

Michaelmas Term
[2026] UKPC 37
Privy Council Appeal No 0094 of 2025

JUDGMENT

Amir Kashiv (Appellant) *v* Royal College of Veterinary Surgeons (Respondent)

From a Disciplinary Committee of the Royal College of Veterinary Surgeons

before

Lord Sales
Lord Leggatt
Lord Burrows

JUDGMENT GIVEN ON
28 October 2026

Heard on 28 October 2026

Appellant
Tom Orpin-Massey
(Instructed by Hodge Jones & Allen)

Respondent
Peter Mant KC
(Instructed by Capsticks LLP)

LORD LEGGATT:

1. This is an appeal to His Majesty in Council, brought under section 17 of the Veterinary Surgeons Act 1966, against a direction to remove the name of the appellant, Dr Amir Kashiv, from the register of veterinary surgeons. That direction followed his conviction of a criminal offence which, in the opinion of a disciplinary committee, rendered him unfit to practise and a finding by the committee that Dr Kashiv had been guilty of disgraceful conduct in a professional respect. Dr Kashiv does not challenge those findings, but he appeals against the sanction imposed by the committee and contends that it should have imposed a lesser sanction of suspending his registration for a period of up to two years.

2. The allegation against Dr Kashiv contained four particulars. The first referred to his conviction at Stevenage Magistrates' Court, on 2 January 2024, of an offence of carrying out a prohibited procedure on a protected animal, namely, a procedure carried out on a Labrador dog called Bella to remove a microchip, which was prohibited by section 5(3) of the Animal Welfare Act 2006.

3. The second particular of the allegation referred to a Criminal Behaviour Order to which Dr Kashiv was made subject at Stevenage Magistrates' Court on 17 July 2024, imposing requirements principally designed to prevent dogs from escaping or straying from his property.

4. There was a background history of incidents which led up to that order. Starting in 2014 and 2015, there were a number of episodes of Dr Kashiv's dogs escaping from his land, which resulted in warnings and Community Protection Notices served by the local authority. In April 2016, he was convicted of offences of breaching those Community Protection Notices and was made subject to a Criminal Behaviour Order for two years. In November 2016, he was convicted of breaching that order by allowing a dog to escape from his premises and stray onto a public road.

5. As a result of those convictions, Dr Kashiv appeared before a disciplinary committee in July 2017. The committee on that occasion concluded that, although close to the borderline, his conduct did not render him unfit to practise as a veterinary surgeon.

6. Following that decision, however, in November 2018, Dr Kashiv was again convicted of a breach of the Criminal Behaviour Order. There were further incidents involving dogs straying from his premises in the following years. These led to the Criminal Behaviour Order imposed in July 2024, which was the subject of the second particular of allegation.

7. The third particular alleged that, in relation to the offence of carrying out a prohibited procedure on a protected animal, Dr Kashiv's conduct was dishonest in that he removed the microchip in order to conceal Bella's identity. The fourth particular was that, in relation to that offence, he failed to keep any adequate clinical records in relation to Bella, and his conduct was thereby misleading and/or dishonest.

8. All the particulars of allegation were either admitted or found proved by the disciplinary committee.

9. At the next stage of the proceedings, Dr Kashiv did not dispute—and the committee found—that his conviction rendered him unfit to practise as a veterinary surgeon. He also did not dispute—and the committee found—that his conduct in particulars 2, 3 and 4 amounted to disgraceful conduct in a professional respect.

10. Having found the allegations proved and made those findings in relation to fitness to practise, the final stage of the proceedings required the committee to determine the appropriate sanction.

11. At that stage, the committee had regard to guidance that the purpose of sanctions is not to punish the individual vet, but is to protect animals, maintain public confidence in the profession and maintain proper standards of conduct and performance. The committee considered the facts found and a list of aggravating and mitigating factors.

12. When judging the seriousness of the offence, the committee recognised that there is a spectrum of dishonesty. They accepted that Dr Kashiv was not acting for personal gain and that his driving motivation was animal welfare and a misguided belief that he was acting for the greater good. But, while not the most serious case of dishonesty, his conduct was still serious and, in the committee's view, towards the upper end of the spectrum of dishonesty. In forming that view, the committee was particularly influenced by the fact that Dr Kashiv had knowingly agreed to take part in a scheme which was deliberately designed to prevent a stolen dog from being recovered by her owner, and which required the participation of a veterinary surgeon who was prepared to use their professional skill to carry out an illegal procedure. Dr Kashiv knew that he was acting illegally and dishonestly, and had sought to cover up his wrongdoing by not making a formal record of the procedure that he had carried out. The committee also took into account the Criminal Behaviour Order included in the allegation and the background to the making of that order.

