

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**V**

**MR LODEWIJK E A DE SMET MRCVS**

**DECISION**

Mr De Smet appears before the Committee facing a single charge:

**That being registered in the Register of veterinary surgeons:**

**On 13 August 2005 having ridden a horse for the Banwen Miners Hunt in the inter team hunt relay at the Lower Chapel Show at Brecon, Powys you hit the horse about its head one or more times when there was no justification for so doing.**

**AND THAT in relation to the facts alleged, you have been guilty of disgraceful conduct in a professional respect.**

The Committee heard a considerable amount of evidence regarding the events that led up to and followed the incident specifically referred to in the charge. Whilst this evidence was useful by way of background information, the Committee has to make its judgment on the specific charge which Mr De Smet is facing.

The key decision to be made by the Committee is whether the findings of fact constitute disgraceful conduct in a professional respect.

The Committee has been mindful of the arguments put forward by both sides and the guidance from the Legal Assessor that the distinction that must be made is whether the conduct as found, falls not just short, but far short, of the conduct that is expected of veterinary surgeons.

The Committee, in its deliberations, has taken into careful consideration all the evidence, and the circumstances surrounding this case.

The Committee cannot condone a blow to an animal's head in the circumstances described. However even the prosecution witnesses indicated that the entire incident had been blown out of all proportion and felt that the situation should have been dealt with at the time, at a local level.

Although the Committee is satisfied that the Respondent did hit his horse, the Committee believes that the contact between the rider's hand and the horse's head, as described by the

witnesses, was an isolated and fleeting incident, and of such a nature as to be much more likely to injure the rider than the horse. There was no evidence that the horse had suffered any injury.

While such handling of an animal certainly falls short of what is expected of a veterinary surgeon, the Committee does not believe that this could be described as falling far short of what is to be expected, and therefore while Mr De Smet's behaviour was certainly unsportsmanlike, it cannot be considered to constitute disgraceful conduct in a professional respect.

**DISCIPLINARY COMMITTEE**  
**1 MARCH 2007**