

FARRIERS REGISTRATION COUNCIL
DISCIPLINARY COMMITTEE
HELD AT THE FARRIERS REGISTRATION COUNCIL, 14 SWAN COURT, FORDER WAY,
CYGNET PARK, HAMPTON, PETERBOROUGH PE7 8GX (13 & 14 MAY 2025)

HELD BY VIDEOLINK (3 & 4 SEPTEMBER 2025)

INQUIRY RE:

MR STEPHEN GRAHAM GARDINER

1. THE CHARGE

1.1 *“That, being registered under the Farriers (Registration) Act 1975 (as amended) (“the Act”) and in respect of the stallion cob known as Bimbo:*

- (i) You were convicted on 16 August 2023 at Lanark Sheriff Court of an offence under section 24 of the Animal Health & Welfare (Scotland) Act 2006 which was that*
 - a. Between 29 May 2020 and 1 June 2020, both dates inclusive, at Hargreaves Land Site, Ayr Road, Ravenstruther, Lanarkshire, you STEPHEN GARDINER being a person responsible for an animal, namely a horse named Bimbo, in terms of the aforementioned Act did fail to take such steps as were reasonable in the circumstances to ensure that the needs of an animal for which you were responsible were met to the extent required by good practice in that you did fail to provide adequate hydration for said horse; and*
 - b. for which offence you were fined £800 with a £40 victim surcharge.*
- (ii) During the period on or around May to June 2020 you allowed:*
 - a. the development of severe chorioptic mange leading to chronic (long-term), suppurating palmar pastern dermatitis on both forelimbs, with the development of infection and permanent skin changes*
 - b. the development of moderate chorioptic mange on the plantar pastern regions of both hind limbs*
 - c. the development of thrush in all four feet*
 - d. all four hooves to overgrow*
- (iii) In respect of (ii) a and b above, you caused unnecessary suffering to Bimbo*
- (iv) In respect of (ii) a above, you failed to obtain veterinary attention;*
- (v) As a result of your actions at (ii) a, and (iv), Bimbo was euthanised in March 2022*

And in relation to the facts alleged you are guilty of serious misconduct in a professional respect.”

THE HEARING

- 1.2 A meeting of the Disciplinary Committee of the Farriers Registration Council (FRC) was convened on 13 May 2025, and for the following day, to hear the charge. Ms Catriona Watt appeared on behalf of the Council, and the Defender was absent.

Applications to adjourn

- 1.3 Ms Watt informed the Committee that there had been recent communication from the Defender, and it was now her position that the commencement of the hearing should be postponed to accommodate him. Ms Watt explained, having regard to the correspondence, that there had been limited communication from or on behalf of the Defender leading up to the hearing. She referred the Committee to the documentary evidence relating to the attempts, by her, to establish a dialogue with the Defender.
- 1.4 The Committee was informed that there would be reference to the Defender's health and accordingly determined, having heard and accepted the advice of the Legal Assessor, that the hearing should move into private session if and when health matters were raised.
- 1.5 The Committee was invited to have careful regard to the correspondence sent by FRC to the Defender. A number of letters were sent by FRC to the Registrant seeking information from him. FRC received no direct response from the Registrant. Although attempts have been made to contact the Defender by telephone such calls have been sent to voice mail. By email dated 23 July 2024 FRC was contacted by the Court Department of M and Co, Solicitors, Glasgow. They indicated that they were representing the Defender and sought an extension of time in which to reply to the complaints that had been raised. They were given until 3 September 2024. No response had been received by FRC. On 10 September 2024 FRC contacted both the Defender and his Solicitors by telephone. Both calls concluded with the caller being sent to voice mail.
- 1.6 The hearing for this charge had first been listed to commence on 16 January 2025. Ms Watt's office was contacted by the Defender on 14 January 2025. He requested that Ms Watt call him back. When Ms Watt returned the call, she was informed that the Defender wished to defend the charge but that he was unable to instruct his solicitor. Later that day the Defender sent Ms Watt an email in which he said:
- 'Thank you very much yes I have contacted through my insurance a legal team and hopefully I have a call back within 48 hrs as soon as I have spoke with them I will email you.'*
- 1.7 On the following day a written application was submitted to the Committee Chair by Ms Watt, as Solicitor for the Council, for the hearing to be postponed. The application dated 15 January 2025 was granted by the Chair that day and, in his written determination he requested that the case be relisted as quickly as possible as it was in the public interest to do so.
- 1.8 By letter dated 25 January 2025 Ms Watt sent a recorded delivery letter to the Defender requesting that he provided her with details of his newly instructed Solicitors in order that contact could be made. If he did not yet have or was not going to have new solicitors representing him and he would be self-representing, he was told that he must also advise Ms Watt of this. The letter gave advance notice that the postponed Disciplinary Committee hearing would take place on Tuesday 13th and Wednesday 14th May 2025 at the offices of the Farriers Registration Council in Peterborough.

- 1.9 Formal Notice of hearing was served on 18 March 2025 and, despite reminders being sent by email dated 14 April 2025 and a formal recorded delivery letter dated 25 April 2025 there was no further contact.
- 1.10 Ms Watt continued to hear nothing from the Defender. The day before the hearing she received a call from a Ms A saying she was a relative of the Defender and had been asked by his parents to call her to seek a postponement of the hearing on the basis that the Defender had health issues arising from this case due to alleged 'bullying' of him by the SSPCA. Ms A said she would be trying to get medical evidence for the Committee. She said it would not be fair to proceed with the hearing in such circumstances. Ms Watt then sent an email to Ms A asking her if she intended to appear; whether it would be by video link and whether she would be providing medical evidence.
- 1.11 Shortly afterwards Ms Watt received a call from KN, the Defender's former partner. She informed Ms Watt that she wished to be a witness. Ms Watt said that she needed to send an email about her potential involvement in the case. Ms Watt then heard from Ms N that she does wish to attend and will attend by video link to give evidence on behalf of the Defender.
- 1.12 The Defender's position then changed on the morning of the first day of the hearing. Ms Watt received an email, that morning, timed at 06:09am. The Defender informed Ms Watt that he would be able to make the hearing but that he would only be able to attend by video link after 2pm. He cited a number of reasons for doing so. Some were private. One reason was that he needed to go to a friend's house as he did not have the use of a laptop himself.
- 1.13 Ms Watt submitted that the Council did not oppose the Defender's application for the hearing to be postponed till 2:00PM. She submitted that, having regard to the relevant case law, the Council recognised that any reviewing Court would consider that the interests of justice favoured commencing the case at a later time. She explained that this would entail a change in the order of witnesses. She also submitted a document, on behalf of the defender, namely what appeared to be a draft expert Veterinary Report from MS for the Sheriff Court criminal case. Although it was, strictly speaking, the responsibility of the Defender to produce the document, production by the FRC would save time.
- 1.14 The Committee heard and accepted the advice of the Legal Assessor and retired to consider the application. The Committee formed the view that it was in the interests of justice for the hearing to be postponed until 2pm that day as this would also provide Ms Watt an opportunity to discuss the Defender's expert report with the Council's witnesses.
- 1.15 The Chair announced the decision on postponement. Following this decision being announced Ms Watt informed the Committee that there had been a more recent development. She indicated that she had received an email from the Defender which had been forwarded to her at 9:30AM. The Defender sought a postponement of the hearing for a far longer time period based on different grounds.
- 1.16 The Defender's next request for an adjournment was based on an allegation that there had been serious breaches of confidentiality and data protection by the Council in respect of his personal data. He stated that this premature disclosure may have influenced perceptions, prejudiced the process, and compromised his right to a fair hearing. He indicated that he would be escalating the matter to the Information Commissioner's Office.
- 1.17 Although he supplied no date for a resumed hearing, he submitted that the case should not be relisted '*until this matter is properly investigated and resolved*'.

