

Royal College of Veterinary Surgeons
Belgravia House
62-64 Horseferry Road
London SW1P 2AF

Eleanor Ferguson
Registrar, RCVS

Chloe Newbold,
Clerk to the Election Challenge Committee

21 August 2017

Dear Eleanor and Chloe,

Re: Lonsdale v RCVS – Challenge to the validity of the 2017 Council Election (“the Election”)

By letters dated 25 July 2017 and 6 August 2017, Mr Tom Lonsdale MRCVS has challenged the validity of the 2017 RCVS Council Election. He was an unsuccessful candidate at the Election. The grounds for the challenge to the validity of the election appear to be contained in sections 1-4 on pages 8-11 of the letter dated 6 August 2017. The procedure to be followed in the event of a challenge is set out in paragraph 24 of the RCVS Council Election Scheme 1967, as amended in 2006 (“the Scheme”).

Following receipt of the challenge, in accordance with paragraph 24(3) of the Scheme, Professor Stephen May, Junior Vice-President of the RCVS, appointed three members of the Council, who are not elected members, to constitute the Challenge Committee (“the Committee”), which is to determine whether or not the Election was void. They are the same three members appointed to determine the separate challenge to the validity of the Election by Mr. Davies, namely Elaine Acaster, Richard Hammond and James Wood.

Mr Lonsdale has since 1991 been conducting a public campaign based on his belief that the poisoning of pets (impairing health or occasioning premature death) by the junk pet-food industry in collusion with the veterinary profession, represents unconscionable animal cruelty. He claims that the sale of harmful products, portrayed by most vets as being beneficial for animal health and welfare, is in his opinion a fraudulent activity and a criminal offence. In his letter dated 25 July 2017, Mr Lonsdale states that he has levelled these allegations against the British veterinary schools, the RCVS, the BVA, and the BSAVA. He then states *“Accordingly, and for the removal of any apprehension of bias whether actual or perceived, I believe that no member of those universities or organisations should sit on the Challenge Committee.”*

My advice is sought as to how the College should proceed in relation to the constitution of the Committee in the face of this wide-ranging objection from Mr Lonsdale.

The Scheme Rules require that the Committee shall consist of three members of Council who are not elected. It would appear that Mr Lonsdale is objecting to anyone who is a member of the RCVS, and particularly anyone who is a member of the Council of the RCVS, or of any of the other bodies mentioned above. If the objection were to be accepted, it would be impossible to constitute the

Committee from three members of the Council who are not elected, as required by the Scheme. My advice is that such an objection should be rejected.

In these circumstances, it will be a matter for individual members of the Committee to consider their individual positions relating to any conflicts of interest, which might lead to an appearance of actual or apparent bias.

The test to be applied when each member of the Committee decides whether or not it is necessary to recuse him/herself is as follows:

“The question is whether the fair-minded and informed observer, having considered the facts, conclude that there was a real possibility that the tribunal [in this case the member of the Committee] was biased” (Lord Bingham in *Porter v Magill* [2002 2 AC 357]).

However, as it stands, Mr Lonsdale has not presented information to suggest that any conflict of interest would exist with any of the individual members of the Committee.

I suggest that the two letters of 25 July and 6 August are sent to the members of the Committee, with a copy of this advice. They should be asked to consider whether they are aware of any matters which would lead them to think that they had a conflict of interest in sitting on the Committee to decide the challenge by Mr Lonsdale. If they do, such matters should be disclosed to the other members of the Committee and to me as Legal Assessor. They can take advice, if necessary.

If there is no evident conflict of interest, I advise that Mr Lonsdale be told that the Committee has considered his objection contained in his letter of 25 July, and does not consider that any conflict of interest exists. If he has any specific basis for suggesting that there is a conflict of interest with any individual member of the Committee, he should provide relevant details and reasons to the Clerk.

It would then be for the Committee as a whole to decide the issue, having taken advice from the Legal Assessor.

Richard Price OBE QC
Legal Assessor

21 August 2017