

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 5

RESPONDENT'S WRITTEN CASE

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Paragraph references to the Disciplinary Committee's determination are in the form (D/§x)

Paragraph references to the Appellant's Case are in the form (A/§x)

A Introduction

1. This is an appeal against sanction only.
2. On 20 August 2025, the Disciplinary Committee of the Royal College of Veterinary Surgeons ("the Committee") gave a direction, under section 16 of the Veterinary Surgeons Act 1966 ("the 1966 Act"), for the name of Dr Amir Kashiv ("the Appellant") to be removed from the register of veterinary surgeons, having found that (i) a conviction rendered him unfit to practise and (ii) he was guilty of disgraceful conduct in a professional respect.
Key Documents, p53-89 - Determination Authorities, p464
3. The conviction concerned the unlawful de-chipping of a dog ("Bella") who was stolen from her owner. The Appellant was also charged with, and found guilty of, disgraceful conduct linked to the conviction. The Committee found that the Appellant had acted dishonestly by: (i) removing the microchip to conceal the
Record, p96-98 - Memorandum of Conviction

dog's identity; and (ii) not making a formal clinical record of the removal, in order to "cover up" the removal.

4. The Committee also found the Appellant guilty of disgraceful conduct in relation to a Criminal Behaviour Order ("CBO") imposed in July 2024. The conduct giving rise to imposition of the CBO concerned the Appellant's control and management of dogs at his home. Record, p165-167 - CBO
5. The Appellant does not challenge the Committee's findings of unfitness to practise or disgraceful conduct. He argues that the sanction of removal was disproportionate and not founded on sound or lawful reasoning.
6. The Appellant's grounds of appeal are addressed in turn below. In short, the Royal College of Veterinary Surgeons ("the College") submits that the Appellant's conduct was fundamentally incompatible with continued registration, it undermined public confidence in the profession, and removal from the register was necessary in the public interest. Deference should be afforded to the judgment of the Committee on sanction. Its reasoning and approach were sound, and, in any event, removal from the register was not excessive or disproportionate.

B Background

The conviction and dishonesty

7. The facts of the conviction and related dishonesty can be summarised as follows:
 - a. On 7 December 2022 Bella was stolen from her owner.
 - b. On an unspecified date, the Appellant was contacted by Niz Khan, a person involved in dog rescue whom he had known for some years. Ms Khan asked the Appellant whether he would be willing to remove a dog's microchip so it could be re-homed.
 - c. Ms Khan shared information with the Appellant that a third party – unknown to the Appellant – had told Ms Khan about the dog's treatment by its owner.

- d. The Appellant gave conflicting accounts of what he was told. In a police interview, he said that, as far as he knew, there was no question of physical abuse. In subsequent written submissions to the College, he claimed to have been told that the dog was being hit regularly. The Committee found that: *“These were serious and worrying inconsistencies in his account and at the very least raised questions about whether he was trying to add credence to bolster his account of why he was prepared to carry out the procedure”* (D§79). Record, p140 - Transcript
Record, p183 - Letter
- e. The Appellant agreed to remove the stolen dog’s microchip for the purpose of concealing its identity and to prevent anyone from being able to connect her to the owner. He did not take any steps to verify the account given by the unknown third party (D§83). Key Documents, p75-78 - Determination
- f. On 17 December 2022, someone involved in the theft of Bella brought her to the surgery where the Appellant worked. The dog did not show any signs of poor care or abuse. The Appellant nonetheless proceeded to perform surgery to remove her microchip.
- g. The procedure was undertaken late in the evening when no one else was present at the surgery and without making any records (D§83). The Appellant accepted that the reason he did not make a formal clinical record of the procedure was to “cover up” the fact that the procedure had been carried out (D§89).
- h. The Appellant knew that the dog had an owner, knew the dog had been taken from the owner without consent (i.e. stolen), and knew what he was doing was wrong (D§83).
- i. On 28 February 2023 the Appellant was arrested and interviewed under caution by the police. During the interview, he admitted that he performed the de-chipping procedure on Bella and said he may have done it on other occasions in the past [IB/2-113]. Record, p161-162 - Police report
- j. On 2 January 2024 the Appellant was convicted of carrying out a prohibited procedure contrary to section 5(3) of the Animal Welfare Act 2006. He was sentenced to an unpaid work requirement of 50 hours and ordered to pay a victim surcharge of £144 and costs of £85. Record, p96-98 - Memorandum of Conviction