1.18 Ms Watt invited the Committee to refuse the application and that the hearing should recommence at 2pm. She explained that, since there was a public interest in the activities of the Council as a regulator, notices of disciplinary hearings would be posted in advance of the hearing. The notice of hearing was published on the FRC website in accordance with usual practise in order that any interested party could consider whether to attend or not. She drew to the attention of the Committee an email dated 14 April 2025 which she sent to the Defender in which she said:

‘The charges against you will be appearing on the FRC’s website on 29th April, ahead of the hearing of the Disciplinary Committee. Please can you advise on the points (a) –(e), above, in writing by email reply to this email in order that the FRC and the Disciplinary Committee can be advised as to your attendance and representation.’

1.19 Ms Watt informed the Committee that, following this email, she received no objection to this course of action from the Defender.

1.20 Ms Watt concluded by submitting, under reference to the case of *R v Hayward Jones and Purvis [2001] 1 QB 862 (CA)*, that one of the factors that the Committee should take into account was the behaviour of the Defender.

1.21 The Committee heard and accepted the advice of the Legal Assessor. He invited the Committee to consider whether the existence of a dispute of this nature would be seen to prejudice the decision making in this case. He also invited the Committee to have regard to the fact that what was requested was a postponement until this separate dispute was resolved. In the event of civil litigation this could take several years.

1.22 The Committee had regard to the Defender’s application and decided to refuse it. It did not consider that this issue was relevant to the matters that it had to deal with. It was not in the interests of justice that the hearing should be postponed to a date far in the future. There were witnesses who would be further inconvenienced and, in any event, there was a public interest in the expeditious disposal of the case. The Committee determined that this case should open at 2pm.

1.23 Following the announcement of its decision it was confirmed by Ms Watt that she would contact the Defender and inform him of the result.

1.24 When the hearing reconvened at 2pm the Defender attended remotely.

READING OF THE CHARGE

1.25 The charge was read by Ms Watt.

1.26 The Defender was asked if he objected to the charge. It became clear to the Committee that his submissions, on this issue, involved a defence on the merits and not an objection on the grounds of competency or relevancy.

1.27 Following the reading of the charge the Defender informed the Committee that he admitted the first part of the charge, namely his conviction at Lanark Sheriff Court on 15 June 2023.

1.28 As a result, the Council required to prove the remaining facts alleged but it was open for him to disprove the facts behind his conviction.

BACKGROUND TO THE CHARGE

- 1.29 On 19 June 2023 the FRC was first contacted by HL (the Complainer) a Chief Inspector with the Scottish Society for the Prevention of Cruelty to Animals (SSPCA). This was followed up with a complaint form which was completed by the Complainer on 21 August 2024. The Complainant said the following:

'On the 15th June 2023, Stephen Gardiner appeared at Lanark Sheriff Court and plead guilty to a charge under Section 24 of the Animal Health and Welfare (Scotland) Act 2006 in that "Between approximately 29th May 2020 and 1st June 2020 both dates inclusive Stephen Gardiner, being the owner and person responsible for an animal did cause said animal, namely, a black cob type Stallion, unnecessary suffering in that he did fail to provide an adequate supply of fresh clean water"

His cob, along with 2 others that Gardiner had some responsibility for were left unattended within a field which they did not have permission to use for a period of at least 4 days without anyone attending, checking on them or providing them with water. The Scottish SPCA provided water until the decision was made to remove them from this field to ensure their well-being.

Stephen Gardiner and his cob are well known to the Scottish SPCA and on several occasions the Scottish SPCA have had to either provide water or contact Stephen Gardiner for him to provide water.

All 3 cobs were examined by a Veterinary Surgeon and Stephen Gardiner's cob found to have a severe skin complaint of all 4 limbs (once feathers removed) This cob was treated for several months but was euthanised on welfare grounds as he could not be kept pain free. The charge relating to this was accepted not guilty as part of the plea bargain which resulted in Stephen Gardiner pleading guilty to this charge only.'

- 1.30 The Defender has not provided a formal response to the complaint.
- 1.31 In an email dated 23 July 2024 from M and Co it was stated that the Defender '*disputes the conviction and the surrounding facts as presented in the complaint.*'
- 1.32 In his telephone conversation with Ms Watt on 14 January 2025 it was noted, by Ms Watt that:
- 'SG talking about the evidence in the case and saying a lot of that is hearsay. He would be disputing a lot of the allegations, saying it is a story and malicious communications. SG saying he had never owned Bimbo and was never responsible for Bimbo. SG saying his ex-partner contacted the SSPCA to say it was her horse. There were two other horses in the field, and they were not owned by him either. SG saying he is more than happy to a hearing by video link but would want legal representation. SG saying all he wants is a fair hearing and input. SG saying he has an email showing who owned the horse which was called Bimbo N.'*
- 1.33 By email dated 13 May 2025, timed at 6:09 he wrote to Ms Watt. He explained that he disputed items 1 and 3 'as the Court found these allegations to be unfounded'. He further explained that he '*entered a plea on item 2 solely because I was not present at the time of the alleged incident and was unable to comment either way.*'
- 1.34 The Committee understood that the Defender was referring to the Criminal Charges that were brought against him and not the Charge he was facing before his regulator. In the Criminal Charge it was alleged, in order, that he contravened Sections 19, 24 and 29 of the Animal Health and Welfare (Scotland) Act 2006. Of these three separate charges he pleaded guilty to the second charge.

