examined by Mr DU CANN

Q What are your full names? A. Robert Joseph Donnelly.

Q And your address? A. 2 Constance Road, Edgbaston, Birmingham 5.

Q And your occupation? A. General labourer.

Q And were you living at that address in the latter part of 1973 and the beginning of this year? A. Yes.

Q How old are you? A. 28.

Q Did you go to Dr Prasad's surgery in Soho Road? A. Yes.

Q Before I show you any documents, how many times did you go there roughly? A. Four times.

Q When was the first? A. It was around November 1973.

Q And the last? A. December 1973.

Q What did you go there for? A. Amphetamines and barbiturates.

Q Had you a family doctor of your own? A. Yes.

Q Would you have got amphetamines and barbiturates from your own family doctor, do you think? A. No.

Q Tell us what happened when you walked into Dr Prasad's surgery. A. I sat down.

Q You had never been there before? A. No.

Q So what did you say? A. I was asked what I wanted and I said "Amphetamines and Tuinal", and I took out some money and gave it to him and got a prescription.

Q Were you asked any questions by the doctor at all?

A. No.

Q Were there any questions of any kind to justify wanting drugs of that kind or any questions about your medical history? A. No.

Q Had you attended the All Saints Addiction Unit at some time in the past? A. Yes.

Q Were you asked any questions about any treatment you might have had for drugs - asked by Dr Prasad? A. No.

Q Did he examine you at all? A. No.

Q What did he give you on the first prescription?
A. 40 Durophet and 40 Nembutal.

Q Forty of a barbiturate and what else? A. And 40 amphetamine.

Q How much did you have to pay for them? A. I paid £5.

Q Just have a look at these two prescriptions. The first is dated 21st December 1973 and the second is dated January 1974, when the prescription is cut down to 30 Durophet and 30 Nembutal? A. Yes.

Q Can you tell us why it was cut down? A. I was told it was because of the number of people going there.

Q Was there any medical reason given to you for cutting it down? A. No.

Q From what you have said those are not the only scripts that were issued to you by the doctor. What was the maximum number of tablets that you ever got from the doctor? A. 30 and 30.

Q We have got one prescription there for 40 and 40, have we not? A. Yes.

Q Is that the maximum number that was ever issued?
A. Yes, that is the maximum.

Q Where did you get the prescriptions dispensed?
A. One at Poots, and I have been to Associated, and to Villa Cross.

Q Why did you go to different chemists for this purpose?
A. We were told not to go to the city, to Associated and Poots.

Q Who told you that? A. Dr Prasad.

Q Did he tell you why? A. No.

Q When you talk about the number of people going to see him, did you know any of the people that you saw in the waiting room? A. Yes, practically everybody.

Q You knew practically everybody? A. Yes.

Q As being what? A. Drug users.

Q At the time you were going, certainly in December and January - possibly from an earlier period - about how many people did you see going to the surgery on the occasions when you were there? A. There were always six to eight there.

Q Was there anybody there whom you did not recognise?
A. Yes.

Q Would you look at this card? In the left-hand column ~~there is the name Robert Joseph Donnelly, and then the date of birth, 28.5.45.~~ Is that your date of birth? A. Yes.

Q And then the address, 2 Constance Road, Edgbaston?
A. Yes.

Q And there appears to be a signature in the right-hand column directly under the word "Notes"? A. Yes.

Q Is that your signature? A. Yes, it is.

Cross-examined by Mr BAYLIS

Q The first of these is dated 21st December 1973? A. Yes.

Q That is the first occasion on which you went to Dr Prasad's surgery, is it not? A. Yes.

Q He asked you your address, which you gave. Is 2 Constance Road your real address? A. Yes.

Q Do you live with your parents there? A. No, I lived with my Common Law wife.

Q Did you tell Dr Prasad what your occupation was?
A. I cannot remember if I was asked but I do not think so.

Q Underneath your name is there a reference to an occupation? A. Machinist.

Q Are you a machinist? A. No.

Q Did you tell him you were a machinist? A. I do not remember saying it.

Q What are you now? A. I am a gutman - a ditch-digger.

Q You will see that underneath the word "machinist" there is "Works in Thomas Walkers, St Paul's Square, Hockley".
A. Yes, I did work there.

Q And you told Dr Prasad that is where you worked? A. Yes.

Q And it was true? A. Yes.

Q So there was some conversation with him? A. Yes, there was some conversation.

Q We get the impression from your evidence that you simply walked in and said "Twenty of these and twenty of those" and slapped the money on the table. There was some conversation. There was a conversation about your condition, was there not? A. There was no conversation about health risks or anything.

Q No conversation about your previous health? A. No.

Q Was there any conversation about the fact that you had been a patient of All Saints Hospital? A. If there was I do not remember it.

Q Was there any conversation at all about your feeling depressed and finding it difficult to do your work? A. No.

Q Were you addicted to drugs at this time? A. No.

Q Did they ever make you feel depressed, making it difficult for you to do your job? A. Yes.

Q But you say there was no conversation about any of them? A. There was no conversation about them.

Q What is your date of birth? A. 28.5.45.

Q That is recorded there, so that is right. That was something else which was discussed? A. Yes.

Q How long were you in the doctor's surgery on this occasion? A. About four to five minutes or even less.

Q Did you tell Dr Prasad the name of your own doctor? A. I cannot remember if I did but I do not think I did.

Q Would you look at this? It says, "Dr Harrison, Tennyson Road, Small Heath". Is that your family doctor? A. I must have told him.

Q Did you tell the doctor that you never went near him? A. Yes, I think so.

~~Q Would you look at the prescriptions? Does it indicate how often these capsules were to be taken? A. Yes.~~

Q What is it? A. Two to three times a day.

Q That is what the doctor told you, was it not? A. Yes.

Q Did the doctor tell you how soon after the 21st December you were to come back to see him? A. No.

Q In fact, you went back on the 10th January. I am sure it is difficult to remember these dates. Luckily we have some documents. Did you go back there and get another prescription? A. Yes.

~~Q The doctor prescribed the same drugs, but so far as the Durophet was concerned it was a lower strength? A. True.~~

Q Did he tell you why he was prescribing in a lower strength? A. No.

Q I think you have come too readily with me. I do not think it is the strength that is reduced but the number. I misled you. You answered too readily. In fact, on the second occasion you went the strength of the Durophet was the same but in both cases the number of capsules prescribed was reduced. That is right, is it not? Are there certain entries against 10th January 1974? In the middle, under "Address", there is your address repeated - 2 Constance Road, Birmingham? A. Yes.

Q And underneath that, "Tells his girl friend has flushed all the tablets and capsules in the toilet. Swears in the name of God that I have lost all the capsules given to me on 8.1.74". Does that bear a signature slightly above those words? A. There is a signature up above but not where these words are.

Q You see the words I have just read? A. Yes, "Tells his girl friend..."

Q On the right of the word "friend" is there a signature? A. On the line above.

Q Is that your signature? A. Yes.

Q Is it right that your girl friend had flushed some of the capsules down the lavatory? A. Yes.

Q That is true, is it? A. Yes.

Q And you went and told the doctor. Did he issue another prescription? A. First he got the police.

Q How did he do that? A. He had arranged it. He told me to meet at his house and we waited till half-past six and I rang him up at Portland Road and he said, "Give me your 'phone number", so I gave him my 'phone number in the 'phone box and waited for a few minutes, and the 'phone rang and somebody said, "Please lay off the doctor, Bob".

Q Would you repeat that? A. When the doctor did not come by half-past six I rang him back at Portland Road and he asked for my telephone number, which I gave him, and put the 'phone down. After about three minutes the 'phone rang and the voice said, "Please lay off the doctor, Bob", so I put the 'phone down and left the area, as I was told that the police were coming.

Q Was that the last occasion on which you had anything to do with Dr Prasad at all? A. No, I went the next day to see about it.

Q Did you ever visit his surgery again? A. After he 'phoned the police I went the next day.

Q What happened? A. I got a prescription.

Q What date was this? A. I do not know the right dates.

Q Your girl friend did destroy some of the capsules which have been prescribed. The matter was referred to the police in some way or another and on the following day a repeat prescription was issued? A. Yes.

Q The doctor clearly accepted your explanation as being true? A. We must have.

Q And did you ever go to the doctor's surgery again after that? A. No.

Re-examined by Mr DU CANN

Q I want you to look at that second signature of yours that you have just been asked about. To the left of it there is a bracket and a single line? A. Correct.

Q Which seems to cover your signature and perhaps two entries immediately above, reading "(1) Nembutal (20) (2) Durophet (20)", I think. Neither of those two amounts, Nembutal and Durophet, appear on either of the two prescriptions we have got. Can you tell us what it was that you were signing there? A. This must have been for a repeat prescription.

Q Were you signing the statement which appears in the lines below, which is written with two different pens, if I am seeing correctly this morning? When you signed that document was this written explanation down here on the document or not? If you do not know you must say so.
A. I do not know.

The PRESIDENT: I have not got clearly into my head about this telephone box. The police had been informed by whom?
A. Dr Plasad, I presume.

Q How did you discover this? A. When I left the 'phone box I went to a pub that I frequently use and when I arrived there the Drug Squad were there, and I was asked outside.

The PRESIDENT: Mr Du Cann, two of your previous witnesses find these proceedings very amusing. Need they stay in this room?

Mr DU CANN: No; I will make arrangements accordingly.

The PRESIDENT: My comments do not include Mr Owen Jones.

Witness withdrew

Mr DU CANN: That completes the witnesses who obtained prescriptions. My next witness is the Home Office Inspector.

HENRY BRYAN SPEAR sworn

Examined by Mr DU CANN

Q What is your full name? A. Henry Bryan Spear.

Q I think you are a Deputy Chief Inspector in the Home Office Drugs Branch? A. Yes.

Q After collecting certain prescriptions issued by Dr Prasad from the beginning of September onwards at a limited number of chemists' establishments in Birmingham, did you go on the 19th February 1974, together with a Mr Waters, a Senior Inspector of the same branch, to the doctor's surgery and waiting room in Soho Road, Birmingham? A. Yes, the only point is that the prescriptions were at that stage collected by the police on our behalf.

Q I want to deal with the essential matters, if I may. After waiting for a while, at about 8.25 did you introduce yourselves to Dr Prasad? A. Yes.

Q And ask him about his stocks of controlled drugs and then about his drug register which he is required to keep? A. Yes.

Q And he told you that it was at home and that you would have to go to his home in order to see it? A. Yes. He said he kept it there in case it was stolen from the surgery.

Q Did you tell him that you knew he had been issuing a lot of prescriptions for controlled drugs, which was a matter you would like to discuss with him? A. Yes.

Q What did he say to that? A. He said he issued a lot of drugs to a lot of people. I then said that the ones I was interested in were a clearly identifiable group. They were people who were getting mainly Durophet from him on private prescriptions.

Q Did you then show him all the prescriptions which were in your possession? A. Yes.

Q Which form the basis of the main schedule which the Committee have in front of them? A. Yes. It was not the total number.

Q I appreciate that. On the later visit the further ones were shown to him then? A. Yes.

Q Dr Prasad I think agreed that all the prescriptions, with the exception eventually of four, which I will point out to the Committee, on the last page of the schedule, had been issued by him. Of the ones which were not issued by him - I accept that they were not because they bore the signature of Dr Singh - were the first three issued in the name of Yates (Case No. 34), on 21st October, 17th November and 20th November, and then the one prescription for Mr Fall (Case No. 35) issued on the 3rd September 1973? A. Yes.

Q I think there was conversation about prescriptions with altered dates and conversation about prescriptions without dates. We need not trouble with that at all. After that did you ask him if he would be surprised to know that there were about 40 different names in respect of these drugs? A. Yes.

Q Did you then ask, "Are there any more than that?" A. Yes.

Q What was his reply? A. He thought it was about that number but he did say that the patients came many times, crying, and with various stories, and there could have been one or two more, but he accepted that there were about 40.

Q Then did you ask whether any of those persons were on his National Health Service list? A. I did.

Q What was his reply? A. They were not.

Q Did you ask him if he took any steps to check their stories? A. Yes.

Q And his reply? A. He said he thoroughly checked them, he examined the patients and as far as possible tried to contact their previous doctors.

Q Did you ask for details? A. I asked if he could give me the names of any doctors he had contacted.

Q And his answer? A. He said, "Not immediately", I think.

Q Did you ask about records that he had of these patients? A. Yes, he said he had records but they were at home.

Q So what did you ask? A. I asked when I might be able to see them or get information from them. I explained that I was not interested in clinical information; it was simply to try to identify people whose names we had on prescriptions, and he said that would be possible on Monday or Tuesday of the next week. I said "That is not possible", because we had come from London to see him, and would he be prepared to give me a list of patients through the post. He said he would as far as information was available.

Q Then did you go on to ask him what reasons there were for his prescribing these particular categories of drugs? A. Yes, he said there were many: people were depressed, they wanted to lose weight, and some said they could not sleep.

Q Did you then ask whether any were addicted to drugs? A. I did, and he said he did not know.

Q Then what did you ask? A. I asked if he had notified any patients, as he was required to do, and he said he had not.

Q Did you ask if he knew whether any were in the care of other doctors at All Saint's? A. Yes.

Q And his answer? A. He did not know.

Q Did you ask him if he had ever referred any patients to All Saints? A. I did.

Q And his answer? A. He said he had tried to persuade them to go to All Saints but they refused.

Q Did you ask him if he himself had ever contacted the staff there? A. He said he had spoken to someone on the telephone, the switchboard operator or some of the nurses.

Q Was that at the Addiction Unit? A. I asked if it was the Addiction Unit and he said he thought so.

Q Then did you ask him about the prescriptions being dispensed at a wide variety of chemists? A. Yes, I asked why he told patients to take prescriptions to places as far afield as West Bromwich, and he said he did not do that.

Q So what did you tell him? A. I said, "We have written statements to that effect", and he said he could not be responsible for what patients said; it was not true.

Q Did you tell him that he had acquired a considerable reputation for dispensing drugs, and that was why patients came to him from all over Birmingham? A. Yes.

Q And his answer to that? A. He said it was not true; they did not come from all over Birmingham to see him.

Q Did you point out some of the addresses shown on the prescriptions? A. No, my colleague Mr Waters did that. He took three prescriptions, one for Birmingham 8, another for Birmingham 20, and another read West Bromwich or Walsall. He showed them to the doctor, and he said, "You may be right."

Q Then did you ask him whether it would surprise him to know that many of the addresses were false? A. Yes.

Q Did you ask him if he visited any of his patients' homes? A. Yes.

Q What was his reply to that? A. He did not. He was not responsible for what happened to the prescriptions when they left the surgery.

Q Did you inform him that some of the patients had admitted passing supplies to others? A. Yes.

Q And what did he say? A. He did not know anything about that.

Q Then did you tell him that in your view the facts as you know them at that time might justify a tribunal investigation under the Misuse of Drugs Act? A. I explained that that was the purpose of our visit, and he said, "What can I do?" Could I consult my notebook for the exact words?

Q When were your notes made? A. Immediately after the interview. I made some rough notes at the time, but these were made up within an hour of the end of the interview.

The LEGAL ASSESSOR: That is all right.

Mr DUCANN: What did he say? A. The doctor said, "What can I do? You don't understand. It is very much like sitting in an open market. I am a stranger in this country. It is difficult for me to turn people away without consulting them and in turn getting a stream of abuse such as 'You black bastard bugger.'"

Q What did you say to that? A. I said that there was no reason, in my view, why he should turn people away before he knew what they wanted, but that if he had difficulty with patients, he could call the police, as anyone else in similar circumstances could do.

Q What was then said? A. He then repeated that it was difficult for him in this country, and I told him what could happen in regard to his continued prescribing, and that it was very much a matter for him.

Q Then did you go back to see him again on the 3rd April?
A. I did.

Q Had you by that time received the information which he had promised to give you as to the names and addresses of persons for whom he was prescribing drugs? A. No, I had heard nothing from him at all.

Q Had you in fact written to him in the meanwhile?
A. Yes.

Q And still not received the information? A. No.

Q When you went back on the 3rd did you see him at his home? A. Yes.

Q Did you show him some more prescriptions which had come into your possession by then? A. Yes, there were about another 40 that we had at that time.

Q The two lots of prescriptions now form the basis of this schedule? A. That is correct.

Q I think he agreed that he had written all those except those signed by Dr Singh, to which I have already referred?
A. Yes.

Q Did you refer to the letter which you had written him and the information which he had promised? A. Yes.

Q And point out that despite the promise and the letter you had not received the list of patients? A. Yes.

Q And what did he say? A. He said he knew but he had been in touch with the Medical Defence Union.

Q Did you ask him about that? A. I asked when he had been in touch and he said "A few days ago." I asked if he had written to them and he said no, he had telephoned, and he thought he had spoken to a Dr Walls.

Q What did you say? A. I explained that we wanted the names for identification purposes and not for clinical information. He said he knew that but why did we now want all this information, and what was it about. He said he had stopped prescribing for these people but it now looked as if we were making the whole thing into a prosecution. I said it was not a question of prosecution, and that I had explained to him that under the Misuse of Drugs Act there was a procedure for investigating alleged irresponsible prescribing, and that was in fact what we were doing. He said he thought we had come to him in an advisory capacity, that he had stopped, and therefore he had co-operated with us.

Q Carry on. A. I agree that I had advised him of the likely consequences of prescribing, and I said that I would note what he said about stopping. I asked when he had stopped and he said he had stopped on the 20 February.

Q That would be the day after your first visit? A. Yes.

Q I think you then showed him a list which includes all the names on the schedule? A. I asked him if he had stopped prescribing for all of them and he said he did have a few private patients who were not the same types. He asked me to show him the list and I read the names to him from the whole bundle of prescriptions that we had with us, and, with the exception of one lady, to every name he said "Finished" or "Stopped".

Q I think that is Case No.26 on the list, Miss O'Shaughnessy. It was to her that he was referring when he said he had a few private patients who were not the same as the others?
A. Yes.

Q Whatever that means. Then I think you referred again to his drug register? A. Yes, I said there was one other matter I wanted to discuss with him, and asked him if he had his register, and if I could see it. He asked what was the purpose in asking these questions and I told him that when we came on the previous occasion we did not have all the information we now had, and that we had been told by the patient that on one occasion the doctor had supplied him with 25 Diconal tablets from his own stock, and that the doctor was required to keep the register and record the supply, and I would like to see that record to see if the patient was telling us the truth.

Q Did you give him a copy of the regulations made under the Act and point out the relevant regulation, which is 20(f)? A. Yes.

Q And say to him that he would see from reading that that he was required to produce the register to you on demand?
A. Yes.

Q What was his reply to that? A. He said, "If you are

becoming legal I am entitled to have my solicitor."

Q What did you tell him then? A. I said, "Of course you can have a solicitor", but I asked him to look again at the wording of the regulations, which said "on demand agreed by a person authorised in writing", and I produced my warrant signed by the Secretary of State and asked him to look at them. I told him that failure to produce a register on demand was an offence, and asked if he would now let me see it. He said he would at the correct time. I asked him what the correct time would be and he said, "I will consult them tomorrow." I asked if he meant the Medical Defence Union and he said "Yes."

Q What did you say? A. I said "The Medical Defence Union do not come into this. You are required by law to keep a register and produce it. Do you have a register?" He said he had. I then said, "A patient has told us that he has been given 25 tablets." Is this true? He replied, "Yes, I know, but that patient is blind." I asked if he would give me the name of the patient and he said "Malcolm Lodge." I said, "Do you have a record of this supply?" He said "Yes."

Q Did you show him Schedule 5 of the Regulations, which sets out the form in which the register has to be kept?
A. Yes.

Q And then ask if in fact his record was in that form?
A. I did.

Q And his answer? A. He made some notes and said it was not in that form.

Q Then what did you ask? A. I asked for the name of the chemist from whom he had obtained the Diconal which he had given to Lodge.

Q What was his answer to that? A. He said he could not tell me.

Q Did you ask again to see his record? A. Yes. He said, "It is not here."

Q So what did you say? A. I said, "You have been unable to produce the records. I will have to report the facts."

Q Go on. A. He again told me that I did not understand and that I had given him a difficult job, to get rid of these patients, and that he had had a lot of success. He said I had come informally and only in an advisory capacity and he had acted on my advice but now I was prosecuting him.

Q What did you say to him? A. I again explained that we were not prosecuting him but collecting the facts ---

Q To shorten it a little, you produced the section in the Act which gives rise to the power in the Minister to order a tribunal inquiry and to collect facts before such a hearing takes place? A. Yes.

Q Did you tell him that your job was to provide the facts

on which the Minister could form an opinion? A. Yes.

Q Then did you add that anything he wished to say in explanation you would report, or that he could make a written statement about his difficulties, and so on, and would he like to make a statement? A. Yes.

Q What was his reply to that? A. He said he would not.

(Lunch adjournment.)

Cross-examined by Mr BAYLIS:

~~Q~~ It was on the 19th February that you saw Dr Prasad ~~for~~ the first time? A. Yes.

Q And you showed him at all events the bulk of the prescriptions which are set out in the schedule?
A. Correct.

Q And he went through them carefully and studied them?
A. Yes.

Q And admitted that, with one or two exceptions which have been signed by Dr Singh, all the prescriptions had been given by him? A. That is correct.

~~Q~~ He was helpful and co-operative with regard to your ~~inquiries?~~ A. Yes, with reservations.

Q Reservations in the sense that he found it difficult to understand really what you were inquiring into?
A. Yes, and also as far as seeing actual records was concerned. I still have not seen any of those records.

~~Q~~ I was going to deal with that in a moment. At this first meeting you say that he told you that he had checked up on the patients' stories so far as he could and that he carried out an examination of them? A. Yes, he told me he examined them.

