

Witness Name: Charles Hamilton Massey
Statement No.: WITN3365001
Exhibits: WITN3365002-3365010
Dated: 17 July 2019

INFECTED BLOOD INQUIRY

EXHIBIT WITN3365010 OF MR CHARLES HAMILTON MASSEY

WITN3365010 (referred to as CM/9 in WITN3365001)

Exhibit WITN3365010 (referred to as CM/9 in WITN3365001)

The effect of transitional provisions on the cases

The inquiry will be able to see that for some of the cases the date the case opened and closed straddled the 1 November 2004 and the introduction of the new legislation. The order which amended the Medical Act 1983 contained transitional provisions about how cases which were already ongoing as at 1 November 2004 should be dealt with.

The provisions were complex but in summary for conduct cases like these, the scheme was as follows:

1. Where, as at 1 November 2004, an allegation had been received by the GMC but had not been referred for a hearing before the PCC, then the new legislative framework would apply to the case. It would be considered by the Case Examiners who would apply the new framework and decide whether or not to refer the case to a hearing before a FTP Panel. Any hearing before a FTP Panel would take place applying the new rules and procedures.
2. If the PPC had begun considering a case, but not disposed of it, then it would continue to be handled by the PPC after 1 November 2004. If the PPC referred the case to a hearing, then the hearing would be before a new FTP Panel, but applying the old rules and procedures.
3. Where, as at 1 November 2004, a case had already been referred to the PCC for a hearing, but the hearing had not yet taken place, then the hearing would take place before a FTP Panel applying the old rules and procedures.

None of the cases on the list were referred to a hearing. As to the reasons why the doctors' fitness to practise was not found impaired, we would refer the inquiry to the full reasons given in the decisions on each case by the Screener, Registrar, or Case Examiners as appropriate.