

**IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction**

**ON APPEAL FROM THE COURT OF APPEAL OF
THE CO-OPERATIVE REPUBLIC OF GUYANA**

**CCJ Appeal No. GYCV2015/008
GY Civil Appeal No. 1 of 2012**

BETWEEN

THE MEDICAL COUNCIL OF GUYANA

APPELLANT

AND

RAMA SAHADEO

RESPONDENT

Before The Honourables

**Mr Justice R Nelson
Mr Justice J Wit
Mr Justice D Hayton
Mr Justice W Anderson
Mme Justice M Rajnauth-Lee**

Appearances

Mr Kamal Ramkarran for the Appellant

**Sir Fenton Ramsahoye SC, Mr Roopnarine Satram, Mr Chandrapratesh V Satram
and Mr Mahendra Satram for the Respondent**

JUDGMENT

of

**The Honourable Justices
Nelson, Wit, Hayton, Anderson and Rajnauth-Lee**

Delivered by

The Honourable Mr Justice Hayton

on the 5th day of July 2016

JUDGMENT

Introduction

[1] This appeal arises out of a decision of the Medical Council of Guyana (the Council) made on 15 October 1998 to suspend the registration of Dr Rama Sahadeo (Dr Sahadeo) as a medical practitioner entitled to practise in Guyana under the Medical Practitioners Act, Cap 32:02. The decision was taken against the backdrop of a need to resolve former patients' serious allegations of sexual misconduct by Dr Sahadeo in 1976 and 1977 which had only come to the attention of the Council in 1997. The Council's loss of a file on Dr Sahadeo, containing evidence of its correspondence with him, has made it difficult for the Council in trying to justify its actions and defend Dr Sahadeo's claim for damages at the core of this case, but, ultimately, Dr Sahadeo's damages' claim has failed. Due to the Court of Appeal finding itself able to disagree with the trial judge's findings of fact, the factual background needs to be investigated at length.

The factual background

[2] Having practised medicine in Guyana for over thirty years, Dr Sahadeo left Guyana for medical treatment in the United States of America (USA) on 3 June 1997. On 9 and 11 June 1997 a journalist obtained written statements from two female patients detailing alleged sexual misconduct against them by Dr Sahadeo in 1976 and 1977, one statement being supported by the female's then boyfriend and subsequent husband. It seems that the statements were passed by the journalist to the Council which sent a registered letter (received 2 November 1997) to Dr Sahadeo's Georgetown address. It presumably was this letter that Dr Sahadeo's wife brought to him in Miami in December 1997 when visiting him there.

[3] Dr Sahadeo said the letter alleged unspecified sexual misconduct and invited him to meet with the Council to deal with the issue. He said he replied, denying the allegation and enclosing a medical certificate showing he could not travel to a hearing in Guyana. He said he sent a further medical certificate in 1998 and in

1999 to show he could not travel abroad, but produced no copies of any medical certificates.

- [4] Received registered letters (contents unknown) were addressed by the Council to Dr Sahadeo's Guyanese Georgetown address on 28 August 1998 and 2 September 1998. On 15 October 1998 the Council met and suspended Dr Sahadeo from medical practice. On 8 November 1998 a further receipted registered letter (precise contents unknown but, presumably, referring to the doctor's suspension) was addressed to the Georgetown address.
- [5] By letter of 27 October 2000 Dr Sahadeo wrote to the Council, stating he had not practised since 1997 but had recently returned to Guyana, following treatment for illness abroad, and he was applying for 'Renewal of Licence of Annual Registration as a Medical Practitioner'. It is to be noted that he had been continually abroad for over three years, returning on 29 July 2000 according to his testimony, and that by section 5(5) of the Medical Practitioners Act a duty of the Council's Secretary is to remove from the Register of Medical Practitioners the name of one "who has been continually absent from Guyana for more than three years."
- [6] On 14 November 2000 the Council replied to his Georgetown address advising him that his registration had been suspended by the previous Council and his application could not be considered until he had been restored to the register. On 18 December 2000 Dr Sahadeo wrote to the Council acknowledging receipt of the letter stating, "You informed me that my registration has been suspended by the previous Medical Council. You, however, did not mention the period of suspension. I shall be grateful if you now let me know of the period of suspension."
- [7] On 1 February 2001 the Council replied, "Please refer to previous correspondence with respect to allegations made against you for which you were summoned to appear before the Council to answer. As a result of your continued failure to meet with the Council a decision was taken to suspend your registration pending your appearance before the Council to answer the allegations pending against you."

