

Anderson Strathern's Regulatory Law E-bulletin

Welcome to the Autumn edition of Anderson Strathern's quarterly Regulatory Law E-bulletin. The E-bulletin is designed to provide an insight into the legal issues faced by regulators and related public bodies. We look forward to keeping you updated on the issues that matter to you.

This edition of the E-bulletin features:

- **Expert witnesses and immunity from regulatory, professional disciplinary or fitness to practise proceedings** – an analysis of the Court of Appeal's decision in the case of the General Medical Council and Professor Sir Roy Meadow and its implications for regulators.
- **Standards in public life** - a consideration of the High Court decision that London Mayor Ken Livingston had not acted in breach of the Model Code of Conduct when comparing a Jewish newspaper reporter to a Nazi concentration camp guard and the interplay with freedom of expression.
- **Extent to which reasons should be given** – the recent decision in *Phipps v General Medical Council* [2006] EWCA Civ 397.
- **A new regime for the release of prisoners** – a review of the Custodial Sentences and Weapons (Scotland) Bill.
- **Scottish Commissioner for Human Rights Bill** – an update on the Bill's progress.

Expert witnesses and immunity from regulatory, professional disciplinary or fitness to practise proceedings

Catriona Watt analyses the Court of Appeal's decision in the case of the General Medical Council and Professor Sir Roy Meadow ([2006] EWCA Civ 1390) and considers its implications for regulators. While the Court of Appeal found that Professor Meadow had not been guilty of serious professional misconduct, it also found that expert witnesses should not be immune from disciplinary proceedings by their professional body. The Attorney General had intervened in the proceedings in the public interest to support the GMC's appeal on the question of immunity. [Click here for more.....](#)

Standards in Public Life

Sinead Riach reviews the High Court's decision in the case of London Mayor Ken Livingston who was suspended by the Adjudication Panel for England for comparing a Jewish newspaper reporter to a Nazi concentration camp guard and examines the delicate interplay between holding public office and exercising rights to freedom of expression as a private individual. The decision that Mr Livingston did not breach the Model Code of Conduct as he was not acting in his official capacity as Mayor also includes the finding that the use of a Code of Conduct to

limit someone expressing their views while acting in a non-official capacity does not constitute a proportionate or necessary restraint in terms of Article 10(2) of the European Convention on Human Rights. [Click here for more.....](#)

Extent to which reasons should be given

[Sadaf Din](#) considers the judgement in *Phipps v General Medical Council* [2006] EWCA Civ 396 and reflects on the implications for regulatory and disciplinary bodies. In the recent appeal the Court of Appeal said that in every case the tribunal had to ask itself whether what was decided was clear and explained in a way which meant that parties could understand why the decision which was reached had been reached. [Click here for more.....](#)

A new regime for the release of prisoners

[Alison Presly](#) examines the Custodial Sentences and Weapons (Scotland) Bill which seeks to end the current system of automatic early release of offenders. [Click here for more.....](#)

Scottish Commissioner for Human Rights Bill

[Fiona Killen](#) charts the progress of the Scottish Commissioner for Human Rights Bill which has now completed Stages 1 and 2. If the Bill is passed at Stage 3 this month it will then receive Royal Assent. [Click here for more.....](#)

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