~~Q~~ And he said that in certain instances he had contacted the previous or current doctor? A. He tried to contact the doctor.

Q He tried to do so as far as possible. I think you asked him for particulars of that and he said, "I can't give you that information at this moment"? A. That is right.

Q From your evidence of the subsequent meeting am I right in thinking that that subject was not raised again? A. It was only raised again in the context of All Saints.

~~Q~~ Not in the context of the family doctors? A. The ~~second~~ interview was confined to about three main topics.

Q And he told you the substance and the outline of what

he had found wrong with these patients - they suffered from insomnia and depression and so on? A. As a group rather than as individual patients.

Q At this stage the conversation was really relating to that group of patients whom you knew to be having a drug problem? A. People who had gone to him for prescriptions. I did not at that stage know many of them myself.

Q Then there was a discussion about the fact that some of these patients had at one time or another been under treatment at All Saints Addiction Centre? A. Yes.

Q Dr Prasad told you, did he, that he tried to persuade some of these people to go to the Addiction Centre? A. Yes.

Q But he said they refused to do so? A. Correct.

Q With your very wide experience of this problem, did that surprise you? A. No, Sir.

Q You also asked him, I think, at this first meeting whether he had told his patients to have their prescriptions made up at chemists spread around the city and not all at the Centre? A. Yes.

Q And he denied that? A. He denied that he had done so.

Q That was mentioned on a subsequent occasion and he denied it then? A. I think we disposed of it on the first occasion. It certainly was not raised again. At the first interview he denied it.

Q You told him you had statements from certain of these patients to that effect? A. Yes.

Q I am not sure how familiar you are with Birmingham. Like any other big city, it has this problem, and certain chemists in the centre of Birmingham have a problem dealing with young people addicted to drugs? A. Yes.

Q Is it right that the Boots in New Street is one branch of a chemist which does have a particular problem in this respect? A. I believe it is one of two chemists which deal with many of the prescriptions from All Saints. From my own knowledge I would not like to go further than that.

Q Do you know whether New Street branch of Boots had to shut or decided to shut in the early hours instead of being open all night? A. That I do not know myself.

Q You told the Committee that one of the things you said to Dr Prasad was that you had learned that some of the patients admitted passing drugs which they had taken from him to others? A. Yes.

Q Can you tell us which patients made statements to that effect? A. Offhand I cannot. It is certainly in one of the statements. I can recall that.

Q When you say you asked him about this and said that some of the patients had admitted it you mean one of the patients? A. I can recall offhand, without going through the statements, certainly one, and would need to go through the others to say whether there were more.

Q We have had six or seven patients give evidence before this Committee. Is there any independent evidence that came to your attention that any of these drugs to which this schedule relates were passed to others or sold or passed to the black market? A. Not to me direct, Sir.

Q In the context with which you are familiar in dealing with this drug problem, the amounts of drugs involved in these prescriptions were relatively small having regard to the intervals at which the prescriptions were issued? A. Yes, I think there were no really excessive quantities.

Q And at the end of the day, on I think the occasion of your second interview with Dr Prasad, he said words to the effect (when referring to this problem of dealing with these youngsters), "It is very difficult", and that he was a stranger in this country, meaning that he had not been in practice here very long, that he was not an English doctor, and that it was difficult to turn the patients away, and there was always a danger of being insulted. Is that a fairly familiar pattern as far as this problem is concerned? A. It is rather difficult to answer. These people can be difficult.

Q They can indeed be a great deal more difficult? A. Indeed.

Q Sometimes violence is used by these youngsters in trying to get drugs? A. This, I believe, is so.

Q With very heavy pressure sometimes brought to bear upon doctors who tried to deal with them? A. This can be the case, yes.

Q Subsequently Dr Prasad told you that he had stopped prescribing, save in one particular instance, amphetamine drugs, and barbiturate drugs for private patients as from the 20th February this year? A. Yes.

Q That was immediately after your first interview with him? A. Yes.

Q Have you any reason to believe that he has not abided by that decision? A. I have not been able to carry out a complete check. I have carried out a sample check of the major chemists which were involved prior to February, and with the exception of the lady we discussed earlier I found, I think, two prescriptions for one gentleman who is on that list, but otherwise no others; but only a very few chemists were checked.

Q You have not been able to do an investigation to enable you to answer my question completely, but so far as your investigations have shown, Dr Prasad did in fact stop

issuing these prescriptions in February and has not resumed doing so? A. On the evidence that I have, he has stopped prescribing.

Re-examined by Mr DU CANN

Q May I ask you to produce the two prescriptions which have come to light on the sample check that you have made? It is one prescription in relation to Miss O'Shaughnessy.
A. There are two from Mr Kavanagh. They are in my case.

Mr BAYLIS: I think Miss O'Shaughnessy was exempted.

Mr DU CANN: Certainly. I was going to point that out. This is Item 20 in the main schedule. There were seven prescriptions relating to Kavanagh, described as Dermott or D. Kavanagh, with the same address, 48 Grove Lane, Birmingham, which is a cake shop. The first is dated 15th March and the second the 3rd April. The third is the 7th May. They relate in the first two instances to 40 capsules each of Dexedrine and in one instance to 30 capsules of Ponderax. Then there is one relating to Miss O'Shaughnessy dated 7th May as well, for 30 spansules of Ponderax, and she appears on the schedule on the next page, No.26, being the one name of which the doctor said on the 6th April that she was "not the same as these", and that he had continued prescribing for her. This is Exhibit 8. Would you look at this and confirm that those are further prescriptions?
A. Yes.

Mr BAYLIS: May I be permitted to ask whether Ponderax is a controlled drug under the Misuse of Drugs Act? A. It is not.

Witness withdrew

Mr DU CANN: My last witness would have been Dr Owens. I am told that he is on his way from Birmingham. He had been asked to be here at two o'clock but I have no information as to why he has not arrived here by now. I have no reason to suppose that he will not arrive here in due course. I am sorry that he is not here at this moment. No doubt there may be some explanation as to what has happened to delay him when he arrives. I compiled the schedule which I have put before the Committee on the basis of what is contained in the evidence that Dr Owens can give. Apart from proving that formally there are only one or two other matters that I want to ask him about. Subject to his arrival shortly, that really is the case.

The LEGAL ASSESSOR: Are you suggesting that the Committee should adjourn until he arrives, or what?

Mr DU CANN: I do not want to waste the time of the Committee. Would Mr Baylis think it suitable to suggest that the Committee could take his formal evidence in relation to the schedule and the other short matters immediately he arrives, and that we could continue with the case meanwhile in the normal sequence? But if that embarrasses Mr Baylis ---

Mr BAYLIS: Not in the least. Might I suggest possibly that since Dr Owens will be available in the middle of Dr Prasad's evidence he might be taken immediately after the tea adjournment? I think it would be more convenient than interrupting the evidence.

The LEGAL ASSESSOR: It is unusual, to say the least, to start the defence case, particularly the evidence of the defendant, before the prosecution has, so to speak, concluded its case. Does Mr Baylis know what is in Dr Owens' proof?

Mr DU CANN: Not the detail, no.

The LEGAL ASSESSOR: Would you care to show it to him?

Mr DU CANN: With pleasure.

The LEGAL ASSESSOR: He can have a look at it and decide whether he would be embarrassed.

Mr BAYLIS: I know in substance what it is.

The LEGAL ASSESSOR: Mr Du Cann is happy for you to peruse it, Mr Baylis.

Mr DU CANN: Certainly. (Handed to Mr Baylis.)

(Short adjournment.)

The LEGAL ASSESSOR: Mr Baylis, you have had a chance to read through the proof?

Mr BAYLIS: I have, and I am quite satisfied to call my client at this stage.

The LEGAL ASSESSOR: But you do not want your client cross-examined, presumably, before Dr Owens has given his evidence?

Mr BAYLIS: If we reached that situation perhaps the examination-in-chief of any points raised by Dr Owens could be reserved. I think we shall probably not have reached that stage by that time.

The Committee have had a great deal of evidence already in this case, some of it somewhat confused and conflicting and some of it coming from sources of doubtful reliability, but in my respectful submission the main issue in this case which the Committee has to decide is clear. The alternative questions are: Was Dr Prasad a dishonest and wicked doctor who was in effect knowingly and deliberately selling these prescriptions for money, or was he a foolish doctor, who although perhaps you may think lacking in clinical judgment and practising what you may feel was bad medicine, or at any rate second-rate medicine, was made a fool of - and by no means the first in this respect - by a small number of patients of a sort that are notoriously difficult to deal with?

The defence will be that the answer is that the second of those alternatives applied. In support of that I will at once call Dr Prasad.

SHARANGDHAR PRASAD sworn

Dr PRASAD: I am sorry. I have never been in this position before and all the accusations have come as if I am a criminal awaiting a trial. That is why I cannot help myself. I am sorry. I have never faced anything like this in my life for all the 20 years that I have been in medicine.

Mr BAYLIS: I think the Committee understand. Try not to distress yourself.

Dr PRASAD: Thank you.

Examined by Mr BAYLIS:

Q Listen carefully to the questions I put to you and answer as simply as you can. If you feel particularly distressed let me know and I am sure the Committee will be indulgent. What is your address? A. 229 Portland Road, Edgbaston, Birmingham 17.

Q Are you 40 years of age? A. Yes.

Q And a married man with five children? A. Yes.

Q Ranging between 15 and about 5½? A. Yes.

Q Did you qualify as a doctor at Patna University in the year 1958? A. Yes.

Q Your qualifications being Bachelor of Medicine and Bachelor of Surgery? A. Yes. After that I did so many things before I came here. I did my MD as well and DCP as well and then I came over here and took my DTM & H at Liverpool University.

Q The Committee have already seen your writing paper with your qualifications on it. In India did you first of all work in various hospitals? A. Yes.

Q Was that in Bengal? A. No, in the state of Bihar, mostly in the Medical College Hospital.

Q Were you for five years Civil Assistant Surgeon? A. Yes.

Q That is an Indian Government post? A. Yes, Physician in charge of a ward or a particular branch of the Hospital.

Q When did you come to the United Kingdom? A. In 1965.

Q Did you hold appointments first of all as Senior House Officer at the Lodge Moor Hospital in Sheffield? A. Yes.

Q Junior Hospital Medical Officer at the Royal Gwent Hospital, Newport, Mon.? A. Yes.

Q Then did you do an SHO job at the Blackburn Group of hospitals? A. Yes.

Q And the same job at the Lancaster Group? A. Yes.

Q Were those medical or surgical? A. Medical.

Q Did you then hold a post as Registrar in the Department of Psychiatry for about three months in the Blackpool Group? A. Yes, because I had to come to London for the course for which I had been booked a year in advance.

Q I think it was in this country in this period that you obtained your Diploma in Tropical Medicine and Hygiene? A. Yes.

Q And for a period of something over a year, that is from October 1967 to December 1968, were you Registrar in Geriatrics and Chest Disorders at Dudley Road Hospital, Birmingham? A. Yes, and also for the East Birmingham Group of Hospitals - a very big group.

Q At the end of that appointment did you enter general practice? A. Yes, after that.

Q By applying successfully for a vacancy? A. Yes.

Q What was the size of the list when you were first appointed to the vacancy? A. About a thousand.

Q What is the current list of National Health Service patients? A. More than two and a half thousand.

Q Are you in single-handed practice? A. Yes.

Q Do you have two surgeries? A. Yes.

Q Of which the address for convenience is set out at the top of Exhibit 2(a) - West Bromwich and Handsworth. A. And I am responsible for people in Solihull as well and that is why patients come to me from Birmingham, West Bromwich and from Solihull and other places.

Q Try not to anticipate my questions. You draw your National Health Service patients from areas round both your surgeries, West Bromwich and Handsworth? A. Yes.

Q Which is apparently Birmingham 21? A. Yes, but I live in Edgbaston, and patients come from that area as well.

Q Have you any private patients? A. Yes.

Q About how many? A. Something like 40 or 50 persons.

Q Does that include or exclude the patients set out in the schedule we are dealing with? A. There are two who are private patients, Miss O'Shaughnessy and ---

Q How many have you at today's date? A. About 40.

Q What do you normally charge by way of fees for a private patient? A. About £2 or £1 even, and some may be £5, depending

on what I do for them.

Q This is so much per consultation? A. Yes, and the time and the effort that I put in. I would charge even as little as 50p if they cannot afford more.

Q Where do you normally see your private patients? A. At West Bromwich as well as Birmingham.

Q When do you normally see them? A. Usually it is after the morning surgery in Handsworth or the evening surgery, both places - usually afterwards.

Q During the period between September 1973 and February 22, 1974 did you have a number of private patients who were dependent upon various drugs? A. There are some patients who want something but who are, I won't call them dependent - some of them but not all of them ---

Q I did not say all of them. Were some of your private patients attending you during that period to your knowledge dependent on or addicted to various drugs? A. No, not addicted.

Q I am not sure that you are listening. Listen to the question carefully. I think you said a moment ago that some of them were? A. Some of them, yes, but it does not mean that each and all of them are addicted to something. I am sorry if I am not clear. I mean that everybody is not addicted.

Q Some of those patients dealt with in the schedule it is common ground were addicted to drugs of one sort or another. That is the substance of your evidence? A. Yes.

Q So far as these 40 patients on the schedule are concerned, it is said by my learned friend Mr Du Cann that they came from a wider area than your National Health Service patients. What do you say to that? A. I have patients even in Blackburn and they come to consult me from there, but not for the drugs. Hearing my name somebody has come from Blackburn. But practically all of them come from Birmingham and West Bromwich.

Q It is said that during the period to which this charge relates, that is, from September 3, 1973 to February 22, 1974, you gave prescriptions to patients and told them not to take them to chemists in the centre of Birmingham?

A. Firstly I would like to correct you. I was away from the country until about the 19th September, when I returned to the UK, therefore I was not here, firstly, and secondly I was out from July till 19th September. With regard to telling them not to go to chemists, this is not the truth. The only point was that chemists in Birmingham have been assaulted and their money seized. Their counters have been attacked. Many have closed after 10.10, and there are only two chemists open in the town centre. That is why several doctors have been telephoned and asked, "Is it urgent medicine?", and we say "No, it is not a matter of life-saving", if that is the case, and therefore we advise not only these patients but National Health patients not to go and embarrass the chemist when it is not urgent. It does not

mean that I say "Go to this chemist and not to that." I have never done that. I say "Please do not go now" when the patients have come in the evening. Mostly it has been quite late and by the time they would go the chemists are embarrassed and have telephoned and said, "Doctor, don't send anything which is not urgent". They have done that. I have not told them to go to this chemist or that. Would they follow my advice even if I told them? They can go anywhere - Walsall, Stafford, Crewe. I have no right to stop them going to a particular chemist.

Q You may remember Mr Du Cann's opening speech in which he said that witnesses were told by you not to mention your name and not to say where they obtained the prescriptions? A. They are quite intelligent people, first-rate intelligent men of the country, so how can they understand that I can stop a patient? It is an insult to the intelligence of these members here. I have given the patients the prescriptions, and they can take them to anybody they like in the world.

Q Did you tell any patients not to mention your name?
A. Not at all.

Q Did you tell any of them not to say how they obtained their prescriptions? A. Not at all. I have given the prescription. That is my clinical judgment, for which you can question me, but the moment I give them the prescription I have no control over them.

Q We will deal with the individual patients shortly, but it is said generally that in relation to the patients on the schedule you failed to issue prescriptions for them, to examine them or take their medical history. What is the position about that? A. I have been in medicine for the last 22 years. Never has it happened in my life that I have taken money from some person without examining him. I would not take the money out of their pocket like that. My surgery is not a machine, where you put in the money and the chocolate comes out.

Q It is said, furthermore, that the fees which you charged to these patients depended on the number of tablets you prescribed? A. That is complete rubbish. It was dependent on the time I took. When I took more time I charged a higher fee. If I took less time the fee was less. If somebody gives me £1,000 do I give him a million capsules? If somebody came with £100 would I give him 1,000 capsules? These intelligent people here can understand that my fee cannot depend on the number of capsules. Suppose somebody came with £100 and said that he wanted a thousand Durophet. You understand that these buggers can come with £200 in a minute if they want. They have got that money in their pocket or at home. But I have never done things like that; never.

Q It is said, moreover, that you failed to contact the doctor, if any, of the patients referred to in the schedule?
A. That again is complete rubbish. I have contacted doctors.

Q Tell us whom you contacted? Dr S.N. Singh, who is practising in Walsall and also in Birmingham 22, Great Bar. Also Dr Funsell in Handsworth. Dr Khaton in Edgbaston. That was Mr Murray's doctor. But these people have not

told me the name of their own doctor, and only told me on their last prescription that they have another doctor. None of them have ever mentioned that they were having medicine from somebody else.

Q You have named three doctors. A. I will tell you some more.

Q Carry on. A. There was a Dr Harrison in Small Heath but he told me he did not know about the patient. There was a doctor that I contacted in Birmingham, among six or seven others, who said, "Be careful not to ring me, I am watching television", and he gave me a rude reply. After that I stopped. There was another in Caledonian Road in London. I wasted about three shillings on that and I was told there was no doctor there in Caledonian Road. What can I do?

Q Let us deal with some of the patients who have given evidence, first of all Mr Lodge. The rules prohibit you from looking at documents other than those you made at the time. Did you, in relation to the patients, or some of the patients, whose names appear on the schedule, make any records? A. Yes, as far as was possible I made records. I was not obliged to write records about it. We usually write something on a little sheet but you do not put down everything.

Q Would you look at this bundle of documents and tell me what they all comprise? A. This is when the patients come and what they came for, and so on. As far as possible ---

Q When were the entries made on those documents? A. I cannot say it is at the very moment when the person came in but after that I prepared a brief note as to what was wrong.

Q Did you prepare, relating to these particular patients, any other records? A. Yes.

Q Would you be good enough to look at this book? A. It is a record of the patients and what they have come for, what it was and what they were suffering from, and what was the trouble.

Q These are your records relating to certain patients? A. Yes.

Q When were the entries in that book made in relation to each particular patient? A. Something like 24 to 36 hours afterwards, depending on the time. If a person came on Saturday morning, by Sunday night it was ready. It was like that.

Q So the position as I understand it is this: that at the time, that is to say, in front of the patients, you wrote entries on sheets, copies of which have already been produced to the Committee? A. Yes.

Q And within 24 or 36 hours afterwards you wrote into that book more detailed clinical records of the patients concerned? A. That is correct.

Mr BAYLIS: In my submission this book is a document to which the doctor is entitled to refer.

The LEGAL ASSESSOR: Yes.

Mr BAYLIS: It would be convenient, therefore, for me to supply the Committee with copies of that book.

The LEGAL ASSESSOR: You are putting it forward as a record made by the doctor and not just to refresh his memory. It is a record which the Committee can keep in mind?

Mr BAYLIS: He kept, in effect, two records. One was made at the time, in the presence of the patient, and the other was prepared 24 to 36 hours afterwards. (Handed in.) We were dealing with Mr Lodge. Close the book. Will you take it from me that Mr Lodge appears neither in the sheets nor the book? A. Yes.

Q So far as Mr Lodge is concerned you must rely on your records, supplemented by the evidence you heard yesterday. Mr Lodge came to see you on the 29th January 1974? A. I have the record here: Malcolm Lodge.

Q What number is it? A. 51.

Q Could you explain the system, because it is apparent that the first 30 or 40 of these pages represent a single page to each patient but pages 44 onwards represent, as it were, a running account of patients? A. Yes. There has been a man here before you who stole a whole prescription pad in the surgery along with my notes. I do not know why. It was probably to put me before the GMC. It was much easier for him to do that than to ask me for something. He was in the prison. He has also taken my pad on which I used to write the details of the patients. He has been in Stafford Prison and has come here. I would like to ask him where the pad has gone and also the notes he has taken from me. He must have thought it is easier to bring me before the GMC than to give him tablets.

Q I am asking you about Mr Lodge and the first time he came to you. A. Yes.

Q He came to your surgery, did he? A. Yes.

Q What did he tell you? A. Yesterday when I heard his I was shocked and surprised. Mr Du Cann asked him and he said that he was really only a "junkie". When he came to me he wore a sheepskin type of jacket and I never knew he had trouble with his arm or hand. I swear by Almighty God I never knew he had taken this thing in his vein. He was wearing all these things and it was under his jumper. He said he was wearing only a jumper and paid something and took away a prescription, as though I am a machine and you put the money in and get something out ---

Q Your evidence is being recorded so will you try to slow down and confine yourself to answering the questions I put to you? Try to speak reasonably slowly and not to get excited. I know you are in a difficult position but

answer as coolly as you can. On this first occasion Mr Lodge told the Committee that you put a stethoscope to his chest and back. Is that right? A. I examined him most thoroughly when he said he had pain in the back. He had this lumbar vertebrae and he also had cramp in the legs and thighs, and I really examined him.

Q Did he tell you whether he had been treated before for this pain in the back? A. No, he did not even tell me his own doctor's name, and now he is telling you about a doctor.

Q How did you decide to treat this pain in the back?

A. He told me about it and I said "Take this medicine that I shall give you." I have plenty of samples which are there and medicine left by the patients which they cannot use.

Q Listen to the question. How did you decide to treat the pain in the back that Mr Lodge complained about? A. I said "All right, this pain will go - take these medicines that I shall give you."

Q What medicine? A. I gave him some Fortagesic capsules. He said he would not take Panadol because it does not relieve him. I gave him quite a few things to take, like Solprin, but he said that nothing relieves him. I said "Why?" and he said he was somewhere in Salisbury, in the South of England, and the medicines did not relieve him so he took Diconal, which give him relief. That is why I told him ---

Q You decided to treat the pain in the back with Diconal? A. And Fortagesic.