- [8] Nothing more was heard from Dr Sahadeo until 15 June 2002 when he made a simple application for ‘licence of annual registration as a medical practitioner’, stating he had been out of the jurisdiction for most of the last five years and providing the registration number of his 1997 licence. The Council’s reply of 20 June 2002 reminded him that, because of his failure to appear before the Council to answer allegations made against him, his name had been removed from the register, and if he wished to become registrable “you would first have to put yourself in order.”
- [9] Dr Sahadeo’s attorney then wrote to the Council on 23 August 2002 querying whether Dr Sahadeo had been removed or only suspended, and seeking clarification of charges when alleging that, in breach of natural justice, the doctor had not been served with any charges.
- [10] The Council Chairman replied on 9 September 2002. “The Medical Council has received a few complaints of allegation of sexual misconduct on female patients against Dr Sahadeo during 1977. The Council had informed Dr Sahadeo of these complaints and sought his comments. Failing his response to the allegations, the Council had arranged to meet with him to discuss the allegations but he failed to turn up on each occasion. The Council took the decision to suspend his name from the register pending his appearance before the Council to answer the allegations made against him.” To be eligible for restoration of his name to the register he “would first have to answer the allegations made against him copies of which were sent to him.”
- [11] Dr Sahadeo’s attorney responded on 10 October 2002, indicating that, while the doctor was currently abroad, he would be willing to meet the Council between 22 October 2002 and 20 November 2002. No mention was made of a need to be told of specific allegations. The next letter of the Council in the Record is dated 17 February 2003 but refers to no earlier letter. It just states that the Council had agreed to set a date for hearing Dr Sahadeo but first needed to hear from him what was the nature of his illness that prevented him from attending the hearings set 1997-1998, supported by relevant medical certificates or reports.

- [12] Dr Sahadeo's attorney replied on 19 May 2003 that the doctor had been overseas suffering from chest pains due to stress, but had no medical certificates or reports, and that these matters were all irrelevant. To comply with natural justice, it was necessary to supply his client with particulars of the alleged sexual misconduct as they had never been served on him. His client was willing to meet at a mutually convenient time. Not having received a reply, the attorney wrote on 4 July 2003 asking for a response within ten days, stating that he had not received the requested particulars of misconduct.
- [13] On 23 July 2003 Dr Sahadeo commenced legal proceedings against the Council. Particulars of the sexual misconduct allegations were provided to Dr Sahadeo's attorney on 23 September 2003 by way of copies of the written statements of 9 and 11 June 1997 (noted at [2] above).

The Essence of the Pleadings

- [14] In his statement of claim of 8 August 2003 Dr Sahadeo alleged he had never received from the Council particulars of the misconduct allegations against him, nor received notices of any hearing concerning them. He had been denied natural justice and had not been validly suspended from practice. The Council should be ordered forthwith to register him as entitled to practise medicine in Guyana and be restrained from proceeding to hear any of the 1997 allegations of sexual misconduct against him. He should be awarded damages for loss of earnings from practice 2000 to 2003, amounting to GY\$2million (but said to be 20million in the doctor's testimony), and continuing.
- [15] The Council in its defence of 1 September 2003 maintained that it had provided Dr Sahadeo with particulars of the allegations of misconduct and had extended many invitations to him to meet to deal with those allegations. His failure to do so had led the Council unanimously on 15 October 1998 to suspend his registration until such time as he appeared before it to answer the allegations. He had been afforded natural justice and had been validly suspended. He had been afforded plenty of opportunities to clear up matters but had chosen not to utilise them. The seriousness

of the allegations was such that he had to remain suspended until he had satisfactorily answered the allegations. No admissions were made as to any loss or damage suffered by him as a result of the Council's conduct.

The High Court decision

- [16] Having heard the case on 16 November 2007, 7 January and 16 May 2008, Gregory J delivered a written judgment on 18 November 2011. She found that Dr Sahadeo “was indeed informed of the particulars of the complaint and knew the nature of the case he had to answer before October 1998”, it being sufficient for him to be notified of the nature of the misconduct alleged and the time and place thereof. Moreover, he had a reasonable opportunity of answering the complaint. Nevertheless, to impose disciplinary sanctions under section 17 of the Medical Practitioners Act (the Act), it was necessary for the Council to hold a substantive hearing to determine whether there was sufficient evidence from the alleged victims of the sexual misconduct to satisfy it of the doctor's guilt, whether or not he chose to appear and answer the allegations.
- [17] The Council had failed to do this so the suspension was bad in law as *ultra vires* the Council's powers. The Council was further ordered to proceed to hear and determine the allegations against Dr Sahadeo. His damages claim, however, was dismissed as any losses resulted from his own defaults in his dealings with the Council. Each party was ordered to bear his or its own costs.

