



**Report of the Fitness to Practise Committee
following an Inquiry held pursuant to Part 8
of the Medical Practitioners Act 2007**

Registered Medical Practitioner:	Dr James Cassidy
Registration Number:	366328
Date of Inquiry:	3 rd March 2016
Members of Inquiry Committee:	Dr Michael Ryan Dr Mary Henry Ms Mary Duff
Legal Assessor:	Ms Patricia Dillon SC
Appearances - For the Chief Executive:	Frank Beatty BL instructed by Aoife Stack of Mc Dowell Purcell Solicitors.
For the Practitioner:	Mr Ken Connolly instructed by Michael McVery of Tiernan Solicitors

The nature of the Complaint that resulted in the Inquiry:

The Committee noted that:

1. The Preliminary Proceedings Committee (“the PPC”) formed the opinion that there was a prima facie case to warrant further action being taken in relation to the complaint of:
2. The PPC referred the complaint to the Fitness to Practise Committee on the grounds of professional misconduct and allegations relating to conviction outside the State for an offence that, if done or made in the State, would constitute an offence triable on indictment:

The allegations of professional misconduct considered by the Committee were as follows:

That you, being a registered medical practitioner:-

1. On or around 26 May 2009, answered "No" to the following question in your Application Form for Registration in the Register of Medical Practitioners under the Provisions of the Medical Practitioners Act 2007 and Registration Rules 2009:
 - i. *Have you ever been convicted in a Court of law (including a drunken driving charge)? and/or*

in circumstances where you knew or ought to have known that the response was not true and/or

2. On or around 26 May 2009, made a declaration in your Application Form for Registration in the Register of Medical Practitioners under the Provisions of the Medical Practitioners Act 2007 and Registration Rules 2009 that you knew:

...of no reason why the Medical Council should not grant [you] registration in the Register of Medical Practitioners in accordance with the provisions of the Medical Practitioners Act 2007, as amended by the Health (Miscellaneous Provisions) Act 2007

in circumstances where you knew or ought to have known that the declaration was not true and/or

3. During the period 5 August 2009 to 16 September 2010, failed to notify the Medical Council that:
 - i. you had been convicted of one or more criminal offences; and/or
 - ii. on or around 16 August 2010, your registration with the General Medical Council had been suspended on an interim basis and/or

in circumstances where you knew or ought to have known that you were obliged to notify the Medical Council of such material matters pursuant to section 55(6) of the Medical Practitioners Act 2007; and/or

that the following are the allegations relating to conviction outside the State for an offence that, if done or made in the State, would constitute an offence triable on indictment:

TAKE FURTHER NOTICE that the following are the allegations relating to conviction outside the State for an offence that, if done or made in the State, would constitute an offence triable on indictment:

That you, being a registered medical practitioner:-

4. On or around 05 June, 2014 at the Crown Court at Newry in the jurisdiction of Northern Ireland were convicted upon indictment of the following offences, which if committed in this State would be triable on indictment:

- i. On a date unknown between the 1st day of December 2004 and the 1st day of April 2007, in the County Court Division of Armagh and South Down, or elsewhere within the Crown Court jurisdiction of Northern Ireland, conspired together and with other persons to use an instrument, namely, a document bearing the date the 6th December 2004 and purporting to be the signed will of CH deceased, which was false and which they knew or believed to be false with the intention of inducing another to accept it as genuine and by reason of so accepting did some act to his own or some other person's prejudice contrary to Article 9(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 3 of the Forgery and Counterfeiting Act 1981;
- ii. On a date unknown between the 1st day of December 2004 and the 1st day of April 2007, in the County Court Division of Armagh and South Down, or elsewhere within the Crown Court jurisdiction of Northern Ireland, conspired together with other persons to use an instrument, namely, a purported agreement for the sale of property dated the 6th December 2004 between CH and FT, which was false and which they knew or believed to be false with the intention of inducing another to accept it as genuine and by reason of so accepting it did some act to his own or some other person's prejudice contrary to Article 9(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 3 of the Forgery and Counterfeiting Act 1981;

- 5. Such further allegations as may be notified to you in advance of the Inquiry

Findings of the Committee:

Allegation 1:

1. That On or around 26 May 2009, answered “No” to the following question in your Application Form for Registration in the Register of Medical Practitioners under the Provisions of the Medical Practitioners Act 2007 and Registration Rules 2009:

- ii. *Have you ever been convicted in a Court of law (including a drunken driving charge)? and/or*

in circumstances where you knew or ought to have known that the response was not true and/or

Having regard to the evidence adduced, the Committee found that :

Allegation 1 was proven as to fact.

Reason: Admitted by Dr Cassidy

Allegation 1 did amount to professional misconduct

Reason: The Committee was satisfied beyond reasonable doubt that the proven conduct amounted to professional misconduct noting the doctor's admission in this regard.

Allegation 2:

That on or around 26 May 2009, made a declaration in your Application Form for Registration in the Register of Medical Practitioners under the Provisions of the Medical Practitioners Act 2007 and Registration Rules 2009 that you knew:

...of no reason why the Medical Council should not grant [you] registration in the Register of Medical Practitioners in accordance with the provisions of the Medical Practitioners Act 2007, as amended by the Health (Miscellaneous Provisions) Act 2007

in circumstances where you knew or ought to have known that the declaration was not true and/or

Allegation 2 was proven as to fact.

Reason: Admitted by Dr Cassidy.

Allegation 2 did amount to professional misconduct.

Reason: The Committee was satisfied beyond reasonable doubt that the proven conduct amounted to professional misconduct noting the doctor's admission in this regard.

Allegation 3 was withdrawn

Allegation 4:

TAKE FURTHER NOTICE that the following are the allegations relating to conviction outside the State for an offence that, if done or made in the State, would constitute an offence triable on indictment:

That on or around 05 June, 2014 at the Crown Court at Newry in the jurisdiction of Northern Ireland were convicted upon indictment of the following offences, which if committed in this State would be triable on indictment:

- i. On a date unknown between the 1st day of December 2004 and the 1st day of April 2007, in the County Court Division of Armagh and South Down, or elsewhere within the Crown Court jurisdiction of Northern Ireland, conspired together and with other persons to use an instrument, namely, a document bearing the date the 6th December 2004 and purporting to be the signed will of CH deceased, which was false and which they knew or believed to be false with the intention of inducing another to accept it as genuine and by reason of so accepting did some act to his own or some other person's prejudice contrary to Article 9(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 3 of the Forgery and Counterfeiting Act 1981;
- ii. On a date unknown between the 1st day of December 2004 and the 1st day of April 2007, in the County Court Division of Armagh and South Down, or elsewhere within the Crown Court jurisdiction of Northern Ireland, conspired together with other persons to use an instrument, namely, a purported agreement for the sale of property dated the 6th December 2004 between CH and FT, which was false and which they knew or believed to be false with the intention of inducing another to accept it as genuine and by reason of so accepting it did some act to his own or some other person's prejudice contrary to Article 9(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 3 of the Forgery and Counterfeiting Act 1981;

Allegation 4(i) was proven as to fact.

Reason: Admitted by Dr Cassidy.

Allegation 4(ii) was proven as to fact.

Reason: Admitted by Dr Cassidy.

SIGNED:



DR MICHAEL RYAN
CHAIRPERSON
FITNESS TO PRACTISE COMMITTEE

DATE:

7th March, 2016

