

Aylmer James Crompton

Appellant

v.

The General Medical Council

Respondent

FROM

THE HEALTH COMMITTEE OF
THE GENERAL MEDICAL COUNCIL

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 29TH JULY 1986

Present at the Hearing:

LORD KEITH OF KINKEL

LORD TEMPLEMAN

LORD GRIFFITHS

[Delivered by Lord Keith of Kinkel]

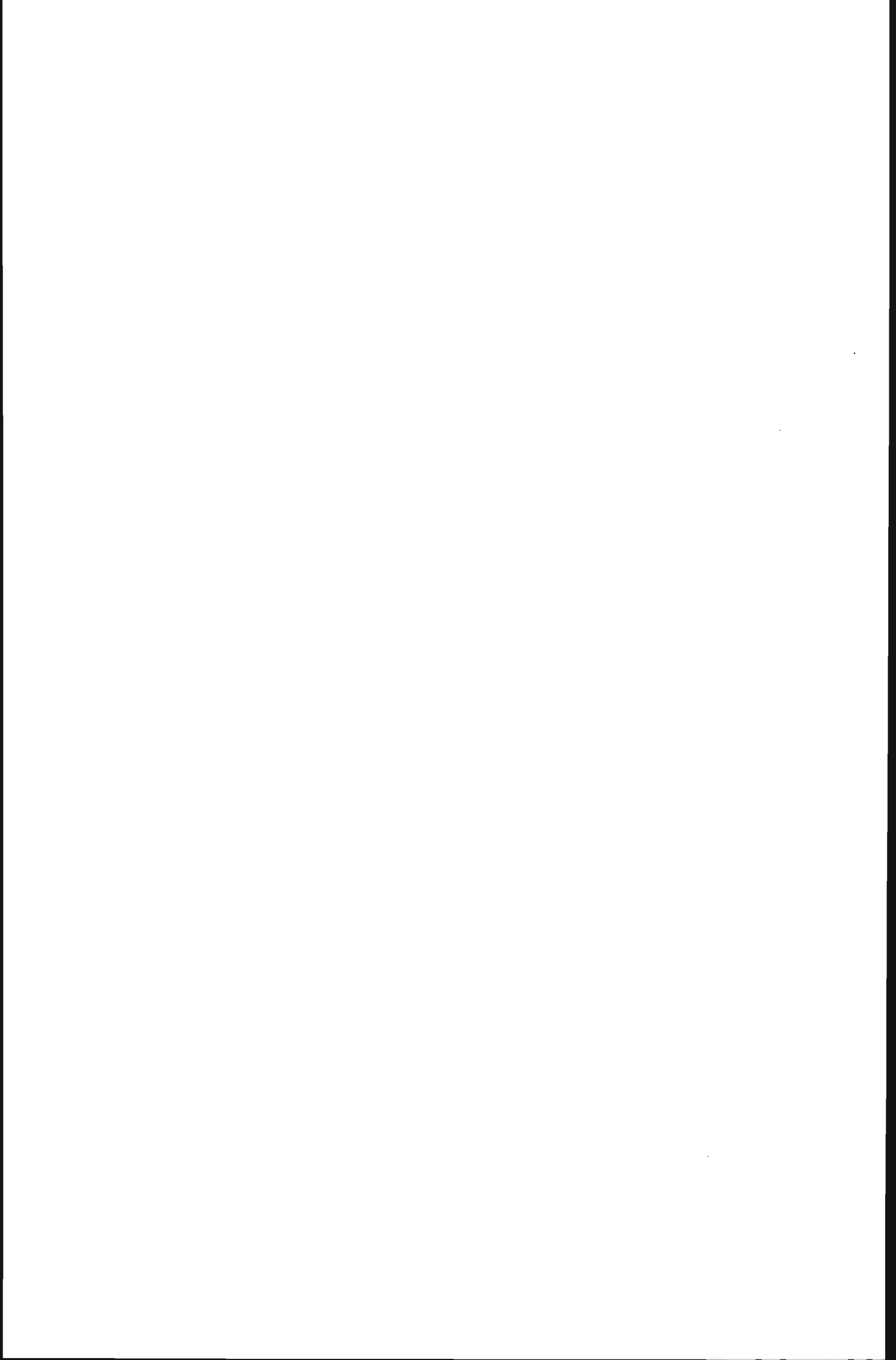
This is an appeal against a direction of the Health Committee of the General Medical Council dated 26th February 1986. The Health Committee directed that by reason of the appellant's fitness to practise being seriously impaired his registration should be suspended for a period of twelve months. Previously, on 25th July 1984, the Health Committee had decided that the appellant's continued registration should become conditional upon his compliance with certain requirements in relation to the nature of the employment that he should undertake and in relation to his consultation with certain specialists. The appellant appealed against that decision to Her Majesty in Council and on 20th March 1985 the appeal was dismissed. It follows that the conditions which the Health Committee imposed upon the continued registration of the appellant must be taken to have been correct and properly imposed. The only question which arose in the recent proceedings is whether the conditions had been complied with and whether it was appropriate that the registration should be made unconditional or, alternatively, whether the registration of the appellant should be suspended for a further period.

had, however, been sent to him by registered post to the address which he had indicated as that to which he desired such communications to be sent. The Committee had before them a document from the Post Office saying that the letter had been delivered to that address. The appellant now maintains that he never received this communication but the fact remains that rule 14(3) of the General Medical Council Health Committee (Procedure) Rules, 1980, provides that even where it appears that a practitioner has not received notice of a referral "the Committee may nevertheless proceed with the inquiry if they think fit on being satisfied that all reasonable efforts have been made to serve the notice of referral".

In this case it seems clear enough that all reasonable steps had been taken to serve the notice and the Committee were entitled to proceed with the resumed hearing. The appellant maintains that the resumed hearing had been held in breach of the rules of natural justice because he had never received notice of it. Whether or not he did actually receive notice of it is not for this Board to enquire into, but, even if he did not, in any event the Committee under the rule to which I have referred were entitled to proceed.

Under section 40(5) of the Medical Act 1983, an appeal against a decision of the Health Committee of the General Medical Council lies only upon a point of law. Apart from the point relating to the service upon him of the notice of the resumed hearing the appellant has been quite unable to demonstrate any arguable point of law upon which this Board might proceed.

Accordingly the Board will humbly advise Her Majesty that the appeal should be dismissed.



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