

MEDICAL COUNCIL OF IRELAND

FITNESS TO PRACTISE COMMITTEE

UNDER PART 8 OF THE MEDICAL PRACTITIONERS ACT 2007

RE: REGISTRANT [WITNESS B]

REGISTRATION NO: 405670

HEARING BEFORE THE FITNESS TO PRACTISE COMMITTEE

AT KINGRAM HOUSE, KINGRAM PLACE, DUBLIN 2

ON TUESDAY, 11TH MARCH 2025 - DAY 8

8

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action

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APPEARANCES

THE COMMITTEE :

MR. PAUL HARKIN - CHAIR
MS. MARY DEVINS
DR. MARY DAVIN-POWER

LEGAL ASSESSOR :

MR. DIARMAID MCGUINNESS SC

FOR THE CEO :

MR. HUGH McDOWELL BL

INSTRUCTED BY :

MS. AINE GROGAN
SOLICITOR
MESSRS. FIELDFISHER
SOLICITORS

FOR THE REGISTRANT :

MS. MAURA McNALLY SC

INSTRUCTED BY :

MR. FAISAL KHAN
SOLICITOR
MESSRS. FSK SOLICITORS

ALSO PRESENT :

MS. JANE HORAN
PROFESSIONAL STANDARDS SECTION OF
THE MEDICAL COUNCIL

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1 THE HEARING RESUMED AS FOLLOWS ON TUESDAY,
2 11TH MARCH 2025:

3
4 CHAIRPERSON: Good morning to you all. This is an
5 Inquiry by the Fitness to Practise Committee under Part 10:45
6 8 of the Medical Practitioners Act 2007. This is Day 8
7 of an Inquiry into allegations of professional
8 misconduct and/or poor professional performance and/or
9 a contravention of a provision of the Medical
10 Practitioners Act 2007, including a provision of any 10:45
11 regulations or rules made under this Act on the part of
12 a registered medical practitioner.

13
14 As you know, although this Inquiry is proceeding in
15 public, the Complainant is being anonymised as Witness 10:46
16 A, and the Registrant has been anonymised as Witness B.

17
18 And obviously, as I have said before, in the event that
19 either witness is inadvertently referenced by their
20 actually name or in a way that might identify them, 10:46
21 parties to this Inquiry are ordered not to disclose
22 that identity. The transcript of this Inquiry will be
23 amended, as necessary, to correct any inadvertent
24 disclosures.

25
26 So once again, good morning to you all, I won't bore
27 you with further preliminaries and introduce our
28 Committee again, but I believe that there are some
29 applications that you wish to make at this stage.

1 APPLICATION BY MR. McDOWELL:

2
3 MR. McDOWELL: Thank you, Chair. The matter was last
4 before you on 13th February and was adjourned to
5 today's date to facilitate a sanction hearing taking 10:46
6 place. And you might recall that on 13th February we
7 had asked that any materials that the Registrant wanted
8 to rely on at the sanction hearing be provided to us a
9 week in advance, so by last Tuesday.

10
11 In any event, we received materials by letter yesterday
12 which were documents purporting to be references for
13 the Registrant. And we wrote in reply yesterday to the
14 Registrant's solicitors to indicate that we required
15 the contents of those references to be formally proven 10:47
16 by the authors, and it hasn't been possible for those
17 individuals to appear today.

18
19 And in those circumstances, the CEO's position is that
20 if -- I suppose the CEO's position is that if reliance 10:47
21 is to be placed on those documents they need to be
22 proven.

23
24 Following some liaison between myself and Ms. McNally
25 and the Medical Council, I think the date of 21st 10:47
26 March, which is Friday week, has been identified as a
27 date that would be suitable for those individuals to
28 appear and give evidence in relation to the references.
29

1 So, subject to the Committee being available that day
2 and it suiting everybody, we think that's the most
3 prudent way to proceed. And I understand that the
4 Committee may have a preference to sit in the
5 afternoon, and if that's the case, we are happy to do
6 that.

