

Rules of the  
Court of Session  
1994



XA15/15

## IN THE COURT OF SESSION

*Certified copy interlocutor*  
Appeal under statute in Form 41.25

APPEAL

to

THE COURT OF SESSION  
under

Section 29 of the National Health Service Reform and Health Care Professions Act 2002

by

THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE, a body corporate constituted under the National Health Service Reform and Health Care Professions Act 2002, as amended by the Health and Social Care Act 2008 and the Health and Social Care Act 2012, and having its principal office at 157-197 Buckingham Palace Road, London SW1W 9SP

APPELLANT

against

a decision of the Conduct and Competence Committee of the Nursing and Midwifery Council dated 17 November 2014 in the case of Greig William Ferguson, Registered Nurse

The decision of the Conduct and Competence Committee of the Nursing and Midwifery Council dated 17 November 2014 is appended to this appeal. That decision was intimated to the appellant on 4 December 2014.

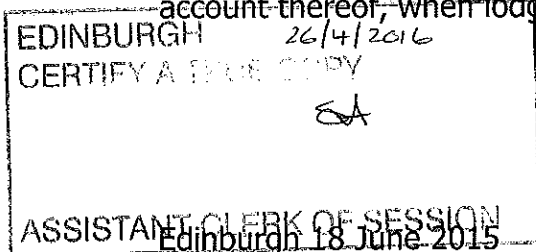
The appellant appeals against the foregoing decision on the following grounds.



EDINBURGH 26/4/2016  
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ASSISTANT CLERK OF SESSION

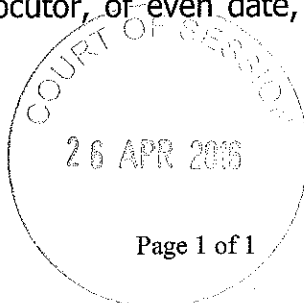
Edinburgh, 18 June 2015

The Lords, on the unopposed motion of the appellants, having considered the Note of Argument for the appellants, No. 9 of process, no answers to the appeal having been lodged, and having seen and considered the Execution of Service, No. 8 of process, (i) in terms of section 29(8)(b) of the National Health Service Reform and Health Care Professions Act 2002, allow the appeal and quash the decision of the Conduct and Competence Committee of the Nursing and Midwifery Council dated 17 November 2014 in the case of GREIG WILLIAM FERGUSON, Registered Nurse; (ii) in terms of section 29(8)(d) of the National Health Service Reform and Health Care Professions Act 2002 remit the case for re-hearing before a differently constituted panel of the Conduct and Competence Committee of the Nursing and Midwifery Council to dispose of the case in accordance with the directions of the court, *viz.*: (a) the first respondents include, in the charges to be brought against the second respondent, a charge that the second respondent misrepresented that he was qualified to teach the course entitled "Management of People with Challenging Behaviour Train the Trainer" when he was not so qualified; (b) the first respondents include, with the evidence to be put before the panel, such evidence as is available to them as to the second respondent's state of knowledge and of any absence of insight and remorse on his part and (c) the first respondents list the case against the second respondent for an interim order hearing within 21 days of the receipt of this order; further, (iii) find the first respondents liable to the appellants in the expenses of the appeal; remit the account thereof, when lodged, to the Auditor of Court to tax.



Signed by  
A. Paton I.P.D

The Lords, decern against the first respondents for payment to the appellants of the expenses referred to in the foregoing interlocutor, of even date, as the same shall be taxed by the Auditor of Court.



Signed by  
A. Paton I.P.D