Q Did Mr Lodge say anything to you about taking Diconal before? A. Yes, and that it gave him relief. At any time when a patient comes I do not mistrust him and think immediately that he is telling me wrongly.

Q He told you that he had relief from Diconal before. Did he say anything to you about being addicted to or dependent on Diconal? A. No.

Q Did you know whether or not Diconal was a drug which created the problem of dependency? A. I was out of the country, I think, when this law came in. You told me about this law which came in but in July 1973 I was out at the time and not knowing about it.

Q I asked you whether it was within your knowledge that Diconal was a drug of dependence. A. No, it was not to my knowledge.

Q So you gave Mr Lodge a prescription for 10 Diconal tablets? A. Yes.

Q And you charged him a fee? A. Yes.

Q You will remember that he told the Committee that he only had a \$5 note and you kept the whole \$5, increasing the size of the prescription. Is there any truth in that? A. It is absolutely a bundle of rubbish - the most first-rate rubbish I have heard in this room here.

Q Did you give any instructions to him as to where to take the prescription? A. Not at all.

Q Is it true that a short time afterwards, or some time afterwards, you saw him and told him that you had heard he had been under treatment at All Saints Hospital? A. No, he did not tell me a word about it.

Q Did you subsequently give him other prescriptions for the same drug? A. Yes, I gave him some.

Q Why did you give him those? A. Because he was complaining that he gets cramp and pain in the legs and in the thighs and that pain is completely localised at the back, and therefore I gave it to him.

Q Please do not go into details, but Mr Lodge told us he did some work, painting and decorating, in your house. Do not tell us any more than whether that is correct or not? A. It is correct, but he offered himself. He said he is a polisher and a painter and would I give him some jobs.

Q Did he do some work in your house? A. Yes, he did some jobs.

Q Did you make any payment to him for that? A. Yes, £7 from me and fifteen shillings from my wife, and tea, coffee and all food from my house.

Q Mr Lodge told the Committee that you paid him in effect by giving him prescriptions for Diconal? A. I am sorry. I did not do that.

Q What is quite untrue, is it? A. That is quite untrue.

Q There was an occasion that Mr Lodge told us about on a Sunday - this was also told in the evidence of Mr Spear when Mr Lodge, to use his own words, "nagged" you a bit, and you gave him some Diconal tablets which were wrapped in a piece of brown paper? A. You are talking about Sunday. It was a Saturday.

Q Why did you give him the tablets rather than the prescription? A. When he told me he was getting worried - it was not worried only but he went to my big lounge and began to roll about on the sofa, and my children, my young daughters and the son, wondered what had happened to him, and they said, "Daddy, Daddy, what has happened?" He said he had pain, a very bad pain, so that day I had to go to my surgery and bring back some tablets which were left over, non-used tablets, and give them to him. I helped him as I would help any person who comes to me in my house in difficulties. I could have given them to anyone. I never thought that I was committing an offence.

Q How many tablets did you give him? A. Twenty-five.

Q How long was that supply to last? A. At least so that he could not come to me for about 12 or 15 days.

Q I will not deal with whether you recorded it. You can take it up with Mr Spear on a different occasion. Mr Lodge told us that he injected Diconal into a vein in his arm and had a bit of an ulcer as a result. A. I do not know about that.

Q Have you ever heard of Diconal being used intravenously?
A. Not unless somebody wants to die or have phlebitis.

Q Did Mr Lodge say anything to you about this? A. No, I was surprised to learn that Diconal can go into the vein. I never knew of such things. There are such tricks in medicine in England that I never knew about.

Q Let us go on to Mr Sorby, otherwise known as Bremner. He is No.2 on the schedule and Po.11 on the prescription pad. Mr Sorby has told us - that is his correct name?
A. This is news to me.

Q It was news to us. Do not worry about that. Did he come to see you on the 19th October 1975? A. Yes.

Mr DU CANN: The witness has made a mark on the original exhibit with a pen. A. I just wrote "Mr Sorby"; that is all.

Mr BAYLIS: Put your pen away altogether. This patient came and gave you the name of James John Bremner? A. Yes.

Q What did he tell you about himself, if anything? A. The impression I have from him is that he is suffering from a very bad type of depression, and with the history that he has ---

Q Under "Address" there is a number. What is that?
A. YP-7342-23D is his National Insurance number.

Q Where did you get that? A. I asked him for his identification and he gave me that.

Q Did you see any document produced by Mr Sorby? You remember that he gave evidence yesterday afternoon about a document he produced? A. You mean by that this one?

Q Do you remember Mr Sorby producing what he described as a Ministry of Labour document? A. Yes, that was the card on which his National Insurance number was written, and it was stamped "Birmingham".

Q What did you conclude was wrong with Sorby? A. That he was suffering from depression.

Q How did you decide to treat him? A. He could not get to sleep and that is why I had to give him something to sedate him. When people are taking some of these drugs like Duronin or Duraphot it is a rule that some sedation must be given so that they can sleep, otherwise they will stay awake till two o'clock. I have seen it happening.

Q So you prescribed 20 tablets of Duraphot and 20 Nembutal?
A. Yes.

Q And you gave instructions verbally and on the prescription as to what was the rate at which Durophet was to be taken by this patient and many others whose prescriptions we have seen? A. Usually two to three capsules in the morning, maybe two, maybe three, that I gave to the patient to take, say two in the morning at six or seven and then one capsule in the afternoon.

Q Did you regard this as an acceptable use of this drug, for depression? A. Definitely.

Q You used this method of treatment both in private and in National Health Service cases? A. Yes.

Q What instructions did you give to this patient and to others with regard to the taking of Nembutal or Tuinal? A. At bed-time - well, when they retire.

Q How many? A. Two to three capsules per night.

Q Did you give this particular patient any instructions about when he should come back? A. I told him not to come before a week.

Q Did you tell him, "You must not come back within a week", or did you tell him to come back in a week's time? A. To come back after a week.

Q And it appears that he did so. Can you now recall what he was like in regard to his depression on the second visit? A. Yes, the depression was continuing and he required some medicine definitely and I prescribed it.

Q If you look at the charge you will see that you apparently changed the sedative on this occasion from Nembutal to Tuinal? A. Yes.

Q Why? A. Because the man said that Nembutal was not suiting him and he did not get benefit from it.

Q It appears that you must have told him to come back in another week, because he came back on the 25th according to this. On that occasion you issued a greater quantity of the drug but of a weaker strength? A. Yes.

Q Why did you lower the strength of the drug? A. Because I did not want them to be addicted to it, and I never wanted patients to continue indefinitely. I hoped they would eventually take none at all.

Q What was the reason for increasing the number? A. So that he would not have to come again quite so soon, as I have a large attendance of patients. It was so that I would not be disturbed every time. I do not have enough time for them all when they come.

Q If that third prescription was also to be taken at the rate of two or three capsules in the morning, that would be about a fortnight's supply? A. Yes.

Q And you never saw Mr Sorby again, according to the evidence already before this Committee. That is right, is it not? A. I could not follow your question.

Q It appears from the evidence before this Committee and the dates of the prescriptions that Mr Sorby did not come back to you? A. No, he did not come back.

Q That is right? A. Yes.

Q Was there any discussion with him about his dependence on amphetamines or barbiturates as far as you recall?

A. By and large I have advised them to go to some doctor where they can register. I have offered to take them on my National Health Service register but the patient has not listened to it.

Q Unless you feel it necessary I do not think we need deal with all the witnesses who have given evidence, because you have dealt with a good deal of their evidence as a matter of generality in the opening part of your evidence, but perhaps we might deal with the case of Mr Murray. He is on page 1 of your records and at page 16 of the book. He represents, does he not, all the patients we are dealing with, and he is a patient who was with you, as it were, longer than most of the people on this particular list? A. Yes, practically.

Q Have you before you both the notes you made relating to Murray? A. Yes.

Q Here is the record relating to Murray. Will you turn to page 16 of the book? A. Yes.

Q On the top of the record there is a lot of writing on the left? A. Yes.

Q Which is in red ink, is it not? A. Yes.

Q Is that the name of some Indian folk singers that you happened to jot down there - some friends of yours?

A. No, I am Secretary General of the Asian Doctors Subcommittee in Birmingham and we had a function there on the 26th January, and these artists were participating. That is why their names appear.

Q They are nothing at all to do with your practice? A. Nothing whatsoever.

Q Tell us about John Murray. It appears from his evidence that he first came to see you on the 11th October 1972? A. Yes.

Q And he told you, according to your evidence, that he lived in Bristol Road, Edgbaston, and was 24, that he lived with his parents, and that the address in Finchley, NW5, did mean something to him? A. He has completely misled all of us in saying that he is living at 5/48 Bristol Road. He told me he had come recently from 18 Church

Crescent, Finchley, NW5, and that is why I wrote the new address.

Q Did you carry out any examination of this information of Mr Murray? A. Yes, definitely.

Q First of all, what did you examine? A. I examined the chest and heart and the pulse, regular or non-regular, and I had a discussion with him as to what he was suffering and how long it was going on, and then I made a provisional diagnosis. That may be wrong.

Q Did you have any discussion with him? A. Yes.

Q What did he tell you? A. He said he had no concentration on the job and remained depressed and could not sleep until 2 a.m., and that he felt incompetent and was tired. He said that he had used Nembutal and Mogadon and so on in the past, and also he wanted to reduce weight. I did not know whether there were false symptoms and I cannot be sure that what a patient tells me is correct. We have to go on the face value of it. You have to have reservations. By and large we go by what the patients present.

Q Did he say anything about being addicted to or dependent upon any drug? A. No, Sir.

Q Did he give you any indication, if it be the case, that he had been up to May of that year under treatment at All Saints Hospital? A. Not a letter or a word of it.

Q Did he give any information about his own doctor? A. He told me he has had none, and he said he had come immediately from London.

Q How did you decide to treat Mr Murray? A. I decided that he should have something for his sleeping, as he was awake till two or three, and he said he was having trouble with being tired on his job. I said I would give him something to cure this.

Q So you prescribed the 20 Nembutal and 20 Durophet? A. Yes.

Q Were there instructions as to how many to take on each day and when put on? A. I told him to take two capsules at night time, that is the Nembutal, and two to three of the Durophet early in the morning if he could.

Q He came to see you on the 9th November? A. Yes.

Q We can see the entry you made then, or shortly afterwards: "G.C. - Fair, weight down, 10 stone 8 lbs. Systems - normal. Improved. Able to concentrate. Better thinking"? A. Yes.

Q Then it says "Nembutal not suits." A. Yes.

Q From where did you get that information? A. He told me

that he has some nightmares. He told me that he did not get proper sleep, and would I be good enough to help change that. I said I would give him something to help him get proper sleep, and that I would change it to something that might suit him, but not on his orders. He did not say to give him this or that.

Q Those entries made on the 9th November are entries made on the basis of information he gave you on that occasion? A. Yes, he gave me that information on that occasion.

Q There is no doubt about that, is there? A. That is right.

Q Did you therefore give him a further prescription for Durophet, and did you change the sedative as he proposed? A. No, it was my own judgment as to what I should give, on the medical evidence that I got, not on his orders. I have never done that in my life.

Q At any rate, the second prescription was for Tuinal instead of Nembutal? A. Yes.

Q Go back to the schedule. We have agreed and conceded, have we not, that these prescriptions were all issued on the days referred to? Look at the schedule. Having seen him on the 9th, when he was improved, you saw him on the 16th and the 23rd, at weekly intervals. The next time was the 6th, a week being missed over Christmas? A. Yes.

Q And then you increased the prescription for the 6th? A. Yes.

Q That was for 40 tablets? A. Yes.

Q Why was that? A. He told me that he was working out of Birmingham and therefore wanted a prescription for a longer period, if I would be good enough to give it to him. That is why I gave it to him.

Q At the same rate of consumption, namely, two or three a day? A. Yes.

Q Then he comes back for the remainder of the period specified in the schedule and he gets 40 tablets of a lower strength Durophet? A. Yes.

Q To correspond with those, for the first two he gets Tuinal and for the second two he goes back to Nembutal? A. Yes.

Q Do you remember why you put him back on Nembutal? A. Yes, that was on the first of the second. He told me that the Tuinal I had given him has not done him the job that it should do, it is not doing him good, therefore I have written "Not suiting him very well," and he asked if he could kindly be put on the capsules I have given him for night-time sleeping. But this was not done on his orders, because he wants me to do it; not that.

Q Go to the bottom of page 17 of the book. You will see that there is an entry of 15.2.74? A. Yes.

Q Tell us what that says? A. I said that he must decrease his dose. When I said that he must be seen by the Drug Addiction Centre he said that he would not go, and immediately I contacted Dr Kahtan at Edgbaston, whose house is not far from mine, and he told me that this fellow had been given a letter about a month ago to see the Drug Addiction Centre. That letter was with Mr Murray and it was dated about a month or five weeks back. It remained completely with him. He stubbornly refused to go, and after I saw it was a waste of time I said "I am sorry", that is all.

Q So far as that entry is concerned, what medication does it prescribe? A. He said he was not getting sufficient appetite.

Q What medication does it prescribe? That is on the 15th, on page 17. You have told us how you got in touch with the doctor and then it sets out certain medications prescribed for this patient? A. Yes. He said he was not getting sufficient appetite when he was having Durophet, which suppresses it, but you cannot have cake and eat it. That is why I have given him this, to give him an appetite, and I said "Take it with some grapefruit juice if you can."

Q And the entry finishes, "Patient refuses advice - not to be seen"? A. Yes, I said "I will not see you again."

Q What advice did he refuse to take? A. To go to the Addiction Centre.

Q Did you say that he must not come back and you would not see him again? A. Yes. I immediately contacted in his presence this other doctor, and that was the first day when I learned that Dr Kahtan is his doctor. So this is the medicine I have seen in this country.

Q Now let us deal with the evidence of Mr Owen Jones at page 4 in the book, page 12 in the records. He is No.19 in the schedule. He has told the Committee that he came to see you on the 4th December 1973? A. Yes.

Q And he told you that he was 22 years of age, which was right, and he lived at 37 Friary Close, which was right. Do you remember if he told you if he had his own doctor? A. No, not at all.

Q What did he tell you about himself and his medical condition? A. He told me that he cannot sleep, he has no concentration, he wants to slim, he is depressed, drugged with pills, and does not get help.

Q How did you decide to treat him? A. I said he must get something for his sleeping problem. He said that because he cannot sleep he cannot do his job, so I gave him first something for sleeping.

Q You gave him a prescription for what? A. For Tuinal.

Q Just Tuinal? A. Yes.

Q It appears that he came back to see you nearly a month later? A. Yes.

Q On the 1st November? A. Yes.

Q And there is an entry on page 4 on that date, is not there? A. Yes.

Q Would you look at that entry? What did he tell you on that occasion? A. That there is still no sound sleep and he remains depressed and has no concentration. That is why after that I had to give him a cursory examination and say "I will give you something to help you."

Q Did you weigh him? A. Yes, I weighed him. He is 11 stone 8 pounds.

Q And you gave him a prescription for what? A. A prescription for Dexedrine, 10 mg, 20, and for Tuinal, ²⁰⁰/₁₀ mg, 20.

Q Does the entry there refer to the actual daily dosage? A. Yes.

Q What does it say? A. The daily dosage.

Q Of Dexedrine? A. Two in the morning, and two to three at night-time.

Q That is the Tuinal at night-time? A. Yes.

Q What was the purpose of prescribing Dexedrine for this patient? A. Because he told me about his depression and anxiety and being tense and having no concentration, so all these factors led me to think it was a case of depression. He is a young man of about 22 so emotional distress of that sort, the emotional distress syndrome of young adults like that, does happen.

Q If you will look at the schedule you will see that you continued with that medication, with which you have started on the 1st November, but I must ask you why there is a prescription on the 17th November and another on the 18th? A. He came on the 18th, which was a Sunday, to my house and told me a story that he was not feeling at ease. He said he had mislaid all the tablets given on the 17th, and that is why after seeing his case, and how pitiable he was, I gave him a supply of it.

Q You accepted that information? A. I really accepted it. I never thought that these persons could be untruthful. When a person comes to me, on the National Health or otherwise, I do not think that they are crooks. I do not jump to conclusions. We have been trained like that.

Q The Committee have heard Mr Jones' evidence on this

issue, and in cross-examination. Turning over the page of the schedule, we have the 22nd December? A. That is the same patient.

Q Why does the quantity of Dexedrine prescribed on that occasion increase to 40? A. Because he told me that he cannot cope with life.

Q That is the reason? A. He said he cannot cope with life. He had been trying to withhold the drugs and he said he cannot cope with his life and remains depressed and cannot concentrate, so I told him he should not come before two weeks after I gave him something for it.

Q He did in fact come after a week? A. I think this was over the Christmas period, because it was the 22nd of the 12th. He said he wanted a supply because he would not be coming until after Christmas was over.

Q Going on to the 25th January, the last two prescriptions you gave, Dexedrine drops out altogether and we get 20 Diconal and 40 Tuinal? A. What date is that?

Q 25th January 1974. A. He reappears after six days and complains of serious pains in the back. I said, "Are you suffering from indigestion?" "No." I said, "Are you suffering from other trouble in the bones?" "No." Then I told him, "If you are suffering this type of pain, be good enough to withdraw Dexedrine because it might keep you awake", so I gave him something for the pain killing.

Q And does the last entry there read, "Pain relieved with Diconal - under control"? A. Yes.

Q Then we have the words "Final warning for him to go to D.A.C.", and then it says "Warned N.T.S.A." A. That means not to see him again.

Q What about the final warning about the Drug Addiction Centre? A. It fell on deaf ears.

Q Had you discussed with him the question of going to the Drug Addiction Centre before? A. I have discussed it with him, yes.

Q Had you done that? A. When I had seen him three or four times I thought probably he ought to go over there so that they could withdraw the medicines in such a way that the patient does not suffer immediately with the withdrawal syndrome, but he did not listen to my advice. It had occurred to me that he was suffering from addiction.

Q At all events for some of the period for which you were treating this patient you knew that he was addicted to amphetamine drugs? A. I could realise this in the last part of it; not before.

Q And that is why you recommended that he should go to the Drug Addiction Centre? A. Yes.

Q Was he willing to do so? A. Not at all.

Q So you told him you could not see him again? A. Yes.

Mr BAYLIS: I think it would take up an inordinate time to go through the prescribing pattern of every patient on this schedule, or indeed if I went through the remaining patients who have already given evidence. In the generality of questions that I asked at the beginning I put to Dr Prasad the substance of the evidence of the other four witness with whom he has not dealt, so unless you feel, Sir, or members of the Committee feel, that I have not dealt properly with the cases of Miller, Donnelly and so on, I think I could at this stage pass to another part of my examination of Dr Prasad.

The LEGAL ASSESSOR: It is, of course, a matter for you. I imagine that the Committee would regard as the most critical, if not one of the most critical, matters what actually passed between the doctor and each patient so far as examination is concerned. If you think that is a suitable way to deal with it I am sure that is a matter for your judgment, Mr Baylis.

Mr BAYLIS: My difficulty, not wanting to prolong the case unduly, is that I have already asked him whether, in respect of these private patients, he examined them and whether he took a history from them, and he has answered yes to both those questions, and he has dealt with what he said and how he dealt with the three patients that I have already covered.

The LEGAL ASSESSOR: It is a matter for you. Mr Du Cann may wish to probe further cases and it will be within his ambit to do so.

Mr BAYLIS: I am much obliged. I was going now to change the topic. If the doctor has arrived you might like to adopt the suggestion agreed after lunch to interpose Dr Owens.

(Short adjournment.)

Mr DU CANN: I regret to say that Dr Owens has not arrived. The information I have is exactly the same as I had at 2 p.m. - that he left Birmingham this morning for the purpose of coming here to give evidence. Nobody in Birmingham has heard of him since, but he has not arrived here. I have absolutely no news as to his present whereabouts between Birmingham and here, or why on earth he has not reached here or communicated with us. There is nothing I can tell you of any value at all in this respect. I simply do not understand it, and immediately I have any news I will let you have it at once. I am exceedingly sorry that it should have happened or that it should cause inconvenience to the Committee or embarrassment to my friend.

Mr BAYLIS: May I be permitted - I understand there is no objection - to call three other witnesses very briefly? They will only take a few minutes each. They have been here for some days and cannot come tomorrow.

The PRESIDENT: Very well.

BERYL HOOPER sworn

Examined by Mr BAYLIS

Q Would you give the Committee your full name? A. Beryl Hooper.

Q And your address is 163 Sunwell Road, Birmingham 21? A. Yes.

Q Are you a married woman with three children? A. Yes.

Q How are you employed? A. Doctor's receptionist.

Q You are Dr Prasad's receptionist? A. Yes.

Q How long have you held that post? A. A little over ~~two~~ ^{two} years.

Q Do you attend the surgeries between 10.15 a.m. and 12 and between 6.15 and 8 p.m.? A. Yes.

Q And is one of your duties to get out the National Health Service patient record cards? A. Yes.

Q Is there any duty you have in respect of private patients? A. No.

Q Does it follow from that, therefore, that anyone for whom you do not have to get out a card is a private patient? A. Usually they tell me they want to see him privately and they take their turn and go in to see him privately.

Q Speaking generally, in relation to the period towards the end of last year and the beginning of this year, can you tell the Committee approximately how many private patients would come to the surgery at Soho Road on any average day? A. It fluctuates. It could be one, two, three or maybe five in one week.

Q Are you talking about per day or per week? A. Maybe one or two a day or maybe five a week. Do you understand?

