

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL
ON APPEAL FROM THE DISCIPLINARY COMMITTEE
OF THE ROYAL COLLEGE OF VETERINARY SURGEONS
BETWEEN:-

DR AMIR KASHIV

Appellant

and

ROYAL COLLEGE OF VETERINARY SURGEONS

Respondent

TAB 4

APPELLANT'S WRITTEN CASE

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1. As set out in the Written Grounds of Appeal document, the point on appeal to this Court is a simple one: namely that the sanction imposed by the disciplinary committee was disproportionate, and was not founded on sound and lawful reasoning.
2. Dr Kashiv contends that the sanction imposed could and should have been a lesser one, namely a Suspension from the Register, which the Committee might have imposed had it wished for a period of up to two years.
3. The Grounds of appeal are as follows, and all amount to the overarching submission that the Disciplinary Committee were wrong in both law and ultimate decision to remove Dr Kashiv's name from the Register:
 1. The Committee gave insufficient regard to Dr Kashiv's long and distinguished career history and his numerous, excellent character references.
 2. The Committee erred in finding the dishonesty found in this case to be at the upper end of dishonesty matters, when they had earlier conceded that Dr Kashiv had done what he had done because of a genuinely held belief that what he was doing was in the best interests of the animal in question, whom he believed to be being abused.
 3. The Committee inappropriately speculated in their determination that Dr Kashiv had "de-chipped" other dogs (i.e. "done it before") from a passage that should

Appellant's
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have been redacted from the bundle, was in any event unclear, and did not relate to matters charged.

4. The Committee erred in equating Dr Kashiv's conduct to part of a conspiracy to steal. There was no evidence of this and it was not the College's case against him.
5. The Committee gave no consideration to the well-recognised public interest in keeping good vets on the Register where possible given the national shortage.

4. We take each in turn.

The Committee gave insufficient regard to Dr Kashiv's long and distinguished career history and his numerous, excellent character references.

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| 5. | The Court will have sight of the defence bundle put together on Dr Kashiv's behalf for the substantive hearing. Some of these references are also summarised in the determination of the Disciplinary Committee. | Record
p277-291
Key Docs
p71-73 |
| 6. | The references, we submit, are glowing, and speak of a thoroughly decent man and veterinary surgeon. It is plain that caring for animals is Dr Kashiv's calling, and he has done it excellently well, for the overwhelming part, over the years. | Record,
p277-
291 |
| 7. | It is acknowledged, as set out in the chronology provided to the court, that Dr Kashiv has had issues with the courts and with the RCVS in the past, but nothing remotely as serious as the matter he faced in removing the chip from Bella. | Key Docs
p14-17 |
| 8. | It is submitted that the Committee should have given significantly more weight than they did to the good character of Dr Kashiv, and should have considered this particularly when deciding whether erasure was the only proper outcome in this case. | |

The Committee erred in finding the dishonesty found in this case to be at the upper end of dishonesty matters, when they had earlier conceded that Dr Kashiv had done what he had done because of a genuinely held belief that what he was doing was in the best interests of the animal in question, whom he believed to be being abused.

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| 9. | The Committee's assessment of Dr Kashiv's dishonesty was fundamentally flawed. At times the Committee appeared to suggest his dishonesty came about from wrongly placed good intentions. For example, at paragraph 83: | Key Docs
p 76 |
|----|--|------------------|

Anyone who scanned Bella after the removal would be deceived as to the dog's true identity, a fact accepted by Dr Kashiv. This was plainly Dr Kashiv's intention, **even if he genuinely (albeit wrongly) considered he was doing it for noble motives, i.e. in**

the interests of animal welfare or “for the greater good” as he put it. [emphasis added]

10. The Committee reiterated this at paragraph 110:

Key Docs
p 83

Even if Dr Kashiv misguidedly believed he was acting in Bella’s best interests, he carried out no due diligence and instead just accepted the second or third-hand hearsay accounts given by a stranger, notwithstanding the inconsistency of those accounts (bullying and neglect) with the way in which Bella presented, namely “*she was in good condition*”.

