

**Paul Zammit-Hammet**      -   -   -   -   -   -   -      *Appellant*

v.

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

FROM

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

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF  
THE PRIVY COUNCIL, DELIVERED THE 5TH NOVEMBER 1970

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*Present at the Hearing:*

LORD HODSON

LORD WILBERFORCE

LORD PEARSON

*(Delivered by LORD HODSON)*

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This is a case concerning a professional man, a registered medical practitioner, who is now 44 years of age, having qualified with a Maltese Degree in 1950; and since 1956 he has been under contract with the Walsall Executive Council of the National Health Service and has been practising as a general practitioner at Walsall in the County of Stafford. He is a man who has as a medical practitioner earned a high reputation and worked exceedingly hard and, it is said that he has suffered during the years of his working life from ill health. He has been over-tired and has had also domestic troubles, culminating in divorce proceedings which lasted some time and no doubt were a great worry to him.

The circumstances of the case are quite briefly these. Although he was conducting a very large practice and earning a substantial sum of money—gross figures were given for the sum of £9,000 a year—he was found guilty of fraud on a number of occasions in connection with his practice, involving forgery of forms and recovery of money to which he was not entitled over a period of years amounting to some £750. What has happened now is that the Disciplinary Committee of the General Medical Council, after hearing of his conviction and considering his case, have taken the step against which he now appeals of directing that his name be erased from the Register. The effect of that is that he cannot practise so long as the erasure subsists, and by statute that erasure subsists necessarily for a period of 10 months—it was previously 11—before application can be made for his restoration. Counsel has appeared on his behalf and has pressed this Board to say that the decision of the Disciplinary Committee was wrong. In their Lordships' opinion it is quite impossible for that to be said.

The position on these professional appeals has often been stated. It was said in *McCoan v. General Medical Council* [1964] 1 WLR 1107, at p. 1113 that "it would require a very strong case to interfere with sentence in such a case, because the Disciplinary Committee are the best possible people for weighing the seriousness of the professional misconduct".

Substantially all that can be said on behalf of this appellant against this sentence is this. Their Lordships have referred to his own physical condition and all that can be said in mitigation from that point of view; but there is another matter, which must often arise in these cases. This man has been prosecuted and has served a period of imprisonment and it is said in effect on his behalf that the Disciplinary Committee of the General Medical Council are merely adding to the penalty which the State has already imposed by sentencing him to imprisonment; but their Lordships feel it is quite impossible to interfere with a professional decision in a matter of that kind. It is quite true that it does in a sense involve a double punishment, but the punishment which the profession imposes is independent of that which is imposed by the State in sentencing this man to a period of imprisonment for frauds which were of a serious and an exceedingly mean nature, and the Committee were entitled to say, as they did, that for the period during which the erasure subsists this man's name should not, notwithstanding his qualifications as a medical man, be permitted to remain on the Register.

For these reasons their Lordships will humbly advise Her Majesty that the appeal be dismissed. The Appellant must pay the costs of the appeal.



**In the Privy Council**

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**v.**

**GENERAL MEDICAL COUNCIL**

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DELIVERED BY  
LORD HODSON