The Criminal Behaviour Order

8. The facts and background to the CBO imposed in July 2017 can be summarised as follows:
- a. In 2014 and 2015 the Appellant's dogs escaped from his land on several occasions. There were also issues with barking and howling. The Appellant was served with warnings and a Community Protection Notice ("CPN") (D§5). Record, p165-180 - CBO and Application
 - b. In April 2016, the Appellant was convicted of breaching the CPN and made subject to a CBO. In November 2016, he was convicted of breaching that CBO (D§6). Correction - D§35 and 36 Key Documents, p60-61 - Determination
 - c. The above convictions were referred to the Committee. In July 2017, the Committee found that those convictions did not render the Appellant unfit to practise, though the case was "*borderline*" and the convictions were capable of bringing the profession into disrepute (D§37). Record, p191-198 - 2017 Determination
 - d. In November 2018, the Appellant was again convicted of breaching the CBO imposed in 2017. This conviction was not referred to the Committee (D§38). Key Documents, p61 - Determination
 - e. In 2020, 2021, 2022 and 2023 there were further instances of the Appellant's dogs straying from his premises, and complaints from neighbours, which led the district council to apply for a further CBO (D§39).
 - f. There have been no issues of dogs escaping from the Appellant's land since February 2013 (D§122). Key Documents, p86 - Determination
 - g. On 17 May 2024, a Magistrates' Court imposed a further CBO for a period of five years. This CBO was the subject of the charge before the Committee whose decision is the subject of this appeal.

The Committee's reasons for directing removal

9. The Committee identified multiple aggravating factors in relation to the conviction (and related dishonesty) and the CBO, including *inter alia* (a) actual injury to the stolen dog, (b) risk of harm to the stolen dog, (c) psychological and emotional harm to the owner of the stolen dog, (d) recklessness in trusting the account of unknown people about the dog's treatment without due diligence, (e) premeditated conduct

in carrying out the procedure, (f) attempts made to cover up the dishonest conduct, (g) recklessness, lack of integrity, sustained misconduct, and contravening advice in relation to the CBO, (h) previous convictions and adverse disciplinary findings, and (i) limited insight (§115).

Key
Documents,
p84-85 -
Determinati
on

10. The Committee identified four mitigating factors, namely (i) some admissions of matters alleged, (ii) expressions of remorse, (iii) actions taken in relation to the CBO, and (iv) and “*very positive*” testimonials (§116).

11. The previous adverse findings included a December 2016 Committee finding of disgraceful conduct relating to the Appellant’s treatment of a dog, failure to discuss matters with the owner and poor record keeping. The sanction decision was postponed for two years upon the Appellant giving undertakings as to his conduct. In December 2018 the Committee imposed a reprimand.

12. When assessing the Appellant’s level of insight, the Committee noted a submission that he had reflected and recognised that he had been “*duped*” in relation to Bella. The Committee found that this submission missed the point; even if the information conveyed to the Appellant had been entirely accurate, the procedure still would have been illegal and facilitated an illegal enterprise. The Committee concluded that, whilst the Appellant had shown some insight, it was “*inadequate*” and “*he still has some way to go*” (D§117).

Key
Documents,
p85 -
Determinati
on

13. In assessing the risk of repetition, the Committee had regard to a summary of the Appellant’s police interview, set out in a police report, which recorded the Appellant’s admission that he may have de-chipped other dogs in the past. The Committee found that there was a real risk that similar behaviour could be repeated if the right circumstances presented (D§118).

Record,
p161-162 -
Police report

14. The Committee stated that it was apparent from the testimonials that the Appellant was a “*dedicated, compassionate and respected vet*”. It acknowledged that the Appellant had not been motivated by financial gain, but rather by a misguided belief that he was acting in the animal’s interests and “*for the greater*

good” (D§119). The Committee found that the Appellant had allowed his ideology to cloud his judgment; he failed to undertake rudimentary checks in relation to the animal; he failed to seek or give appropriate advice and instead acted illegally on the basis of hearsay; and he took active steps to cover up his dishonesty and to do all he could to prevent the animal from being connected to the practice or being reunited with its owner (D§120).

