

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**WARWICK SEYMOUR-HAMILTON**

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**DECISION ON APPLICATION**

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1. The Applicant applies to be restored to the Register of the Royal College of Veterinary Surgeons ("the College"), following his removal pursuant to a direction of the Disciplinary Committee on 13 June 1994.
2. The Applicant was present and unrepresented at the hearing before the Committee. The College was represented by Ms Nicole Curtis of Counsel.
3. At the outset of the hearing the College outlined the background to the matter.

**Background**

4. The original charges were heard before the Disciplinary Committee on 13 June 1994. The Applicant did not attend the hearing and the Committee decided to proceed in his absence. The charge was that:

*"At the time of an inspection by appointment of his professional premises at 9 Orchard Road [sic], Orpington, Kent on 6 August 1993, the said premises were not in a proper condition for the exercise of his profession and equipment and facilities were not maintained in working order, so that risks to the health or welfare of animals brought or to be brought to the said professional premises*

*existed and the state and condition of the said inspected premises was such as to bring the profession into disrepute.*

*In particular, in the said inspected premises:-*

- (a) there was no efficient system for documenting and filing records of case histories of all patients;*
- (b) the Controlled Drugs Register was not properly maintained;*
- (c) there were no adequate facilities for the sterilisation of instruments;*
- (d) the operating theatre showed evidence of quite inadequate attention to hygiene presenting a constant risk of infection<sup>1</sup> to animals undergoing surgical procedures."*

5. The College, in support of its case, called Mr Jack Walsby MRCVS, who had visited the premises on 6 August 1993. He referred to a report that he had prepared in relation to the visit, indicating that, in response to a request for clinical records, the Applicant had produced three samples, all of which Mr Walsby described as "*totally inadequate*". Mr Walsby stated that there had been no Controlled Drugs register at the premises. He further said that he had been "*appalled by the unhygienic conditions in the operating theatre, the prevailing smell and slime under the mat.*" He stated that there had been nowhere to wash; the wood in the operating theatre had been chewed and was impossible to clean; and that, on the floor of two of the cages, there had been urine stained newspaper which appeared to have been there for some time. Mr Walsby described a pile of about 100 syringes on a dresser, many with needles; and indicated that there had been no sharps box and no facility for sterilising instruments. When asked questions by the Committee, Mr Walsby replied that "*to the best of his knowledge at the time of the visit the Respondent was treating animals on a regular basis.*"
6. The College also called Mr Neal King MRCVS to give evidence. In response to questions from the Committee, Mr King replied that, "*the Respondent had given the impression of being actively engaged in practice at the time of their visit.*"
7. The Committee found the facts in the charge proved and further found that those facts constituted disgraceful conduct in a professional respect. The Committee commented that the "*evidence presented relating to the operating theatre showed a total disregard of basic hygiene and care for animals and was such as to bring the profession into disrepute*". The Committee directed that the Registrar remove the Respondent's name from the Register.
8. There was no appeal against that decision.

### **First Application for Restoration**

9. On 24 July 1995, the Applicant made an application for restoration to the Register . He informed the Committee that since 1990, the combined effects of the recession and the strain of looking after his elderly mother had led to the situation in which his premises had been in the state described at the original hearing. He did not raise at
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that hearing any suggestion that his practice was not open for business at the time of the visit.

10. The Applicant gave evidence that his main concern was to return to work with animals, but that he had made no preparations for doing so. He stated that he had not taken any steps during his period off the register to update his knowledge, but would be prepared to undertake a course after restoration. He had not visited other practices within the previous year. He indicated that his former surgery premises were now closed: he was using them to keep rabbits and as kennels for his dogs. He stated that he had not undertaken any refurbishment of the premises as yet.
11. The Committee refused the application for restoration.

### **Second Application for Restoration**

12. On 18 June 2010, the Applicant made a second application for restoration. He gave evidence to the Committee that he had no intention of returning to clinical practice, but believed that restoration would improve his professional status by giving him more credibility, particularly in terms of recognition by the medical and veterinary professions, and that this would assist him with his plans to further his research work into plants with potential medicinal properties.
13. The Applicant accepted that in the previous fifteen years he had not undertaken any relevant Continuing Professional Development, had not visited any veterinary practices or read the College's Guide to Professional Conduct. He indicated that although it was not his intention to return to practice, if he did so, he would have to do some "*rapid revision of the areas where I was going to work*".
14. The Committee refused the application, stating:

