

**Nursing and Midwifery Council
Investigating Committee**

**Fraudulent/Incorrect Entry Hearing
Thursday, 3 September – Friday, 4 September 2026**

Virtual Hearing

Name of Registrant:	Maxwell Murisa
NMC PIN:	19G0129E
Part(s) of the register:	Registered Nurse – Mental Health (12 September 2019)
Relevant Location:	England
Type of case:	Incorrect/Fraudulent entry
Panel members:	Mahjabeen Agha (Chair, Lay member) Elizabeth Williamson (Registrant member) Tom Manson (Lay member)
Legal Assessor:	Cyrus Katrak
Hearings Coordinator:	Dilay Bektashi
Nursing and Midwifery Council:	Represented by Benjamin Easton, Case Presenter
Mr Murisa:	Present and represented by Natasha Lake, instructed by the Royal College of Nursing (RCN)
Outcome:	Registration entry incorrectly made
Direction:	The panel directs the Registrar to remove Mr Murisa's entry on the register in accordance with Article 26(7) of the Order
Direction:	No Order

Details of charge

That you....

1. On your online revalidation application form dated 28 July 2022, did not declare that you had been convicted on 25 April 2022 at Northampton Magistrates Court for:

a. Driving a motor vehicle while disqualified from holding or obtaining a driving licence on 27 March 2022 contrary to s.103(1)(b) Road Traffic Act 1988.

b. Using a motor vehicle while uninsured on 27 March 2022 contrary to s.143 Road Traffic Act 1988.

c. Driving a motor vehicle while disqualified from holding or obtaining a driving licence on 23 April 2022 contrary to s.103(1)(b) Road Traffic Act 1988.

d. Using a motor vehicle while uninsured on 23 April 2022 contrary to s.143 Road Traffic Act 1988.

And thereby an entry on Sub Part 1 of the NMC register in the name of Maxwell Murisa, PIN 19G0129E, was fraudulently procured and/or incorrectly made.

Background

On 25 March 2024, the Nursing and Midwifery Council (NMC) received a self-referral from you informing the NMC that you had received a conviction. A Police National Computer (PNC) was obtained, which revealed that you received a conviction on 25 April 2022 for driving while disqualified and using a vehicle while uninsured on 27 March 2022 and driving while disqualified and using a vehicle while uninsured on 23 April 2022. On 28 July 2022, you submitted your online revalidation application. You answered 'no' to the question about whether you had received a police charge, caution, or conviction.

In a statement on 31 January 2024, you wrote:

"What happened?

In March 2022 I was sentenced in court for failure to provide details of driver who had a minor incident on the road. My former girlfriend was the driver at the time of the incident and she stopped to exchange detail. Follow up letter to my other address to confirm the driver was not seen. I was given 6 points and I had 6 points already and disqualification was passed in my absent. I was stopped on the road unaware of the disqualification and was given court date to attend. I wrote to the court to appeal against the decision and thought I could drive. I was stopped again within a week and brought to court. I explain my situation but because I drove my vehicle for the second time I was disqualified for a year and 150-hour unpaid work"

Decision and reasons on the facts

At the outset of the hearing, the panel heard from Ms Lake, on your behalf, who informed the panel that you made full admissions to charges 1(a), 1(b), 1(c) and 1(d). You also admit that your entry onto the NMC register was incorrectly made, but you deny that your entry onto the NMC register was fraudulently procured.

The panel therefore finds charges 1(a), 1(b), 1(c), and 1(d) proved in their entirety, by way of your admissions.

The panel had written evidence from the following witness on behalf of the NMC:

- Conor Bell: NMC Registration Investigations Manager.

The panel also had regard to your revalidation application dated 28 July 2022; an email from the Trust stating that the conviction was not declared; emails from Daywebster Agency dated 23 March and 11 February 2026 providing supporting documentation, including declaration forms; the Memorandum of Conviction dated 5 September 2024; correspondence between your representative and the NMC; and your reflection dated 23 February 2026.

