

Privy Council Appeal No. 18 1979

Ashok Dwarkanath Laud - - - - - *Appellant*

v.

The General Medical Council - - - - - *Respondent*

FROM

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

REASONS FOR REPORT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL OF THE
17TH JANUARY 1980, DELIVERED THE 4TH MARCH 1980

Present at the Hearing:

LORD SALMON

LORD RUSSELL OF KILLOWEN

LORD KEITH OF KINKEL

[*Delivered by* LORD SALMON]

The appellant Dr. Laud is a registered medical practitioner practising in London at 188A Ann Street, S.E.18.

On 10 January 1974 Dr. Laud was brought before the Inner London Crown Court and convicted on one charge of dishonestly obtaining money by deception and on another charge of attempting to obtain money by deception. He was sentenced to six months imprisonment on each charge concurrently, suspended for two years, fined £600 and ordered to pay £300 compensation.

This first offence was committed in 1971 and consisted of dishonestly obtaining from the Commercial Union Insurance Co. £300 for a camera which he falsely stated had been stolen while on a holiday abroad. The second offence was similar to the first and committed in the following year. He had then changed his insurers to the Legal and General Insurance Co. On his return from a holiday abroad in 1972 he attempted dishonestly to obtain £351 for his camera which he falsely stated he had lost. He did not however succeed in obtaining any money but was reported to the police.

On 24 October 1978 Dr. Laud was brought before the Woolwich Magistrates' Court on two charges of dishonestly obtaining money from the National Health Service by deception, on 20 September and 25 October 1976 respectively. He pleaded guilty to each of these offences and asked for six similar offences (occurring in 1977 and 1978) to be taken into consideration. He was sentenced to six months imprisonment concurrently on each offence to which he had pleaded guilty and ordered to pay, in all, £800 compensation. On appeal against the prison

sentences, they were suspended. The two offences of which he was convicted and the six he asked to be taken into consideration consisted of claiming and receiving from the National Health Service salaries and expenses which he falsely stated he had paid to his auxiliary staff.

Dr. Laud appeared before the Disciplinary Committee of the General Medical Council on 2 July 1979. He was represented by counsel who clearly stated everything that could be said on his behalf.

The Committee after careful deliberation directed the Registrar to suspend Dr. Laud's registration for a period of twelve months.

Their Lordships adopt the following passage from the judgment delivered by Lord Wilberforce on 5 July 1979 in *Safi Ullah Khan v. General Medical Council* (unreported):

"Their Lordships have affirmed on many occasions that they will not interfere with the decision of professional disciplinary bodies as to the proper sentences to be imposed in cases of professional misconduct. This principle applies equally when the matters complained of also constitute criminal offences which have been sanctioned by the criminal law. If, as well as being criminal, offences also constitute professional misconduct, it is for the appropriate disciplinary body to deal with them on that aspect. There can be no doubt that these offences were capable of being so regarded. This is the general rule from which their Lordships do not wish to depart."

Their Lordships have humbly advised Her Majesty that the appeal should be dismissed. There will be no order as to costs.



In the Privy Council

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v.

**THE GENERAL MEDICAL
COUNCIL**

**DELIVERED BY
LORD SALMON**

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