10:48

7 CHAIRPERSON: Thank you, Mr. McDowell. Ms. McNally,
8 any comments?

9
10 SUBMISSION BY MS. McNALLY:

11
12 MS. McNALLY: I am terribly sorry for the convenience
13 that has been caused to the Committee in respect of
14 this, but we have been texting and trying to make
15 communication with the referees and the person who is
16 responsible for the medical report. One is in London,
17 one is in Kerachi, so if the Committee is amenable, we
18 would be looking for the afternoon of 21st March, that
19 afternoon, and then we will liaise a timetable, but at
20 the minute we are hoping to have remotes at 2 o'clock,
21 about 2:45, 3:30 and 4pm. Kerachi apparently is five
22 hours ahead, and Dr. Yusif is in ICU, but should be
23 free by Irish time 4pm, but we were kind of giving
24 ourselves about 45 minutes in between, if that suited
25 the Committee to adjourn to the 21st so that the
26 references, et cetera, can be proven directly.

10:48

10:48

10:49

27 CHAIRPERSON: Sure, thank you for that. So, yes, I
28 have checked with my Committee colleagues and we are
29 available to sit on the 21st. I have a constraint in

1 the morning, so the earliest I think it could
2 reasonably start is 1 o'clock, but I am happy to start
3 at 1 o'clock if that is convenient?

4 MR. McDOWELL: We are happy with that, thank you,
5 Chair.

10:49

6 MS. McNALLY: We are very much obliged.

7 MS. DEVINS: Chair, could I just ask --

8 CHAIRPERSON: Please.

9 MS. DEVINS: -- that maybe they could confirm 48 hours
10 before the 21st that it's going ahead and that
11 everybody is available?

12 CHAIRPERSON: Yes, and I think that's a reasonable
13 request. So again we have inconvenienced this
14 Committee, some members of the Committee have travelled
15 quite some distance to be here today, so if we could
16 get confirmation of the availability of the parties 48
17 hours before that date?

10:49

18 MS. McNALLY: I was going to say by next Monday, close
19 of business we should have all of the details, and
20 correspondence will have issued regarding timetables
21 across, et cetera.

10:50

22 CHAIRPERSON: Thank you very much.

23 MR. McDOWELL: Chair, I should just say that the
24 Committee doesn't need to hear me go on yet again about
25 how long this entire process has taken. So, certainly
26 my instructions will be that the matter really has to
27 proceed on the 21st, and it is incumbent on

10:50

28 [REDACTED] to arrange for his witnesses to be present
29 on that date, given that that will be the second

1 occasion on which the sanction hearing will be listed.
2 MS. McNALLY: It is the old, I don't want to mention it
3 has gone on so long, but it has gone on so long, but
4 the option was there to the Medical Council to simply
5 accept the references, et cetera, but in the interests 10:50
6 of fairness it is being adjourned to facilitate the
7 production of the witnesses. So they did have that
8 option, but regardless, I am thankful to the Committee
9 for agreeing to put it back.
10 CHAIRPERSON: Those points have been noted, and I would 10:51
11 hope that both parties would agree that we have tried
12 to be as scrupulously fair as possible during the
13 entire process, but the downside of that is that it has
14 taken longer than any of us would like, but it is
15 important for us that we give the Registrant every 10:51
16 opportunity to present their testimonials and that they
17 be proven. So, is there is there other matter that
18 needs to be discussed?
19 DR. DAVIN-POWER: Can I just make a comment?
20 CHAIRPERSON: Can we confirm that there will be no more 10:51
21 new material produced?
22 MS. McNALLY: My understanding is there are just the
23 three references and the one medical report, that's all
24 I have.
25 DR. DAVIN-POWER: And that nothing new will be produced 10:51
26 between now and the date?
27 MS. McNALLY: No, my instructions from my solicitor are
28 that no, there won't be, no.
29

CHAIRPERSON: okay, on that basis then we will adjourn
to the 21st at 1 o'clock. Thank you all, thank you.

THE HEARING WAS ADJOURNED TO 1PM ON FRIDAY, 21ST MARCH
2025

10:52

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