Q Do you show the patients into the consulting room? A. Yes.

Q So you are therefore in a position to know how long a patient would be in the consulting room with the doctor? A. Yes, more or less.

Q Again speaking purely as a matter of average, approximately how long does a patient remain with the doctor? A. Private or National Health?

Q Private. A. A maximum of 20 minutes possibly.

Q How about the minimum? A. Eight to ten minutes.

Q Can you think of cases in which a patient has been with the doctor for less than that period? A. No.

Q Generally not? A. Generally not.

Q You know now, if you did not know then, that during the period I have referred to a number of Dr Prasad's private patients were addicted to various drugs? A. I know now, yes.

Q Was there any occasion when there was ever any trouble caused in the waiting room by these patients? A. Not actually in the waiting room, not in my presence, no, but in the consulting room, yes, there was.

Q On how many occasions? A. On one occasion I can mention a private patient went in to see Dr Prasad and he absolutely refused to go until Dr Prasad prescribed what he wanted, and doctor rang for the police and got him off the premises.

Q In your years of experience working for the doctor is that the only occasion on which something of that sort has occurred? A. Yes.

Cross-examined by Mr DU CANN

Q Could you give us the name of that person or not? A. No, I cannot.

Q So far as the private patients are concerned, did you get to know them by name? A. No.

Q Or by appearance? A. Just by appearance.

Q They did not give you their names, do I understand? A. No.

Q Of the private patients that Dr Prasad had in the period roughly speaking between the beginning of September of last year and, say, the end of January of this year, into what sort of age group did they fall? A. The mid-twenties, I should say; maybe a little younger, maybe a little older. It is very difficult to tell these days.

Q Were there any middle-aged people amongst these private patients or older people? A. Are you speaking specifically of that period?

Q Yes. A. Quite possibly there could have been.

Q Quite possibly it could have been anything? A. Yes.

Q Can you help us? A. Are you talking about these people who are drug addicts?

Q I am talking about the private patients. A. As a whole?

Q During the period towards the end of 1973 and the first month of 1974 were there any middle-aged people amongst them at all? A. There could have been.

Q There could have been anything. Can you help us at all? A. Well, middle-aged private patients do come, but in that

particular period I cannot remember.

Q Were there any elderly people amongst the private patients at that period? A. No, not elderly.

Q Any people bringing children in that period - I mean amongst the private patients? A. No.

Q Do you keep any of the records in relation to private patients in that period? A. No, I keep no records of any private patients.

Q Not at all? A. Only National Health patients.

Q From that do I take it that you have access to the records of the National Health patients? A. Yes.

Q Is the system that when somebody comes to the waiting room as a National Health patient he gives you his name? A. They give me their name and I find their record card.

Q And you would take out the card and when the patient went into the consulting room the card would be there too? A. Yes.

Q But so far as private patients were concerned you saw nothing of any records? A. No.

Q You did not keep those records of private patients. Did you see anything at all of such records? A. No.

Q So you cannot help us about that in any way? A. No.

Witness withdrew

SAROJ PRASAD sworn

Examined by Mr BAYLIS

Q What is your full name? A. Saroj Prasad.

Q Are you the wife of Dr Prasad, who is sitting beside me? A. Yes.

Q I only want to ask you about one matter. Do you remember a Mr Malcolm Lodge? A. Yes.

Q Did he at one time come and do some decorating in your house? A. Yes.

Q Can you tell the Committee approximately how long he worked doing decorating in your house? A. One day he came and he stayed for three hours. Then the next day he came and he stayed for five or six hours - something like that.

Q For about how many hours do you think he was occupied altogether? What was the total? A. I should say ten hours.

Q Did you make any payment to Mr Lodge? A. I gave him some money.

Q How much? A. Fifteen shillings. He wanted some money to go to see his girl friend at half-past six. He wanted some money on different occasions.

Q Is it within your knowledge whether your husband made any payment to Mr Lodge for doing this painting? A. Yes.

Q Did he make a payment to him? A. Yes.

Q How much? A. I think about £7.

Cross-examined by Mr DU CANN

Q Can you help us about that payment made by your husband? When was that? A. I do not remember the day nor the date.

Q Can you tell us the number of occasions on which the man Lodge came to your house to do painting? A. Two or three.

Q Two or three? A. I think two; I am not sure.

Q Was that on two consecutive days or two days with a gap in between? A. Two consecutive days.

Q Was that a Monday and Tuesday or a Saturday and Sunday? A. Something like that.

Q Can you tell us on what days of the week he came? A. I cannot remember, no.

Q Can you tell us where he painted? A. The garage, and a room - not the complete room, you know.

Q I do not, but tell me. He painted part of a room, did he? A. Yes.

Q Was it the inside or the outside of the garage? A. The inside.

Q Can you tell us when it was that your husband made any payment to him? A. No, I could not, but it was at home that he paid him.

Q At your home? A. Yes.

Q Was it after he had completed the painting that he was doing or during it? A. I could not tell you that.

Q You understand my question, do you? A. Yes.

Q But you cannot help us about that? A. No. I do not remember anything.

Q Was it a payment which was made for the work which had been done or which was being made for the work to be done?

A. I think it was - he had not finished; this much I can remember.

Q Did he come back after the payment? A. I am not very sure about that.

Q You say it was about £7. Were you present when the money was handed over or did you simply know of your husband's intention to give him some money? A. He told me he has given him money, because when I paid him fifteen shillings I told him that I have paid him and he said to me that he has paid him as well.

Q So I take it from that that your knowledge of your husband making a payment to the young man comes from what your husband said to you? A. Yes.

Q And your memory as to how much your husband handed over? A. Yes, he said to me that he has paid about £7.

Q Are you sure about that, because you hesitated for a very long time before you answered. A. No, I was just thinking.

Mr DU CANN: I have not a note of the amount put in cross-examination of Mr Lodge. My memory is that it was a much larger sum.

Mr BAYLIS: My recollection is that it was £7.

Witness withdrew

PHILLIP WILLIAM SHAKESPEARE sworn

Examined by Mr BAYLIS:

Q What is your full name? A. Phillip William Shakespeare.

Q Is your address 11 Finchpath Road, Hilltop, West Bromwich? A. It is.

Q Are you familiar with the whereabouts of Dr Prasad's West Bromwich surgery? A. I am.

Q How far away is that from your home? A. About half a mile or three quarters of a mile.

Q What is your occupation? A. Gardener.

Q In January of 1974 did you have occasion to consult Dr Prasad? A. I did.

Q Was that as a National Health Service patient or a private patient? A. A private patient.

Q Did you go to his surgery in Handsworth or in West Bromwich? A. In Handsworth.

Q Why did you consult Dr Prasad? A. Because I was not getting satisfaction from my own doctor.

Q Satisfaction in regard to what? A. I was over-weight.

Q Had you been consulting your own doctor about that?
A. Yes.

Q And you decided to go to Dr Prasad about this? A. Yes.
I also had depression and anxiety.

Q Did you go to see Dr Prasad? A. Yes.

Q At his surgery? A. Yes.

Q In January of 1974? A. Yes.

Q What happened when you went into the consulting room?
A. I told Dr Prasad that I was suffering from depression
through a series of worries and things like that. My
parents had just died. I said I was over-weight as well.
The doctor weighed me.

Q How much did you weigh? A. At the time about 16 stone.

Q Did he examine you in any other way? A. Yes, he tested
my heart to see if it was affected or anything like that.

Q Anything else? A. No, there was nothing else to examine
me for, was there?

Q Did he ask you whether you had ever taken any medicines
or drugs before? A. No.

Q Had you? A. No.

Q What did he say after he had examined you and discussed
this with you? A. He thought about it and he said, "I am
going to give you something to reduce your weight and relieve
your depression", and he wrote me out a prescription.

Q What was the prescription for? A. Durophet and Tuinal.

Q Do you remember how many tablets? A. Fifteen of each.

Q Did he tell you how often to take them? A. It was
written on the prescription and the chemist wrote it on the
bottle afterwards.

Q Did he give you a prescription or add on the prescription
anything else? A. "Not to exceed the stated dosage".

Q Did he add any other form of medicine? A. Not at that
time that I can remember.

Q Did you ever return to Dr Prasad? A. Yes.

Q How often? A. Every week, as instructed. He wanted
to check my weight every week to see how I was getting on.

Q How often did he weigh you? A. On each occasion.

Q What happened to your weight under the influence of
this treatment? A. It was reduced.

Q By how much? A. About half a stone at the end of it all, by the last session.

Q We know from the document we have got that the last occasion on which you apparently visited Dr Prasad was the 16th of this year? A. Yes.

Q Why was it the last occasion? A. I was feeling better in myself and I had not got depression any more, and I told the doctor this, and he said, "That is good, because I have been instructed that I can't treat you any more."

Q Did you ever see him again? A. No.

Q You never went back to his surgery? A. I could not.

Q Have you had occasion to go to anyone since that time? A. No, I have felt well in myself since.

Q Did you make any payment to him on the occasions of these visits? A. Yes, I paid him a private fee.

Q How much was that? A. Two pounds.

Q Was that £2 on the first occasion? A. On every occasion. I never paid more than £2.

Q On each occasion you paid him £2? A. I did.

Q Did he say anything to you about where you ought to cash the prescriptions? A. It is my own choice, is it not - where I go?

Q Certainly, but did he say anything to you about that at all? A. He did not, know.

Q Did he say anything to you about whether you should tell people where you obtained your prescriptions? A. No, it is my own private business, that, isn't it? It is not an advertising campaign, you know.

Cross-examined by Mr DU CANN

Q Can I know the name of your own doctor before you went as a private patient to Dr Prasad? A. Dr Lamond and Dr Mills.

Q They are in partnership, are they? A. Yes.

Q Had you been with them for some time? A. All my life.

Q When you say you had no satisfaction from them does that mean that they were not giving you, either of those gentlemen, any drugs of any kind? A. Not drugs. They seemed to lack interest. I did not mention drugs to them. I mentioned my complaint and they seemed to lack interest in what I said.

Q Were you with them as a National Health patient? A. I was and still am.

Q I wondered whether you had transferred to Dr Prasad's National Health panel? A. No.

Q Do you know Mr Owen Jones? A. No, I do not - not by name.

Q Let me give you a few further particulars of that gentleman. You probably know him as Bob? A. He comes in the same pub sometimes, that is all. He lives in the same town.

Q 39 Priory Close. A. I do not know where he lives.

Q Was it from him that you heard of the name of Dr Prasad? A. No.

Q And had a suggestion that you might go to him? A. I have known Dr Prasad for far longer than any one of those people.

Q You mean you have been going to him? A. No, I used to live near to him at one time.

Q So did you know him personally? A. Not personally but I knew of him as a good doctor.

Q Did you know him to recognise in the street? A. Yes.

Q And to say "Good day" to? A. Yes, I used to live a hundred yards away from him.

Q Did you know that Bob Jones was going to Dr Prasad as well? A. I did not.

Q And getting drugs from Dr Prasad? A. I did not know, not until today.

Q Did he never tell you? A. He would not tell me. I am not a close friend of his. I know him.

Q Since you have been getting Duraphet and Tuinal from Dr Prasad have you been getting drugs from anyone else? A. No, not at all.

Q And your weight problem? A. It has gone down.

Q What do you weigh at the moment? A. About 15½ stone.

Q So you have kept off the half stone that you achieved in the six weeks or so? A. Yes, and I have maintained that weight.

Witness withdrew

Mr BAYLIS: I will now, if I may, resume my examination of Dr Prasad.

SHARANGDHAR PRASAD recalledExamination by Mr BAYLIS resumed:

Q I now want to deal with just two more of the patients who have given evidence. The first is the patient Miller, or Robichaux. Would you be good enough to have in front of you page 25 of the book and page 9 of the records? This is No.24 of the schedule. We know from the schedule that Mr Robichaux first consulted you on the 18th, or at all events the first prescription is dated the 18th October 1973? A. Yes.

Q Looking at the records which you have before you, will you tell us what happened when Mr Robichaux came to see you on the first occasion? A. He gave me the address as 4 Murdoch Road, Birmingham 21, and the date of birth as 11.4.50. I was told that he lived in a bed-sitter flat at 4 Murdoch Road, Handworth. He also told me that he has come very recently to Birmingham from Manchester. The address in Manchester was 448 Moss Lane East, Manchester 4, and his previous doctor was Dr Johnson of Oxford Road, Manchester.

Q Did you have a discussion with him about his medical condition? A. Yes. He told me that he has been getting a supply of medicines from Dr Johnson of Oxford Road, Manchester.

Q What kind of medicine? A. I do not know. I could not be sure whether he was taking drugs or medicine but he said he was taking medicine from Dr Johnson of Manchester.

Q Did you carry out any physical examination? A. Certainly I did.

What kind of examination did you carry out? A. Just the normal examination which I do. I must tell you, all of you here, that I have not the time to examine a person for one hour. If I did that no one would ever come. I examined him as best I could in the time that I had and made up my mind, after discussing with him, what problem he had.

Q Tell us what findings, if any, you recorded in your records. A. He has complained that he is very depressed, he wants to lose weight, he is unable to sleep and has no concentration, and he also told me he cannot sleep without Tuinal. On examination I found that he was a healthy young man, weight 12 stone and a little on the plump side. He wanted to be thin. Chest and heart were normal. Pupils were dilated. Discussing his symptoms, I made up my mind that he has had emotional distress, with mild obesity.

Q Was there any significance in the finding that the pupils were dilated? A. I think I might be wrong. He was in my surgery and it is dark there. Was it to do that or some other thing? I could not be sure of it.

Q How did you decide to treat him on this occasion? A. From this I decided that he has to have something given to him to get off this depression and the emotional

disturbance, and I decided to give him Durophet, 20 mg, 20 capsules, and asked him to take two at breakfast, and Tuinal, 200 mg, two to three capsules at night, at bed time, sleeping time.

Q Did you see him again on the 24th October 1973? A. Yes.

Q Did you repeat the prescription? A. Yes, he was saying that he was improved. He had the problem of having no concentration. Usually I say "What is that - fourth line?" or, in the eye test, "What is there?" If they are alert they will say what it is, otherwise they would not know. This was so and he was given the prescriptions for 20 of each, Durophet and Tuinal.

Q Did the same consideration apply in regard to the prescription of the 13th November? A. Yes, on the 13th November he came after about three weeks. He said that he had improved. He was asked whether he was registered with an NHS doctor. He was living at Murdoch Road, 400 yards from my surgery. I said, "Kindly get registered with another doctor." I suppose it did not have any effect on him.

Q When he gave evidence this morning you will remember that when I was asking questions he acknowledged that every single fact he told you was false, even his date of birth? A. I have been led to complete disaster by attending to this type of person.

Q Did you hear him say that this morning? A. Yes.

Q Had you any reason to believe that this evidence was false? A. No, I thought that he was telling it correctly.

Q And the address he gave? A. 4 Murdoch Road, Handsworth, Birmingham 21, which is about 400 yards from my surgery.

Q It was a real place? A. Yes.

Q Would you look at page 9 of the documents? What does the entry of 7.B.74 refer to? A. It says he is arrested and the Drug Squad was informed that he had forged drugs in the name of Phillip Robichaux; alias Harry Miller, and had been getting medicines in the name of John Roberts from Smethwick, 60 Tuinal and 40 Valium.

Q Had you ever had any of that information before? A. No, that was when I learned it first.

Q Did Mr Robichaux tell you anything to lead you to suggest that he was dependent on drugs? A. No, not at all.

Q Was there any discussion with him about his having attended --- A. The Drug Addiction Centre, you mean?

Q He is not on the schedule and he apparently never did. I should not ask you that. A. He never did?

Q Forgive me. He is No.24. It is scheduled under the name of Miller and he was under treatment at one time at

All Saints. Did you know that? A. Nothing whatsoever until this morning, when I heard that he was a patient of All Saints, and I also learned that he had been released from Winson Green, and it was Stafford Prison.

Q I do not need to ask you any more about the individual patients. Mr Du Cann will ask you any questions and the Committee, if they think fit. Is it right that the prescriptions which you issued, and which are referred to in these schedules, are almost without exception prescriptions issued at intervals of either a week or approximately a week or 14 days? A. Something like that.

Q There have been two instances where prescriptions were issued on consecutive days and you have already dealt with those and explained the circumstances in which those came about? A. Yes.

Q Are you aware of any prescription which you issued during this period where you prescribed a greater dose of amphetamines or of sedative drugs than two or three? A. Tablets per day? No, never.

Q Would you be good enough to look at your letter to the General Medical Council? It is the letter of the 18th May 1974. A. Yes.

Q It is addressed to Mr Eutcher? A. Yes.

Q He is a partner in your firm, is he not? A. Yes.

Q This and the subsequent letter were sent to the General Medical Council upon your instructions? A. Yes.

Q You say in paragraph 2: "I have reviewed all the cases". You are referring to the cases on the schedule? A. Yes.

Q What did you mean by "I have reviewed all the cases"? A. The cases brought up by the GMC.

Q Do you mean, "I have reviewed here and now for the purposes of this letter" or are you using what in fact is not quite correct English, meaning "I reviewed all the cases at the time"? Which do you mean? A. No, reviewed in retrospect now. I reviewed retrospectively.

Q You looked at the schedule and considered all the cases and you said that "practically many of them have come for lack of energy, spirits, enthusiasm and loss of sleep, obesity, inability to concentrate and sleep, and whatever medicine I have prescribed has been for the wellbeing of the patient". That is what you wanted to say to the Penal Cases Committee, having reviewed all the cases set out in the schedule. Did you, when you made that review, consider the two documents before you, the book and the set of records? A. Yes.

Q Then you go on: "I have prescribed medicines (drugs) for a week to a fortnight basis at the best. It has happened as I have stated that in a few cases the medicine in the possession

of the patient has been lost from him and that he has taken a little more of the drug for his wellbeing and hence after proper verification and under oath of the patient I have given him the repeat prescription." That refers to the two or three cases we have dealt with in evidence today?
A. Definitely.

Q "Also, I have to tell that I won't treat any patient assuming him to be a scoundrel." What do you mean by that? A. Because here now I am led to believe, thinking in retrospect, that I have treated human beings who have bullied me and told all sorts of rubbish and lies at me. I have tried to help them with proper intent in regard to mind and body. When this sort of thing happens this is a very sad day for me, that I should be treating this type of patient at all. If a person comes to me and says "I can't sleep" I do not think he is a bully and is telling me lies. I have got this training right from 1951, so it goes back years and years, therefore I am sorry if I have treated a person like that. I cannot give him a rocket and say "Get out." I am a black doctor sitting in the community where all are whites, and it has happened in the past, when the patient has abused me and insulted me, and I have told the patient to walk out, that they have written on the big glass pane of the surgery. They have said they will break it, and my car. It has happened in the past when I have refused to deal with patients. If you are not careful these things happen. Today somebody might break my surgery. Then all the glass will be gone. Also, for human reasons I do not think that a person who comes to me is second-rate, neither would I take money from them and put it in my pocket. I am far more a man of letters than you might imagine me to be. Also, it looks to me very rude if a person comes and I say, "I am sorry, I can't treat you". This has never been my policy in the last 17 years. If a person tells me he has a problem I try to help him.

Q Was it this problem that you were referring to when you were speaking to Mr Spear and made reference to the difficulties and the fact that you are a stranger in the country? A. Yes.

Q And you have said it was difficult to turn people away and that sometimes if you did you were insulted? A. Yes, I have been insulted. My secretary will tell you that in front of 25 or 30 patients I have been insulted.

Q Were the unpleasant words which you mentioned an example of words which had been used to you? A. Yes, Sir, they have been used.

Q Is it true, as you told Mr Spear and tell this Committee today, that in respect of a number of these patients you tried to persuade them to seek treatment at the All Saints Addiction Unit? A. When I heard it, but they have never mentioned a word about All Saints or having been prisoners. I do not consider that a man coming to me is a thief or has a bad character. Whoever comes is a patient.

Q Did you ever get in touch with the doctors or with

the Addiction Centre about the problem? A. I spoke to the appointments office suggesting that they should make an appointment for the particular person who was there at the time, but when I got this type of cold shoulder from the patient himself I was most disgusted and discouraged. I thought "This is not a case for me to handle." I was absolutely without enthusiasm. If the patient does not co-operate he can give you a slap and be off.

Q Looking back at the second letter which you sent to the Penal Cases Committee, on the second page you say, "I may have been erring in my clinical judgment but nothing have I done to hang my head in shame." You mean to cause you to hang your head in shame? A. Yes. It is the wrong English.

Q "The amount of clinical dosage has varied according to patients but that was my clinical judgment which depends upon so many factors." A. Yes.

Q Now that we have gone into this case in such detail and now that you have heard the evidence from these unfortunate lads who have come to give evidence here, do you stand by your opinion, expressed then, that your clinical judgment may have been in error in treating a number of these patients? A. I feel that I may have been wrong.

Q Did you ever intend to issue these prescriptions, with which this Committee have been dealing, wickedly and, as the prosecution allege, simply for the money involved? A. I am sorry for your word "wickedly" as I have, as a physician, taken the Hippocratic Oath. I am not a wicked doctor and I am not a wicked man. You can take it from me. As doctors we believe in the human virtues, and if there has been something wrong this has come out of my clinical judgment only.

Q Did you stop prescribing all drugs set out at the top of this schedule for your private patients on the 20th February 1974? A. Except just on two occasions, when I had to give the patient Miss O'Shaughnessy something, because ---

Q According to the evidence you heard this morning of Mr Spear, the only exception which he can find was one prescription shortly after that of Mr Kavanagh? A. Yes.