15. In assessing where on the spectrum of seriousness the Appellant’s dishonesty lay, the Committee said (D§121):

“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. The Committee was satisfied that he was aware he was acting unethically and illegally and when confronted during his oral evidence he accepted he had deceived and therefore been dishonest, albeit he could not bring himself to say so, by caveating his response by saying if he was acting for the greater good it was not dishonest. He had also taken a deliberate decision to cover up his dishonesty by not making a formal record. 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. Thus, whilst not the most serious case of dishonesty, it was still serious and, in the Committee’s view, towards the upper end of the spectrum of dishonesty.”

16. The Committee correctly considered the available sanctions in ascending order of severity. Its reasons for rejecting suspension were expressed as follows:

“126. The Committee noted the mitigating factors in this case and the fact that Dr Kashiv had appeared before a criminal court and been punished for his criminal behaviour. It was not this Committee’s role to punish him further.

However, it is its role to protect animal welfare and the reputation of the profession. Dr Kashiv's criminal offence was directly related to his practice as a veterinary surgeon; he dishonestly performed unjustified and illegal surgery on a dog that he knew had been stolen and he did so in order to conceal the identity of that dog so that its true owner could never be linked to the dog. Mr AH was devastated at the loss and feared he would never see Bella again. The whole episode must have been traumatic for Bella too. Furthermore, Dr Kashiv took active steps to cover up his wrongdoing in order to conceal it from the practice by not making any formal clinical record. At the time he somewhat misguidedly believed he was acting "for the greater good" and in Bella's best interests, albeit without himself asking any questions or making any enquiry into the true position or what might be the appropriate action to take. His judgment was clouded by his belief in what he was told by someone he trusted together with his background of actively supporting animal rights activists.

Key Documents, p87-88 - Determination

127. Of additional concern to the Committee was the effect of Dr Kashiv's behaviour on the reputation of the profession and therefore the wider public interest. The thought that a veterinary surgeon, whom the public rely on to care for their pets, could be complicit in, and a facilitator of, an enterprise involving the theft of a pet based on hearsay from unknown people, is deeply concerning. 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. The Committee was firmly of the view that public confidence would have been severely affected by Dr Kashiv's behaviour. The Committee considered that suspending Dr Kashiv's registration would not be sufficient to maintain confidence in the profession and that therefore, for public interest reasons, as well as animal protection, a suspension would not be sufficient."

17. The Committee had regard to the Sanctions Guidance that identifies circumstances where removal may be appropriate, including (a) serious departure from

Authorities, p455

professional standards, (b) deliberate or reckless disregard for professional standards, (c) causing harm to animals or the public, (d) evidence of harmful deep-seated personality or attitudinal problems; and (e) dishonesty, particularly where persistent or concealed (D§128).

Key Documents, p88-89 - Determination

18. The Committee found that all the above factors were engaged and that the Appellant's conduct in relation to the conviction was "*fundamentally incompatible with being registered as a veterinary surgeon*" (D§129).

19. The Committee stated that it had considered with great care the mitigating factors and positive testimonials, but the need to protect animal welfare and the reputation of the profession outweighed the Appellant's interests. The Committee concluded that the only appropriate and proportionate sanction was erasure. In reaching this conclusion it stated that: "*it was important that a clear message be sent that this sort of behavior, particularly that relating to Bella, is wholly unacceptable and will not be tolerated*" (D§130).

C Legal Framework

20. Under section 16 of the 1966 Act, the Committee may, if it thinks fit, direct that a person's name be removed from the register or that their registration be suspended if: (a) they have been convicted of a criminal offence which, in the opinion of the Committee, renders them unfit to practise as a veterinary surgeon; or (b) they are judged by the Committee to have been guilty of disgraceful conduct in any professional respect.

Authorities, p464

21. Under section 17 of the 1966 Act, a person in relation to whom a direction has been given under section 16 may appeal against that direction to the Privy Council.

Authorities, p465

22. On an appeal against sanction, it is open to the Board to consider all materials raised by the Appellant; to decide whether the sanction was "*appropriate and necessary in the public interests*" or "*excessive and disproportionate*"; and in the latter event either to substitute some other penalty or to remit the case to the

Committee for reconsideration (*Ghosh v General Medical Council* [2001] UKPC 29, [2001] 1 W.L.R. 1915 at [34]).