EVIDENCE

- 1.35 Following Ms Watt making oral opening submissions, to supplement her written opening submissions, there was video evidence from LC, BVMS, MRCVS, Head of Equine Practice at the Royal (Dick) School of Veterinary Studies, University of Edinburgh, and the Complainer. In addition, video evidence was provided by TD of the Scottish Society for the Prevention of Cruelty to Animals (SSPCA).
- 1.36 The Committee first heard live evidence by video link from LC, Senior Lecturer in Equine Practice at the University of Edinburgh and Head of Equine Practice at the associated Veterinary Practice. She confirmed that she had a good understanding of what farriers do, having worked closely with farriers, usually in a good close working relationship.
- 1.37 Since the SSPCA centre in Scotland is in Balerno, which is about 20 minutes from her practice she and her colleagues are usually called out as the vets for the welfare centre in Balerno.
- 1.38 In respect of this case, she responded to the call out from the SSPCA in relation to Bimbo. She saw Bimbo on 2nd June 2020. He had been removed on the previous day due to lack of water along with other horses. Because Bimbo was a stallion the SSPCA could not accommodate him at their Balerno premises and so private premises were used to accommodate him.
- 1.39 Following her examination of Bimbo she wrote a report dated 15 June 2020. When she examined Bimbo on 2nd June, she found him to be in general good body condition, he was bright, alert, and responsive. Her initial thoughts were that he looked well. She then conducted a thorough clinical examination and found the only real concern was his legs.
- 1.40 In her report, of 15 June 2020 she stated that, among the concerns, were:
- Severe, chronic (long-term), suppurating palmar pastern dermatitis on both fore limbs, probably due to chorioptic mange initially but now with secondary bacterial infection and permanent skin changes (see further detail below)
 - Moderate chorioptic mange on the plantar pastern regions of both hind limbs
 - Stamping of all four limbs intermittently during examination
 - Hooves overgrown and breaking off in sections
 - Thrush in all four feet
- 1.41 She went on to say in that report:
- ‘The most significant welfare concern on clinical examination was the severe pastern dermatitis present on the forelimbs. This is highly likely to have developed from chorioptic mange, which is caused by the burrowing mite *Chorioptes equi*, and is very common in heavily feathered and thick-skinned horses. In addition, the lesions on the hind limb pasterns were typical of *C.equi*, as was the stamping due to pruritis (itching). It was not possible to see the lesions without lifting the hair, but it would be extremely difficult to carry out routine foot care, such as hoof-picking or trimming, without noticing the malodour and exudate present. Stamping of the feet should also alert a carer to the possibility of a skin problem on the limbs. The forelimb lesions were extensive and chronic, with areas of hyperplastic skin tissue, skin folds, widespread haemorrhagic folliculitis, and deep pyoderma. This condition is painful on palpation but generally does not cause lameness. Some of the skin changes will be permanent. Our treatment was aimed at controlling the parasite infestation and secondary bacterial infection, but long-term careful management will be essential. Chorioptic mange can be a difficult disease to manage, and a cure is rarely achieved, but in this case, there was no visible evidence that the owner had attempted to treat or manage the condition. This would, in my opinion, represent a significant welfare concern because unnecessary suffering had been caused over many months, and possibly years, by failure to seek veterinary advice.’

1.42 In her witness statement to this Committee she said:

'I consider there was a point for seeking veterinary treatment earlier before the condition became severe and which could have changed the outcome for Bimbo. This is the case even though these are difficult conditions to manage, but in my 25 years of working with horses I do not recollect euthanising a horse for chorioptic mange apart from Bimbo. This is the worst case I recall seeing. I do recall seeing a couple of Clydesdales in the past with the thick skin and feathers who needed intensive treatment. In those cases, it was the owner who contacted for treatment and did not need euthanised...'

'...The chronicity of the problem matters. If you can get it in the early stages there are less consequences for the anatomy of the legs. By the time I saw Bimbo the skin

'...It was very sad to have to euthanise Bimbo but I was comfortable with the decision. Everyone involved in looking after him and had tried very hard, but when there is no end point, regular sedating and treatment of that level of intensity is unacceptable. It is painful for the horse in long term and with no hope of it going away. I would say Bimbo had to be euthanised because his condition was so severe when I got to treat him....'

In cross examination Ms C was asked whether 'this was a chronic disease or a flare up'. She responded by saying that it was both. The fact that the horse was managed for two years would prove that it was a chronic condition. Within that two year period there were multiple flare ups. It was unlikely that being stabled would cause or intensify flare ups. This was not a situation where he had good or bad months. The condition was always present. The horse's feathers were primarily kept clipped. They trialled not clipping them but the dermatitis returned. Bimbo was stabled and never returned to fields. By the time she saw Bimbo there were no Covid restrictions on her practice and she had returned to routine work. She had returned to routine work prior to 18 May.

Wednesday 14 May 2025

- 1.43 The day commenced with the Complainer providing evidence by video link. She referred to her witness statement, dated 29 November 2024 which represented her main evidence.
- 1.44 In respect of charge one she explained the workings of the Scottish Legal System. The SSPCA is a specialist organisation that does not report to the police. If the SSPCA considers that there has been a breach of the Animal Health and Welfare (Scotland) Act 2006 it reports directly to the prosecuting authority, the Crown Office and Procurator Fiscal Service (COPFS).
- 1.45 In her live evidence she confirmed that she had known the Defender since around 2008/2009. She recalled that she had specific dealings with the Defender and Bimbo not long after he had purchased the horse. Bimbo had escaped from his field, and he ended up being in a field of mares in another property. The Defender turned up to collect Bimbo while she had attended the field. The SSPCA had been asked to attend and move the horse. At that time, when he had collected Bimbo, the Defender claimed the horse was his. In cross examination she agreed that the Defender had paid the vets bill for the Clydesdale mares. It was suggested that the date of this incident was 2017 but she was not asked to confirm this date.
- 1.46 Some time later, the SSPCA received a complaint of horse neglect on its helpline. The Complainer investigated the complaint by attending at a field situated by a Quarry at Ravenstruther, Lanarkshire on 29 May 2020. She found 3 horses, one of which was Bimbo. They were unattended and in need of water. 140 litres of water were supplied. She filled 4 drums of water having brought one herself. She left a notice of abandonment at the gate. The notice contained a warning that, if the owner did not get in touch with the SSPCA within 24 hours, the horses would be removed. The Complainer returned the following day and added a

further 60 litres of water. She did so again on the following day. On Monday, 1 June 2020, the notice had still not been picked up. The Complainer returned later that day, with colleagues, and removed the horses. She noticed a foul smell when she was leading Bimbo back to the gate. It was very strong, and she did not know where it was coming from. She attributed it to a dead animal.