NMC opening

Mr Eason, on behalf of the NMC, submitted that this case concerned not merely an incorrect entry, but a fraudulent entry involving dishonesty. The matter relates to your failure to declare convictions in your revalidation application dated 28 July 2022. He referred the panel to the Memorandum of Conviction. In relation to the requirements under the NMC Code, paragraph 23.2 specifies that convictions must be declared to the NMC as soon as possible. He referred the panel to the witness statement of Mr Conor Bell, a Registration Investigations Manager, and took the panel through his statement, including the exhibit document which explains how to revalidate with the NMC. Mr Bell stated that he had reviewed your file on the system and confirmed the following:

“8. Having reviewed Mr Murisa’s electronic file on MSD, I can confirm the following:

a. Mr Murisa first entered the NMC register on 12 September 2019. I produce a MSD screenshot confirming their date of first registration as exhibit CB/2.

9. Mr Murisa completed their online revalidation on 28 July 2022. Mr Murisa answered “No”, to the question as to whether they had received any police charges, cautions or convictions. I produce a copy of the online revalidation form dated 28 July 2022 as exhibit CB/3. This form was automatically generated on receipt of Mr Murisa’s online revalidation submission and contains the information that they provided to us in response to the questions asked.

10. *I produce as exhibit CB/4, a document which contains a screenshot of the online screen where applicants are asked “Have you received a police charge, caution, conviction or conditional discharge that is not (considered) protected?”. This page would have been in place at the time when Mr Murisa submitted their revalidation on 28 July 2022. Exhibit CB/3 shows that Mr Murisa answered “No” to this question.”*

Mr Eason submitted that he understood that you had accepted an incorrect entry, namely that there were convictions which had not been declared to the NMC. He referred the panel to a DBS certificate dated 19 December 2023, further signed and stamped on 31 January 2024 by a representative of the agency (Daywebster) you were working for. He submitted that the panel would see that the convictions were listed on it.

Mr Eason submitted that, although your responses stated that the traffic matters may not have been required to be declared, you must have known that these were serious convictions by their very nature. He submitted that this was apparent from the Memorandum of Conviction, which recorded a community order requiring 150 hours of unpaid work over a period of 18 months. He submitted that this was a serious sentence imposed by the Magistrates’ Court. Those 150 hours of unpaid work would ordinarily be monitored by the probation service and represented a serious undertaking. He submitted that the seriousness of the convictions themselves would likely have caused you to consider whether they should be declared.

Mr Eason submitted that the panel needed to consider your actual state of mind at the time of the behaviour, namely when you did not make the declaration on the revalidation document. Secondly, the panel needed to consider whether the conduct was dishonest by the standards of ordinary decent people. He submitted that these were serious convictions and that, by not declaring them, an ordinary decent person, hearing that there had been such serious convictions, would have thought that they should have been at the forefront of your mind. He further submitted that such a person would conclude that, by not declaring them, there was an element of dishonesty.

Your evidence

The panel also heard live evidence from you under oath.

You said that there was a motoring matter involving your vehicle, which you said was connected to someone else driving at the relevant time. You explained that there were difficulties around that period, including travel due to Covid-related restrictions, which affected your awareness of what was happening. You said you only became aware of the matter later, after being stopped by the police. You said you were not aware that you had been disqualified in your absence. After being stopped, you made enquiries and tried to challenge the decision through the court process.

You said you believed the matters were being looked into and did not think the disqualification was properly in force. You continued to view the issue as a misunderstanding rather than something you had knowingly done wrong.

You said that there were different court proceedings connected to the driving matters, and that you later sought to appeal or challenge the outcome.

You said that, when completing revalidation, you did not consider the matter to be relevant to your practice because you believed it was unresolved, disputed and unrelated to your work. You later accepted that the matter should have been disclosed.

You described the issues as motoring matters which you were disputing. You said you later sought advice from the Royal College of Nursing (RCN), and after being advised that you had to disclose this matter to the NMC, you made a self-referral to the NMC.

You said that once the court process was explained to you, you tried to comply with what was required because you did not want to make the situation worse.

You maintained that your awareness of the disqualification and related court steps was unclear, and that there appeared to be some confusion around dates and correspondence.

