

Dr. Christian Mervyn Abiodun Vincent

Appellant

v.

The General Medical Council

Respondent

FROM

**THE PROFESSIONAL CONDUCT COMMITTEE
OF THE GENERAL MEDICAL COUNCIL**

JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL,
Delivered the 26th July 1995

Present at the hearing:-

Lord Jauncey of Tullichettle
Lord Slynn of Hadley
Lord Steyn

[Delivered by Lord Jauncey of Tullichettle]

This is an appeal from a finding of the Professional Conduct Committee of the General Medical Council on 16th January 1995 that the appellant had been guilty of serious professional misconduct and a direction on 2nd March 1995 that his name should be suspended from the register for a period of three months.

The appellant faced two charges namely:-

- (1) That on three dates in June 1990 he issued to a patient, Miss A., private certificates of incapacity for work covering periods of a week for which he charged £4.00 on each occasion and did not advise the patient of her right to free MED 3 certification; and
- (2) that having visited patient, Mrs. B., on 17th September 1990 and arranged for her admission to hospital for diagnostic tests for a possible intra-abdominal tumour and having been informed that she had been discharged from hospital on the same day, he took no steps to follow up the case.

At the hearing before the Professional Conduct Committee on 16th January 1995 both parties were represented by counsel. The appellant admitted the first charge but disputed the second. Counsel for the General Medical Council led the evidence of Miss A. and of the daughter of Mrs. B., who had died in 1992. This daughter had been closely concerned with the events giving rise to the second charge. The appellant gave evidence on his own behalf.

The appellant's written case before the Board extended to some nine pages and he was represented at the hearing by his son. The written case referred to various matters all of which had been before the Committee. In his able and articulate submission on behalf of his father Mr. Vincent argued that the facts in the second charge had not been proved beyond reasonable doubt and that the first charge arose out of a genuine misunderstanding by the appellant as to the type of certificates which Miss A. required. Three months suspension would, it was submitted, result in the ruin of the appellant's practice.

So far as the first charge is concerned the matters canvassed by Mr. Vincent were all placed before the Committee by and on behalf of the appellant. In these circumstances there can be no justification for interfering with the Committee's findings. In relation to the second charge their Lordships have no doubt that there was ample evidence both from Mrs. B.'s daughter and indeed from the appellant himself which entitled the Committee to hold that it was proved beyond reasonable doubt. There are in this case no such exceptional circumstances as would entitle the Board to interfere with the sanction, by no means severe, imposed by the Committee.

Their Lordships will therefore humbly advise Her Majesty that the appeal should be dismissed. The appellant must pay the costs of the respondent Council before the Board.