

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
ROYAL COURTS OF JUSTICE
BEFORE THE HONOURABLE MR JUSTICE LINDEN on 15 June 2022

CO/205/2022

BETWEEN:

THE PROFESSIONAL STANDARDS AUTHORITY

Appellant

-v-

(1) GENERAL MEDICAL COUNCIL
(2) DR MOHAMMED BATTAH

Respondents



ORDER

UPON hearing Leading Counsel on behalf of the Appellant and First Respondent;

AND UPON the Second Respondent not attending and not being represented;

AND UPON the Court noting that on 16 March 2022 an order was made that the Second Respondent was properly served;

AND UPON the Court deciding to proceed in the absence of the Second Respondent;

IT IS ORDERED THAT:-

1. The decision of the Medical Practitioners Tribunal ("MPT") dated 9 November 2021 as to allegation 14(a)(ii) is quashed, and consequently its decision on sanction is quashed.
2. The First Respondent shall lay an allegation relating to the Second Respondent's compliance with the Interim Order of Conditions dated 20 September 2017 against the Second Respondent and afford him an opportunity to respond to it. The terms of the allegation shall have regard to the judgment of the court in this appeal.

3. The matter is to be remitted to the MPT, to be heard by the same Panel members who made the decision of 9 November 2021 if this is reasonably practicable having regard the availability of the members and the desirability of avoiding undue delay. The Panel to which the matter is remitted shall:
 - a. decide any additional allegation, and, in the light of the findings made on that allegation,
 - b. amend or supplement its previous findings on impairment if and to the extent necessary; and
 - c. make a decision as to sanction in the light of its conclusions on all the allegations.
4. A transcript of the judgment delivered orally on 15 June 2022 is to be prepared and submitted for approval by Linden J, if possible before 29 June 2022.
5. The First Respondent shall pay the costs of preparation of the transcript.
6. The First Respondent shall pay the Appellant's costs in the sum of £20,000 (plus VAT).

Dated 15th June 2022
Mr Justice Linden

BY THE COURT