

ROYAL COLLEGE OF VETERINARY SURGEONS

V

MR MARTHINUS RYK BOTES

JUDGMENT

- 1) The Committee has listened carefully to the submissions made by Miss Curtis on behalf of the College and Mr Edis QC on behalf of Mr Botes. It has heard oral character evidence from Dr Zintilis and Mrs Coombes which it accepts, and has read the impressive testimonials produced in his support. Mr Botes is a respected veterinary surgeon who has gained a reputation both among clients and professional colleagues, in particular employees at his practice at Broadstairs within a short period since 2003. The Committee has also considered the details of his financial circumstances which have been provided on his behalf.
- 2) The Committee has considered the Guidance to the Disciplinary Committee in particular the section on Deciding the Outcome and Sanction. It has also taken notice of the bundle of cases provided on behalf of the College.
- 3) Mr Edis QC has realistically conceded in his submissions that the gravity of Mr Botes's conduct can only result in a sanction of suspension or erasure.
- 4) The Committee has carefully considered all the findings of fact it has made in particular its finding that Mr Botes's failure to take any action to monitor Defor, once he had discovered that he had not set up the webcam, fell far below the conduct expected from a member of the veterinary profession. However, the Committee accepts that the failure on the part of Mr Botes to take any further action once he had discovered that the webcam was not operational was isolated and unacceptable. The Committee accepts that he was emotionally and physically tired at the end of the week. It also accepts that he apologised and expressed his regret to Ms Keeling and members of the Keeling family who were in considerable distress.
- 5) The Committee gives him credit for making it clear from the outset of this hearing that he took full responsibility for the events that occurred. However, the Committee also takes into account that when he was asked by the College to provide a written response of 29 May 2007 he sought to implicate Mr Louw. It considers that it was not to his credit to implicate a junior member of the veterinary profession when he knew that he had taken responsibility for the care of Defor on the night in question.
- 6) In reaching its decision the Committee has considered the length of time that Mr Botes has been in practice in South Africa and the United Kingdom. It notes that he was

admitted to the Register with a certificate of good standing from the South African Veterinary Council. Particulars of three findings of the South African Veterinary Council in 1996 or 1997 have been provided. No details of the findings are available to the Committee. The Committee accepts Mr Edis QC's submissions that the findings were made ten years ago and that he was provided with a certificate of good standing by his professional body in South Africa. However, the Committee considers that the findings including a short period of suspension are relevant matters for its consideration in deciding the sanction to be imposed.

- 7) The Committee considers that the proportionate sanction in this case is that Mr Botes's name should be suspended from the Register for a period of six months.

DISCIPLINARY COMMITTEE
19 JUNE 2008