*"Although the Applicant said he had no intention at the present time of going into general practice... the Committee is mindful of the fact that it would have no power to prevent him from doing so. The Committee has an obligation to protect the public and animal welfare. If the Committee were to reinstate the Applicant to the Register, it would have to be satisfied that he is competent and safe to practise immediately and cannot simply accept his assurance that he would take steps to rectify his self-confessed shortcomings at some point in the future."*

### **Third Application for Restoration**

15. On 11 February 2015, the Applicant made a third application for restoration. He told the Committee that he wished to be restored to the Register in order to widen his work and research, to include animals as well as humans.
16. The Committee refused the application, finding:

*"The Applicant's answers to a number of questions from both Counsel for the College and the Committee raised a number of concerns. He described the hearing as an 'exploratory meeting' and indicated that his lack of knowledge in respect of a number of areas to do with veterinary practice and its regulation was because they are not relevant to his current work as a herbalist and*

*naturopath. The Committee notes that this demonstrates a fundamental lack of understanding as to the Committee's function and its terms of reference."*

#### **Fourth Application for Restoration**

17. On 17 March 2016, the Applicant made a fourth application for restoration. He referred to various research and studies he had undertaken.

18. The Committee again refused his application, stating:

*"The Committee has concluded that the Applicant has not satisfied it that he is fit to be restored to the Register. The Committee is concerned about the length of time that has passed since he last practised and the paucity of evidence he has provided to establish that, if permitted to return to practice, he would be able to attain the professional standards required of a modern veterinary practitioner, either as regards surgical capabilities/competencies or as regards his knowledge of currently available veterinary medicines. These factors lead into a conclusion that this Committee is not satisfied that the welfare of animals which the Applicant would be called upon to treat would be sufficiently protected were he to be allowed to return to practice, especially bear in mind that any restoration to the Register would entitle the Applicant to practise without any limitations or restrictions on the type of work that he could undertake. The Committee entirely understands the Applicant's desire to advance his prospects of achieving acceptance amongst academics and practitioners of his research work and that those prospects might be enhanced by a restoration of his name to the Register but that is not as factor which is relevant to his Application for Restoration. The Committee's obligations and duties are to see that the interests of animal welfare are properly protected by ensuring that only those who are properly trained, knowledgeable and experienced are permitted to treat animals and that public confidence in the standards of the profession are maintained. The risks attendant on a restoration of this Applicant to the Register are, in the judgment of the Committee, plain and obvious."*

#### **Fifth Application for Restoration**

19. On 15 May 2017, the Applicant made a fifth application for restoration. The Committee again refused his application, stating:

*"The Committee has very great concerns about the future of the welfare of animals in the event of the applicant being permitted to have his name restored to the Register. He has made it clear that whilst he has no intention to return to routine veterinary general practice, he would intend to treat animals and to continue his research using animals, The Committee observes that, were he to be restored to the Register, there would be no power to prevent the applicant practising as a veterinary surgeon in any way he may choose...."*

*The Committee is far from persuaded that the passage of 23 years has not had a negative impact on the applicant's ability to practise safely and competently as a veterinary surgeon at this present time."*

#### **Sixth Application for Restoration**

20. On 23 April 2018, the Applicant made a sixth application for restoration. The Committee once again refused his application, stating:

*“The Committee has very great concerns about the future of the welfare of animals in the event of the applicant being permitted to have his name restored to the Register. He has made it clear that whilst he has no intention to return to routine veterinary general practice, he would intend to treat animals and to continue his research using animals. The Committee observes that were he to be restored to the Register there would be no power to prevent the applicant practising as a veterinary surgeon in any way he may choose. Further he has spoken with great belief and at length about the efficacy of his discoveries in the Mediterranean basin. The validity or otherwise of those beliefs is not and cannot be a matter for the Committee. What is of concern, however, is that for whatever reasons those discoveries are unlicensed and untested save for the applicant’s use of them on himself and his own animals. In the absence of more detailed and peer-reviewed research, the Committee is simply unable to accept that the future welfare of animals would not be jeopardised by the applicant’s work.”*