Q On the 15th March; and two prescriptions for Ponderax, which is not a controlled drug? A. No, it is not.

Q With the exception of Miss O'Shaughnessy, whom you have excepted throughout, and these three prescriptions for Kavanagh, have you given any prescriptions -- obviously you have given some prescriptions for some patients --- A. But not to these ones who are here.

Q Have you given any prescriptions for any private patients for any of the drugs which are at the top of the schedule? A. None whatsoever.

Q You have not issued any apart from those which have been referred to in evidence? A. None whatsoever.

Q That was from the moment you received this warning from Mr Spear on the 20th February? A. And he reminded me of something. He gave me some advice. I asked him, "What do you do with these bullies?", and he gave me some advice and I am very thankful to him.

Q Are you willing to give this Committee your solemn undertaking that you will never again prescribe for private patients drugs of the kind specified in this schedule?
A. Certainly, yes. It is safer for me. When you have this type of occasion, with doctors facing you, it is not something that I like.

Cross-examined by Mr DU CANN

Q I would like to get rid of one thing. It will be appreciated by the Committee only too well that none of us has had over long to look at the records which have now been produced, and I would like to examine one feature of them this evening. If you do not understand any of my questions please say so at once. A. Yes.

Q I would like, if I may, to ask you some very short and straightforward questions to which it may be possible to answer yes or no. If you could do that first and then, of course, add anything you want afterwards, we shall know where we are going. Do you understand? With regard to that book that you have produced - I do not think the Committee have yet been able to see it - is there any preceding book to that? A. Not preceding. There is a succeeding book. There is a little pad type of thing which was stolen.

Q Do I understand that, so far as your private patients are concerned, and records for your private patients, apart from the documents which you made out, very often in their presence, this book is the only other record that you have of your examination of them and the treatment that you recommended? A. Could you repeat that question?

Q Apart from the records which you made out, perhaps in the patient's presence - those are the little bits of paper - this book is the only record that you have got of your examination of your patients and the treatment which you recommended? A. Yes. There was a book there as well which Mr Baylis knows about.

Q Have you got any book which precedes this one? A. This one, you mean (indicating)?

Q Yes? A. I do not think so.

Q Very well. Have you got any book which followed on that book? A. There was a book in which I used to write.

Q Only a little bit of that book has been entered, has it not - only part of the book has been used? A. Part of the book has been used?

Q Only part of the book has been used. A. Yes, whatever was there is there. This is not a very bound type of book.

Something might be missing. I cannot be sure of it.

Q What I would like to understand is whether you have got any other book which followed on that one? A. There was a book on which I used to write something but there was a theft in the surgery and it was stolen.

Q Happily this book here was not stolen? A. This book was not stolen, no.

Q In that book there are chronological records of your examination of various of the witnesses that we have seen and the names of people who appear on this schedule. A. You mean this book?

Q No, the book. A. Not chronological order, because we never knew there would be a GMC inquiry for this purpose.

Q Please listen to my question. Take the book in your hand. That is the book I am talking about. Do you understand? A. Yes.

Q In that black-covered book there are some records in chronological order of your examination and prescribing for people that we have seen giving evidence here and whose names appear in the schedule. A. I do not think it is chronological. It is just a record. It is not chronological.

Q I think it is. A. Why is that so?

Q Can you tell me why it is that in that book, out of the 40 names that we have on the schedule, you have only I think about 25 names? A. Yes. Some patients had come later on. I am lucky that I have written something, otherwise I might even have been able to tell you nothing today.

Q I am referring to No.21. If we look at the first page of the book we will see that the first entry, dated at the top, is the 22nd September 1973. If one looks at the last entry in the book, relating to a person called Joiner, at page 36, not page 37, one will see that the date of first entry for that new patient is the 26th November 1973? A. Yes.

Q Do you follow? A. Yes.

Q You have not entered any new patients coming to you after the 26th November 1973. Why not? A. These pads are always coming to us and there are so many of them lying round the surgery. I did not think it was that important to put down this particular and that particular. I did whatever I did and that is all. I never had the time nor the patience.

Q You kept this record book, you have told the Committee, as your detailed record of your examination of these various people? A. Yes.

Q And your prescribing for these various people, and you thought it important enough to go on keeping those records for these patients right into January and February of 1974? A. Yes.

Q. I ask you again: Why did you not go on entering patients who were new to you after the 26th November 1975? A. Something I have written but not all, because there is something in that type of booklet which I have just marked. I do not know if you have seen that.

Q. I am asking about this book which you have just produced. Why did you stop entering new patients in this book when there was so much of the book still to use? A. Because, you see, there was not enough time, unfortunately, to write in the same book. Sometimes I have written in some other book, you see. At that time I told you very sincerely and honestly that I had no idea that all this I am doing for the GMC inquiry, and I did not prescribe for the patient with a GMC inquiry in mind. That is the truth. I did not know it would lead to an inquiry. I am sorry about that, whatever you might tell me.

Q. Is there any question of your having made this book for the purpose of giving evidence before this Committee? A. Having what?

Q. Having made up this book for the purpose of giving evidence before this Committee? A. Not made up.

Q. Made up the book? A. No, no. It is not made up. Whatever is there it is there, whatever I know, but I do not say it is completely and absolutely -- I could not be absolutely sure about it.

Q. I want you to answer the question plainly and directly. Is there any question of your having invented what is in that book and written it down there for the purpose of misleading this Committee? A. No.

Q. Is there any question of your having altered in any way any of your records? A. Not knowingly. Altered?

Q. In order again to mislead this Committee and to help, you think, your case? A. Why should I mislead for something?

Q. We will examine that aspect tomorrow, but is there any question of your having written anything on to any of the records that you have produced? A. Whatever I do I have produced it but it is not the only job I had to do.

Q. Is there any question of your having added anything to those records after they were first made? A. Something which I have done?

Q. Let us take it by stages. I am referring to the records that you produced, Exhibit 7, not the book. Please shut the book, would you? Put it away. And it to the lady on your left, would you? A. Yes.

Q. I want you to think now only about the records which are now in your hand. Have you added anything to those records? A. Added means to have put down something there?

Have you put down something there which was not there

previously, for the purpose of helping your case in front of this Committee? A. Not put there, but if there was something to explain I have just put it there.

Q If the evidence given by the witnesses is correct, Murray and Miller and the rest of them, there was no examination given by you of them, was there? A. No examination?

Q According to their evidence? A. I am sorry. I have not done a thing like that - not examining them and just giving them a prescription.

Q Will you look, please, at the record in the name of Murray? It is at page 1 in our copies of the records, Exhibit 7. Is that the one in the name of Murray? A. Yes.

Q Will you listen to the question very carefully? The name "John Murray" and "24 yrs" are written in a black biro pen, are they not? A. Yes.

Q In the centre column the Edgbaston address and the London address are written in the same black pen? A. Yes.

Q In the right-hand column, under "Notes", the name and signature "Murray" are written in the same black pen? A. Yes.

Q Can you tell me why it is that in the left-hand column, underneath the name "Murray", where your diagnosis is written of depression and insomnia --- A. Depression with insomnia.

Q --- it is in a different pen? A. I get your point now. You see, immediately when I saw the patient I neither had sufficient time to put it down completely nor the opportunity, and also there is the point that so many points are kept there on my desk. I asked Mr Murray if he was getting treatment elsewhere, and that is why I have written there.

Q In the right-hand column, across the word "Notes", which is printed there, we can see the words, "I certify that I am receiving no treatment from anywhere else", or some such words, again written in a different pen, but the same pen in which you put down your diagnosis? A. Yes, but you see when I asked them "Have you been under treatment by any person?" and they said "No", that is what the signatory has done.

Q I would like that exhibit to be passed to the President and to the members of the Committee. I am going to ask you now questions about Mr Miller on page 9. Have you got that? A. Yes.

Q Am I right in thinking that the name "Harry Miller" and the date of birth are in a dark pen? A. Yes.

Q And the addresses in the centre are in the same pen? A. Yes.

Q And Mr Miller has signed in the right-hand column?
A. Yes.

Q But the diagnosis under the name in the left-hand column is in a different pen? A. That was to make it more prominent so that I can see what is what.

Q Why do we find the same difference in pens on this record, where we have the certification across "Notes" in the right-hand column, "I Henry Harry Miller hereby certify that I am not receiving treatment from anybody else", or words to that effect? A. But, you see, I have to write the diagnosis, this, that and the other. I do not make it a practice to write each and every diagnosis immediately. That was not necessary for me. This is the diagnosis there. That is all.

Q Is it that the writing about the certifying was on there in a different pen when Mr Miller signed the document, or not? A. Yes, it depends what pens were lying there.

Q Never mind the pens. Were the words, "I certify that I am not receiving treatment from somebody else" on that document when Mr Miller signed it? A. Yes.

Q Are you sure? A. Yes, he signed it. Can I add something?

Q Please do. A. You see, so many pens, as I have told you, are lying around there. I do not think there is that much time with any patient so that I will write everything down then, nor is it possible for me to write each and every letter and word there at that moment. So later on I put down whatever is my diagnosis.

Q I would like you to hand that document to the President. I want the Committee to see the one in relation to Miller. (Handed.) I will deal with one more. This one may be particularly important. It is at our page 2 of the same exhibit (Exhibit 7). Have you got that? A. Garnett.

Q The name in the left-hand column is in a thin red biro, is it not? A. Yes.

Q The address in the middle column is again in a thin red biro? A. Yes.

Q And is there a signature by Garnett? A. Yes.

Q Again in a thin red biro? A. Yes.

Q But the certification over the top is in a different kind of biro? A. Yes, because there are so many pens lying there - felt pens, bios, Parker pens - and whatever is there you just take it. When I have an opportunity I do not think, "I must write with this pen." That is not my practice. You ask me why I wrote it. I have no answer other than that.

Q There is a little arrow from the end of his name, above the word "Address", pointing to your diagnosis? A. Yes.

Q Is the word "Depression"? A. "Depression with emotional distress."

Q Is that a different pen again? A. Yes.

Q And the date, which is just above Garnett's name, 5/10/73, is in a different pen? A. The blue and the black one, you mean?

Q A different pen? A. There are two marked over there, 5/10/73. It is a different pen, yes.

Q And the date which is just above Garnett's name, 5/10/73 - let us be quite clear about this - is in a different pen? A. The blue and the black one, you mean?

Q A different pen? A. There are two marked over there, 5/10/73. It is a different pen, yes.

Q When a document is supposed to have come into existence on one occasion, bearing all this information, why is it that four different pens are used? A. You see, the whole trouble is that if you are not in practice you do not know why these things can happen. There are so many pens kept round there. I am not like a detective or something like that, that I should write in this pen and not another otherwise somebody will prosecute me. I have never had this type of idea. Whatever you are thinking about it, that I purposely did it, that is not so. It has just been lying around there. I did not write at that very moment a spot diagnosis.

Q I want to come to the important point. In the top left-hand corner of the document - I cannot see it on my copy and I do not imagine the Committee can on theirs - there is another date, is not there? A. Where?

Q Right in the top left-hand corner. A. You mean this is in the red ink?

Q Yes. A. 12.6.73.

Q The 12th June 1973? A. I see. I am sorry. I shall explain it.

Q Pause for one moment and confirm to me that the red ink in which that date is written is the same red ink as the name and the address and the signature which appear upon this. A. I am sorry. You are completely misled. This is not a prescription pad but just a little slip which comes from the chemist. This book you will see gives the name and address and at the top it says "Home visits". It is just a type of note. It was not done with the intention to tell you wrong, which I have not done. Secondly, when you see 12.6, it might have been some time back that I might have been able to write for some different person. I do not know. I can give you one example of it, to convince you as it does me. Hold on a minute.

Q Perhaps that individual document could be taken off and given to the President while you are searching through. A. Please, I am giving you an example. This is 19/10/73,

Mr Forrest, 47 yrs, of 175 Holly Road, Birmingham 20. There is a note about Dr Watson and the difficulty the patient was having. I have just made a note, you see, of the person who came there, and his particulars. That is page 13.

Q You are pointing to page 13? A. Yes. Hold on. I have not finished.

Q May I ask you this question before you point to something else? At page 13 the date in the top left-hand corner and the details on the form are in the same pen.

A. It does not mean ---

Q Is that right? A. It may not even be right, because 19/10 does not mean I write "19/10" in one pen and "Forrest" in another pen. It is an impossible and very vague type of thing. I do not remember and do not have occasion to know it.

Q You have the original and we have not. Does it appear to be the same pen? A. Yes.

Q Is there anything else you want to point out? A. But it does not mean anything. It does not signify anything whatsoever. I will give you something more. This is page 23. Date of birth is 23/5/52. Address is 35 Grosvenor Road, Birmingham 20, and then 356 Dudley Road, Winson Green, Birmingham 18. It goes on to say "Pain in back" and then the medicines are mentioned. Then after that there is the date 8/12/73 and the name of Mrs Gordon, 45 Queen's Head Road, Birmingham 21. It says that she has no children and has been married seven years, and has back ache. She is a midwife at the Selly Oak Hospital. It does not mean anything whatsoever in the way you suggest. Then we have page 24, Luther Lawrence, 42 years, of 41 Murdoch Road, Birmingham 21. The previous doctor is mentioned, Dr Adak, and his previous address, 138 Antrobus Road, and the fact that he complains of pain in the stomach by the navel. It does not signify anything in the way you are saying. Hold on. I will tell you more about it. Look at page 31. The date is 4/12/73. This is Mr Winston Dooley, date of birth 20/6/51, of 33 Westbourne Road, Birmingham 21. His previous address is given, 17 Clifton Road, Birmingham 11.

Q Dr Prasad, please stop for one moment. The Committee I think wish to rise and if you wish to add anything in the morning you may. A. Just one word on page 40.

Q If you please. A. Mr John Thompson, 27 Linwood Road, Birmingham 21. The previous doctor's name is given, and it mentions "water frequency" and the next entry means that there is no sexual incapacity. This does not signify anything in a particular way. It is just a note jotted down. Secondly, I did not prescribe something so that the GMC could come and look at it. We do not do medicine like this. Each time I write I do not have to have the advice of the GMC President or Secretary. I do not have to have that.

Mr DU CANN: There are seven entries in regard to which the same point may be made, and they are to be found in the document we have in photostat form, Exhibit 7, at pages 1, 2, 3, 6, 8, 9 and 27.

The PRESIDENT: I will ask the members of the Committee to have a look at these exhibits before they leave tonight.

The LEGAL ASSESSOR: Dr Prasad, you are in the witness box and the same rules as applied to other people apply to you. You must not discuss the case with anyone overnight. Do not talk about the case with anyone overnight. A. I see.
Thank you very much.

(Adjourned at 5.55 p.m. until
10 a.m. the following day)

Resumed

Friday, 26th July, 1974

Mr DU CANN: Before I continue with the cross-examination may I refer to the All Saints Hospital schedule? Overnight Mr Summers has sought an explanation from Dr Owens, to whom at last he was able to speak, as to why he did not attend yesterday afternoon for the purpose of giving evidence. I regret to have to tell the Committee that no explanation, satisfactory or otherwise, was forthcoming from Dr Owens. I have been able to speak to Mr Baylis about the matter this morning, as I did yesterday. I am able to confirm the accuracy of the matters set out in the schedule as fortunately Mr Summers, in taking the proof, was able to examine the records for himself, and Mr Baylis has told me that he is content that the Committee should act as if the schedule had been properly and fully proved, and that therefore it would become admissible in these proceedings. I am indebted to him for the attitude he has taken towards the matter and perhaps, that being the case, the Legal Assessor could advise the Committee that it is proper in the circumstances to receive this evidence. I think it is paragraph 47(3), if one needs to look at the detail of it.

The LEGAL ASSESSOR: That is the position, is it? Mr Baylis, is it your contention that the Committee should treat this schedule, Exhibit 5, as evidence in the case?

Mr BAYLIS: Yes.

The LEGAL ASSESSOR: In those circumstances I advise you to admit it as evidence. ~~It~~

The PRESIDENT: It will be admitted as evidence.

Mr DU CANN: In going through the records, as opposed to the book, last night, I have found that in fact in the copies we have got, page 3, which refers to a gentleman called Capozzi, which is one of the names on the main schedule, Exhibit 1, as entry 5, is not the only page 3 in the original record. In numbering the pages, page 3 has been given to two different pages, and we have only got one copied, so I have had the extra one copied overnight, referring to Delia Hogan whose name also appears in the main schedule as No.15. Perhaps copies of that extra page could be put in, because I propose to ask some questions about it. I have given a copy already to Mr Baylis.

The LEGAL ASSESSOR: This we will make part of Exhibit 7.

SHARANGDHAR PRASAD recalled

Cross-examination by Mr DU CANN resumed:

Q I want you to have the original in front of you.
A. Delia Hogan?

Q Yes. I want you to understand my suggestion. I am not suggesting that the whole of this sheet or, indeed, of these sheets constituting Exhibit 7 have been prepared for the purposes of this hearing but that certain alterations have been made to these sheets in order to make them more acceptable. Would you please confirm to me, as you have the original, that the name Delia Hogan is in a red biro? A. Yes.

Q And that in the centre column "21 years - 18 Soho Road, Birmingham 21, c/o Mrs Lynch" is in the same red biro?
A. Yes.

Q And that the notes after the bracket sign, (1) and (2), Tufnal and Durophet, are also in the same red biro. What I am suggesting is that when anybody came in as a private patient, obtaining drugs which are controlled drugs, to begin with you did not make any proper record of the number of occasions upon which you were prescribing until probably some time in October or certainly November 1973. Do you understand? A. It is completely wrong, what you are saying.

Q Will you look, please, at the top left-hand corner? The date which we see is in the same red biro, is it not? A. Yes.

Q But originally that date read 13/6/73. Do you follow? A. I am sorry. It is the 13th of the 10th. These papers lie before us and you cannot doubt everything. Even if water comes to you you think it is poison? The line is 13/10 and nothing else. If you want, go to Miss Delia Hogan and ask when she came the first time. I have a letter before me which I want to show you, that we did not accept it.

Q I suggest that you have altered that date at some later period to 13/X/73? A. I am very sorry. That is not so.

Q To make it read as if it is the 13th of the 10th? A. It is the 13th of the 10th.

Q And to add verisimilitude - an air of accuracy and truth - to it, you have written in 13/10/73 underneath the name Delia Hogan, but this time in a light black biro ink? A. It is just the date. It has nothing sinister about it or anything like that to make it camouflaged. It is not like that. I am sorry that you are talking as if you are a spy. We do not do things like that. Go over there and ask. Send your man there.

Q And at the same time you have written a certification which runs across the printed words "Home visits", and down almost to the word "Notes", in the same light black biro. We have seen how you wielded a pen when you were in the witness-box. You have written the date, just above the word "Notes", of "13-10-73" in a felt tip pen? A. Oh, dear. I never thought that this is something sinister.

It is the 13th of the 10th. We never think that the GMC people will be sitting here and you will be there, as if it is a James Bond film. It is not like that. I am sorry that you are agreed on something which is beyond my conception.

Q Can you explain to us one other matter about this document before the original is passed to the Committee? In the centre of the document, just below the address, there is your diagnosis written in? A. Yes.

Q I think it is "emotional distress and insomnia"?
A. It is "with", not "and".

Q I apologise. A. You are not used to this type of thing which we write.

Q Thank you very much. It is written in a different pen again - a light blue pen? A. Yes.

Q If that was your diagnosis when Miss Hogan first came in and you were writing the details down with a red pen, why did you write this in a blue pen? A. I did not write the diagnosis and everything every time. That is because there is no time. If you are in a surgery you know what happens. It is not like a solicitor's office where you go by appointment and it does not matter if you are one hour late. We have patients waiting. Go there and see your doctor and then you will know, unless your doctor has an appointments system. I have not an appointments system.

Q Could that original document be passed to the Committee? I will ask you now to look at your book, Exhibit 8, and to turn to page 18. A. Yes.

Q This, you have told us, like all the entries in this book, would be made within 36 hours? A. Something like that. If a person came on Saturday it is ready by Monday. That was not the first job I had to do. I had to do some far more important jobs than to attend to these people. Do you understand me?

Q Of course. A. If you do not understand it the doctors here will appreciate what it is to be a G.P.

Q I hope I shall understand it. If you look at this page, about three lines down on the left-hand side we have the date, 13/X/73? A. Yes.

Q Again with an "X"? A. Yes.

Q And underneath you have written in brackets "Sunday"? A. Yes.

Q And, believing when you were making up this record that the 13th of the 10th 1973 was a Sunday, you have put underneath her address, "Visited me at 14 Regent Road", which is your own home? A. It was my own home.

Q But in fact the 13th of the 10th was not a Sunday, it was a Saturday? A. Well, you see, it was written for Sunday. I have told you that I did not write everything at that very moment. It was impossible, impracticable and unthinkable and it would have been completely irresponsible of me to go and attend to this sort of job and leave my patients to the dogs. I would not have done so. I was not making a James Bond film.

Q I want you to look in the book at something else, and this is the only matter I am going to ask you about in the book in addition. Would you turn to page 27, which is Gordon Yates? A. Yes.

Q He is scheduled on Exhibit 1 as No. 34. On the basis that you have told us, that this book is made up roughly speaking after 36 hours --- A. Something like that. I could not swear to it. If I swore to it I would be telling you wrong. Please understand that this was not the only job that I have had to do.

Q Of course. Would you confirm to us that the page about Mr Yates is made up in the same way as the other pages? A. I cannot remember it now.

Q But within that scheme? A. Yes.

Q Do I read this correctly? "Gordon James Yates, 97A Perrol Street, Winson Green, Birmingham 18"? A. Yes.