- 1.47 Whilst the horses were being transported to an equine facility the Defender and another man visited the Complainer at her home address. They were angry and tensions were high. He demanded the return of Bimbo to the Defender. The Complainer explained that the horses had been taken to a place of safety and that the SSPCA would be in touch with them. The two men then left.
- 1.48 It became apparent to the SSPCA that Bimbo needed to be examined by a vet. Bimbo was examined by Ms C on 2 June 2020. The two colts were rehomed as the SSPCA had no knowledge of who owned them.
- 1.49 The Complainer contacted the owner of the land who informed her that the horses that were grazing there were on the field without permission of the owner. The land was owned by a local quarry, and it was unsuitable for the horses. There was heavy machinery coming in and out as well as lorries. Other materials were stored there.
- 1.50 The field had no obvious water supply of fresh water which was required at all times. Any water would have to be brought in. In a field such as this the animals would have to be checked at least on a daily basis. The person bringing in the water would have to have had an arrangement with someone who had a tap nearby. Whilst grass contains moisture it will contain less moisture during dry weather.
- 1.51 It was the Complainer's recollection that when she brought water to the field the three horses drank for a long period of continuous drinking. She was shown photographs and confirmed that the grass, in the photographs appeared yellow and therefore dead. On the face of the photographs, they were timed at 29 May between 12:07 and 12:25.
- 1.52 In light of Ms C's findings, a report was prepared by the SSPCA and submitted to COPFS. The Defender was prosecuted. The Defender failed to attend Court, and the trial did not go ahead on earlier dates. Warrants were issued for his arrest. The Defender pled guilty to the charge set out in charge 1. The Complainer was aware of his conviction and spoke to it. In any event the Committee were provided with an Extract Conviction Report from Lanark Sheriff Court. The Report discloses that on 16 August 2023 the Defender was convicted of Charge 2 – a contravention of *Section 24 of the Animal Health and Welfare (Scotland) Act 2006*. He was fined £800 and had to pay a victim surcharge of £40.
- 1.53 In cross examination the Complainer confirmed that she knew KN. She was not aware of the identity of the owner of the other two horses.
- 1.54 In re-examination she confirmed that it was more likely to have been in 2017 when Bimbo was found in a field with Clydesdale mares.
- 1.55 The Committee next heard live videolink evidence from Ms D an SSPCA Inspector.
- 1.56 She attended at Hargreaves Land site in Ravenstruther on that date with her colleague the Complainer and was asked to attend to help transport horses who were removed under section 32 of the Animal Health and Welfare Scotland Act 2006. One of these was the black cob stallion known as Bimbo.

- 1.57 She was present on the 2nd of June 2020 when Ms C, veterinary surgeon attended to examine Bimbo. During examination it was noted he was in good body condition and was bright and alert. However, it was noticed throughout the examination that Bimbo was stamping, indicating that he was uncomfortable. On closer observation all four of his heels were sticky and infected, with a foul smell coming from the discharge. His hooves were in poor condition; they were overgrown and had thrush. Bimbo's feathered legs were clipped to allow air to circulate and to help treat the 'awful' infection.
- 1.58 At the examination on 2nd June 2020, Ms D took a video and several photographs of Bimbo's legs. She confirmed that she took the four photographs of Bimbo's legs as well as a video which were produced for the Committee.
- 1.59 During Bimbo's time within the care of the Scottish SPCA she was present at many of Ms C's examinations of him. During initial treatment an improvement was seen, however, once treatment was completed his legs very quickly became infected again. Multiple swabs were taken to ensure the correct antibiotic was prescribed but again this would only help for a very short period of time. Eventually it was decided that, on welfare grounds, Bimbo should be euthanised to prevent further suffering.

Defender's case

- 1.60 The Defender began by adducing the evidence of MS by video link. Ms S is a retired Veterinary Surgeon who was instructed to assist in the Defender's defence in the criminal case. Ms S first became involved in November 2022. She informed the panel that she had requested to see meta data relating to photographs that were being used in the criminal proceedings. She also requested to see Bimbo. She had no direct contact with the Procurator Fiscal. All requests were made to the Defender's Solicitor. She believed that replies may have been made by the Fiscal. It was unusual for her not to receive meta data. She went on to complain about a lack of other information such as how Bimbo was transported prior to veterinary examination. There was a concern regarding the presence of straw. She was unable to comment on the appropriateness of the treatment without knowing what further investigations had been conducted.
- 1.61 During the course of her evidence the Defender asked Ms S about the effect of Bimbo being transferred to be examined by a vet instructed by Ms N. Ms Watt objected to the line of questioning on the basis that there had been no prior notice of such an examination being carried out. The question was allowed on the basis that Ms Watt would be provided with an opportunity to make further comment on the matter in summing up. Ms S was unable to comment and stated, *'my purpose as an expert witness in the case is to help the defence ask the right questions at the right time, and this has not been allowed at this hearing.'*
- 1.62 Ms Watt interjected to state the FRC's position:
- Ms S is a witness for Mr Gardiner who provided a report to Mr Gardiner's Solicitor in the criminal case
 - That report has been provided for these proceedings for whatever relevance and information there may be
 - She is not an expert witness for the purposes of these proceedings
- 1.63 When asked further questions she observed that there were questions that should have been asked regarding the criminal prosecution. She considered that it was unfair that the trial concluded with a plea bargain.
- 1.64 In cross examination she accepted that she was instructed after Bimbo was euthanised. She was asked if she was disputing the diagnosis of Ms C. She replied by commenting on the presence of CPL (Chronic progressive lymphoedema).