Authorities,
p378

23. The Board should accord “*an appropriate measure of respect*” to the judgment of the Committee, though it should not defer more than is warranted by the circumstances (*Ghosh* at [34]). It has been said many times that the professional conduct committee is the body best equipped to determine questions of sanction. This is because: “*the assessment of the seriousness of the misconduct is essentially a matter for the Committee in the light of its experience. It is the body which is best qualified to judge what measures are required to maintain the standards and reputation of the profession*” (*Marinovich v General Medical Council* [2002] UKPC 36 at [28]).

Authorities,
p378

Authorities,
p413

D Submissions

24. The College submits that the Appellant’s removal from the register was appropriate and necessary in the public interest. The Appellant’s conduct in relation to the conviction was particularly serious for the reasons identified by the Committee; the Committee’s analysis was careful and thorough, and its judgment should be afforded the appropriate respect.

25. Under the heading “*over-arching submission*” the Appellant refers to the Appellant’s “*remorse, insight and admissions*” (D§§33-37). The Committee did take into account the Appellant’s partial admissions and expressions of remorse (D§166), but it found limited insight (D§117). The Committee’s decision on insight is not challenged in this appeal and, in any event, matters of personal mitigation cannot be of more than limited weight as they do not touch the essential issue, which is the need to maintain public confidence in the profession (see *Bolton v Law Society* [1994] 1 W.L.R. 512 at 519-520).

Correction - A§33-37
Key Documents, p24-25 - Appellant's case

Correction - D§116 and 117
Key Documents, p84-85 - Determination

Authorities,
p368-369

26. The Appellant’s stated grounds of appeal – which feed into the overall submission that the sanction was disproportionate - are not well-founded for the reasons set out below.

Ground 1

27. The Committee gave careful and express consideration to the Appellant's career history, including the testimonial evidence (D§§114, 116, 119, 130). It proceeded on the basis that the Appellant was a "*dedicated, compassionate and respected*" veterinary surgeon, whose life's work had been devoted to the welfare of animals (D§119). This had to be weighed against the seriousness of his conduct, incomplete insight, and the fact that his judgment had been clouded by his ideology.

28. Whilst the Appellant may disagree with the Committee's decision, his assertion that the Committee had insufficient regard to his career history and the testimonial evidence is unjustified. The fact that the Appellant may be well-regarded by many colleagues and clients does not detract from the need to protect animals, declare and uphold standards, and maintain public confidence by imposition of a sanction appropriate to mark the gravity of his misconduct.

29. A vet's good character cannot justify a lesser sanction than removal where their conduct is fundamentally incompatible with continued registration and, in any event, the Appellant was not a person of good character. Removal from the register would not have been disproportionate for a vet with an unblemished record. The Appellant's case on this ground is particularly weak given his chequered history, which included three previous convictions and a finding of disgraceful conduct in his clinical practice.

Ground 2

30. The Committee's assessment of the Appellant's dishonesty – and where it sat on the spectrum of seriousness – is unimpeachable. The Appellant cites parts of the Committee's determination in which it acknowledged that he acted for what he thought was the greater good. The Committee properly took this into account and proceeded on the basis that a lack of malicious intent or personal gain slightly reduced the level of seriousness. It then rightly identified countervailing factors

that nonetheless placed the conduct at the upper end of the spectrum of dishonesty. Those factors included: (a) the fact that the Appellant's conduct formed part of a scheme that could not have succeeded without him (or another vet) acting illegally; (b) the fact that he had ample opportunity to change his mind and withdraw from the enterprise (i.e. his conduct was pre-meditated); (c) the fact that he was aware that he was acting unethically and illegally; and (d) the fact that he took a deliberate decision to cover up his dishonesty (D§121).

Key Documents,
p86 -
Determination

31. To the above list can be added other aggravating factors (identified by the Committee elsewhere in its determination), including: (a) actual and potential harm to an animal; (b) emotional distress to the owner; and (c) the fact that the dishonest conduct was directly connected to veterinary practice and involved an abuse of position and trust (i.e. the Appellant's privileged position, being a qualified and registered vet, gave him the skills, and access to drugs and equipment, necessary to perform the de-chipping procedure).

