

The Judicial Committee
Her Majesty's Privy Council
Supreme Court Building
Parliament Square
London SW1
8th August 2010

Maurice Kirk v Royal College of Veterinary Surgeons

JC/PC/2010/0063

Appellant's Response to The Respondent's 4th August 2010 'Notice of Objection' which states: "The RCVS invites the Board to (1) direct that there is no jurisdiction to review the decision of the Registrar of 7th July 2010 and/or (2) refuse the application for such a review".

1. The appellant relies on the exact opposite view to that of the RCVS submission. That is precisely a repeat of his complaint, namely, that the RCVS, contrary to statute law, repeatedly refused to place his name before its own disciplinary committee in order to consider his ten monthly 'de novo' lawful applications to practice veterinary surgery.

2. Should Their Lordships need to look further, the appellant's competence has never been in doubt, has obtained no criminal convictions since his name was removed from the veterinary register, more than eight years ago but, instead, has suffered severe financial hardship, as unemployed and denied proper taxation of the respondent's onerous costs, in the Royal Courts of Justice, the legitimacy of some of which may be susceptible to doubt.

3. Legal Submissions:

Extract from 1966 Veterinary Surgeons Act

22. Default Powers of the Privy Council

(1) If it appears to the Privy Council that the Council of the College have failed, but ought, to discharge any of their functions under this Act, the Privy Council may notify their opinion to the Council of the College and may direct them to discharge that function in such a manner and within such a period as may be specified in the direction.

(2) If the Council of the College fail to comply with a direction under the foregoing subsection

with respect to any function of theirs, the Privy Council may themselves discharge that function.

23 Exercise of powers conferred on the Privy Council

(1) For the purpose of exercising any powers of this Act conferred on the Privy Council a quorum of the Privy Council shall be two.

(2) Any document purporting to be—

(a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made; and

(b) signed by the Clerk of the Privy Council or any other person authorised by the Privy Council in that behalf, shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of the terms of the instrument.

Statutory Instrument 2004 No. 1680

The Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004 Extract

PART V

Restoration of Names after Removal

20. Procedure

20.1 An application to the Committee under section 18 of the Act, for the restoration of a name to the register or the early removal of a suspension of registration, shall be made in writing to the Clerk and shall set out the grounds for the application.

20.2 The applicant may submit with his application any documentary evidence which he wishes to have drawn to the attention of the Committee in support of his application, including references.

20.3 On receipt of an application to which this Rule applies, the application shall be listed for hearing within 3 months.

Maurice J Kirk BVSc