### **Decision on the Current Application**

21. The Committee heard oral evidence from the Applicant. It was clear from his evidence that he was passionate and has deeply held convictions about the compounds he had developed. He challenged the findings of the original Committee as to whether or not they were factually accurate. He maintained the view that he has articulated on other occasions that he had closed his veterinary surgery before the RCVS investigators found the premises in an unhygienic state, which gave rise to the original substantive hearing. He accepted the seriousness of the findings of the original Committee but he maintained that he did not accept the conclusions. The Applicant referred to the fact that “if you are struck off the register you are socially excluded”. In respect of any concerns regarding keeping his veterinary practice up to date he said “you never lose that skill”. He said he “had not bothered” to get references but that he was well known in his area and he asserted that he had public support. In cross examination he explained that he kept up to date by reading extensively and that he had visited veterinary practices in Europe and had conversations with the veterinary surgeons. He accepted that these were informal visits and not structured sessions. When it was put to the Applicant, given that he has been out of practice for twenty five years he may be deskilled, he denied this. He stated “I can practise with my eyes shut”. In respect of the compounds he has developed, he said that if he was restored to the Register that he would be prepared to use those products on animals. The Applicant also made disparaging remarks regarding individuals of another faith and he also referred to the fact that he employed a 9 year old as a bodyguard in Greece even though he accepted that he knew it would be against the law in that country. He said the boy’s parents knew him and were content for the boy to be with him.

22. In addition to the Applicant's oral evidence, the Applicant showed the Committee clear bottles with liquid, a container with tablets and petri dishes with grown cultures. The Committee also took into account the detailed documentary evidence provided by the Applicant. The documentary evidence included detailed information on herbal remedies and diseases, his CPD record, and records of his activities since his previous application.
23. In coming to its decision, the Committee took into account all the evidence both oral and documentary and it had regard to the submissions of both parties. The Committee accepted the advice of the Legal Assessor. The Committee is aware that it is for the Applicant to satisfy the Committee that he is fit to be restored to the Register. The Committee has no power to attach conditions to registration therefore an Applicant must be fit to be restored to the Register without restriction.
24. Further it is a matter for the Committee to exercise its judgment as to whether the Applicant is fit to be restored to the Register. In undertaking this exercise the Committee had regard to the Disciplinary Committee Procedure Guidance (September 2013) paragraph 70. This sets out a number of factors the Committee should consider in exercising its judgment as to whether to restore a veterinary surgeon to the Register such as:
- (a) Acceptance by the applicant veterinary surgeon of the findings of the Committee at the original Inquiry hearing;
  - (b) The seriousness of those findings;
  - (c) The protection of the public;
  - (d) The future of the welfare of animals in the event of the applicant veterinary surgeon being permitted to have his or her name restored to the Register;
  - (e) The length of time off the Register;
  - (f) The applicant veterinary surgeon's conduct since removal from the register;
  - (g) Efforts by the applicant veterinary surgeon to keep up to date in terms of knowledge, skills and developments in practice since removal from the Register (accepting that he or she must not practise as a veterinary surgeon);
  - (h) The impact on the applicant veterinary surgeon of having his or her name removed from the Register;
  - (i) Public support for the applicant veterinary surgeon.
25. The Committee accepts that the Applicant has fervently held views regarding his herbal discoveries. However, this Committee had significant concerns as to the Applicant's fitness to practise as a veterinary surgeon for a number of reasons.

26. The Applicant stated that he does not accept the basis of the original findings against him in 1994, stating that his premises were not open to the public at the relevant time. He was clear in oral evidence that he did not accept the conclusion of that Committee. This Committee had significant concerns regarding the Applicant's ability to practise safely because nearly twenty-five years have passed since he has been in practice and there is little, if any, evidence of keeping up to date with the knowledge and skills required to practise as a veterinary surgeon. The Applicant, worryingly in the Committee's view, did not accept that he was in any way deskilled by the passage of time. The evidence that the Applicant has provided showed limited interaction with other veterinary surgeons and there is no documented evidence of the discussions or structure of the meetings he had with veterinary surgeons in Europe. He described the meetings as "having a chat". There is no evidence of a prolonged and intense period of re-training by way of relevant study to demonstrate that a sufficient level of competence to return to practise has been achieved. In the absence of such evidence the Committee was of the view that there would be a serious risk to the welfare of animals if the Applicant was restored to the Register. Further it was a grave concern to this Committee that the Applicant demonstrated worrying attitudinal issues towards individuals of a different religion and his attitude to employing a minor when he knew it to be against the law. Such attitudes in the Committees view are incompatible with professional standards the public would expect of a veterinary surgeon. Finally, there is no evidence of public support for the applicant veterinary surgeon.
27. The Committee therefore concluded that the application should be refused.

**DISCIPLINARY COMMITTEE**  
**30 MAY 2019**