32. In the circumstances, the Committee was right to conclude that the dishonesty was *"towards the upper end of the spectrum"*. It did not say that the Appellant's dishonesty was the most serious it had ever seen. The Appellant's assertion that the College must have encountered more egregious dishonesty (A§14) is therefore irrelevant. The Appellant's assertion that the Committee took into account factors that were outside the Appellant's control is also baseless (A§15). The Appellant had full control over his own actions in choosing to be part of a scheme that involved theft of an animal and required a vet to remove the micro-chip so that animal could be re-homed without being traced.

Key Documents,
p21 -
Appellant's case

33. The Committee was best placed to assess the seriousness of the Appellant's conduct and its judgment in this regard should be respected (see *Marinovich* (cited above)).

Authorities,
p413

Ground 3

34. The Committee was entitled and indeed right, to take into account, as part of its assessment of the risk of repetition, evidence that the Appellant told the police he may have de-chipped other dogs.

The law

35. The appellant asserts that: *“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 the panel”* (A§19).

Key Documents,
p21 -
Appellant's case

36. This is not a complete or accurate statement of the law: (a) the decision about whether a practitioner's conduct *should* be advanced as an allegation is a matter for the regulator; and (b) the fact that an allegation *could* be advanced, but has not been, is not an absolute bar to adducing evidence about those matters before a tribunal (at least at the impairment/disgraceful conduct and sanction stage).

37. The crucial questions are: (a) whether the evidence is relevant to the matters in issue at the relevant stage of the proceedings; and (b) whether the evidence can fairly be admitted.

38. Under the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) Procedure and Evidence Rules 2003 (“the Rules”), the Committee may hear evidence of any fact which appears to it relevant to the inquiry into the case before it (rule 23.1). There are three stages to proceedings before the Committee: (a) determination of facts (stage 1); (b) determination of whether facts found proved amount to disgraceful conduct/whether the practitioner's fitness to practise is impaired by reason of conviction (stage 2); and (c) sanction (stage 3). The Rules provide for evidence to be admitted at each stage of proceedings, relevant to the issues at that stage (see rules 11.1(a)-(d) and 12.2-12.5 (stage 1); rule 15.2 (stage 2); rule 18.1(a) –(b) (stage 3)). Rule 18.1 states that, at stage 3, the College may adduce evidence as to “*character and previous history of the respondent*”. The Committee also has a general discretion to admit such further evidence as it considers “*appropriate in all the circumstances*” (rule 14.1).

Authorities,
p475

Authorities,
p470-471

Authorities,
p472-473

Authorities,
p472

39. R (El-Baroudy) v General Medical Council [2013] EWHC 2894 (Admin) (on which the Appellant relies) is an example of a case in which it was unfair to admit evidence on, and make findings about, a matter that was not charged. It does not set down any universal rules. Authorities, p422-434

40. Two cases illustrate how evidence of matters not formally charged may fairly be taken into account by a disciplinary tribunal:

- a. Kearsey v Nursing & Midwifery Council [2016] EWHC 1603 (Admin), [2016] Med L.R. 461: The charge against the nurse included a conviction for assault of his then partner and providing an inaccurate account of the facts behind the conviction to his employer. The evidence before the disciplinary committee included statements from the former partner that went beyond the matters charged. Mr Justice Ouseley accepted the general proposition that *"particulars which are not charged cannot be relied upon in relation to the allegation of misconduct"* but he said: *"General propositions are not universal rules devoid of context or qualification"* [25]; judgments as to fitness to practise and sanction may require a *"broader perspective"* [26]; and each of the latter two stages may be accompanied by further representations and evidence as the focus of the issue is different from the first stage [27]. On the facts, he found that the material complained of was relevant to impairment and sanction and there was no unfairness in it being considered at those stages [35]. The relevant evidence was before the criminal court and the judge said it would require an *"unduly blinkered"* approach, contrary to the purpose of the disciplinary process, if such evidence were excluded from the disciplinary proceedings [36]. He further stated that, even if there had been no conviction charge, and the index assault had been charged as misconduct, he was not necessarily satisfied that evidence of earlier assaults could not be adduced in evidence – he noted that this approach would exclude evidence which might be admissible in *"rebuttal of some defence"* or as probative bad character [37]. The judge also said that he was not persuaded that evidence of matters not Authorities - (2016) 151 B.M.L.R. 202, p381-398

charged could not be admissible in relation to impairment or sanction if relevant and fair to do so. He stated that *“The governing principle is not whether the conduct could have been charged, but whether its admission in evidence creates unfairness”* [38].