The Court of Appeal decision

- [18] Having heard the appeal on 6 November and 3 December 2013 Singh C (ag) delivered the judgment of the Court of Appeal on 26 November 2014, allowing the appeal in part. He held that the judge's fact-findings “were erroneously made and were not evidentially supported.” Dr Sahadeo had not been informed of the specific allegations against him and had not been afforded a reasonable opportunity to be heard, and so had not been afforded natural justice. His suspension from practice was thus *ultra vires* the Act. His losses, moreover, were not the result of his own default in dealing with the Council: it followed that the damages claim should not

have been dismissed. It was “remitted to the High Court to be assessed and determined.” The High Court order that the Council should proceed to hear and determine the allegations against Dr Sahadeo was ordered to be set aside, it being in the discretion of the Council as to whether or not it should so proceed. Dr Sahadeo was awarded costs in the sum of GY\$150,000.

Appeal to the CCJ in the light of relevant provisions of the Act

[19] By way of Notice of Appeal filed on 5 October 2015 the Council appealed against the whole of the decision of the Court of Appeal, for which purpose regard must be had to the following provisions of the Act where particularly relevant provisions are italicised.

“S. 4 (1) The functions of the Council shall be –

- (a) to register medical practitioners; (b) ...
- (c) to ensure the maintenance of proper standards established by the Council of professional conduct by medical practitioners and when necessary to take disciplinary action.

S. 17 (1) A medical practitioner who is –

- (a) convicted of an offence outside Guyana which if committed in Guyana would be punishable on indictment;
- (b) convicted of such offence in Guyana; or
- (c) guilty of professional misconduct or malpractice,

shall be subject to disciplinary proceedings.

(2) Where it shall appear, or be represented, to the Council that a medical practitioner may be guilty of professional misconduct or malpractice the Council *shall afford the practitioner a reasonable opportunity of answering the complaint.*

(3) Where in any proceedings under this section the Council is satisfied that a medical practitioner was convicted of an offence under subsection (1)(a) or (b) or is *found guilty of professional misconduct or malpractice*, it may-

- (a) censure him;
- (b) suspend his registration for such period as may be determined by the Council *and approved by the Minister*;
- (c) direct the Secretary to remove his name from the register.”

By section 5 the Secretary keeps and maintains the Register of Medical Practitioners so that a person whose name is not entered on the Register shall be

deemed not to be registered and by section 5(5) “The Secretary shall, from time to time, make such alterations as directed by the Council in the qualifications and addresses as necessary of medical practitioners and *shall remove from the register the name of a medical practitioner* who is deceased or is no longer entitled to practise medicine or surgery, or whose whereabouts are not known or *who has been continually absent from Guyana for more than three years*, not on training, secondment or other purpose approved by Council:

Provided that the Council may restore a medical practitioner’s name on the register upon his again fulfilling the requirements for registration in the opinion of the Council.”

“S.6(1) Any person who applies to the Council to be registered as a medical practitioner and who satisfies the Council that he –

- (a) is a citizen of Guyana, or is the spouse of a citizen of Guyana or is resident in Guyana;
- (b) can communicate satisfactorily in English;
- (c) *is of good character*;
- (d) holds a diploma or certificate obtained by examination after attending a medical school approved by the Council;
- (e) is qualified to practise independently in the country where he obtained his Diploma or Certificate,

shall, upon submission of the sworn declaration and on payment of the prescribed fee, be entitled with approval of the Council to be registered as a medical practitioner.

S.8(1) The Secretary shall keep a register in Form 5 to be known as the Annual Register of Medical Practitioners, and enter therein the names and other particulars of all persons entitled to practise medicine or surgery in each year.

(2) *A medical practitioner who desires to practise as such in any year shall, in the month of January of that year, cause his name to be registered in the Annual Register of Medical Practitioners and obtain a licence in Form 6 from the Secretary on payment of the prescribed fee.*

(3) In order to be registered under subsection (2) a medical practitioner must submit evidence of having attended a minimum of six academic sessions recognised by the Council during the preceding year.... Provided that the Council may waive the requirement of attendance at academic sessions where the Council is satisfied that it was impracticable for the medical practitioner to attend such sessions.”