11. Later in the determination, at paragraph 119:

Key Docs
p 85

It is apparent from the testimonials provided that Dr Kashiv is a dedicated, compassionate and respected veterinary surgeon, whose life’s work has been devoted to the welfare of animals and who has gone to great lengths, often at his own expense, to do all that he possibly could to alleviate the suffering of animals, particularly abandoned and unwanted animals. **The Committee acknowledged that Dr Kashiv had not been motivated by any financial gain, but rather by a misguided belief that he was acting in Bella’s best interests and “for the greater good”.**

12. And at paragraph 121:

Key Docs
p 86

That said, the Committee was satisfied that Dr Kashiv’s driving motivation was animal welfare and saving animals he believed were being abused. However misguided this motivation was in this case the Committee accepted he was not doing this for any malicious reasons or for personal gain and this slightly reduced the level of seriousness

13. It is submitted that proven dishonest conduct out of a misplaced or misguided belief that one is doing the right thing for animals, and is otherwise absent features like maliciousness or financial gain, must be put in their proper place in any hierarchy of dishonest conduct.

14. Committees of the RCVS no doubt encounter far more egregious dishonesty that is protracted, for significant financial gain, and has other serious aggravating features.

15. The Committee nonetheless went on to find that the dishonesty was “towards the upper end of the spectrum of dishonesty” (see para 121), taking into account factors that were outside Dr Kashiv’s control, and that he could not be held culpable for, such as the apparent fact the “scheme could not have succeeded without him”.

Key Docs
p 86

16. The submission is that the Committee seriously erred in their assessment of dishonesty, and came to an inconsistent and confused determination on the point, which was an error, and was unfair to Dr Kashiv.

The Committee inappropriately speculated in their determination that Dr Kashiv had “de-chipped” other dogs (i.e. “done it before”) from a passage that should have been redacted from the bundle, was in any event unclear, and did not relate to matters charged.

17. There was, as is usual, discussion of what should and should not be in the final hearing bundle in advance of the hearing. Some redactions were agreed between the parties. One noticeable omission, which those representing Dr Kashiv take responsibility for as much as the RCVS, was an unsubstantiated suggestion, put to Dr Kashiv in his police interview, that he had de-chipped other dogs in the past for the same reason as he had de-chipped Bella.

18. Other than this reference being in the bundle, we say improperly, it did not form part of the case put by the RCVS, the cross-examination of Dr Kashiv, or the defence case.

19. There is clear authority that where conduct that should form the basis of a regulatory allegation against a professional is apparent on the papers, it should form the basis of an allegation, or else the reference to the alleged conduct should not go before a panel. See *R. (on the application of El-Baroudy) v General Medical Council* [2013] EWHC 2894 (Admin).

Authorities
p422

20. Plainly, and improperly, the passage had an impact on the Committee. Paragraph 118:

Key Docs
p85

The Committee wanted to consider it unlikely that Dr Kashiv would behave in this way again, but could not be entirely sure that he would not let his fervent desire to care for animals he considered were being abused, to once again cloud his judgment. **The Committee noted that in a summary of his police interview, Dr Kashiv is said to have stated, “*They came to me because they needed a vet. They came to me because they thought it was something that I might do. I may have done it once or twice in the past. Once was a breeding dog kept on a balcony. Probably a year or two ago, two, three or four times maximum.*” This suggested Bella may not have been a one-off. The Committee considered, therefore, that there was a real risk that similar behaviour could be repeated, if the right circumstances were presented to him.**

21. This was a serious procedural irregularity in the hearing and in the determination.
22. The passage in the police interview should have been redacted, contained an unsubstantiated allegation that was denied in any event, and went on to form a key part of the Committee’s determination of risk of repetition, of central importance in the consideration of whether to suspend or erase.

The Committee erred in equating Dr Kashiv's conduct to part of a conspiracy to steal. There was no evidence of this and it was not the College's case against him.

23. It is submitted that the Committee fell into error in equating Dr Kashiv's conduct to part of some sort of conspiracy to steal. Dr Kashiv's conduct had to be considered in isolation on the basis of the charges he faced. He could not be held responsible for the actions of others that he was unaware of.