Q Then you have written either 21st or 22nd October 1973? A. Yes.

Q "Seen this Sunday", and then you have put in a little thing indicating that you have left something out, and written in the date again, 21/10, "at 14 Regent Road"? A. Yes.

Q Can we take it that you saw this gentleman? A. I saw this gentleman, yes.

Q And made the diagnosis and the examination which then follows, because on the left-hand margin a little below that you have got "O/E", have you not? A. Yes.

Q Which means "on examination"? A. Yes.

Q And so are you saying to this Committee that he made that examination? A. Yes.

Q And that you saw the patient again, if I can come to just below half-way, the left-hand margin, on the 17th November 1973? A. Yes.

Q And the 20th November 1973? A. Yes.

Q I would like you, if you would, to look at the records, Exhibit 7, while keeping that page open at page 19. Have you got that? Can you tell me why there is missing from that record card the visit of the 21st or the 22nd October

1973? A. Can I have the paper?

Q I thought you had it in front of you, but the photostat will do in this instance, I think. It is page 19? A. Yes.

Q Do you see that the visit of the 21st or 22nd October is missing? I will suggest a reason in a moment but can you first of all explain to us why it should be missing from the record card? A. Please do appreciate that this record book lies at my surgery. The surgery is at Soho Road, which is three furlongs away. My house is at Regent Road, and I have another surgery at West Bromwich, and some persons have seen me at West Bromwich and some have seen me at Soho Road, but very very rarely has a person been seen at my house.

Q Very well. Let me pass on to something else. In the record cards you have given us you have drawn attention, and you did last night, to the fact that amongst those record cards are four dealing with persons who have complaints which lead to treatment for sexual impotence or lack of sexual drive, and two other things which do not need the prescribing of controlled drugs. You were making that point last night? A. Not that it is the answer to it in medicine, but you know, human worries are peculiar. Some persons will get a boost from Valium, some from Librium, and some from Largactil. Very sinister suggestions are made that for sexual intercourse I was doing that. It was not that.

Q If the book, Exhibit 8, is a genuine book, can you tell me why, when you had visits in October and November from such people, there is no record in your record book? A. It is just a book supplied to us by the Merck company. It is not a visit book.

Q I do not understand that. Can you tell me why it is, if in October and November you had private patients coming to you who were having drugs supplied to them, you have not got these other private patients who were coming to you. Why are they not in the book? A. In this book?

*
Q Yes. A. I have got the Wellcome diary. Whatever is possible I have kept there, because those persons have been coming for quite some time back, therefore there was no need for me to write a separate entry for them, and I would not do it for each and every patient that I see.

Q There are attached to the back of Exhibit 7 one or two extra pieces of paper, which, as Mr Baylis pointed out yesterday, are different from the record cards. Would you look at page 45? This is a list of names of persons who were coming to you and for whom you were prescribing controlled drugs. The first name I see is in the second line, Rohald Casey, or Ennis, who was coming on the 11th February and receiving a prescription to be dispensed on the 15th February? A. Yes.

Q Then five lines down in the left-hand margin you have No.2, Malcolm Lodge, who received Diconal? A. Yes.

Q No.3 is a name I cannot read. Then there is Mr Capozzi, and in the left-hand margin, just under 13/2/74, there is an entry showing that £1 was due from him, because he paid £4 on that day? A. Yes.

Q Mr Capozzi was receiving 40 Durophet and 40 Tuinal?
A. Yes.

Q Is it right that you were charging £5 a time for 40 tablets of this class? A. For the first time, for a second time and now for the third time I am telling you it depended on the time the patient took. It did not matter whether it was £2, £3 or ten shillings.

Q Have a look at some more of them. You did not make a complete list but enough for our purposes. Look two-thirds of the way down and you will see in the left-hand margin the date, 15/2/74? A. Yes.

Q And just underneath that "(A)"? A. Yes.

Q Have you got that place? A. Yes.

Q And opposite the "(A)" is "John Murray, Bristol Road, Birmingham"? A. Yes.

Q And you were giving him firstly Syrup Becosyn and then Nembutal and Durophet - you were giving 40 Nembutal and 40 Durophet? A. Yes.

Q And in your left-hand margin you have got £7 noted?
A. That is correct, yes.

Q If you look at the next one under that it is Brian David Smith, and again you are giving him 40 Durophet and 40 Tuinal? A. Yes.

Q And also Syrup Becosyn? A. Yes.

Q And £5 is charged? A. That is correct.

Q Is it not right that you were charging £5 for people who were taking away prescriptions of 40 tablets? A. I am very sorry, Sir. I have explained to you. Take Brian Smith. He had some trouble with his appetite. I had to do something more and it depended on the time they took. Suppose a person comes to me who has no money. In all my 22 years I have not taken the money if they have no money.

Q After Detective Sergeant Brown called on the 9th December 1973, apart from cutting down in the strengths of the Durophet which you were giving to people, so that it went down from 20 to 12.5, did you make any alteration to your prescribing at all? A. From what date?

Q After Detective Sergeant Brown called on you on the 9th December? A. I could not be sure.

Q Because he told you that people were coming to you who

were drug addicts, did he not? A. He suggested that, yes.

Q And warned you as to what the position was. Then did you take any action other than merely reducing the dosage?
 A. Neither Sergeant Brown nor Mr Spear have any control over what a doctor should give. That is a clinical judgment for the doctor. None of the doctors in this country would be prepared to say what other doctors should prescribe. It may be unfortunate that I have written something but they have no authority to say you cannot do this or that. I am quite agreeing that they have their job to do, but Mr Spear yesterday said that I am not responsible for what these people do with the drugs. I am very sorry that there is a misunderstanding or misinterpretation. I told him, "Suppose I give a patient 40 tablets and he takes all of them on one day and is dying of poisoning, do you think I am responsible for that?" It is their choice as to what they do. If they do it wrongly they can be dead. If people go to the gas cooker who is responsible? Is it the Gas Board? I told him that not only for these patients but for any patient, even National Health, this is the case.

Q As a result of the warning from Detective Sergeant Brown did you contact the Addiction Unit at All Saints to see whether they knew that you were treating or had any knowledge of the people who were getting addictive drugs through you? A. I am sorry he did not give me a warning that I should contact the Unit.

Q Did that not occur to you yourself? A. That was my prerogative as to the patients when they came over there, to ask them, whatever day it was. Many patients had to be turned down. I contacted the appointments office a few times but on many occasions the patients do not appreciate what you are doing. You cannot change stone into iron at will.

Q Is the answer to my question that you did not get in touch with All Saints? A. I got in touch with All Saints but not for any personal name. I cannot remember everybody but whenever it was possible I did contact the Appointments Office and asked whether such and such a person could go. The psychiatrist is there to see them. But it was a hopeless job trying to persuade these people to go, and many did not tell me they were getting drugs elsewhere or were on the books of All Saints years ago. I did not have that information.

Q Would you confirm to me that the Addiction Unit at All Saints is the only one in the Midlands? A. I am sorry, I have no information like that. I know that there is a Unit for alcoholics.

Q Please listen and answer. Do you know of any other addiction unit serving the Midlands area? A. I think there is somewhere a clinic in Moseley for alcoholics, and there is a unit for delinquents and alcoholics somewhere. I cannot be sure about that. I have no information about this in writing. It is just by knowledge that we know there is a unit for alcoholics there.

Q I am not interested in alcoholics. Look, please, at page 50 of your records, Exhibit 7. It is the last page but one. This is a piece of paper made out by you on the evening of the 18th January 1974 and I suggest that it will show to this Committee the stage that had been reached by mid-January of 1974 in your prescribing for private patients. It would appear that you saw six on that evening. They are all names known to us. No.1, Mr Capozzi, was having Durophet and Tuinal. No.2, Mr Elwell: it is not possible to see what he was having but it is possible to see, just under "Handsworth, Birmingham", that he paid £6 for whatever it was he was having? A. Yes.

Q No.3 is Mr Terry Beston. A. Yes.

Q He paid, it would appear, £3, and he was having Durophet and Nembutal? A. Yes.

Q No.4 is Mr Casey, having Durophet and Nembutal? A. Yes.

Q And it gives the date "last seen"? A. I could not be sure about that.

Q That is what it says on the document. No.5 is Mr Owen Jones? A. Oh, "last seen". You mean last seen for date, yes.

Q Yes. Mr Owen Jones @ Tuinal and Dexedrine? A. Yes.

Q Finally, there is Mr Brooks, having Tuinal and Diconal? A. Yes.

Q Are we to understand that every single private patient coming on the 18th January was suffering from insomnia on the one hand and depression on the other? A. The 18th and 19th.

Q Is that right? A. Yes, those are the dates.

Q Looking at the main schedule, items 31 and 32, showing the date of prescription column, it looks as if Mr Shakespeare had a prescription from you for Durophet and Tuinal on the 19th and Mr Smith had a prescription for Durophet and Tuinal on the 18th. Do you see? A. Mr Smith on the 18th?

Q Yes. The next entry, No.32, Mr Smith, 18th January 1974 - the last entry but one on that page? A. Yes.

Q That means that on those two days - it is spread over two days and not merely one - you have eight people visiting you, all of whom require Durophet, Tuinal, Nembutal and one Diconal? A. On two days you mean?

Q Yes. A. Yes.

Q Are we to understand that all your patients were suffering from insomnia and depression? A. I asked them about their complaints. It does not mean all of them were

suffering from insomnia and depression. Whatever they had I have taken down.

Q Would you help us about something else now? With the exception of Mr Casey, whose strength of prescription did not vary throughout - that is on the main schedule, Item 10 - one can see that Durophet was maintained at 20 mg throughout. With the exception of Mr Casey, within about 10 days of the visit of Detective Sergeant Brown all your patients received a reduced concentration of Durophet, so that instead of 20 mg they all went down to 12.5. Were they all suffering from a condition in such a manner that it was possible for you to reduce their dosage in every single instance? A. No, it was not possible, and it depended on my clinical judgment at the time as to what he requires and what is the fact.

Q Are you saying that it was your genuine opinion that these reductions were necessary because of the condition of the patient? A. As the condition warranted.

Q Would you look, please, at page 2 of the schedule, which has four different names on it, Nos. 5 to 8 inclusive? Starting with No. 5, Mr Capozzi, in the column marked "Durophet" do you see that he receives 20 or 40 tablets at 20 mg throughout until the 19th November? A. Yes.

Q And then on his next visit, 28th December, he is down to 12.5. That you said was due to his condition? A. I was persuading them to cut down the dose, and this is my request.

Q Looking at Mr Carty, No. 6, he comes to you first on the 18th December, and he starts at 12.5 mg? A. Yes.

Q Mr Donnelly starts coming to you on the 21st December? A. Yes.

Q He is at 12.5? A. Yes.

Q Mr Doran on the 15th December receives 20 mg? A. Yes.

Q But by the 31st he is cut similarly to 12.5? A. Yes.

Q I am suggesting that this schedule shows that somewhere about the 18th or 19th December you cut everybody down to 12.5? A. I could not agree with you. There have been occasions when not only 12.5 is prescribed but even less. There is the strength of 10 mg as well. It is not that I am trying to cut down the dose just because of them; I have given what they require. I may be completely wrong but I have done this genuinely because I thought the person did not require very much. I have tried to persuade them to cut.

Q Looking at item 22, Mr Lodge or Mr Lande, the first witness I called, there is only one prescription shown there on the schedule - 29th January? A. Yes.

Q But we know that he came to you on the 21st January

as well and got the prescription? A Yes.

Q Look at any of these if you want to. On the 21st January his name is given as Lande of 30 Lodge Road?

A. Yes.

Q On the 29th January his name is given as Lande of 30 Lodge Road? A. Yes.

Q But on the 4th February his name is given correctly as Lodge, of 1 Rowdale Road? A. Yes.

Q How did you discover that he had told you something which was untrue to begin with? A. I do not know what came into his mind then, or what he was trying to get at.

Q Is it right that you had discovered that he had been a patient or was a patient then at All Saints? A. I am sorry, I did not know even till the last day.

Q You were prepared to go on giving him precisely the same drug although he had deceived you both as to his name and as to his address. Is that right? A. I could not follow the last part of the question.

Q You were prepared to go on prescribing the same drug in the same quantities even though he had deceived you as to his name and as to his address? A. Can I see in my papers where I have given prescriptions so that I can tell you about it?

Q Certainly. There are an extra three prescriptions. Would you look at the second of those? The 2nd or 4th February is the first date when the true name is given. A. Still I am doubting whether it is the true name or not. Even today I do not know if it is the true name.

Q We have heard him giving evidence. A. But the grey matter is something thicker than you would imagine.

Q Never mind the grey matter. We are talking about this. On the 16th February, a Saturday, he told us - and I understand that you agree - that you gave him 25 Diconal tablets? A. Yes.

Q Where had you obtained those? A. That was from my surgery.

Q Where had you got them from? A. Many patients when they come ---

Q It is such a simple question. Please answer it. Where did they come from? A. I do not know; from my surgery.

Q Your drugs register would show where they came from. May I see your drugs register, if this is bona fide prescribing? A. I can tell you one thing.

Q Please. A. Let me explain and then you can carry on.

The LEGAL ASSESSOR: I think you ought to answer the question put to you by counsel. I will ask Mr Du Cann to put it again, and this time please answer it.

Mr DU CANN: May I see your drugs register? A. This is not a register but a note that I have made.

Q Was this all created on one day - page 42? A. This was not "created". I have kept this but it was not a completely marked out thing. I had kept note of it, where it was, and that is it.

Q Please answer the question. Was this page all written out on one day? A. It was just a question of noting it, which I have.

Q Was it written out after Mr Spear had come to see you? A. He said to me, "Will you kindly get it in the correct form?" I said, "I am sorry, I have a note of it", and I did it.

Q Does that mean that this was written out after Mr Spear came to see you? A I am sorry, I should tell all of you here that the medicines which were there - I was not keeping the drugs with me and these people went to the chemist.

The PRESIDENT: You have been reminded by the Legal Assessor about answering the question. Will you please do so? A. Yes, Sir.

The PRESIDENT: Mr Du Cann, would you put it again?

Mr DU CANN: It is the third time I have asked you. Was that page written out after you had been seen by Mr Spear? A. The notes had all been kept. I just re-wrote it, that is all. I had noted it and I told him it was already noted and I was not keeping drugs with me. I do not keep the drugs with me. I only have some that the patients have left over.

Q Is the answer to my question yes? A. Yes, I have said so. (Book put in as Exhibit 10).

Q I want to see now whether you agree with me about one or two matters. Would you agree that when young people come to you, not introduced by any family, as new patients, one has to exercise especial care when questioning them and examining them? A. I think so. One should.

Q Particularly since, would you agree, the seven people that I have called are a class of person whom one would not expect to see as a private patient? A. Who I am not expecting to see?

Q One would not normally expect young men like those young men to come outside the National Health Service - to come to you as private patients? A. Because of our ethics, even if a thief or crook or murderer comes I cannot discriminate as to who is what. I am sorry.

Q I am not asking you to discriminate but would you agree with me that the young men that we have seen fall into a class that one would not expect to come knocking at the surgery asking to be treated as private patients?

A. It certainly comes to mind retrospectively, yes.

Q I understood from your medical history that amongst other posts you have held was one in psychiatry at Burnley General Hospital? A. The appointment that I had?

Q Yes. A. It was the Blackpool Group of Hospitals, in Fylde.

Q Was it a general hospital? A. A general hospital, yes.

Q Which included amongst its patients young people being treated for drug addiction? A. No, I had not contact with them. I was confined to the other part of the group and most of my work was ---

Q But you are perfectly well aware of the drug problem in Birmingham and elsewhere? A. I am sorry but I was not aware then that I can be led to this type of difficulty by these people. I am very sorry. I had no idea that this type of people would come and then say "Give me this" or "Give me that" and that it would lead to all this. I never thought of it. By my parents and school I had been taught that when a person comes I will not tell him to get out. I have never done it and never will do that.

Q I am going to ask now a series of very simple questions which can be answered quite easily yes or no. How long have you been practising medicine in this country?

A. For eight and a half years; something like that.

Q Would you agree with me that especial care must be exercised when young people come asking a doctor for a particular class of drug, particularly if it is a controlled drug? A. I should think so.

Q Would you agree with me that especial care is needed where young persons come describing symptoms which might lead to prescribing drugs with dependent qualities? A. Definitely one should exercise special care.

Q Would you agree with me that it is only infrequently that one prescribes drugs which tend to cancel one another out - both sleeping tablets on the one hand and stimulants on the other - and that it is only on infrequent occasions that one prescribes both of those together? A. There is the textbook of medicine (indicating) ---

Q Would you please answer that question? A. Could you repeat it?

Q That it is only infrequently that one would wish to prescribe both stimulants and barbiturates? A. If one is giving something like stimulants one should try to cover it so that people do not stay awake till late at night unable to go to sleep. The "British Medical Journal" has a publication about the use of these drugs and it is in the textbook as well.

Q You realised that these were drugs of addiction?

A. Yes.

Q That they were controlled drugs? A. I did not know at the time that it was a completely controlled drug because I was away out of the country since July and did not come back till mid-September. At that time I was not aware. You may call it my ignorance or anything but it was something that at that time I did not appreciate as to what I am doing. I may have been misled.

Q Are you saying to this Committee that you were not well aware that Dexedrine had been a controlled drug for years?

A. But Dexedrine has been used in so many cases.

Q Please answer the question. Are you saying that you were not aware that Dexedrine had been controlled for years? A. My answer is ambiguous. You can prescribe it but I did not know that you cannot prescribe it continuously. I did not know about this.

Q I use the words "controlled drug" because they are the words which appear in the Misuse of Drugs Act. It was covered by the old Act prior to that but not in those terms. You realise that there are set out on the schedule that we have got some 200 or just over 200 prescriptions issued by you in the course of the months September, October, November, December, January, and a little bit of February, so that is 5½ months. Do you understand that? A. Yes.

Q If the figures charged by you for the quantities of drugs as described by the witnesses are accurate then you received something around £800 in that period. Have you any record of the financial benefit that has come to you as a result of issuing these prescriptions? A. Yes, Sir, roughly.

Q May I see it? A. Oh, God; not now. What can I do? Not now.

Q I want to ask you some questions about Mr Lodge. Is it right that you did not examine Lodge at all? A. That is not only completely but shamelessly wrong.

Q Is it right that, having written out a prescription for Diconal for him, you asked for the sum of £3? A. Yes.

Q That he put a £5 note on the table and as a result you wrote out a new prescription for 40 tablets instead of 20? A. I am very sorry. It is not a fact at all.

Q Did anything like that happen? A. No.

Q Which Mr Lodge might have confused for such an occasion as that? A. I do not think so not knowingly to my knowledge.

Q Now may we take Mr Sorby (or Bremner). He was the second witness that we called, the day before yesterday. He

is on the schedule on the first page, No.2. A. Yes.

Q Put your pen away. I will suggest to the Committee that you have a habit of writing again and again on documents, but put it away. Look at No.2 on the schedule, will you? I do not think you will need your records for these questions. According to the schedule, he came to you three times? A. Yes.

Q But he has told us that in fact he came more times than that - about another three more times - and got prescriptions just the same. Is that right? A. Can I see my records?

Q Your records will show only the three visits which are shown on the schedule. That is why I think you makeup your records after you receive the schedule, I suggest. A. It is completely wrong. At the time he has come I have written that. He has not come many times. He is confusing it completely.

Q Now help me about this. According to Mr Sorby, when he got into your surgery he asked you directly for Durophet and Nembutal? A. It is something unthinkable in the world that we live in today. It is unthinkable that some person would come to me and say, "I want 20 Nembutal." What do you think me to be? It has never been like this.

Q He has told us that, having asked for these two drugs, you, the doctor, asked him why he wanted them and if he were hooked on them? A. I am sorry; neither did I ask it nor did he order me. I did not do that.

Q Is there anything that happened remotely like that? A. I am very sorry but my surgery is not a shop where you put your two shilling piece and the chocolate comes out. I have asked the person what he is complaining about and before that I would have considered it and then I would write something. It is unthinkable to me that I would say, "Here are your drugs, give me £2."

Q The third witness was a young man serving a sentence of three years' imprisonment for robbery - Robinson. A. Is he the same man who also came from prison, Mr Bremner?

Q He came from Winson Green. A. God help me! He could have done something to me.

Q Next would you turn to Mr Robinson, from Shrewsbury Prison? He too chose his own drugs - Durophet and Nembutal? A. I am very sorry, but the way he has misled and accused me is shameful to think about.

Q He has told us that he told you he was attending All Saints Addiction Unit? A. Completely bogus and wrong and mischievous and anything that you can think of.

Q I want to ask about Mr Owen Jones. This was the carpenter, the first witness that I called yesterday and No.19 on the schedule. A. Yes.

Q He has told us that he attended more times than appears on the schedule, and that the first time he went he saw Dr Singh during July and August. You were away during July and August, were you not? A. I was away at the end of July and the whole of August to the 3rd September. On the 4th September I resumed.

Q Then there appears to be some corroboration of that. I want you particularly to apply your mind to this. He told us that on his first attendances no records of his visits were kept but then round about November you began to keep a book. It had no cover on it. It was a white paper book. It opened from the top and everyone had a separate page? A. Yes.

Q It is right, is it not, that what we have got as Exhibit 7 is in fact - although a lot of pages are now loose - from a pad type of book which does open at the top? A. You mean?

Q Those pieces of paper which you have got in your right-hand now, Exhibit 7, in fact come from a pad type of book which opens at the top? A. Yes.

Q The pages are white? A. Yes.

Q Is Mr Owen Jones describing that document? A. Yes, Sir.