Closing submissions

Mr Eason submitted that the non-declaration strayed into fraudulently procured registration. You told the panel that you knew about the NMC health and character guidance before you revalidated. He took the panel through your answers during cross-examination, including your response about being in custody. He submitted that being in police custody over a Sunday period would be a worrying circumstance, although you disagreed. He said there was some vagueness about whether you had pleaded guilty or what the position was, but there was an acceptance that a probation order had resulted from it, requiring 150 hours of unpaid work. You reported to probation. He also asked whether the declaration had been made during the period when you were undertaking the unpaid work, and you responded that it probably had.

Mr Eason asked the panel to consider your actual state of mind or belief at the time of the alleged dishonest behaviour. He said this is a subjective test, and that the panel must decide what it believed was in your mind when you ticked "No" on the revalidation document. Secondly, he submitted that the test then broadens to consider whether the conduct, namely ticking "No" under the revalidation declaration, was dishonest by the standards of ordinary decent people in light of that state of mind.

Mr Eason took the panel through your oral evidence and submitted that the convictions were serious and that you had an obligation to declare them to the NMC. He submitted that this was a case in which you knew that you ought to have made the declaration but had failed to do so.

Ms Lake submitted that it is for the NMC to prove that this was fraudulent, in other words, to prove dishonesty. She said that the NMC's case is based upon nothing more than a hypothesis. The hypothesis is that the only reason somebody would fail to declare a conviction in their revalidation form would be to protect themselves, to protect their professional position and to protect themselves from any detriment that they think may come to them. What the panel do not have in this case is, any material that was submitted to the NMC, such as false documents, made-up qualifications, or anything similar that would be actual proof of dishonesty. The panel is simply asked to find that this was an honest mistake, but that it is automatically aggravated to being dishonest purely because

the NMC say that is the only reason someone would make such a mistake. However, she referred the panel to the NMC's guidance on health and character (paragraph 144), which states:

"Driving offences

144. Motoring offences which result in disqualification will be considered on a case by case basis. They will only affect a registration application if they are closely linked to your practice, or suggest there may be a concern about your health...."

Ms Lake said that motoring convictions will only affect your registration if they are closely linked to your practice or to a concern about health. She said here, neither arise. There is no evidence that either of the convictions came about during your practice or that they have any link to the nursing profession whatsoever and they do not touch upon your health at all. She submitted that begs the question of why logically you would act with intent to mislead the NMC by being dishonest if the conviction was one that the NMC's own guidance says they are unlikely to be troubled by in any event.

Ms Lake submitted that the NMC are only aware of this because you then self-referred, correcting essentially the position two years later in 2024. The panel may struggle to grapple with how both can be true - how you could have acted with flagrant dishonesty, by failing to disclose these convictions knowingly and dishonestly but then two years later, correct the position. This was unprompted by anything from an employer, from the NMC themselves or anything that would tell you the NMC are about to find out about this. You tell the regulator yourself that you have these convictions, self-referring and the record thereupon being corrected. She submitted that on balance of probability on the NMC's case, they have nothing more than a hypothesis and a hypothesis that does not stand up to the evidence they do have. She submitted purely on the NMC's case, the allegation of fraud must fail.

Ms Lake submitted in terms of what was actually in your state of mind, you told the panel you did not fail to declare these convictions because you were concerned about the effect on your revalidation if you failed to do so. You told the panel that you failed to declare because of this very complex factual background that led both to the convictions and then

troubled you for the following years. You told the panel that you were unaware that you were disqualified from driving and disagree with being disqualified from driving until March of 2022.

Ms Lake said the panel rightly picked up on a date discrepancy that is apparent from the papers, as against your evidence that you were unaware of this until you were pulled over by the police. However, she submitted that this is not a point that can be easily resolved today and, in any event, it may not take matters much further. What is important about the emails and screenshots that you submitted from March 2022 is that they are contemporaneous evidence that, before revalidation and long before the NMC's involvement or your self-referral, you were already challenging this conviction through two magistrates' courts and, eventually, in 2024 attempting to do so before the Crown Court. Without legal advice or assistance, you struggled to do so. The responses to the emails that you sent, as shown in the screenshot, the panel may think, are somewhat difficult to follow. She said it is somewhat of a minefield. However, what it really shows is that these were issues you raised at the time, long before revalidation and long before the hearing today.