- b. Moody v General Osteopathic Council [2008] EWCA Civ 513: The charge against the osteopath concerned treatment of a single patient. As part of his defence, the osteopath said that he treated the relevant patient no differently to how he treated other patients. The Court of Appeal held that evidence of matters going not to the proven charge, but to the generality of the practitioner’s work, was admissible at the impairment and sanction stage. At [9] Sedley LJ said (emphasis added):
- Authorities, p415-421
- Authorities, p419

In my judgment there is a distinction to be drawn between the terms of an accusation to which, on first principles, the inculcating evidence has to be restricted and the determination of appropriate sanctions where the accusation is held to have been made out. When the latter point is reached it remains axiomatic that the individual may be penalised only for the offence which has been found proved. But this alone cannot determine the degree of seriousness of the offence. Of many possible scenarios, the present case illustrates one. The misconduct of which the practitioner has been found guilty might have been a single lapse with a single patient which was unlikely to be repeated; or it might have been part of chronic bad practice. The appropriate sanction would have to differ depending on which it was. Arguably, although it does not arise here, it will be necessary for the adjudicative body to decide, if need be on further evidence, which of these things it is. The reason why it does not arise here is that it was part of the appellant’s own case that the way he had treated SW was no different from the way he treated the generality of his patients.

41. The fact that the Appellant admitted in police interview under caution that he may have de-chipped other dogs in the past was plainly relevant to the Committee's assessment of the Appellant's attitude and the risk of repetition at stage 3. Record,
p161-162 -
Police report
42. The question is whether it was fair for the Committee to take this evidence into account. The College submits that it was for the following reasons:
- a. First, the Appellant did not request that the relevant passage from the police report be redacted. His representatives did request various other redactions – including redaction of references to de-chipping other dogs in the transcript of the police interview – but they did not request redaction of the police report. The bundle submitted to the Committee was agreed by the Appellant's legal representatives.
 - b. Second, it was necessary for the Committee to consider the Appellant's admission in the police interview to rebut submissions advanced on his behalf at stage 3. Those submissions included positive assertions that: *"The dishonesty in this case, while serious, was isolated"* (§31); the case involved *"a single isolated incident"* (§43.4); and *"The error of judgment is isolated"* (§54). Those submissions were wholly inconsistent with the admissions under caution recorded in the police report. Record,
p225, 228-229 -
Appellant's
submissions
 - c. Third, the Appellant could not have been cross-examined on his assertion that de-chipping was an *"isolated incident"* because he only made this assertion in submissions at stage 3 and he chose not to give oral evidence at that stage. The College accepts that it did not refer to the police report in any oral submissions, but this did not preclude the Committee from considering it. Indeed, the Committee was required to be proactive and to consider all relevant evidence to discharge its functions in the public interests. By convention, the College does not make submissions on sanction at stage 3.

- d. Fourth, the admission recorded in the police report was clear and relatively unequivocal (it included specific description of one instance – i.e. the dog on the balcony); it was not made under pressure or duress; the Appellant was supported by a solicitor; and the interview took place under caution. The assertion in the Appellant’s written case – that “*the passage in the police interview... contained an unsubstantiated allegation that was denied in any event*” (D§22) - is not understood. The College assumes that the Appellant is not referring to the interview itself but to the passage in the police report cited by the Committee. Relevant parts of the underlying interview were not before the Committee, having been redacted. However, the police report was not “*unsubstantiated*”: it accurately summarised evidence that the Appellant gave in interview. If, on this appeal, the Appellant seeks to advance a positive case that he did not make admissions to the police, the College will invite the Board to consider the unredacted transcript (at least *de bene esse*) to avoid any risk that it might inadvertently be misled.
- Record, p161-162 - Police report
- Correction - A§22 Key documents, p22 - Appellant's case
- Respondent's Documents p353-355 - Unredacted transcript

43. Further, and in any event, evidence that the Appellant admitted to the police that he may have de-chipped other dogs was not determinative of sanction. The Committee relied on the police report only in relation to the risk of repetition: the College accepts that, if the Board were to determine (contrary to the above submissions) that the Committee was wrong to take into account the police report, that would undermine the Committee’s decision on the risk of repetition.