- 1.65 The next witness called was KN, former partner of the Defender. Prior to her taking the oath, it was suggested that she may be about to give evidence to the effect that she was the owner of Bimbo at the material time. The Legal Assessor warned her that she need not say anything that may incriminate her and need not answer any question that might involve her admitting a criminal act. She informed the Committee that she had sought legal advice on this issue and 'that it is not a problem at all.' She was affirmed following that discussion.
- 1.66 She informed the Committee that on 29 May she visited Bimbo at the field he was being kept. It would have been about 11am. She explained that 'we took advantage of this field during the lock down season.' She described carrying water containers from her car, over the fence and filling up the water. She was with her and the Defender's son. They gave the horses carrots and apples and left having taken photographs. At no time did she see cards left by the SSPCA. She entered the field by the gate which was the only entrance.
- 1.67 She said that she was heartbroken to discover that Bimbo had been removed. She telephoned the SSPCA but received no response.
- 1.68 Ms N informed the Committee that she would not use the Defender as a farrier and had a very big support network who looked after Bimbo. The Defender only became involved when Bimbo was seized, and she was getting nowhere with the SSPCA. She complained of SSPCA harassment.
- 1.69 Ms N said that Bimbo first was on the field 'with my own horse' but she sold it. A family friend approached and asked if his two young horses could also use the field. She described the family friend as 'a very lazy boy' and it was not the first time he had been in trouble with the SSPCA. She was under the impression that the field belonged to a friend of hers.
- 1.70 She would fill barrels of water at home and transport them to the field. The gate was locked so she would 'hoof' them over the fence.
- 1.71 In cross examination she denied that there was an overlap between her visit and the Complainer. The Complainer said that she was in the field on 29 May from around 11am to 11:20. She described the Complainer as untrue and untrustworthy. She said that the SSPCA knew that she was the owner of Bimbo but were 'witch-hunting' the Defender. When asked to explain why there were complaints of neglect concerning Bimbo, she attributed it to a witch hunt that started when the Defender's registration, as a Farrier, came through. He was taking work from other Farriers, and the complaints would be from anonymous sources.
- 1.72 Ms N then denied that Bimbo was her horse. She stated that Bimbo was her son's horse but, since her child could not be the legal owner, she was the legal owner of him. She had never asked the Defender to check on Bimbo. Bimbo was checked by a farrier regularly – eight to twelve weeks for his trims.
- 1.73 Ms N informed the Committee that she was also present when Bimbo escaped and was found in a field with mares. She went to see Bimbo that evening, but the Defender had to drive her there as she had a broken shoulder.
- 1.74 Ms N denied that the Defender was ever responsible for providing water and did not accept the contents of a letter, dated 12 May 2025, provided by the Defender's Solicitor to Ms Watt, where it was said that the Defender travelled to work thinking that all steps for the care of 'his horse' were in place during his absence.
- 1.75 Ms N informed the panel that although there was a witch hunt by SSPCA staff she had a high opinion of Ms C.

Application to discharge the resuming hearing.

- 1.76 By email dated 21 August 2025 the Defender made an application to postpone the resumed hearing set down for 3 and 4 September 2025. This was partly as a result of him being contracted to provide Farrier services at Hamilton Race Course. There was an evening race meeting on 3 September 2025. The application to postpone the hearing was refused by the Chair who provided a detailed written decision.
- 1.77 Following receipt of the Chair's decision the Defender made a further request for postponement on the basis that he should be excused attendance for the first day from 3.30pm onwards.
- 1.78 The Chair granted that application on the basis that the Defender would be ready to start the hearing at 9.30am on 3 September 2025.

3 September 2025

New Documents

- 1.79 At the start of the resumed hearing Ms Watt applied to have an additional Bundle of Documents admitted into evidence. She submitted that the addition of these documents, at this stage, was justified on the basis that the issues raised by Mr Gardiner were not foreshadowed. It was necessary to produce excerpts from the Complainer's notebook where she recorded her attendance on 29 May 2020 and 30 May 2020. In addition, there was a further photograph of Bimbo taken by Ms D on 2 June 2020 whilst Ms C was examining Bimbo. The photograph was full length.
- 1.80 The Defender made no formal objection to the introduction of this evidence and observed that during live evidence an observation was made that only microchip identity would produce conclusive proof. So far as he was aware the photograph had not been produced in Court.
- 1.81 The Committee retired to consider the application having heard and accepted the advice of the Legal Assessor. It noted that there had been no formal opposition to the introduction of this evidence. The Committee determined that it would be relevant and fair to admit it. Since the provenance of these documents was attested by emails it could see no purpose in requiring the attendance of any witness to confirm their provenance.

Defender's submissions

- 1.82 The Defender indicated that he wished to make submissions rather than provide live evidence under oath or affirmation.
- 1.83 Prior to making his submissions he provided the Committee with a number of documents in support of his submissions as well as a written outline of his submissions.
- 1.84 The documents produced were:
- A lease agreement for a field where 'I kept my own horses'
 - 'Veterinary records for my horses'
 - Text message exchanges 'between myself and the veterinarian'
 - Text messages from KN dated 15 November 2022 'in which she confirmed ownership of Bimbo'.
- 1.85 In his written submissions he said that it was 'deeply concerning' that the SSPCA misled the Court and FRC by stating that 'all four charges were upheld'. In reality only one charge had

been upheld. He submitted that despite Ms N's ownership and involvement the SSPCA failed to disclose the facts to the Court. He reiterated his opinion that the SSPCA had harassed him.

- 1.86 When asked, by the Committee, to explain why he thought there were four charges which were upheld he said that this was his reading of the notice of the Charge that had been posted on the Council's website.
- 1.87 When asked by the Committee why he had paid for the vet's bills, that arose when Bimbo was found in a field with three mares, he said that he paid it at that time because he and Ms N were together.
- 1.88 When asked by the Committee why his Solicitor had twice referred to Bimbo as his horse, in a letter written to Ms Watt, the Defender replied stating that position had been misrepresented by his Solicitor in that letter. He went on to complain about the handling of his criminal case. He said that he had telephoned his Solicitor and provided details of witnesses who could confirm that he was not the owner; that Ms N had telephoned the Solicitor to say that she was not the owner but that nothing was done. His position was that he was pressurised into accepting a plea on the understanding that a guilty plea on the water charge would not affect his future practice.

Submissions

- 1.89 The Committee was provided with full written submissions by Ms Watt in which she invited the Committee to find all of the facts proved.
- 1.90 The Defender invited the Committee to find none of the facts proved on the basis that the starting point was that he was never the owner nor was he responsible for Bimbo. He expressed deep regret at the outcome of events for Bimbo but stated he was not responsible.

2. DECISION OF THE DISCIPLINARY COMMITTEE ON THE FACTS

- 2.1 Following submissions on the facts the Legal Assessor reminded the panel that the burden of proof was with the FRC and that the standard of proof was on the balance of probabilities. He referred the Committee to the case of *R (Dutta) v GMC [2020] EWHC 1974 (Admin)* on the modern guidance and caselaw surrounding the relevance of assessing a witness' credibility and reliability in finding facts.
- 2.2 The Legal Assessor also informed the Committee that although the burden of proof was generally on the FRC if the Committee was satisfied that the Defender had been convicted the burden of proof would shift in respect of the facts of the first allegation. Although there is no direction in the rules the Committee should have regard to the Scottish Law of evidence. This should be implied because a right of appeal is to the Court of Session. In any event *Section 10 of the Law Reform Miscellaneous (Scotland) Act 1968* appears to be not materially different from *Section 11 of the Civil Evidence Act 1968* which applies South of the border. The effect of this legislation is that once a party has been convicted there is a presumption that the party convicted is taken to have committed the offence in question unless the contrary has been proved. This is particularly so having regard to a conviction where a plea of guilty has tendered.
- 2.3 The Legal Assessor invited the Committee to have regard to the decision in *Cameron v Swan 2022 SC 1* and, in particular, paragraph 65.