Ms Lake submitted that this is not a case of a registrant who has been caught out and is trying to say to the panel that it was all a huge misunderstanding only because they have been caught out. The panel has contemporaneous evidence showing efforts made at the time. You told the panel, and it is clear from the memorandum of conviction, that you did have the benefit of legal advice for that court hearing when you were in custody. You were seen by a solicitor, and it has been agreed by Mr Eason and the legal assessor that the law on driving whilst disqualified is an absolute offence. It does not require a state of mind or knowledge that one is disqualified from driving. She submitted that, the disqualification having been imposed on you, you may have had very little choice but to plead guilty. That therefore leads to what was in your mind when you submitted the declaration in your revalidation document in July 2024.

Ms Lake submitted that the NMC's case is based on a hypothesis that there must have been a desire or belief on your part that misleading the NMC by not declaring these convictions would lead to a different outcome. In considering what was in your mind at the time, the panel must weigh that against what you did later in self-referring. She submitted

that there is a logical inconsistency, which goes to your state of mind at the time, in the fact that you were the one who ultimately righted the wrong.

Ms Lake submitted that, should the panel find that you told the truth about your state of mind, the ordinary person looking at this objectively would not find this to be dishonest conduct. She submitted that the ordinary person would agree that this is not as straightforward as you simply trying to mislead the NMC by not declaring your convictions because there was no other reason for you to do so. Rather, this was an honest mistake and one that, when one looks at all of the circumstances, can be understood. For all of those reasons, she invited the panel to find that, whilst this was an incorrectly made entry, it was not a fraudulently procured entry.

Decision on Incorrect/Fraudulent Entry

The panel decided that in respect of each charge the entry on the register in your name was incorrectly made.

The panel accepted the advice of the legal assessor who referred it to the case of *Ivey v Genting Casinos* [2017] UKSC 67, in which Lord Hughes stated:

'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'

The panel bore in mind that for an entry to be fraudulent there must have been a deliberate attempt to mislead whereas an incorrect entry involves a mistake or genuine error.

You accepted that the relevant declaration was incorrect. The key issue for the panel was therefore whether, at the time you completed the declaration, you acted dishonestly and deliberately sought to mislead the NMC.

The panel considered that your oral evidence was, at times, confused and not always consistent. However, it considered the disputed disqualification, the court correspondence and the difficulty in establishing a clear chronology. While the panel considered that the history of this case was complex and somewhat unclear, bearing in mind the onus is on the NMC to prove that you were dishonest, the panel did not consider that the NMC had discharged this burden to the civil standard.

The panel found that there was very limited evidence capable of showing that, when completing the declaration, you intended to mislead the NMC. It noted that you had been actively challenging the underlying disqualification and related court matters, and that you had engaged with Northampton and Bromley Magistrates' Courts over a significant period. The panel considered that this supported your evidence that you did not regard the matter as straightforward or finally resolved.

The panel considered that this ongoing challenge was important evidence of your state of mind. It supported the conclusion that, when you answered the declaration, you understood the situation to be disputed and confused, rather than a matter you were deliberately concealing.

The panel also noted that you later self-referred the matter to the NMC in 2024. It considered this to be inconsistent with an intention to conceal the convictions from the NMC. The panel considered the submission that there was no evidence that the self-referral was prompted by the NMC or an employer. It considered this to be inconsistent with an intention to conceal the matter.

The panel took into account that you pleaded guilty to driving whilst disqualified, but maintained that you wished to challenge the basis of the underlying disqualification. The panel considered that distinction is relevant when assessing whether the later declaration was dishonest.

The panel further considered the NMC guidance on health and character, which you said that you were aware of at the time you filled out your revalidation form, including paragraph 144 which indicates that motoring offences resulting in disqualification are considered on a case-by-case basis and will only affect registration where they are closely linked to practice or raise health concerns. The panel accepted that these motoring offences had no close link to your practice and did not raise a health concern, which raised a question as to why you would have deliberately sought to conceal them.

The panel applied the test in *Ivey*. It first considered your actual knowledge and belief at the time of the declaration. The panel found that you believed the driving matters were disputed, confused and still being addressed through the courts. It accepted that you maintained you had not deliberately done anything wrong, that you believed there had been a mix-up, and that you were trying to resolve the matter. The panel also took into account the agreed position that driving whilst disqualified and also without insurance is an absolute offence and that a guilty plea did not, in itself, prove that you had knowingly or dishonestly procured your registration entry.