24. The College did not open the case against Dr Kashiv, properly, that he was in any way involved in the theft. See paragraph 12:

Key Docs
p56

In summary, on 7 December 2022, Bella was stolen from her owner, Mr AH. **There is no suggestion that Dr Kashiv was in any way involved in the theft.** [emphasis added]

25. Notwithstanding this, the Committee went on to find, at paragraph 117:

Key Docs
p85

...Even if what had been conveyed to him via Ashley and Ms Khan had been entirely accurate, Bella was being abused and he had not been "*duped*", he should still have not carried out the procedure since it would still have been illegal **and it would still have facilitated an illegal enterprise, involving the theft of a dog.**

26. And at paragraph 121:

Key Docs
p86

...Dr Kashiv was asked to play a part in a scheme that could not have succeeded without him, or another veterinary surgeon prepared to act illegally. He had ample opportunity to change his mind or withdraw from the enterprise.

27. And at paragraph 127:

Key Docs
p88

For the whole scheme to succeed, the thieves needed a veterinary surgeon who was prepared to break the law and perform the surgery. Accordingly, although Dr Kashiv was not party to the theft, he nevertheless played a crucial role in the overall enterprise.

28. This approach was unfair to Dr Kashiv. His actions had to be considered with reference to the charges only. He was in no way responsible for the theft. Linking his actions to the theft, or any sort of conspiracy to steal, elevated his culpability way beyond what was proper.

The Committee gave no consideration to the well-recognised public interest in keeping good vets on the Register where possible given the national shortage.

29. At no point in the determination did the Committee give consideration to the potential issue caused by removing an otherwise good vet from registration in circumstances where there is a national shortage of vets.
30. See *Bijl v GMC* [2001] UKPC 42. The protection of public confidence should not extend to sacrificing the career of “an otherwise competent and useful doctor who presents no danger to the public” merely to meet a demand for blame and punishment. This case is cited, tellingly, in the RCVS sanctions guidance.

Authorities
p358

The overarching submission: the sanction imposed could and should have been a lesser one, namely a Suspension from the Register, which the Committee might have imposed had it wished for a period of up to two years

31. The overarching submission is that the errors above, individually and cumulatively, formed the basis of a plainly erroneous finding that erasure was the only proper outcome in the case.
32. It is plain that Dr Kashiv was erased in relation to the matters concerning the dog Bella. The issues concerning the imposition of a Criminal Behaviour Order were of far lesser significance.
33. In addition to all the above, it is submitted that not enough consideration was given by the Committee to Dr Kashiv’s remorse, insight, and admissions.
34. It is of note that there have not been any issues with Dr Kashiv, before the police, Council, or College, since February 2023.
35. What happened with the dog Bella was a truly isolated incident, not motivated by financial gain or any sort of maliciousness.
36. Dr Kashiv has learned a lot from the experience and is truly remorseful. As he said in proceedings in evidence (see para 44):

Key Docs
p64

Even though I considered I was acting in Bella’s best interests, I now know that what I did was illegal and in contravention of guidelines with regard to microchip removal set out in the RCVS Code of Professional Conduct. I fully accept that it was wrong of me to acquiesce in the whole project. With hindsight I accept that I should have advised my friend and the volunteers to persist with their complaints to the RSPCA and maybe involve other authorities such as the police or the local authority. Equally, I should have considered my own report to the RSPCA.

Should such a situation arise again, I will politely refuse to participate and will advise the other parties as above. Additionally, I will try to support their efforts, if I feel the welfare of a particular animal is under threat, e.g. by encouraging a report to the appropriate authorities, giving my professional opinion should that

be sought or in any other way I consider I might be able to help but which falls within the law and the College's guidelines. I accept that it was remiss of me not to have done proper due diligence when I saw and treated Bella. I have had much of time to contemplate this case and I sincerely regret my previous decisions and actions."

37. Finally, what Dr Kashiv put in his statement for these proceedings (see para 49):

Having had plenty of time to reflect on my actions, I now realise that I was too hasty in agreeing to participate in a project that was at least legally questionable. It wasn't clear to me at the time that my actions were illegal. I should have ascertained the legality beforehand; I should also have advised the people involved to make sure they had exhausted all legal avenues open to them e.g. approaching the local authority animal welfare officer, consulting local dog charities, trying the RSPCA again. I could have offered to speak on their behalf.

Whatever legal protections there are for pets, they are often poorly enforced, and I can fully understand people's frustration when confronted with an abuse case where they feel unable to help. However, I should have been the "adult in the room" in this case rather than letting myself be swept along."

**TOM ORPIN-MASSEY
QEB HOLLIS WHITEMAN**

2 September 2026

Key Docs
p67
Record
p254