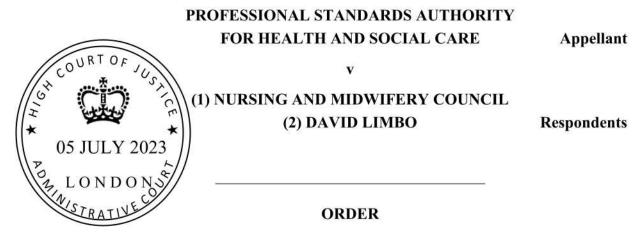
Claim No: CO/349/2023

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
AND IN THE MATTER OF an appeal under section 29 of the National Health
Service Reform and Health Care Professions Act 2002

Before: The Hon Mr Justice Julian Knowles

BETWEEN:



UPON the Appellant having lodged an appeal on 30 January 2023 against the decision by a panel of the First Respondent's fitness to practise committee on 24 November 2022 to suspend the Second Respondent from practising for a period of 9 months (the "**Decision**")

AND UPON the First Respondent conceding, prior to the hearing, that the appeal should be allowed on Ground 2 of the Appellant's grounds of appeal

AND UPON hearing counsel for the Appellant, David Hopkins, and counsel for the First Respondent, Christopher Scott

AND UPON the Second Respondent neither being present nor represented at the hearing, but the court being satisfied that he had been properly served with these proceedings and chosen not to attend

IT IS ORDERED THAT:

1 The appeal is allowed.

- 2 The Decision is quashed.
- Pursuant to section 29(8)(c) of the National Health Service Reform and Health Care Professions Act 2002 and article 29(5)(a) of the Nursing and Midwifery Order 2001 (SI 2001/253), the Registrar of the First Respondent is directed to strike the Second Respondent off the register maintained by the First Respondent.
- 4 By 4 pm on 21 July 2023, the First and Second Respondents do pay the Appellant's costs of the appeal, summarily assessed on the standard basis in the sum of £14,828.00, subject to the following apportionment:
 - 4.1 The First Respondent is liable for two-thirds of the Appellant's costs set out in paragraph 4, such sum being £9,885.33; and
 - 4.2 The Second Respondent is liable for one-third of the Appellant's costs set out in paragraph 4, such sum being £4,942.67.

Service of order

The court has provided a sealed copy of this order to the serving party: Browne Jacobson LLP at 15th Floor, 6 Bevis Marks, London, EC3A 7BA (ref: 045833.00086)

Date order made: 4 July 2023

BY ORDER OF THE COURT