

13/4/16

Tim Holroyde

11-iv-16



CO/6302/2015

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

BETWEEN:

THE PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE

Appellant

- and -

(1) THE NURSING AND MIDWIFERY COUNCIL
(2) JOSELO SILVA

Respondents



~~DRAFT ORDER~~

Before the Honourable Mr Justice Holroyde sitting at the Royal Courts of Justice on 17th March 2016

Upon hearing Counsel for the Appellant, for the First Respondent and for the Second Respondent

IT IS ORDERED THAT:-

1. The appeal is allowed.
2. The Decision of the Panel of the Conduct and Competence Committee made on 5th November 2015 is quashed.

3. The matter is remitted to a differently constituted Panel of the Conduct and Competence Committee for rehearing.
4. For the purposes of the hearing provided for at paragraph 3 of this Order the First Respondent is directed to address a new Allegation to the Second Respondent which is to include:-
 - (i) the matters set out in the Allegation which was before the Committee at the hearing in November 2015; and
 - (ii) the matters set out at paragraphs (a) to (d) of the Appellant's First Ground of Appeal.
5. The Appellant's costs of the appeal are to be paid by the First Respondent, such costs to be subject to a detailed assessment if not agreed.

Dated 17.03.16



By the Court