Was the Council’s suspension of Dr Sahadeo valid?

- [20] It is clear that there was no valid suspension under section 17(3) of the Act because the Council in its Defence did not allege that its decision had been approved by the Minister and no evidence of any such approval was provided.
- [21] Furthermore, under subsections (2) and (3) the Council must “afford the practitioner a reasonable opportunity of answering the complaint” so as to enable the Council to be “satisfied” that the practitioner is “found guilty of professional misconduct” if sanctions are to be imposed.
- [22] For the Council to be so satisfied Gregory J, relying upon *General Council of Medical Education and Registration v Spackman*¹, *Leeson v General Council of Medical Education and Registration*² and *Allinson v General Council of Medical Education and Registration*³, rightly held that it was necessary for there to be a hearing to consider evidence of Dr Sahadeo’s alleged serious professional misconduct from the alleged victims of such conduct, and for Dr Sahadeo to have the opportunity to dispute the evidence. As Gregory J stated, “The fact that the practitioner refused or failed to attend before the Council did not remove the need for the Council to be satisfied that he was guilty before imposing the stipulated sanction”, the Council being able to impose such a sanction in the practitioner’s absence if so satisfied, citing *Re Niles*⁴.
- [23] Since matters did not reach the stage of the Council fixing a hearing to consider if there was adequate evidence to satisfy it that Dr Sahadeo was guilty of the sexual misconduct alleged against him, the Council could not validly suspend him from practice pursuant to section 17(3) of the Act.
- [24] The Court of Appeal, indeed, considered that Dr Sahadeo had not been given a reasonable opportunity of answering the allegations and had been denied natural justice, rejecting the findings of Gregory J as “erroneously made and not evidentially supported.” We disagree, having recently considered in *Campbell v*

¹ [1943] 2 All ER 337.

² (1889) 43 Ch D 366.

³ [1894] 1 QB 750

⁴ (1993) 47 WIR 39.

*Narine*⁵ the limited circumstances where an appellate court can interfere with findings of fact made by a trial judge who has had the advantage of seeing and hearing oral evidence. As revealed by that case and *Henderson v Foxworth Investments Ltd*⁶, interference can only be justified if a factual conclusion is “one that no reasonable judge could have reached,”⁷ e.g. “the making of a critical finding of fact which has no basis in the evidence or a demonstrable misunderstanding of relevant evidence or a demonstrable failure to consider relevant evidence.”⁸

[25] Here, Gregory J had justifiable reasons to come to her conclusions and did not purport to rely on statements in the pleaded Defence as evidence as alleged by the Court of Appeal, but simply as background to her examination of the evidence. The key issue was the state of play before the 15 October 1998 suspension of Dr Sahadeo when there was evidence (at [4] above) of receipted registered letters of 2 November 1997, 28 August, 2 September and 9 November 1998 addressed to Dr Sahadeo’s Georgetown address, but no evidence of their contents except for Dr Sahadeo’s evidence concerning a letter brought to him in Miami in December 1997 by his wife. Presumably, the letter was the Council’s registered letter of 2 November 1997.

[26] Dr Sahadeo testified that he responded to the letter, refuting its allegations and attaching a medical certificate of illness and inability to attend the hearing mentioned in the letter, which only contained “a bare allegation of sexual misconduct”: “not the specifics.” He further stated that he did not know the particulars of the allegations against him until September 2003 when his attorney received a letter from the Council containing a copy of the alleged victims’ statements.

[27] Gregory J, however, having heard and seen him give his evidence, disbelieved him, considered him to have known of the nature of the alleged misconduct and the time and place thereof, after considering correspondence between the parties after the

⁵ [2016] CCJ 7 (AJ) at [39]-[42].

⁶ [2014] 1 WLR 2600, [2014] UKSC 41.

⁷ *Ibid* at [62] per Lord Reed delivering the unanimous judgment of the UKSC.

⁸ *Ibid* at [67].

Council's suspension of Dr Sahadeo, particularly Dr Sahadeo's letters of 27 October 2000, the Council's reply of 14 November 2000, the doctor's response of 18 December 2000, and the Council's reply of 1 February 2001, noted at [5]-[7] above.