'The tendering of a plea of guilty was a very significant formal step for the first defender to take. It amounted to a clear and unequivocal judicial admission that his negligence had been the cause of the injuries to the pursuer.'

2.4 The Legal Assessor advised that the burden of proof rested with FRC for the remaining charges. These proceedings had different evidential standards to a criminal court where matters had to be proved beyond reasonable doubt and with the requirement of corroboration. In these proceedings there was no requirement for corroboration, and the standard of proof was on the balance of probabilities.

2.5 The Legal Assessor also advised the panel that in light of the case of *Kennedy v Cordia Services [2016] 1 WLR 597* the Committee had to consider:

- Whether expert evidence was required to determine any of the factual issues
- Whether the expert had the necessary knowledge and experience
- Whether the expert was impartial in their presentation and assessment of the evidence and
- Whether there was a reliable body of knowledge to underpin their evidence

2.6 The Committee began by considering each charge in turn.

2.7 Charge 1

"That, being registered under the Farriers (Registration) Act 1975 (as amended) ("the Act") and in respect of the stallion cob known as Bimbo:

You were convicted on 16 August 2023 at Lanark Sheriff Court of an offence under section 24 of the Animal Health & Welfare (Scotland) Act 2006

- Between 29 May 2020 and 1 June 2020, both dates inclusive, at Hargreaves Land Site, Ayr Road, Ravenstruther, Lanarkshire, you STEPHEN GARDINER being a person responsible for an animal, namely a horse named Bimbo, in terms of the aforementioned Act did fail to take such steps as were reasonable in the circumstances to ensure that the needs of an animal for which you were responsible were met to the extent required by good practice in that you did fail to provide adequate hydration for said horse; and***
- for which offence you were fined £800 with a £40 victim surcharge.***

(Proved)

2.8 For the avoidance of doubt, it was not in dispute that the Defender is a registered farrier. The issue, before the panel, did not involve ownership but whether the Defender was responsible for the care of Bimbo at the relevant time. The wording of the criminal charge, that he pleaded guilty to made it clear that he was not charged on the basis that he was an owner he was charged on the basis that he was the *'a person responsible for an animal.'*

2.9 The Committee accepted the evidence of the Complainer that the Defender was responsible for the care of Bimbo. The Defender had visited the Complainer at her house, shortly after Bimbo was taken into care, and asked for Bimbo to be returned to him. It also admitted that the Complainer had prior dealings with the Defender and understood, from those dealings, that the Defender was the owner of Bimbo as well as being responsible for his care.

- 2.10 There was an earlier incident when Bimbo escaped to a field which contained three mares. It is not in dispute that the Defender arrived at the field where Bimbo had been found. In addition to moving Bimbo, he paid the vet's bill for the examination of the three mares. The Defender accepts that all of these things happened. The only issue in dispute was when it happened. The Complainer accepted that this was probably in 2017 and not the earlier date that she had initially suggested.
- 2.11 The Committee considered that the evidence, of responsibility, was corroborated by Mr M, the Defender's Solicitor, in a letter dated 12 May 2025. The letter was written to Ms Watt. He explained the background to the charge in respect of which he submitted a guilty plea. It was said that the Defender had travelled to work *'thinking that all steps for care of his horse were in place during his absence'*... *'it fell on Mr Gardiner to accept that more diligence should have been made when arranging care of his horse.'*
- 2.12 On a plain reading of this letter the Defender's position, when he pleaded guilty at the Sheriff Court, was that Bimbo was *'his horse'*. This presents a picture of both ownership and a responsibility for the care of Bimbo.
- 2.13 The Committee had regard to the background information regarding the criminal process. The Complainer reported the matter to the police and was kept well up to date with developments. She knew the Defender and was able to speak to the fact of his conviction. The FRC have obtained two extract convictions from Lanark Sheriff Court. One extract contains details of the crime for which the Defender was convicted, together with the sentence. The other extract contains, in addition, details of the wording of the Complaint for which a plea of guilty was tendered. In addition, the Committee has been provided with a full copy of the formal Complaint issued by the Procurator Fiscal. By pleading guilty he admitted that he was *'...a person responsible for an animal, namely a horse called Bimbo...'*
- 2.14 The Committee accepted the legal advice that the onus of disproving the conviction and the facts behind it shifted to the Defender. The Committee had regard to the submissions made by the Defender and considered them to be highly improbable. He asserted that there were a number of witnesses, who could have been brought to his criminal trial, that could speak to the fact that he was not involved with Bimbo. However, these witnesses were not called for this hearing, nor did they provide written statements.
- 2.15 The Defender complained of defective representation, but this issue was not raised by the Defender until 3 September 2025. There is no record of him having complained earlier. This complaint is contradicted by the fact that there appears to have been interaction between the Defender and his Solicitor during the course of the regulatory process. This includes the provision of a copy of the Procurator Fiscal's complaint which was attached to the Solicitor's letter of 12 May 2025 to Ms Watt. The Committee therefore did not accept the Defender's account.
- 2.16 The Committee was also unable to accept the evidence of Ms N on this issue. At one time, in her evidence, she claimed ownership and then claimed that Bimbo truly belonged to her son. Although she produced photographic evidence of Bimbo and her son the Committee had grave doubts that these photographs were taken at the time they were said to have been date stamped. There was no metadata provided, and the photographs showed pictures of trees, without leaves, despite the fact that they were said to be taken in late May.
- 2.17 The Committee accepted the evidence of the Complainer that she had visited Bimbo on both 29 and 30 May 2020 following a complaint of horse neglect by a member of the public. The horses were then taken into care on 1 June 2025. There was no challenge to the Complainer's evidence that she visited the site on 30 May and 1 June. However, Ms N insisted that she had attended the field where Bimbo was grazing on 29 May 2025. The Complainer was not asked,

in cross examination, if she saw Ms N that day. It was Ms N's position that she, herself, provided water for the horses that were on the field that day. She said that she had filled several drums with water and transported them by car to the field. All of this seemed highly improbable in light of the fact that the Complainer informed the Committee that she was able to source water nearby.

2.18 The Committee was also unable to accept Ms N's evidence that the SSPCA conducted a personal vendetta against the Defender. The Committee accepted Ms Watt's submission that it was highly improbable that Bimbo was seized in order to become a breeding stallion for the farm of one of the Complainer's relatives. The Committee preferred the evidence of the Complainer that Bimbo and two other horses had been seized due to hydration concerns that had been initiated by a complaint from a member of the public.

