

Our ref: MGC/LJP

Your ref:

7 December 2005

Private and Confidential
Ms Kelly Johnson
Health Professions Council
184 Kennington Park Road
Park House
London SE11 4BU
By Email and Post

Dear Kelly

David Ryell - Judgment

write to confirm the Judgment given by Mr Justice Bennett today

The Judge quashed the decision of the Panel and remitted the case for re-hearing. He directed that there is a preliminary meeting before the Chairman within 6 weeks.

I believe that it is important to look at the Judgment handed down, a copy of which you now have. There were 5 grounds advanced on behalf of Mr Ryell suggesting that the procedure and conduct of the case was flawed. The Judge dealt with each of these grounds in turn and found that there was no substance in any of them.

The sixth ground related to the reasons given for the decision by the Panel. He allowed the appeal and quashed the decision because the Panel "...failed to indicate, briefly, what facts it had found proved in respect of each of the 7 incidents or why what they had found amounted to misconduct and/or lack of competence on the part of the Appellant." See in particular paragraphs 53 and 56 of the Judgment.

As you know, costs normally follow the event and an order was made for the HPC to pay the Appellant's costs in the sum of £4,091.35. However I made it clear in open Court there was nothing in the Judgment which suggested that the Appeal was being allowed because of any short comings on the part of the Fitness to Practise Directorate.

Should you wish to discuss the Appeal or the Judgment further in any way, please do not hesitate to contact me in any way.

With very best wishes

Yours sincerely



Michael Caplan QC
Partner

Received

- 9 DEC 2005

**HPC Fitness to
Practise Department**



CO/02965/2005

DATED the 7th day of December 2005

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BEFORE THE HONOURABLE MR JUSTICE BENNETT

**IN THE MATTER of Article 38(3) (b) of the Health
Professions Order 2001**

and

**IN THE MATTER of a decision of the Conduct and
Competence Committee of the Health Professions
Council**

B E T W E E N

DAVID RYELL

Appellant

and

HEALTH PROFESSIONS COUNCIL

Respondent

UPON HEARING Miss J. Brown of Counsel on behalf of the
Appellant and Mr M. Caplan Q.C and Miss I. Dakyns of Counsel on



behalf of the Respondent upon the Appellant's Notice of Appeal dated the 12th day of May 2005 for an order that the Respondent's decision dated the 15th day of April 2005 be quashed

AND UPON READING the written evidence submitted on behalf of the Appellant and the Respondent

IT IS ORDERED that this appeal be allowed and that the said order of the Respondent dated the 15th day April of 2005 be quashed

AND IT IS ORDERED that the case be remitted back to the Health Professions Council to be heard by the new Chairman within six weeks of today's hearing

IT IS FURTHER ORDERED that the costs of this application be summarily assessed in the sum of £4,091.75 and that the said sum be paid by the Respondent to the Appellant's solicitors

[This matter occupied the time of the Court from 11.02am to 12.55pm and 2.00pm to 2.48pm on the 29th day of November 2005 and 10.03am to 10.10am on the 7th day of December 2005]

By the Court