- [28] It can be seen how significant it was that Dr Sahadeo's December 2000 response did not strongly protest his suspension or ask for particulars of its basis but simply stated, "I shall be grateful if you will now let me know the period of suspension." Even after the explicitness of the Council's February 2001 reply that he was suspended until appearing before the Council to answer the allegations pending against him, nothing was heard from him until 15 June 2002.
- [29] He then wrote applying for an annual licence referring to his five years' absence from Guyana as if it were a normal case where after such absence there should be no problem restoring him to the register. Furthermore, Dr Sahadeo's attorney's letter of 10 October 2002 indicated that he and the doctor were willing to meet the Council between 22 October 2002 and 20 November 2002 without mentioning any critical need first to know details of the sexual allegations.
- [30] In the light of all the above evidence, we are satisfied that one can reasonably infer, as the judge did, that Dr Sahadeo knew the substance of the alleged sexual misconduct and the time and place thereof. The Court of Appeal had no grounds to interfere with Gregory J's findings.

Could the suspension have been imposed under a power implied under s 4(1)(c) or is this immaterial?

- [31] The courts below had only been concerned with whether or not there had been a valid suspension under section 17 but before us the Council (relying only on Bennion on *Statutory Interpretation* without examining any cases involving statutory bodies) submitted that its conduct of temporarily suspending Dr Sahadeo in 1998 until the allegations against him had been considered at a disciplinary hearing could be justified as the exercise of an incidental power, reasonably needed

properly to regulate its proceedings. Indeed, the Council now clearly has that power under the Medical Practitioners (Code of Conduct and Standards of Practice) Regulations, No 22 of 2008. Regulation 49(7) thereof confers on the Council the power temporarily to suspend the registration of a medical practitioner where it believes that it is inexpedient or dangerous or not in the public interest that a person under inquiry should continue to practise while the disciplinary proceedings are pending.

- [32] It is not known whether this conferral of disciplinary power was based upon the assumption that, otherwise, no such power existed or whether, in setting out extensive Regulations, it was believed that such power existed but the provision was inserted out of a great abundance of caution to silence any possible doubts. As it happens, we do not have to determine whether or not such an implied disciplinary power existed prior to the 2008 Regulations. We leave the complex issue of implied powers of statutory disciplinary bodies to fuller argument in an appropriate subsequent case.
- [33] In Dr Sahadeo's circumstances it is clear that it does not matter whether his purported temporary suspension was valid or invalid. Even if it were invalid Dr Sahadeo has the difficulty that from the date of his leaving Guyana on 3 June 1997 until his return on 29 July 2000 he did not practice medicine in Guyana so as to earn fees as a practitioner. It was not his purported suspension on 15 October 1998 that prevented him earning his living as a doctor in Guyana, but his own actions in absenting himself from Guyana for significant medical treatment.
- [34] Moreover, under section 5(5) of the Act once Dr Sahadeo had "been continually absent from Guyana for more than three years" the Council's Secretary was duty-bound to remove Dr Sahadeo's name from the Register of Medical Practitioners, so that Dr Sahadeo would not have been able to complain of the absence of his name from the Register from 3 June 2000 after he returned to Guyana on 29 July 2000. He would not be able to practise thereafter in Guyana without having his name restored to the Register, which would require him satisfying the Council that

he was of good character under section 6(1)(c) of the Act. Thereafter, he would need to obtain annual registration under section 8 of the Act.

- [35] We thus find it unnecessary to determine whether or not the Council had an implied power temporarily to suspend Dr Sahadeo until a proper hearing of the allegations against him was held.

Is Dr Sahadeo entitled to any damages?

- [36] Dr Sahadeo claims damages for loss of earnings as a medical practitioner since returning to Guyana on 29 July 2000 and so needs to show that he was then entitled to practise as a medical practitioner. In order to practise in Guyana a doctor's name first needs to be registered in the Register of Medical Practitioners and be given an initial registration number upon satisfying the requirements in section 6 of the Act. By section 8 of the Act, in order to practise in Guyana in any particular year a medical practitioner must then cause his name to be registered in the separate Annual Register of Medical Practitioners for that year, providing the Registrar with his initial registration number and evidence of having attended a minimum number of academic sessions supplying continuing professional development.

- [37] As earlier pointed out, however, once Dr Sahadeo had been continually absent from Guyana for more than three years, as had occurred by 3 June 2000, the Council's Secretary was duty-bound to remove his name from the Medical Register. At that time the absence of Dr Sahadeo's name from the Register was lawful and he could not complain of it.