13. The committee considered the available sanctions in increasing order of seriousness. They concluded that suspending Dr Kashiv's registration would not be sufficient to maintain confidence in the profession and protect animal welfare, and that the conduct which led to his conviction was incompatible with being registered as a

veterinary surgeon. They accordingly decided that the only appropriate sanction in this case was removal from the register.

14. The principles on which the Board acts in reviewing disciplinary sanctions imposed by a professional body are summarised in the case of *Ghosh v General Medical Council* [2001] UKPC 29; [2001] 1 WLR 1915, para 34. In short, it is recognised that a disciplinary committee is the body best qualified and placed to weigh the seriousness of professional misconduct, to consider the full spectrum of seriousness of cases of various types which come before them, and to judge at what point and in what circumstances removal from the register becomes the appropriate sanction. The Board will not, however, defer to the committee's judgment more than is warranted by the circumstances; and it is open to the Board to consider all the matters raised by the appeal and to decide whether the sanction imposed was appropriate and necessary in the public interest or was excessive and disproportionate, and in the latter event either to substitute some other sanction or to remit the case to the committee for reconsideration.

15. Appearing on behalf of Dr Kashiv today, Mr Orpin-Massey advances five specific grounds of appeal and also makes an overarching submission that the sanction imposed by the committee was disproportionate and was not founded on sound and lawful reasoning. Four of those grounds can, in the Board's opinion, be taken quite shortly because the Board does not consider there to be any substance in them.

16. The first is that the committee gave insufficient regard to Dr Kashiv's long and distinguished career history and his numerous excellent character references. As to that, it is plain from the committee's decision that it did have regard to Dr Kashiv's excellent testimonials and to the fact that he had devoted his life's work to caring for animals and had done much good work over many years. But how much weight to give to that factor was pre-eminently a matter of judgment for the committee, and it was entitled to take the view that it was not a factor to which it should give great weight in the context of its findings of dishonesty.

17. It is also not possible to describe Dr Kashiv as being of good character in the sense of having an unblemished career record. The fact is that he had several previous convictions of criminal offences relating to animals and that he had twice before appeared before a disciplinary committee. One of those occasions has been mentioned already. On the other occasion, in December 2016, he had in fact been found guilty of disgraceful conduct in relation to his treatment of a dog, for which he had ultimately received a reprimand. He therefore had a poor past record.

18. The second ground of appeal is that the committee erred in finding the dishonesty in this case to be at the upper end of the scale when they had found that Dr Kashiv had

acted out of a genuinely held belief that what he was doing was in the best interests of the animal in question which he believed was being abused.

19. The Board does not accept that there is any inconsistency between those findings. The committee did indeed accept and took full account of Dr Kashiv's motivation, but they were also entitled to take account, as they did, of numerous aggravating features of his conduct. Those included: the fact that the de-chipping procedure was carried out as part of a scheme to prevent a stolen animal from being found by her owner; the fact that it was carried out surreptitiously, out of hours, and that no proper record was created so as to conceal the fact that it had taken place; the fact that it involved collusion with others and was clearly arranged in advance and was accordingly premeditated; the fact that Dr Kashiv made no attempt to verify whether the animal had been mistreated—and, in fact, she had not been mistreated; and the fact that the procedure involved interference with sensitive tissues and wounding an animal without any justification. Another aggravating factor was the psychological harm done to Bella's owner, who although eventually reunited with his dog, unsurprisingly suffered very great distress. It was also necessary to put into the scales the Criminal Behaviour Order to which Dr Kashiv had been made subject and which followed a long history of taking in more dogs than he was capable of looking after, which resulted in many incidents of dogs straying from his land. Looking at the findings of dishonesty in their full context, it is impossible to say that the committee's assessment of its seriousness was wrong.

20. Turning next to the fourth ground of appeal, it is said that the committee erred in equating Dr Kashiv's conduct to part of a conspiracy to steal. In the Board's view, that is not a correct characterisation of the committee's decision. The committee expressly accepted that Dr Kashiv had taken no part in the theft of Bella. What it found was that Dr Kashiv had taken part in a conspiracy to prevent a stolen dog from being recovered by her owner. The committee was entitled and right to regard that finding as seriously aggravating his criminal conviction.

