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IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT  
**[2022] EWHC 1584 (Admin)**



No. CO/1811/2022

Royal Courts of Justice

Tuesday, 31 May 2022

Before:

MR JUSTICE CHAMBERLAIN

B E T W E E N :

HEALTH AND CARE PROFESSIONS COUNCIL Claimant

- and -

ALKASEM Defendant

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MS C. STRICKLAND (instructed by HCPC, Legal Department) appeared on behalf of the Claimant.

THE DEFENDANT did not appear and was not represented.

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**J U D G M E N T**

**(via Microsoft Teams)**

MR JUSTICE CHAMBERLAIN:

- 1 This is an application under Article 31(9) of the Health and Care Professions Order 2001 for a six month extension of an interim order imposed on the defendant, a registered physiotherapist, initially in June 2020.
  - 2 There has been significant delay in arranging the final hearing in this case. The delay has been explained in a witness statement of John Barwick, on behalf of the claimant. Essentially the case against the registrant is that he had failed to achieve the competence required of a Band 5 physiotherapist and that case, so it is said by the claimant, depends critically on the evidence of a particular witness, who has been unwell. The substantive or final hearing was initially proposed to take place in January 2022. However, that had to be postponed due, as I have said, to the illness of the primary witness.
  - 3 There is a dearth of evidence as to the exact prognosis of this witness. However, it is anticipated and hoped that the final hearing can take place in October 2022, by which time it is hoped that the primary witness will be able to attend.
  - 4 I have made clear in my remarks this morning to Ms Strickland, who appears for the claimant, that the court will not be prepared to grant extensions indefinitely. There has already been an unsatisfactory delay of two years in bringing this case to a final hearing and registrants cannot be expected to endure indefinite suspension or indefinite imposition of conditions which amount to the same thing.
  - 5 I should say that in this case, although the registrant was originally suspended from practice, the current position is that he is subject to conditions on his practice, but those conditions have meant, in his case, that he has been unable to practice as a physiotherapist since the interim order was first imposed in June 2020.
  - 6 As I have said, it seems to me, in circumstances where the extension is not opposed, that balancing the public protection interest against the interest of the registrant, it is in the public interest that there be a further extension of six months as sought. However, I have made clear that if any further application for an extension is made, it will have to be supported by cogent evidence and that evidence will have to include a prognosis as to when the primary witness is likely to be able to give evidence.
  - 7 For these reasons, I will extend the interim order in the terms sought and by consent, but I have already made clear that cogent reasons would be required for any further extension even if the reason is medical.
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**CERTIFICATE**

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This transcript has been approved by the Judge.