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## Covid-19: High Court overturns decision to ban GP from posting views on pandemic on social media

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A tribunal made an “error of law” when it restrained a GP accused of spreading misinformation about the covid-19 pandemic from discussing the matter on social media, a High Court judge has ruled.<sup>1</sup>

Samuel White, who was a partner in a practice in Hampshire, cast doubt on the safety of vaccines and the need to have them and claimed “masks do nothing” in a video posted on social media in June. He said he could no longer work as a GP because of the “lies” surrounding the NHS and the government approach to the pandemic and was leaving conventional medicine to pursue a career in functional medicine.

The General Medical Council asked the interim orders tribunal to impose conditions on his registration restricting him from speaking about the pandemic on social media, pending a full hearing of the allegations against him. The tribunal banned him from expressing or sharing any views about the pandemic on social media and required him to seek to remove any such views that he had already expressed or shared.

White appealed to the High Court, arguing that the tribunal, which concluded that his postings “may have a real impact on patient safety,” had failed to take account of human rights laws on freedom of expression in imposing the ban.

Mr Justice Dove ruled that there had been “an error of law and a clear misdirection in the interim orders tribunal’s decision making process.” Its decision was “clearly wrong and cannot stand,” he added. He stressed that he was expressing no views on the merits of White’s claims on social media. But he said the tribunal had failed to consider a provision in the Human Rights Act 1998. This states that a court or tribunal should not restrain somebody’s freedom of expression before a full hearing unless it was satisfied that after a full hearing the application to restrict publication was more likely than not to succeed. But it appeared that neither side had drawn the tribunal’s attention to this requirement.

The judge said his powers were limited to revoking the conditions and the GMC might want the tribunal to reconsider the case. If so, it might be of assistance “to express some concerns.”

Any condition purporting to restrict freedom of expression on an interim basis was likely to need to be specific as to what views or opinions the person was banned from expressing, he said.

1 Dr Samuel White v General Medical Council. 2021. [www.judiciary.uk/wp-content/uploads/2021/12/White-v-GMC-judgment-031221.pdf](http://www.judiciary.uk/wp-content/uploads/2021/12/White-v-GMC-judgment-031221.pdf).

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