21. The fifth ground - which, in the Board's view, is really a make-weight - is that the committee gave no consideration to the public interest in keeping good vets. The Board does not consider that, in a case of this kind, that factor could possibly justify keeping on the register a vet who, for reasons of professional misconduct, it would otherwise be necessary to remove from the register.

22. This leaves the third ground of appeal, which was really the main ground relied upon by Mr Orpin-Massey. This relates to the fact that one of the reasons given by the disciplinary committee in reaching its decision on sanction took account of statements which Dr Kashiv had made to the police in an interview when questioned about the offence of de-chipping of which he was convicted.

23. The bundle of documents prepared for the hearing before the disciplinary committee included, as part of a police report, a summary of that interview which recorded Dr Kashiv as stating:

> "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."

In their reasons, the committee said that this suggested that the incident involving Bella may not have been a one-off and considered, therefore, that there was a real risk that similar behaviour could be repeated if the right circumstances were presented to Dr Kashiv in the future.

24. Mr Orpin-Massey has told the Board—and it is accepted on behalf of the College—that the passage in which Dr Kashiv made the statements summarised in the police report was redacted by agreement in the transcript of the interview included in the bundle placed before the committee and that it was by an oversight that the summary in the police report was not also redacted. It is also agreed that the College, in presenting its case, made no reference to the statements in interview and that they were not mentioned in the evidence given or submissions made at any stage of the hearing.

25. Mr Orpin-Massey submitted that it was wrong in principle for the committee to have regard to other occasions on which similar conduct had or might have occurred in the past when no proper evidence had been presented about those occasions; and that relying on the summary of interview was unfair when no reference had been made to it at any stage of the hearing, and when Dr Kashiv had been given no notice or warning of the fact that the committee might place reliance on it in its reasons.

26. As to the first of those points, the Board agrees with the submission made by Mr Mant KC that, although it would not have been right for the College to rely on past incidents as part of the allegation itself without giving proper particulars and adducing evidence of those incidents, it was relevant and legitimate in principle for the committee to take into account evidence about such incidents when assessing the risk of repeat behaviour for the purpose of determining the appropriate sanction. At the same time, the Board considers that it would, in ordinary circumstances, be unfair to take account of statements of this kind without any advance notice of the intention to do so, and without giving the individual an opportunity to explain, clarify, or indeed to retract those statements.

27. Two particular circumstances here, however, need to be taken into account. The first is that Dr Kashiv himself chose, in written submissions made with regard to sanction, to assert, more than once, that the episode involving Bella was an isolated incident; and the committee was invited to take that into account in his favour. In the Board's view, in circumstances where he had himself chosen to make that contention to the committee, it is difficult for him to complain of unfairness in the committee taking into account material in the bundle placed before it which rebutted the veracity of that contention.

28. It is also said, very fairly, on behalf of Dr Kashiv today that he stands by what he said in his interview and does not seek to retract those statements. It is, in those circumstances, also apparent that he was not in a position to resist the committee's conclusion that they could not be sure that this was an isolated incident and that there was a real risk that similar behaviour could be repeated, if the right circumstances were presented to Dr Kashiv.

29. Standing back and looking at the committee's reasons as a whole, the Board is in any event satisfied that, even if no account had been taken of the statements made to the police, the committee would still have come to the same conclusion on sanction. A fundamental plank of the committee's final conclusion was their view that the nature and seriousness of Dr Kashiv's behaviour, which led to his conviction, was fundamentally incompatible with being registered as a veterinary surgeon.

30. In those circumstances, the Board is satisfied that, although it might have been preferable if the committee had given notice beforehand of its intention to refer in its reasons to the statements made in the police interview, no unfairness was thereby caused and the ultimate conclusion was one which the committee was in any event bound to reach. In the Board's opinion, the committee's ultimate decision on sanction cannot be faulted.

31. It is a sad thing that, as someone who has devoted himself to the welfare of animals all his life, Dr Kashiv's career as a veterinary surgeon should be brought to an end in this way. The Board expresses the hope that he will find other ways of turning his devotion to the cause of animal welfare to the public good. But the decision of the disciplinary committee was sound and it must be upheld. Accordingly, the Board will humbly advise His Majesty to dismiss the appeal.