

**The legal basis for a licensee under the Mutual Recognition Scheme
between EAA and CIREA to be disciplined by both EAA and CIREA
for the same incident**

The issue of double jeopardy is also considered in the Scottish case of *Swanney v Full Decision of the General Medical Council's Fitness to Practise Panel* [2006] CSIH 35. The court in that case said that a professional might be disciplined in the United Kingdom for misconduct overseas, even though another disciplinary body had inquired into the same conduct and imposed sanctions in respect of it because the purposes of the two inquiries were different.

[19] Turning to the appellant's second argument, it was to the effect that because the appellant had been subjected to disciplinary proceedings before the College of Physicians and Surgeons of British Columbia in respect of the conduct concerned, he could not properly be exposed to such disciplinary proceedings in the United Kingdom, particularly on what were described as more serious charges. As we understood it, the contention was that this amounted to what might be called double jeopardy. We reject that argument. It is quite plain that the purpose of the disciplinary proceedings in British Columbia was to subject the appellant's conduct to scrutiny there with a view to a decision being reached as to his fitness to practice there, or as to the conditions upon which he should be permitted to practice there. The purpose of the proceedings before the panel in the United Kingdom was different. Their purpose was to examine the appellant's fitness to practice in the United Kingdom, or to determine whether his right to practice here should be subject to conditions.

The same principle would apply to disciplinary proceedings under the EAO in respect of conduct that may have been the subject of disciplinary inquiry elsewhere.