44. However, it would not undermine other aspects of the Committee’s decision. The Committee found that the Appellant’s conduct was fundamentally incompatible with continued registration. That finding rendered removal from the register a necessary and proportionate sanction, to uphold standards and maintain public confidence, irrespective of the risk of repetition. Therefore, even if the Board is with the Appellant in this ground, it should still dismiss the appeal against sanction because removal was still the appropriate sanction.

Ground 4

45. The Committee did not err in equating the Appellant's conduct to "*conspiracy to steal*". The findings cited in the Appellant's case (A§§25-27) reflected the case advanced below by the College and the allegations found proved at stage 1. Key documents, p22-23 - Appellant's case
46. In its written opening, the College said that there was no suggestion that the Appellant was involved in any way in the theft (§47). However, a distinction must be drawn between the theft (i.e. the taking of the dog from its owner without consent) and the wider enterprise that involved subsequent steps to re-house Bella and prevent her being found. The allegations of dishonesty were advanced on the basis that the Appellant's actions were in furtherance of those subsequent steps. The opening note stated that "*The only purpose of removing the chip was to remove a means of identifying the dog as Bella, concealing her identity so she would not be found in the future*" (§46) and "[the Appellant's] state of mind was an intention to conceal Bella's identity, to prevent her owner, or anyone acting for her owner, finding her" (§52). Record, p208-210 - College's opening
47. The Appellant's assertion that his conduct should have been considered "*in isolation*" is misconceived (A§23): the relevant events did not occur in a vacuum. It was necessary, and appropriate, for the Committee to consider the context of the Appellant's actions when assessing seriousness and determining sanction. Key documents, p23 - Appellant's case
48. There was no unfairness in the Committee finding that the Appellant played a crucial part in a collective enterprise which included the theft:
- a. Contrary to the Appellant's case, this did not involve the Committee holding the Appellant "*responsible for the actions of others that he was unaware of*" (A§23). Indeed, the Committee made an express finding (consistent with the College's opening) that the Appellant "*was not party to the theft*" (§127). Key documents, p23 - Appellant's case
Key documents, p88 - Determination
 - b. The fact that the Appellant knew the dog had been stolen, and that the purpose of removing the microchip was to conceal her identity, was integral to the Committee's stage 1 determination on dishonesty (D§83); and Key documents, p76-77 - Determination

- c. The Appellant's own case in mitigation was predicated on the fact that he had participated in a collective endeavour (which he described as a "project"): (i) in his letter to the College, dated 22 May 2024, he said *"I fully accept it was wrong for me to acquiesce in the whole project"* (D§44) and (ii) in his statement dated, 6 August 2025, he said *"I now realise that I was too hasty in agreeing to participate in a project that was at least legally questionable"* (D§49).
- Record, p184 - Letter
Record, p254 - Statement
Key documents, p63-68 - Determination

49. That the matters charged against the Appellant formed part of a wider illegal enterprise was relevant to the gravity of the Appellant's conduct and was properly taken into account by the Committee.

Ground 5

50. The Appellant's case that the Committee *"gave no consideration to the well recognised public interest in keeping good vets on the register where possible given national shortages"* proceeds on a false assumption.
- Key documents, p23 - Appellant's case
51. There was no evidence before the Committee of a national shortage of vets and a recent Parliamentary report (not before the Committee) found that the UK *"does not have too few vets"* (although it is increasingly struggling to have them in the right places, doing the right jobs, and staying long enough to build expertise).¹
52. The Committee did not refer expressly to the public interest in keeping a good vet on the register, but it did have regard to the Appellant's history and testimonials (as set out in the response to ground 1 above). Further, and in any event, evidence of clinical competence could not justify a lesser sanction than removal where the Appellant's conduct was fundamentally incompatible with continued registration.
- Key documents, p83-89 - Determination

E Conclusion

¹ Environment, Food and Rural Affairs Committee, "A sustainable veterinary workforce" (First Report of Session 2026-27): <https://committees.parliament.uk/publications/53413/documents/298585/default/>

53. In summary, the appeal should be dismissed because:

- (1) The Appellant's removal from the register was necessary and appropriate in the public interest;
- (2) The Committee's decision was founded on sound and lawful reasoning; and
- (3) In any event, the errors asserted in the grounds of appeal do not render the sanction excessive or disproportionate.

54. The College also seeks its costs of and occasioned by the appeal.

PETER MANT KC
39 Essex Chambers
15 September 2026