Q It looks as if he is? A. Yes.

Q And he says that by the end of 1973 you began a system which meant that every patient had to go back on the day that the tablets were due to run out, according to the prescription which you had given? A. Yes.

Q Is that correct? A. I am very sorry, no. I had given the time to the patient, to see me after a week, two weeks or four weeks. It was not for the patient to come on the seventh day and say "Here is £2, take it and give me the tablets."

Q Then I want to turn to Mr Murray, the first of the really bearded gentlemen, and one of the two who were asked by the President to leave the room after they had given evidence. He has told us that upon his entering the room he simply asked, "I want 20 and 20." A. I am sorry. How can it be possible that a person can go and say "20 and 20"? Is it packets of cigarettes that he wants?

Q There is no question of a mistake? A. It is not only a mistake but mischievous.

Q And quite untrue? A. Completely untrue, and not only bogus but a disaster that he is saying it. It can never be possible for me in my life in medicine to do it and say, "Here is Dicconal, take it", or to have people say to me, "Give me Valium" and so on.

Q May we turn to Mr Miller? He is on the next page but one. He is No.24. A. Harry Miller?

Q Yes. A. I am very sorry but still I am thinking whether it is the true name or not. What is his true name?

Q Robich-Aux. Do not worry about whether it is the true name or not but about what is important for this Committee. This is another record of yours in which your diagnosis has been written on in a differant pen, is it not? A. Yes.

Q He has told us that when he went in he did not ask for specific drugs; he simply asked for something to help him sleep at night and to keep him awake at work; and that without any examination, without having any history taken from him at all, he was given a script for Durophet and for Tuinal. Is that true or not? A. Completely bogus and mischievous. It is something which I have never done.

Q And that when he was attending on this first occasion, having asked for drugs which would do that for him, you simply asked him, "What would you like?", to which he said, "I don't know." Is that true? A. It is completely untrue that I would say "What would you like?" "All right, give me 100 Durophet and 2000 Tuinal".

Q Mr Donnelly says that when he walked into the surgery he was asked what he wanted and he replied "Amphetamine and barbs", and that you gave him a prescription for both without any examination and without taking any history from him at all? A. That is completely wrong. Do you think I would write that he works in Thomas Walker & Co. in Hockley and his details if I had taken no history? Please appreciate this. It cannot be possible that a person comes to me and I say, "Here are capsules, take them", without anything else happening. I always take all these particulars and this takes time. What you suggest is simply unthinkable. I donot know if there is a doctor in the world today who will do it like that.

Q But you made certain records, and with the passage of time were you not improving records, as a matter of self-preservation? What I am asking you about in relation to each of these witnesses is whether you were prepared to give them any drug that they asked for? A. Not that they would ask for it and I would give it to them.

Q And prepared to give it to them without proper medical attention being given to those people at all? A. I am sorry. It has never happened from my mind or my pen. It is completely wrong that the patient would come in and I would do that.

Q Is it right that in support of your desire for self-preservation about this matter you told six out of those seven witnesses to go to different chemists and not to the chemists in the city centre? A. Perhaps you would know that these amphetamines make a person euphoric. These people will talk sky-high as though they are President Podgorny or Mr Nixon. They are big talkers. I told them when they came

in the evening, "For God's sake don't go to Boots in the city centre." Several times the chemists have said, "Doctor, is it urgent?" and I have told them it is not urgent. It is the same as well with my National Health patients. That is the only chemist for two million in Birmingham that is open at night and if they all go with non-urgent medicine it makes so much difficulty. But if you go after 10.30 you will not find a chemist open late at night because of the assaults made on chemists and that kind of thing. What a funny idea they have, all painting the picture in this way.

Q You told us that you have at the moment about 40 private patients? A. Yes.

Q It would appear that at the time we are concerned with, the end of 1973 and the beginning of 1974, you had 46 private patients? A. I have not counted them like that.

Q I have. A. Perhaps you are a big research worker.

Q I have counted them. A. Thankyou very much.

Mr BAYLIS: You have counted the records of the names according to the record card and it is not necessarily the same as the actual number of private patients.

Mr DU CANN: From the records in front of us I make it 46. Can you tell us why it is that 42 out of those 46 were receiving drugs of addiction? Do you not find that a rather curious proportion? A. Pardon?

The LEGAL ASSESSOR: Is not that comment rather than a question?

Mr DU CANN: Perhaps it is.

Re-examined by Mr BAYLIS:

Q I have only one question. Would you be good enough to look at your passport? Does that show the date on which you left this country in 1973? A. Yes, and when I reappeared on the scene again.

Q Does it show an exit stamp by the immigration authorities at Heathrow dated 25th July 1973 and a departure stamp by the Delhi Airport authorities of the 15th September, and a re-entry stamp at Heathrow on the 16th September? A. Yes.

Mr DU CANN: I accept that.

Mr POTTER: Many of your patients were depressed. Did you ever give any of them anti-depressant drugs? A. Anti-depressant drugs? Yes. I have given anti-depressant drugs as well.

Q To these patients that we have been considering today? A. Yes.

Q You have given them anti-depressant drugs? A. Yes.

Q Which ones? A. Triptozol and things like that.

Dr WOOD:

7 Several of these patients came to you saying that they wanted to slim or were apparently obese and this is one of the reasons for which you prescribed the Durophet and Dexedrine. Your records showed that you weighed some of them once or twice. Did you weigh them regularly as a matter of routine, as part of the checking of their responses? A. I did not weigh them regularly, just off and on. I had neither the time nor the patience to do that.

Mr POTTER:

7 It seems from the evidence that you charged £2 or thereabouts to those for whom you prescribed 20 of Durophet and 20 of Tuinal and then about £5 for those who received 40 of each. I understood you to answer this by suggesting that you spent more time on those for whom you charged £5. Is that correct? A. Yes, when they had some more complaints, back-ache or something like pharyngitis, or no appetite.

Q Did you ever spend so much time on patients who took away only 20 of each that you charged any of them £5 and not £2? A. That depended on the time, not that I will do it purposely.

Q You did charge £5 to patients who took away only 20? A. No, never; it depended on the time that I was giving to them.

Dr BRADLEY: I notice on your paper heading that you take private consultations "by appointment only". Did you keep an appointments book for private patients as well as your record of having seen the private patients, if you had a record of all those who came to see you? A. In theory, yes, but in practice, no, because patients would say they will come this evening but they are never on the scene. If I made time for them they would never appear. I am quite used to this country now. What people say and what they will do, especially the labouring class, are two different things. They will say they will come tomorrow but it does not mean anything. They can completely waste your time. It was very rare that somebody came on time. It might be some teacher or doctor or barrister or solicitor, police officer, and so on. Only with the educated class would they come on time, not the others.

Q So you did not have an appointment book in which you recorded the appointments of these patients? A. No, I did not keep an appointments book. I saw the patients and examined them and asked them kindly to come on such and such a date. They were not obliged to come. They can go to some other place. I was not the only man in the country to see them, so that was the thing. By and large I said, "I can see you on such and such a date and time".

Q Thank you. A. I am very grateful to you. Thank you very much.

Witness withdrew

Mr DU CANN: The standard of proof which it is required to apply in a case of this kind I referred to when I opened the case and there is no need to refer to it again. There is one specific matter outside the facts to which I ought to refer and that is that it is clear, I think, that the witnesses I have called, starting with Lodge and finishing with the last witness, Donnelly, yesterday morning, ought to be regarded by the Committee as accomplices. In those circumstances, as I suggested when I opened the matter, the Committee would approach the evidence given by those witnesses with caution and would certainly look for corroboration of the evidence they have given, because it is, of course, dangerous, unless one is satisfied that those witnesses are being truthful, to act on the uncorroborated evidence of an accomplice.

A recent authority in the House of Lords is one which I ought to mention specifically, so that the Legal Assessor can have it in mind when advising the Committee in due course. It is a case called Kilbourne, decided in 1973, and is reported in Vol. 57 of the Criminal Appeal Reports, beginning at page 381. The headnote reflects exactly the words used by Lord Hailsham, who delivered the first and major judgment to their Lordships. It says: "Although in many cases accomplices are incapable of corroborating each other, that rule does not apply to accomplices who give independent evidence of separate incidents where the circumstances are such as to exclude the danger of a jointly fabricated story"; and one has here undoubtedly excluded the possibility of certainly a number of these witnesses fabricating an identical story before you. This is why

I was so particular to ask the first three witnesses that I called the day before yesterday when they went to prison and whether they were still there, because the Notice of Inquiry in this matter is dated the 9th April 1974, and certainly so far as Lodge, Robinson and Miller are concerned, they were all sentenced before that Notice went out. So far as Lodge and Robinson were concerned, they were still in custody when they appeared before you.

Sorby (or Bremner) was sentenced in April. I do not think I obtained the exact date from him but the possibility of co-ordination between him and the others would seem to be exceedingly slight. Bearing in mind that each of them has given independent evidence of independent visits to the doctor's surgery, these people are capable of corroborating one another, that is to say, in particular Lodge and Robinson are capable of corroborating each other, of corroborating Sorby, of corroborating Miller and of corroborating the group of four that I called yesterday morning.

Quite apart from that, there is substantial corroboration of what they say from the various documents one has now seen, including those to which your attention has not been drawn but which I referred to in cross-examination, where, for instance - I take this as an example - the sum of £5 is shown as being charged and paid by patients who were receiving lots of 40 of these tablets. In addition to that, in my submission, the "fudging" of the records, if I may use that vernacular term, further corroborates what these witnesses have said. I make my position perfectly plain about the records. I do not wish the Committee to

be diverted from looking at the main aspects of the case perhaps by dwelling too long upon this, but it would appear that the black book (Exhibit 8) has been wholly created after the event. I say that for three main reasons. Firstly, it is incomplete and would appear to be incomplete due to pressure of time. There are, in fact, only 21 names out of the 40 that we have got in the schedule here in this book. They follow roughly speaking in date order but there is one, however, where it would appear that the defendant had forgotten: Mr. Cavendish.

It is a little difficult to ask you to look at the photostat copies of this because it does not display exactly what the original exhibit is like, but if I ask you to look at page 11 of Exhibit 8 you will see the name "Peter Cavendish" appears. It is on the top of the page which has been turned over. The President will see exactly what it is that I mean, I think, and the first visit appears to be on the 29th September 1973. If you would look kindly at two pages before, which is the entry for M. Garnett, where the first visit is said to be the 18th October, if in fact that entry of Cavendish was made in the way that the doctor has generally described, within about 36 or 48 hours of the 28th September 1973, he has skipped a very substantial number of pages for the purpose of writing it in there at the top of one of those pages, because in fact the dates of first entry show that the very first entry was made - if it was then - on page 2 on the 22nd September, and the next first entry is on page 4 on the 4th October, therefore this entry in relation to Cavendish ought to come between those two, but it does not, as we see.

The second reason that I suggest that that record is suspect is that it contains only the names on the schedule and contains no other names of private patients at all, and yet one finds within the records the names of some other private patients who are coming for treatment of conditions other than depression, insomnia and obesity which give rise to the prescribing of these scheduled or controlled drugs, and those names are found in the record, Exhibit 7, at pages 13, 23, 24 and 40. I need not ask the members of the Committee to look at them now. They are the ones Dr Prasad was referring to right at the end of his evidence yesterday afternoon, and you will remember that he went on for quite a long time in drawing my attention to those names. I think I have abstracted all of them and if this were a genuinely compiled book one would find those names also in this book, particularly since two of them show from the records dates of first visit which fall within the dates of visits which are in the book; in other words, for the one on page 13 the date of first visit is the 19th October, according to the record, so therefore it ought to be here, for if this is a genuine and contemporaneous document the doctor could not know how many visits that patient was going to make and how appropriate and important it was to have this continuous record of his kept.

The third suggestion I make about it in suggesting they are suspect is that apparently there was no preceding book, and although the doctor has been in general practice in Birmingham for some time prior to the 22nd September 1973, the very first entry one finds in this book is the

22nd September 1973.

The fourth reason - I was seeking to explain it to Dr Krasad but was incapable of making him understand it, or perhaps he was not wishing to understand it - is his failure to explain why it is that new names ceased to be entered in the book after the 26th November, as one finds by looking at page 36, where Joiner's name is entered with the date of first visit of 26th November, despite the fact that he goes on using the book as a record for entering the visits of these persons right through December and January and into February. So if the record book was being used to make contemporaneous entries through those months it is impossible to believe that the new patients coming would also not have been entered into the book, there being plenty of space in the book for that purpose.

Lastly, if there be any truth in the evidence given by the witnesses Lodge, Bremner, Robinson and the others, it is clear that no kind of examination took place which would allow the doctor to enter, as I read it as a layman, in the way that he has done in that record book, the blood pressure, the weight, the reference to the eyes, and the study pulse, and so on, because, according to those witnesses, no examination took place at all. If the Committee were to be satisfied in relation to anyone of those as a primary fact, then it is clear that this book is, as I say, "fudged", and created, as I suggested in cross-examination, for the purpose of misleading this Committee.

The position about the loose records, Exhibit 7, is slightly different, because I think it is clear that parts of those certainly came into existence during the period with

which the Committee is concerned. You have heard certainly from two of the witnesses that the doctor did write something down: Robinson was one and Owen Jones, who took it a stage further, was the second. It would appear - this is particularly looking at page 2, which is Garnett, and the page which was freshly photostated for the Committee: the second page 3, in other words - that when a patient came in some note was made as to the date of the visit the name, the address, and what class of drug was being given, but nothing else was noted at all.

There was then no subsequent note of return visits until about October and November, and this is supported wholly not only by the way in which various entries read upon the documents themselves, the loose pages, but also it is at that period, as I understood it, that Owen Jones was saying to the Committee, "There were no records to begin with", but that he then began to keep a book, which was a white paged book with no cover on it at all, each patient having a page, and the detail becomes the greater as Owen Jones was saying that the system was instituted that no patient was permitted to come back until the exact date of expiry of the tablets, if they were taken in the proper form according to the medication on the prescription first given.

I will not take up time by drawing attention to the seven or eight of these documents which I gave the Committee yesterday, where it is clear from the different inks which have been used that dates have been entered, dates have been altered, diagnoses have been entered

and certifications have been entered after the event and obviously for the purpose of giving evidence before this Committee.

You have seen the activity of the doctor. He is a gentleman who can hardly allow his pen to be still before he starts marking a document. Looking through these it is clear that he has marked them again and again and again. Sometimes one finds a date written as many as three times on the same document and in three totally different inks, and it is clearly part of his own physical make-up that has led him to do so.

May I remind you that it was the witnesses Murray and Miller who both said - this confirms the theory that I am putting before the Committee - that so far as they were aware, when they were called upon to sign these forms there was no certification as now appears upon the form above their signature.

Having said that about the records, I am going now to take the broad view, if I may, as to the evidence, because the detail has been fully explored before you. Mr Baylis suggested in opening his case that the word "bona fide" in the charge, so far as prescribing is concerned, ought to be equated with the antithesis, mala fide or dishonest. I make it perfectly clear, in presenting these facts to the Committee, that I wholly disagree with that analysis of the situation, although I do not want to be lured by this most attractive flight of Mr Baylis's into paths which it is not necessary for us to examine.

The charge is proved, in my submission, if the prescribing is unjustified in this way, not merely as a

clinical error, whether arising as a result of the doctor's own fault or as a result of the doctor's being duped or misled by a patient, but arising as part of a continuous or persistent or flagrant practice - it does not matter which of those terms one thinks of - which shows a disregard of proper medical inquiry and treatment.

It does not matter, although there is plenty of evidence of it in this case, whether the motive for that is reward or not, and it would not matter, in fact, whether that persistent action and that continuous disregard arose in relation to one patient or more than one patient, though it is clear again that it arises in relation to a very large number of patients; and, if my arithmetic be right, I again point out that it would appear to be 42 out of 46 patients.

In those circumstances, in my submission - and this is the final thing I wish to say to you & it is absurd to imagine that the account given by the witnesses could either generally or specifically be an inaccurate one; and it is equally absurd to believe that that proportion of private patients required stimulants and/or barbiturates as a genuine medical treatment, and that the doctor genuinely believed that they did.

In those circumstances I am bound to say to the Committee that not only are the facts established which prove the charge but that those facts establish that grave or serious professional misconduct has taken place.

The LEGAL ASSESSOR: Before you sit down I have one or two matters about which I would like your assistance. With regard to the words in the charge, "otherwise than in the course of bona fide treatment", do you think it would be a suitable way to express those alternatively as "otherwise than for genuine medical reasons"?

Mr DU CANN: I think this is a little too narrow, with respect. I think both elements have got to be taken into account which I was suggesting. It is the inquiry and the treatment which one has got to look at, because it may be, if I can think aloud, that a doctor who is run off his feet might make a very superficial examination and would be liable to be criticised for that, not having gone into the detail that he ought to have done, but in fact he has hit upon the right treatment, whether by instinct or good luck, so I think it has both aspects, and I am not sure that "for good medical reasons" is sufficiently wide to cover both aspects.

The LEGAL ASSESSOR: At any rate, if a doctor did in fact prescribe other than for genuine medical reasons that would certainly come within the charge.

Mr DU CANN: Certainly.

The LEGAL ASSESSOR: The other matter on which I would welcome assistance is in connection with corroboration. It is not necessary to have corroboration of the whole of a witness's evidence. It may be, however, that a particular part of the evidence of the witnesses, the patients who were called, in which the Committee will be particularly interested, is the part where they talk about examination or lack of examination. Just singling out that particular

facade of their evidence, you have spoken of references in the records but apart from that is there any other independent evidence that they did not have an actual examination?

Mr DU CANN: Yes, so far as Lodge is concerned, for instance, a proper examination of that young man would have revealed that he was injecting Diconal.

The LEGAL ASSESSOR: So that if he had examined properly that must have been discovered?

Mr DU CANN: Yes. May I refer to one other matter as well, and that is that the Committee will guide itself, as experts, permitted by the Privy Council to do so, on the question of bona fide treatment. I tend to think that if these persons were taking drugs, including barbiturates, there would be other symptoms available to a doctor who is making a detailed, proper and thorough medical examination.

The LEGAL ASSESSOR: I wondered what importance, if any, you thought could be attributed to the evidence of Mr Spear that the doctor said to him, "What can I do, it is like sitting in an open market, it is difficult to turn people away, and if one does turn people away one is abused."

Mr DU CANN: A certain amount, not a great deal, and not nearly as much as I would upon the words used by the doctor to Mr Spear later, on the visit in April, when he was asked, "Have you stopped prescribing for all these patients?" and he replied, "I have a few patients who are not the same as these."

The PRESIDENT: May I ask the Committee whether they have understood the references to Peter Cavendish in the records as to sequence? (Members: Yes.) Thank you.

Mr BAYLIS: The Committee have considered this case with great patience. May I first say this, that I feel confident that the Committee will forgive Dr Prasad for his original discourtesy to this Council in the correspondence with the Penal Cases Committee. Dr Prasad has shown that he is not a man who reacts to accusations with coolness and dispassion, and he wrote letters which, of course, he now regrets, and which I am sure I can ask the Committee to discount and put entirely from their minds.

Dealing with the case, I would first say that, subject,
of course, to advice you receive from the learned Legal Assessor, you will in considering the facts and in considering the evidence apply a high standard of proof, and you will not find the facts proved against my client unless you are sure that they have been proved to your satisfaction by the evidence called before you or by the evidence which he himself has given.

Secondly, I would say a word about the character of the witnesses whose evidence has been called, except, of course, in respect of Sergeant Brown and Mr Spear, with whom, as it has been clear, there has been no substantial conflict of evidence as between them and Dr Prasad. All the rest of the patients, as Mr Du Cann has very clearly and properly extracted in the course of the evidence, are young men who are addicted to drugs and have in many cases been addicted to drugs for quite a long time, some of them, regrettably, to serious drugs such as heroin; some of them have criminal convictions and, indeed, three of them actually had to be brought from prison to give evidence before you.

I accept the legal situation as outlined to you in

regard to the question of corroboration of accomplices because I had the opportunity of discussing that with Mr Du Cann before the case started this morning; but, nevertheless, I do ask you to exercise the greatest possible caution in looking at the evidence of those young men who appeared before you. On a number of issues there has, of course, been a direct conflict of evidence between those young men and Dr Prasad in his evidence, both in chief and in cross-examination.

On the one side you have simply got their evidence of what they said took place. On the other side you have got the verbal evidence of Dr Prasad and the documents which he has laid before you. I do not think even Dr Prasad would pretend that he was a good witness. He is voluble and incoherent but manifestly determined, in spite of great difficulty with language, in spite of a quite apparent misunderstanding of the legal processes by which this Committee works, to do his best to satisfy the Committee that he is innocent of the charge which has been brought against him, which is no doubt why almost invariably, although invited by my learned friend to answer the question first and give his explanation afterwards, he gave his explanation first and then either did or did not answer each of the questions.

My learned friend has addressed you at some length on the question of these documents which have been put before you and I must say something about them. Dealing first of all with the white records (Exhibit 7), these are entries scribbled down, apparently, in the presence of the witnesses. Different pens were used. The Committee may be well aware that a doctor's desk is frequently covered with pens, and it

may not be a matter of surprise at all to learn that entries apparently made at the same time are written in different pens.

The Committee will be well aware that it is just the sort of situation that you see in clinical records in hospitals. These sheets, of course, contain plenty of ammunition for counsel of an inquiring mind, and my learned friend has very properly drawn the Committee's attention to any aspects of those documents which appear to throw doubt upon their validity.