2.19 Since the Committee did not accept the Defender's account it found that he failed to discharge the burden of proof required for him to contest the charge.

2.20 The Committee found Charge 1 proved in its entirety.

2.21 During the period on or around May to June 2020 you allowed:

- a. the development of severe chorioptic mange leading to chronic (long-term), suppurating palmar pastern dermatitis on both forelimbs, with the development of infection and permanent skin changes**
- b. the development of moderate chorioptic mange on the plantar pastern regions of both hind limbs**
- c. the development of thrush in all four feet**
- d. all four hooves to overgrow**

(Proved)

2.22 The Committee had regard to the evidence of the three witnesses called by the FRC. It accepted that, as a result of concerns regarding water provision, Bimbo was taken into care by the SSPCA on 1 June 2020. He was examined by Ms C on 2 June 2020. The Committee had regard to the report of that examination dated 15 June 2020. The Committee noted that he was identified by markings chart and microchip. The Committee considered that the concerns set out in charge (ii) a. to d. were identified by Ms C in a short time after Bimbo was taken into care. The Committee considered that as Ms C was a highly experienced Senior Lecturer in equine practice at the University of Edinburgh and head of the Dick Vet Equine Practice it would require robust evidence to contradict her findings as the vet who treated Bimbo and as an expert in her field.

2.23 Although photographs were taken at the time of the examination the issue of identity, raised by the fact that many concentrated on areas of concern, did not persuade the Committee that there was any doubt that the horse, which was examined, was Bimbo.

2.24 The Committee had already determined that the Defender was responsible for the care of Bimbo between 29 May and 1 June 2020. The Committee determined that the Defender was responsible for the care of Bimbo during the entire period of the charge.

2.25 The Committee noted that the Defender has produced evidence that he leased a field and that he obtained the services of a veterinary surgeon. The Committee did not accept the evidence of Ms N and the submissions of the Defender that, once he and Ms N separated there was no

contact between him and Bimbo. Both he and Ms N had a son who was devoted to Bimbo. In light of the fact that they had a child together there would be a need to place Bimbo at a place where he could be accessed by his son. The fact that the Defender had horses elsewhere did not mean that the Defender was not responsible for the care of Bimbo.

2.26 The Committee were unable to accept the evidence of Ms S in so far as it contradicted the expert evidence of Ms C. The Committee was unable to accept her evidence for a number of reasons:

- Ms S was instructed to comment on the Criminal Case and has produced a report commenting on the criminal charges and the evidence used to support those charges
- Ms S does not appear to have been provided with full documentation relating to this case, it is not clear what documents she did see, and has not produced a report dealing with the issues raised in this case
- Ms S did not examine Bimbo
- Ms S is no longer in practice and accepts that she has not kept all relevant knowledge up to date
- The Committee was particularly concerned with Ms S's unsupported allegation that '*my purpose as an expert witness in the case is to help the defence ask the right questions at the right time, and this has not been allowed at this hearing.*'
- In light of this the Committee regarded her evidence limited to that of someone who was mainly speaking to the facts of advice tendered during the criminal process
- The Committee was unable to identify any material challenge to Ms C's opinions in either Ms S's report or her oral evidence.

2.27 The Committee preferred the evidence of Ms C who commented on Ms S's report dated 23 November 2022. Ms S's report suggested the presence of chronic progressive lymphoedema. Whilst it was possible that this was present Ms C did not accept that it was. She considered this issue to be an irrelevance in light of published literature and the conditions that she had actually found.

2.28 In light of this the Committee found charge (ii) proved entirely.

In respect of (ii) a and b above, you caused unnecessary suffering to Bimbo

(proved)

2.29 The Committee had regard to the evidence of the Complainer, Ms D and Ms C. It had particular regard to Ms C's witness statement where she said:

'I saw him in June and there had been warmer weather. As an absolute minimum I would say

it would have taken weeks to get worse in the hot weather, and the changes in the skin would have been present over months and possibly gone unattended and allowed to develop over an even longer period. I looked at Bimbo's legs, I felt them and I could smell them and thought this was a condition with no evidence of anyone attempting to manage it.'

2.30 The Committee was of the view that as a Registered Farrier, who was responsible for the care of Bimbo during the relevant period, he would have been and ought to have been aware of the deterioration in Bimbo's condition. There ought to have been regular examination of his feet and limbs. The condition would have led Bimbo to have engaged in stamping. Both SSPCA witnesses talked about a smell coming from Bimbo. The Committee noted that Ms N referred, in her evidence, to an earlier episode when Bimbo had a 'flare up' and that 'he stomped regularly with it'. It was her evidence that a vet was called, and the matter resolved. There was therefore

evidence of a prior history of flare ups which ought to have resulted in greater scrutiny of Bimbo.

- 2.31 The Committee had regard to the Legal Advice. It noted that *'unnecessary suffering'* could be caused by failing to take steps to prevent unnecessary suffering. The Committee considered that it would have been open for Bimbo to have been treated either by purchasing over the counter medication or obtaining the services of a vet. It accepted Ms C's evidence that there was no evidence of anyone attempting to manage these concerns. The Committee noted that neither Ms N nor the Defender gave evidence to the effect that either over the counter topical medication was applied or a vet was called during the relevant period.
- 2.32 In light of the above the Committee was satisfied that it was more likely than not that Bimbo must have been suffering from chorioptic mange on both his forelimbs and hind limbs in those weeks before his removal.
- 2.33 Accordingly, the Committee found Charge (iii) proved.

In respect of (ii) a. above, you failed to obtain veterinary attention.

(proved)

- 2.34 In this regard the Committee began by considering the meaning of the word 'failed'. The use of this word implied that the Defender was under a duty to do something. The Committee considered that as someone responsible for the care of Bimbo and as Registered Farrier he owed a duty to examine Bimbo and, in certain circumstances, report concerns to a vet.
- 2.35 The Committee accepted the evidence of the Complainer that, at the time Bimbo was seized the smell was comparable to that of a dead animal. This, of itself ought to have alerted the Defender to the fact that there were serious problems.
- 2.36 The Committee had regard to the evidence of Ms C who stated that the condition of Bimbo's forelegs was the worse that she had ever seen. In light of that the Committee considered that the nature of the problem, in May and June, was too serious for the condition to be treated using topical over the counter medication. The matter required to be drawn to the attention of a vet.
- 2.37 The Committee paid particular regard to and accepted the following passage of her evidence:
- 'Also, if the feet were being looked after then the condition of the legs would have been identified and acted on. I think a farriers knowledge of these things, given how many legs and feet they will see over their working life will be greater than an average horse owner. In my view, either the farrier had looked at Bimbo's legs and done nothing or had not looked over a long period of time. The condition of the legs was unacceptable for a lay person, an experienced horse owner or a farrier.'*
- 2.38 An issue had been raised by the Defender over the availability of veterinary practitioners during the Covid period. The Committee accepted Ms C's evidence that she had been out doing treatment by late April. Accordingly veterinary treatment could have been obtained by May/June. In any event the Committee had regard to the wording of the charge. The allegation is a failure to 'obtain veterinary attention' and not a failure to obtain a visit by a vet. The Defender failed to draw this problem to the attention of a vet. Even if restriction had remained it would have been possible to obtain an assessment and commence treatment through videolink.
- 2.39 In light of the above the Committee found charge (iv) proved

