

**Case Name: Muhammad Masood v GMC**

Case Ref No: XA53-23

Date, Time and Duration of Hearing: 21August 2024 at 1030 am

Division and Senators (*if known*): Second:

Lord Justice Clerk

Lord Malcolm

Lord Tyre

Livestreamed Hearing?: No

**Agents and Counsel (*if known*):**

Agents / Counsel for the Appellant: Party

Agents / Counsel for the Respondent: Byrne, KC Anderson Strathern

**Link to Judgment Reclaimed / Appealed (*if available*):**

n/a

**Case Description:**

This is an appeal under section 40 of the Medical 1983. The appellant is a registered doctor. He was the subject of fitness to practise proceedings raised by the General Medical Council before the Medical Practitioners' Tribunal. This arose from allegations that he had emotionally, physically and sexually abused his ex-wife (Ms A), as well as that he had attempted to interfere with the fitness to practise investigation and had been convicted of a domestically aggravated offence under section 38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 in respect of Ms A.

The tribunal found most of the allegations not proved. However it did find proved some of the allegations, which included the emotional and physical abuse of Ms A, as well as the interference and the conviction allegations. The tribunal determined that the appellant's conduct in certain respects amounted to serious misconduct and that his fitness to practise was impaired as a result. It thereafter considered the available sanctions and ultimately ordered that the appellant's name should be erased from the medical register. In determining that erasure rather than suspension was appropriate, the tribunal relied in particular upon the lack of evidence produced by the appellant to demonstrate insight into his conduct or attempts to remediate it.

The appellant challenges the decision on five grounds. The first, second and fourth grounds contend that the tribunal's findings in respect of a number of the allegations, as well as in preferring Ms A's evidence to the appellant's evidence, standing various adverse credibility findings made by the tribunal in relation to Ms A, were perverse. In the third ground the appellant states that he was not afforded the opportunity to speak about certain matters relating to the interference and conviction allegations at the end of his evidence, which would have shown insight. Fifth and finally, he submits that the sanction imposed (erasure) was disproportionate.