The principal document, of course, which Dr Prasad places before you in support of the evidence which he has given is the book, and it is suggested very strongly by my friend -although very fairly - that this was a complete fabrication from beginning to end, concocted recently for the purpose of this inquiry. I really only need to say two things about that. The Committee will have studied this book, and if it is a complete fabrication from beginning to end it is a quite astonishingly good one. It is written frequently in different inks, sometimes in different pens, mostly ballpoints, but there are entries manifestly written in an ordinary fountain pen with an ordinary nib. It contains in several places crossings out. It contains doodles and blots. In my submission it has at all events the look either of a contemporaneous and genuine document or the most splendid forgery. Mr Du Cann drew your attention to page 29. That is as good an example as any. It deals with a patient whom we have not seen, and it sets out, for example, details of the clinical examination, and it says, "On examination run-down,

eyes dozy, not slept, erythematous eruption face and neck. Cardio-vascular system, central nervous system and gastro-enterine system normal." It records findings in regard to the chest and it records a diagnosis of the drugs supplied. It is suggested apparently that this is all just a work of fiction written up within the last month or so.

Page 27 deals with Mr Yates. This is a page to which my learned friend drew your attention. It is suggested, apparently, that that is just a complete concoction and that the examination never took place, that the entries are imaginary and that the diagnosis and treatment are not genuine. In my submission the plain fact is that either it is a first-class forgery job or it is a genuine document.

My learned friend says that page 11 gives the lie to the proposition I am advancing because Peter Cavendish - I think he is one of our patients on the last page, No.36 - is out of order. I do not know why Peter Cavendish is out of order. It seems to me that it is possible to give a number of explanations. If in fact this is a careful fabrication, care would presumably have been taken to ensure that the case did not appear out of the order in which it should have gone; the page could readily have been torn out and Cavendish could have been put in somewhere else or omitted altogether.

Page 31 is another page which purports to record the findings, examination and treatment of Richard John Sayce. If that is a forgery it is a masterpiece, you may think. You may ask yourself, having seen Dr Prasad in evidence,

having seen the way he gives evidence and the way he muddles up his papers, the way Mr Du Cann quite rightly and fairly says he tends to scribble on any document which appears in front of him, whether you think he is a man capable of producing a forgery of this kind. Mr Du Cann has been good enough not to suggest that anybody else fabricated it for him, and I am sure the Committee would not think that for a moment. Then Mr Du Cann himself perhaps has indicated the greatest fallacy in his own argument that this document is a forgery when he draws attention to the fact that it is not complete. If the document were intended to be a forged record of the treatment of all the 40-odd patients on our schedule, it would have been complete. Mr Du Cann's answer to that is that there was not time to make the forgery perfect by finishing it, but, of course, if it be the case that this is a forgery, Dr Prasad has had at least 28 days in which to complete this document. In my submission, as Dr Prasad told you, it was written up, partly from his memory and partly from the sheets, somewhere between 24 and 36 hours after each of the incidents to which each entry relates. It is either a true document, and he is speaking the truth when he says that, or it is a fabrication made up within the last month or two, and surely there is no reason whatever to think it is other than the former. In my submission this document bears all the hallmarks - in spite of the criticisms which my friend has properly made of it - of a document made at the time, a contemporaneous document and a genuine document put forward in evidence in support of Dr Prasad's oral testimony.

We come back to the question whether these prescriptions were issued "otherwise than in the course of bona fide treatment", and whether in fact they were issued simply for payment of money or whether, as I told you when I opened the case, however unwisely, however ineptly and with whatever lack of clinical judgment, the Committee may think, whether it be the case that Dr Prasad was treating these patients as patients in need of medical treatment and not simply as persons who would supply him with money in return for scripts, my learned friend's case is really this, and it falls under eight heads.

He first of all says that none of these patients who got these drugs was examined, and he has called evidence from a number of witnesses who say that. But, of course, they did not say that totally. Mr Lodge, for instance, told the Committee that Dr Prasad listened to his chest and back with a stethoscope. Even Robinson, who I suggest is a witness totally unworthy of credence and who would probably be willing, the Committee may think, to say anything to get two days out of prison where he is serving three years, conceded in cross-examination that Dr Prasad weighed him. If he weighed him, why did he weigh him? If Robinson's evidence is right and he was simply walking in and ordering drugs like a man walking into a sweet shop, why should Dr Prasad have weighed him?

My learned friend says that there is corroboration in the fact that Dr Prasad did not spot that there was something wrong - injection marks - with Lodge's arm. This is a patient, with respect, who came in with pain in the back, who was examined and who had Diconal prescribed

for it, according to Dr Prasad's evidence. Unless there was a complaint about pain in the elbow, where presumably these injection marks were made, there would be no reason to examine the arm at all. I suggest that most doctors in a similar situation would not have appreciated or discovered that there were puncture marks in this boy's elbow.

It is said by my friend that no history was taken. Again you have to look at the entries on the records and in particular the book. Most witnesses conceded that there was at least some conversation with the doctor and that it was not just a question of walking in and saying "20 Durophet" and banging £2 on the table. For example, I think in almost every case the doctor recorded the patient's address - generally false, it is true, but he was not to know that, because in each case the address the witness gave was one that existed and therefore the doctor would have no reason to know that it was false. Frequently the doctor recorded the date of birth, also false in several cases, though why a witness should give a false date of birth is a matter of speculation. Sometimes a patient's job was recorded, and each of these witnesses, according to my recollection, have conceded that there was some other conversation, at all events, and most of them have conceded that there was something written down by the doctor at the time in addition to the prescription. If Dr Prasad, as is alleged, was simply selling drugs, one wonders why he bothered to do anything else at all. It is not suggested that the original records are a total fabrication. My friend fairly conceded that a number of those entries had been made at the time but he avers that some have been added

afterwards. If this were merely a selling of drugs, why did Dr Prasad even bother to keep any document of any sort? It served him no purpose at the time. It may not have served him very much purpose now. It has subjected him to a great deal of cross-examination from my friend, very properly, in respect of these documents.

In fact, of course, when the Committee come to look at the entries relating to those patients, sometimes in the sheets themselves but mostly in the book, one finds that Dr Prasad has entered details of perhaps a rather rudimentary and simply physical examination, some notes, sometimes detailed, sometimes fairly short, of the clinical symptoms of which the patient was complaining, and then the diagnosis and the treatment. Of course, there is a marked similarity in the symptoms recorded in these notes in all the cases of these drug addicts, but the Committee know very well that these young men, when they go to a doctor in the hope of persuading him to give a prescription for drugs, are well capable of telling the tale; they have done it many times before. One would expect, if these patients had gone to another doctor, if there had been the fullest possible examination, that the symptoms of depression, anxiety, inability to concentrate and insomnia would be a common pattern in each case. Indeed, the Committee will know much better than I that those are symptoms which patients suffering from addiction to drugs, and with problems such as these boys have, do have in reality.

Then it is said that the patients came from a wider area than Dr Prasad's National Health Service patients. That has not really been explored very fully by my friend,

because we have had no evidence at all, so far as I can recall, of the areas from which he draws his National Health Service patients. All we know is that he has surgeries in Handsworth, Birmingham, and in West Bromwich, and he told the Committee that he draws his patients from the areas round there. My recollection is that the only really hard piece of evidence we have had in support of this particular proposition is that of Mr Robinson, who said he came from Walsall - although he did not tell Dr Prasad that - which was a 30 minutes bus ride from the Soho Road surgery.

Then it is said by my friend that Dr Prasad told all these patients that they must take their prescriptions to chemists outside the city centre. Some witnesses have supported that proposition by their evidence. Others failed to satisfy Mr Du Cann on that question. At all events, you have heard Dr Prasad's explanation about that. He says that there is nothing at all sinister about it. He says he has told these patients and others, NHS patients as well, not to go to the New Street Boots, which is a notoriously unpleasant place, apparently, where fights take place and so on, and that to the extent he does this the particular allegation is true, but he has not, he told the Committee, told patients, as it were, to go to various chemists dotted round the city so that there should not be any accumulation of scripts in any one chemist.

Then my friend supports his case by saying that the doctor told these patients not to mention his, the doctor's, name or where the drugs came from. I do not want to go into it in detail. The Committee have heard all the evidence. In my submission, on that particular issue it was fragmentary

and inconclusive. Lodge, for example, specifically rejected that proposition when it was put to him by my friend. Dr Prasad's evidence is that he never said anything of the sort and had no reason to do so.

Then there is the question which is advanced by the prosecution that these patients, or at all events some of them, had attended and in some cases actually currently were attending the Addiction Unit at All Saints Hospital. I concede -- not wanting to take up time in the schedule of patients, which I am sure is accurate, produced by my friend. Some of the patients you have heard said they said nothing about All Saints to Dr Prasad; others said that the doctor was told and that the matter was discussed with him. In certain cases Dr Prasad agrees with that. He says that he advised some of these patients -- not at the outset but ultimately -- that they must go to the Addiction Centre for treatment but that in every case they refused. You will remember the evidence of Mr Spear, who says that is just what happens. They refuse. It is a common picture. They are extremely reluctant to go to these treatment centres simply to get the treatment they need. They no doubt find it unpleasant.

Of course, the Committee may think -- and I am sure there is no doubt about this -- that Dr Prasad would have been wise at some stage to go off and see Dr Owens and say, "Look, I have a problem here. I have a number of these young men addicted to these drugs. Can you help me?" Unfortunately he did not do that. Nobody knows, if this situation had not come to light and if he had not been seen by Mr Spear, that that is a course he would have

adopted. As Dr Prasad said to Mr Spear, and as I think was accepted by him, the situation was a difficult one. He is a stranger in this country, an Indian doctor practising in Birmingham. It was difficult, he told Mr Spear; if he tried to turn patients away there was always the danger of being insulted. He used unpleasant words to Mr Spear - the kind of words which previously had been used to him on similar occasions by a patient.

Finally, it is said by my learned friend that Dr Prasad did not consult these patients' family doctors. The evidence again is somewhat inconclusive about this. Some of the patients apparently did not have family doctors at all; others apparently had them in places outside Birmingham. Others did have local doctors and did tell Dr Prasad who they were, and in certain cases the Committee can see from the records that the name of the doctor is recorded. But Dr Prasad's answer to that is that in two cases he did consult the family doctor. These were two local doctors, Indian doctors, and he consulted them. In one case he consulted a doctor outside the city and was rebuffed. That may not surprise you, for with patients like this it is regrettable but perhaps understandable that doctors do not want to be involved with patients suffering from drug addiction, because they notoriously create problems for the general practitioner.

I hope I have fairly summarised the case which was advanced by the prosecution against my client. If one comes back to the schedule to the charge which the Committee have considered at very great length, and to the pattern of prescribing which that schedule shows - a pattern which

in my submission is quite different from that which you have seen in other cases with which this Committee have had to deal - first and foremost we are dealing only with a very short period, from 29th September 1973 until 22nd March 1974, a total of 22 weeks. A little was made of the possibility that there may have been prescriptions before this, although for a short period before this Dr Prasad was abroad in India. In my submission there is no evidence whatever before the Committee that any prescriptions for drugs of this sort were issued by Dr Prasad outside the period covered by the charge.

The schedule shows that, with two exceptions only, out of all these prescriptions, they were issued at approximately weekly or fortnightly intervals; they were not issued every other day or whenever the patient decided to come back and get some more - a pattern with which you are very familiar in other cases that have come before this Committee. Had they not been drugs which have the quality of dependence about them, had these been other kinds of normal therapeutic medicines, this pattern would have been exactly what you would expect - a weekly or fortnightly prescribing of a particular drug or medicine for the treatment of a patient. Next, the amounts involved are not on any view vastly in excess of the proper amount used for therapeutic purposes in connection with these particular drugs. You will remember the evidence of Mr Spear, who confirmed precisely that. Throughout the whole case we have investigated very many of these prescriptions, we have looked at very many of them, and I think that in almost every case, so far as the amphetamines are concerned,

the drugs were ordered at the rate of two or perhaps three per day. In the case of the amphetamines they were taken after breakfast; in the case of the sedatives, two or three were to be taken at night. That is confirmed not only because the instructions are written on the prescription itself for the patient to get translated on to the bottle; it is shown by the amount of each prescription and the interval over which they were given, and it is mostly agreed by the witnesses themselves, who say that that is what the doctor told them - to take two or three in the morning and a couple at night. There are, it is true, two cases where prescriptions are issued on the day immediately after they were originally issued. Dr Prasad has explained that, and my recollection is that both were occasions on which the patient no longer had the use of the drugs: in one case they had been flushed down the lavatory by the patient's girl friend and in the other they had been lost, according to the patients concerned. The doctor believed these explanations in these two cases and issued another prescription. Apart from that, all these prescriptions before you were issued at intervals of approximately 7 or 14 days.

The Committee will have appreciated, I am sure, that, apart from one possible case mentioned by Mr Spear, there is not one shred of evidence that any of these drugs were passed on by these boys to anyone else. This is not a case of drugs being loosed on to the black market. In the first place, of course, there is not any evidence that that happened, and, so far as Mr Spear knows, except in one possible case it did not. But rather more important from

my point of view, the quantities prescribed for these patients were not enough to allow that to happen. One of the witnesses made it clear that he was contemptuous of the amount he received from the doctor because it represented the amount of that particular drug that he would take in one or one and a half days. There is no question here, Sir, of drugs being made available to other patients. The drugs were all, in my submission, taken by the patients for whom they were prescribed.

The schedule itself and the evidence show, in my submission, a degree of exercise of clinical judgment. It was not simply a case of the same drugs being issued on each occasion. One can see this on the first page, with Bremner. Sometimes the sedative was varied. You will see that pattern appear from time to time throughout. I am not saying that it shows any degree of experiment in the treatment of these patients, but from time to time the drugs were varied and other drugs were added. If this doctor had simply been engaged in the sale of drugs to these people who came and asked him for them, why do you think he acted in the way he did? We have seen several examples, even in relation to the six or seven of his patients who gave evidence, of other medication being added to the prescriptions. On two occasions, for example, we found a vitamin preparation being added. In my submission that shows that the doctor was exercising a degree of clinical judgment in relation to that particular patient, and it is inconsistent with the picture which the prosecution paints of a doctor simply handing out these scripts without giving a thought to the patient or to

anything else except the money that he was going to get. It is said, of course, by the witnesses (and my learned friend relies upon this a great deal in support of his proposition that the treatment of these patients was not bona fide) that the fee Dr Prasad received varied according to the amount of drug he prescribed. Of course, there is a fallacy which one can extract from the schedule itself. That is that the greatest quantity of any drug prescribed on any one occasion was 40 tablets. If it had been the case that these young men could walk in and order from the doctor whatever they could afford, can there be any doubt that they would have ordered more than 40 on one or two occasions? It would apparently only have needed a bit more money. That is not the case. The maximum number prescribed was 40. If their account is right, logically that must mean that the most any of them had was £5 at any time, and you may think that in this day and age that would be surprising.

Then you will remember Mr Shakespeare's evidence. He was not a person of any particular education. The matter was considered very carefully by my friend and he is not, apparently, a friend of Dr Prasad's - simply a patient who came in suffering from overweight and was treated - and his evidence was that he paid £2 for a consultation. His evidence was that there was no suggestion whatever that payment related to the amount of drugs or, indeed, whether any drug was supplied at all. He was not a witness, apparently, who had ever been in any trouble with the police, and he was, in my submission, a witness to whom the Committee are entitled to pay a good deal of attention.

It is said that Lodge was paid for painting the inside

of the garage by prescriptions. You have heard Mr Lodge on that. Dr Prasad says that is nonsense and that he was paid £7, which, in the light of the work he did - by all accounts on the evidence not very satisfactorily - may seem a reasonable figure.

I have not dealt with many of the side issues in this case. I have endeavoured to cover and I hope I have succeeded in covering all the main issues which my friend advances in support of his proposition that the charge against my client is proved. What it comes down to is this. Are you satisfied that Dr Prasad behaved in a manner which can only be stigmatised as not in good faith, or did he act unwisely, perhaps lack clinical acumen, and display perhaps lack of clinical judgment? Did he allow himself to be taken advantage of by a number of young men seeking drugs to which they were in some cases addicted, but stopping, as there is no doubt Dr Prasad did, this practice as soon as he was warned by Mr Spear of the facts and of the dangers which he faced? In my submission, on the totality of the evidence, and bearing in mind the character and nature of the witnesses who have given evidence before you, the evidence is just not strong enough to allow you to say that the facts in the charge have been proved or that such facts as are proved to your satisfaction are sufficient to support a finding of serious professional misconduct. I accordingly ask the Committee so to find.

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

Strangers having been readmitted:

The LEGAL ASSESSOR: In the absence of the public I have advised the Committee about the burden of proof, the standard of proof, the meaning of the words "issued prescriptions for drugs otherwise than in the course of bona fide treatment", the approach the Committee should bring to bear upon these words, the test to be applied, and the Committee relying upon their own knowledge and experience as doctors in a matter of this sort.

I have advised the Committee that the evidence of the witnesses called on behalf of the Solicitor to the Council, who spoke of actually attending at the doctor's surgery, was open to attack on two grounds: firstly, because of their general characters and, secondly, because they could be regarded as being in the position of accomplices. I advised the Committee, therefore, to consider whether in principle they were prepared to accept the evidence offered by them simply as people, and to consider them individually, and that, if the Committee were inclined to give credence to the evidence of all or some of them, the Committee should have regard to the traditional warning which I gave as to the need for corroboration. I indicated where, in my opinion, corroboration could be found. I did so by drawing attention to the principle in the Director of Public Prosecutions against Kilborne, but I did say that the Kilborne case was not really quite this case, and that one had to bear in mind that the young men concerned here had all been part of the Birmingham drug scene, and that one should not just consider whether they could be regarded as acceptable to a degree because they were kept apart after the time these proceedings were first contemplated.

I pointed to the documents. However, I advised the Committee that I thought they would be wise - it was a matter for them- not to decide this case on a close consideration of the record book and whether it was a fabrication or not; I advised them in fact not to look to the question of fabrication as corroboration. I said that if the certificates contained in the records were fabricated, corroboration could perhaps be found there if the Committee thought fit to accept that there was fabrication. I said that in the doctor's own statements when interviewed by Mr Spear corroboration could be found - the importance would be a matter for the Committee - and I said also that the Committee were entitled to have regard to the number of prescriptions and the types of persons presenting themselves at the doctor's surgery. Those were the matters which I said should be examined as providing some independent evidence, but I emphasised that it was a matter for the Committee to decide whether they accepted any such evidence and, if so, the weight to be attached to it.

Finally, I advised the Committee that the law does not permit the tribunal to set themselves up as handwriting experts, and that, while it was proper to look to see whether there was over-writing in documents, and changes in pen and the like, nonetheless the Committee should remember that they were experts as doctors and not in the examination of contested documents.

The PRESIDENT: Dr Prasad, the Committee have determined that the facts alleged against you in the charge have been proved to their satisfaction.

Mr DU CANN: On the question whether the facts amount to serious professional misconduct there is nothing that I need add to what I have already said to the Committee.

Mr BAYLIS: I do not think it necessary for me to advance any arguments to you on the question whether the facts which you have found proved amount to serious professional misconduct. This is a matter for the Com-
mittee, and the Committee's task, as very clearly stated in cases such as this, relates to the protection of the public. I think that all I need say at this stage is that Dr Prasad has practised in this country for some eight years. It has not been suggested that he has ever committed any breaches of the law before. He is a man of good character. He is a man who has succeeded in building up a practice from 1,000 patients who were originally allotted to him to the figure he now has of 2,500.

The offence in respect of which you have found the
facts proved is, as I have already indicated at considerable length, in a somewhat different category from other cases with which this Committee has had to deal in the past, both by reason of the duration of the offences and of the quantity of drugs and the number of patients and the prescribing pattern concerned. But perhaps the two most important things, which I am sure the Council will have noted and will wish to take into consideration, are, firstly, that on the 27th February 1974 Dr Prasad heeded the warning given to him by Mr Spear of the Drugs Department of the

Home Office and, with one marginal exception - where I think he prescribed one prescription of Durophets shortly after that date for one patient, and for the same patient two prescriptions for Ponderax, which is not a controlled drug - the evidence is that, according to such inquiries as Mr Spear was able to make, Dr Prasad stopped prescribing drugs of the kind specified in the schedule altogether. An even more important consideration, perhaps, which I hope will weigh with you, is that Dr Prasad has in his evidence given to this Committee his solemn undertaking that he will not again prescribe for private patients any drugs of the type specified in the schedule. In my submission, that undertaking could, having regard to the Committee's duty to protect the public, safely be accepted by this Committee, and the Committee could then in its mercy find it possible to take a lenient course in the case of Dr Prasad.

Mr DU CANN: There is one matter I ought to draw to the Committee's attention in relation to the previous character of Dr Prasad, details of which I have given to Mr Baylis. In 1969 a complaint was received by the Local Medical Services Committee from a patient of Mr Prasad's who was a National Health Service patient and who, arriving late at the surgery, after normal surgery hours, was charged a fee by the doctor in respect of what was said to be a course of injections. She paid £2 initially of the £6 which was claimed by the doctor as the full fee for the course. He was found to be in breach of the National Health Regulations as a result and some £25 was later withheld from payments made to him and he was admonished.

The Secretary of the Health Services upheld that finding. On March 4th 1971 the Council wrote to Dr Prasad as a result of those facts.

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

Strangers having been readmitted:

The PRESIDENT: Dr Prasad, the Committee have judged you to have been found guilty of serious professional misconduct in relation to the facts which have been proved against you in the charge, and have directed the Registrar to erase your name from the Register. The Committee have further determined that it is necessary for the protection of members of the public that your registration in the Register should be suspended forthwith, and they have accordingly ordered that your registration be suspended forthwith.