The panel considered that the NMC had not proved that an ordinary decent person, knowing all the context of this case, would regard your conduct as dishonest. The panel ultimately considered that the incorrect declaration probably arose from confusion and misunderstanding, rather than from a deliberate attempt to mislead the NMC.

The panel determined that the NMC has not discharged the burden on the balance of probabilities that the entry was fraudulently procured.

The panel therefore found that the entry on Sub Part 1 of the NMC register in the name of Maxwell Murisa, PIN 19G0129E was incorrectly made.

Decision and reasons on direction

Having determined that you had incorrectly made an entry on the NMC's register, the panel went on to decide what direction, if any, to make under Article 26(7) of the 'Nursing and Midwifery Order 2001' (the Order).

Article 26(7) states:

'...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.'

Mr Eason submitted that he had discussed with Ms Lake and the legal assessor the issue of your 2025 revalidation and its potential relevance to the panel's decision. Having sought advice, he submitted that the position in relation to revalidation is that Assistant Registrars would not consider declared convictions where those matters are subject to an ongoing investigation. A revalidation may therefore proceed, but those convictions would not be placed before the Assistant Registrar and would not form part of that assessment. He submitted that, accordingly, the convictions would not have been considered during your 2025 revalidation.

Mr Eason referred the panel to the NMC guidance, which states: "*Removing the entry might also be the appropriate outcome if the entry was incorrectly made and the person concerned didn't act dishonestly...*" Mr Easton therefore invited the panel to direct that your entry be removed from the register, following its finding that the entry had been incorrectly made.

Ms Lake submitted that there were three options open to the panel: to direct removal from the register, thereby allowing you to reapply and enabling the Registrar to make the appropriate balancing decision; to direct amendment; or to take no action. She submitted that amendment would not address the issue in this case, as the incorrect entry did not arise from a clerical error or an incorrectly recorded date. She submitted that the realistic options were therefore to take no action or to direct removal from the register. In her

submission, removal was the appropriate outcome because it would enable the Registrar to properly exercise their statutory functions, having regard to all relevant information.

The panel accepted the advice of the legal assessor.

The panel first considered whether it would be appropriate to take no action. Having found that your entry on the NMC register had been incorrectly made, the panel determined that taking no action would be inappropriate. It would leave in place an entry which had not been subject to a proper assessment by the Registrar.

The panel next considered whether amendment would be appropriate. It determined that amendment would not remedy the incorrect entry. The panel noted that the error did not arise from a clerical or minor administrative mistake. Rather, it concerned matters which required consideration by the Registrar, including the declared driving convictions.

The panel noted that the convictions had not been assessed as part of your 2025 revalidation. It considered that permitting the entry to remain on the register, without the Registrar having had the opportunity to review all relevant information, including the convictions, would undermine the registration process. The panel considered that this would not adequately protect the public, maintain confidence in the register, or uphold the public interest. It therefore concluded that the appropriate and proportionate course was to direct removal of the entry, while recognising that you may reapply to the register so that the Registrar can consider the matter fully and transparently.

In all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove your entry from the register.

Decision and reasons on interim order

Having directed that the Registrar remove your entry from the register, the panel then considered whether an interim order was required under Article 26(11) of the Order, in relation to the appeal period.

Mr Eason submitted that you had been practising without restriction up to this point, that there had been no finding of dishonesty, and that, in those circumstances, an interim order was not necessary.

Ms Lake submitted that the statutory test on any of the grounds for imposing an interim order had not been met and that it was therefore neither necessary nor proportionate to impose such an order.

The panel accepted the advice of the legal assessor.

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove your entry from the Register. It also had regard to the NMC's published Guidance on Fraudulent and incorrect entry cases. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's discretion in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's Guidance on interim orders.

The panel determined that an interim order was not necessary in this case. It noted that its finding was one of incorrect entry and that there had been no finding of dishonesty. It further noted that you had been practising without any incidents and without restriction. In those circumstances, the panel was not satisfied that an interim order was necessary for the protection of the public, nor that it was otherwise in the public interest. The panel therefore decided not to impose an interim order.

That concludes this determination.