- [38] Though learning in December 1997 of the serious allegations against him and the invitation to meet with the Council to discuss them, as noted at [2] and [3] above, Dr Sahadeo could not have known of his suspension by the Council until, perhaps, learning of the contents of the registered letter received at his Georgetown address on 8 November 1998 as indicated at [4] above. No findings were made as to this. Anyhow, he applied for an annual licence by his letter of 27 October 2000 indicating he had been abroad since 1997. The Council's reply made it clear that his name was no longer on the Medical Register and he would need to have his

name restored to the Register before he could obtain an annual licence. As section 5(2) of the Act states “a person whose name is not entered on the register shall be deemed not to be registered.” This state of affairs was justified under section 5(5) of the Act by Dr Sahadeo’s absence from Guyana for more than three years, so that by 3 June 2000 he was not entitled to be on the Register.

[39] In the absence of his name on the Register the onus then fell on Dr Sahadeo to get his name restored to the Register which requires him to satisfy the Council, inter alia, that he is “of good character” under section 6(1)(c) of the Act. This requires him to attend a hearing of the Council to resolve whether or not he was guilty of the sexual misconduct alleged against him, the omission of his name from the Register being lawful. Moreover, on the evidence before the court, Dr Sahadeo’s illness and its treatment and his inability to travel kept him out of Guyana in the period before his continual absence from Guyana required the omission of his name from the Medical Register. He therefore cannot establish that the Council has caused him to suffer loss of earnings as a doctor.

Inadequate assertion of loss of earnings

[40] The Particulars to paragraph 9 of Dr Sahadeo’s statement of claim baldly claim “loss of earnings from practice 2000-date and continuing \$2million” [Guyanese dollars]. Proper proof of loss, however, is needed even where judgment is being given against an absent defendant (though here, of course, the defendant was present and had pleaded a Defence not admitting any loss). Merely testifying that “my net loss is conservatively \$20million for not being allowed to practise” is absolutely insufficient. Particularised details of estimated income and expenditure and of any assisting previous actual income and expenditure are required, supported by oral testimony.

The outstanding allegations against Dr Sahadeo

[41] We concur with the Court of Appeal that Gregory J should not have directed the Council to proceed to hear and determine the allegations made against Dr Sahadeo of sexual misconduct with patients in 1976 and 1977. Whether or not so to proceed

is a matter for the Council in its discretion acting in the performance of its functions in the public interest, after taking account of all material considerations, the time factor being a significant consideration.

Costs

[42] The main issue for Dr Sahadeo has been a quest for sizeable damages based upon the alleged invalidity of his name not appearing on the Register of Medical Practitioners. The Council, however, has established that Dr Sahadeo had no practical interest in practising as a registered practitioner in Guyana from 3 June 1997 to his return to Guyana on 29 July 2000 due to his need to be abroad for medical treatment in that period. Furthermore, the absence of his name from the Register was lawful as from 3 June 2000 when this was justified on the basis of his having continually been absent from Guyana for more than three years.

[43] When Dr Sahadeo found that his name was not on the Medical Register the onus lay on him to get himself entitled to practise by getting his name restored to the Register. This required him to have the allegations against him dismissed by a hearing before the Council, rather than instituting these proceedings in 2003 when the absence of his name from the Register was lawful.

[44] Dr Sahadeo is therefore to pay the Council's costs in the CCJ and in the court below to be assessed if not agreed. The sum of GY\$750,000 lodged by the Council as security for costs shall be released to it forthwith.

Disposition

[45] The appeal is allowed in part and this Court makes the following orders.

Suspension of Dr Sahadeo

- (i) From and after 3 June 2000 the absence and/or removal of the name of Dr Sahadeo from the Register of Medical Practitioners was lawful as a result of his continuous absence from Guyana for more than three years.

The Respondent's claim for damages

- (ii) Dr Sahadeo's claim for damages from July 2000 is hereby dismissed and the order of the Court of Appeal remitting the claim for damages to the High Court is hereby reversed.

The Council's hearing of charges of professional misconduct

- (iii) The Court affirms the order of the Court of Appeal setting aside the order of the trial judge that the Council proceed forthwith to hear and determine the charges against Dr Sahadeo.

Costs

- (iv) Dr Sahadeo is to pay the Council's costs in the CCJ and in the court below to be assessed if not agreed.
- (v) The sum of GY\$750,000 lodged by the Council as security for costs shall be released to it forthwith.

/s/ R. Nelson

Mr Justice R Nelson

/s/ J. Wit

Mr Justice J Wit

/s/ D. Hayton

Mr Justice D Hayton

/s/ W. Anderson

Mr Justice W Anderson

/s/ M. Rajnauth-Lee

Mme Justice M Rajnauth-Lee