

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 31 March 2008

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

**PREDDY v HEALTH PROFESSIONS COUNCIL OF SA (54/2007)
[2008] ZASCA 25 (31 March 2008).**

[1] The SCA today dismissed an appeal by two specialist medical practitioners, Dr Julius Preddy and Dr Percy Miller against the decision of the Pretoria High Court upholding the decision of a Professional Committee of Enquiry which found them guilty of disgraceful conduct.

[2] The charges arose from an arrangement which they had with a radiology firm in terms of which they received certain payments as ‘kickbacks’, in return for referring patients to the firm concerned. During the period 1993 to 1999 Dr Preddy received R156 792 and Dr Miller, R756 153.

[3] The Committee found that these payments constituted perverse incentives and suspended the two doctors from practice for two years on certain conditions. Two of the conditions were that (1) they pay the amounts received to the Health professions Council of South Africa and (2) that they do community service at certain public hospitals for 800 hours (more detailed particulars of the penalty appears in the full judgment).

[4] The SCA rejected the argument advanced on behalf of the doctors that the conditions imposed by the Committee were inappropriate and dismissed their appeal with costs.