



Neutral Citation Number: [2023] EWHC 3199 (Admin)

Case No: AC-2023-MAN-000439

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN MANCHESTER

Wednesday, 13th December 2023

Before:
FORDHAM J

Between :
GENERAL MEDICAL COUNCIL **Claimant**
- and -
DR NEILL WILLIAM ROY CARTER **Defendant**

Alan Taylor (instructed by GMC) for the **Claimant**
The **Defendant** did not appear and was not represented

Hearing date: 13.12.23

Judgment as delivered in open court at the hearing

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

FORDHAM J

Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment.

FORDHAM J:

1. I am satisfied that the GMC has discharged the burden of demonstrating the necessity, for the protection of the public and in the public interest, of the extension for 5 months to 29 May 2024 of the interim suspension order (ISO) originally imposed in June 2021 for 18 months and extended by consent by this Court for 12 months in December 2022. I am satisfied of the necessity of an order continuing, as an ISO, for 5 months.
2. The Defendant has not responded to the application, but I was satisfied that he has duly been notified by emails, to the address which he was actively using as at 7 September 2023. An Order for service by email was made by this Court on 30 November 2023. It covered the service by email on 20 November 2023 with clear notice of today's hearing date. The Defendant did attend a remote listing hearing on 1 September 2023 in the fitness to practise proceedings. He was emailed the link for this remote hearing. Unless extended by this Court the ISO would expire on 29 December 2023. I was not prepared to allow that to happen, nor to adjourn. I was satisfied that it is necessary, appropriate and proportionate to proceed today.
3. So far as concerns prejudice from the continuation of the ISO, the Defendant is on record as having said through solicitors that he had no intention of returning to work as a medical practitioner. Any prejudice is, in any event, decisively outweighed by the strong public interest imperatives. There are issues about fitness to practise on health grounds, expressed in two March 2023 health assessments. There are other concerns arising out of an encounter with the police in September 2020. The passage of time is a lengthy one but has been explained in the papers, including the fact that the Defendant had agreed to undertake health assessments back in September 2021, and was subsequently chased up through 2022, but that this was only achieved in March 2023. The case examiners' referral took place in July 2023. Draft allegations were served in October 2023. The hearing is scheduled between 25 March 2024 and 5 April 2024. The 5 months extension allows for a sensible headroom.
4. The draft order contained, as appears now to be GMC standard practice, a direction that any application by a non-party to obtain documents under CPR 5.4C(2) be made on at least 14 days' notice to the parties. I am not currently persuaded that there is a basis for the routine inclusion of this in interim extension orders. I have in some previous cases made such a direction, in open court and approved consent orders. GMC in Manchester (like Social Work England in Leeds) could in a future case seek to persuade the Court that this is an appropriate protection in all cases and should be reflected in the practice of the Court. I would want a written argument dealing with that fully. I have yet to be persuaded that the fact that regulatory investigation or interim proceedings are private should be reflected in routine directions in this Court. That logic might bring private hearings or anonymity, which are not sought in these cases. But there can be specific confidential information, which it is unnecessary to have aired in open court, and the direction simply secures notice. In this case, I have not needed to make reference to the diagnoses in the March 2023 health assessments. Their inclusion and references to them in the papers justifies the direction.