As a result of your actions at (ii) a, and (iv), Bimbo was euthanised in March 2022

(proved)

- 2.40 Having found (ii) and (iv) proved the Committee then went on to consider if Bimbo's euthanasia was as a result of the Defender's actions. The Committee reminded itself that it had to decide this issue on the balance of probabilities.
- 2.41 The Committee accepted the evidence of Ms C where she said:
- 'I would say Bimbo had to be euthanised because his conditions was [sic] so severe when I got to treat him. On the balance of probabilities, I would say that Bimbo was euthanised because of the failure of his owner to identify the condition and treat it and where it became severe, the failure to seek veterinary treatment timeously.'*
- 2.42 Although the Committee noted that this expert opinion was directed towards the owner it would apply equally to the person responsible for Bimbo's care. By the time Bimbo was seen by Ms C, Bimbo's forelimbs were damaged beyond repair. The Committee reminded itself that, in Ms C's view Bimbo's condition was the worst she had ever seen. Despite strenuous efforts to treat his condition the decision to euthanise was as a result of the failure by the Defender to protect Bimbo and to seek veterinary help in relation to the problem with the forelimbs.
- 2.43 In light of the above the Committee found Charge (v) proved.

4 September 2025

- 2.44 Following the Chair announcing the Findings in Fact the Defender was given time to consider its determination before moving on to consider the issue of misconduct.

3. SUBMISSIONS OF THE PARTIES ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

- 3.1 Ms Watt invited the Committee to make a finding of serious misconduct in a professional respect. She invited the Committee to have regard to the Farriers (Registration) Act 1975, the Animal Health & Welfare (Scotland) Act 2006 and the Farrier & Apprentice Code of Conduct 2017, which was the Code in place at the time of the allegations of the neglect which occurred in 2020.
- 3.2 Ms Watt submitted that the facts found proved relate to serious failures in welfare of an equine, the stallion cob Bimbo, for which the Respondent was a person with responsibility, including: a conviction under the 2006 Act relating to a failure to meet the needs of Bimbo to the extent required by good practice by not providing adequate water and
- a failure to identify the development of serious conditions
 - a failure to obtain veterinary treatment for that condition
 - these failures led to the euthanasiation of Bimbo
- 3.3 She submitted that the facts found proved involve failures by a Registered Farrier who had a responsibilities under the 2017 Code. The Code makes it clear it cannot cover every circumstance but provides standards and principles. The 'Guiding Principles' include making horse welfare a Farrier's first consideration; providing the most appropriate attention for horses

committed to their care and ensuring that all horses under their care are treated humanely and with respect.

- 3.4 She submitted that the circumstances of the treatment and failures in respect of Bimbo who was in a field with no direct water provision during a hot spell of weather and with a serious condition on his legs which would have been easily identifiable to anyone, particularly a farrier, who checked, are in direct contradiction with those Guiding Principles. She submitted that there were serious departures from a number of parts of the Code, as more fully set out in her written submissions, together with breach of the criminal law.
- 3.5 The defender submitted that his former partner was responsible. If she had not moved Bimbo, it would not have happened. He could only apologise for what happened. At the time relations were strained and contact, with his son, was through a grandfather. He only became involved because he was with his son, in his van, when the news broke that Bimbo had been removed. With hindsight he should not have become involved with the SSPCA.
- 3.6 He told the Committee 'If I was in sole care throw the book at me'.
- 3.7 The Committee heard and accepted the advice of the Legal Assessor.
- 3.8 The Committee was aware that at this stage of decision making there was no burden or onus of proof. The Committee exercised its professional judgement.
- 3.9 The Committee noted that the majority of the Defender's submissions involved him continuing to maintain his innocence in respect of the criminal charge and denying that he was responsible for the care of Bimbo. The Committee considered that he was entitled to maintain his position as he had a right of appeal in respect of the Committee's decision. However, the Committee had already determined, at the facts stage that the Defender was responsible for the care of Bimbo at the relevant times.
- 3.10 The Committee considered that there had been a number of instances where the Defender had fallen short of the standards expected of a Registered Farrier. He had been convicted of an offence which involved neglect of a horse. The Committee considered that in respect of the charges found proved there had been a serious falling short from the following standards set out in the 2017 Code for Professional Conduct:

'The Guiding Principles'

- 3.11 Your clients are entitled to expect that you will:
 - make horse welfare your first consideration in seeking to provide the most appropriate attention for horses committed to your care including due regard to a safe working environment
 - ensure that all horses under your care are treated humanely and with respect
 - uphold the good reputation of the farriery profession
 - understand and comply with your legal obligations.'
- 3.12 The Committee considered that there was a significant falling short from the Farrier's Declaration which concludes:
- 3.13 '...my constant endeavour will be to ensure the welfare of horses committed to my care.'
- 3.14 The Committee also considered that there were serious departures from a number of other aspects of the code which were engaged.

- 3.15 '3. Farriers must not cause any horse to suffer by:
- a.
 - b.
 - c. failing to advise the need to contact a Veterinary Surgeon when appropriate
 - d. neglect

- 3.16 10. Farriers must:
- a.
 - b. promote responsible horse management
 - c.

4. DECISION OF THE DISCIPLINARY COMMITTEE ON SERIOUS MISCONDUCT IN A PROFESSIONAL RESPECT

- 4.1 In light of the above the Committee was satisfied that the Defender was guilty of serious misconduct in a professional respect.

5. DECISION OF THE DISCIPLINARY COMMITTEE AS TO SANCTION

- 5.1 Following the Chair announcing the Committee's decision on misconduct Ms Watt was invited to address the Committee on sanction.
- 5.2 Ms Watt informed the Committee that the Defender was first registered with the FRC on 24 April 2014 and that, apart from the conviction referred to in the charge, there was no record of any other convictions or any other regulatory concerns.
- 5.3 Ms Watt invited the Committee to have regard to the Indicative Sanctions Guidance (ISG) contained in the Disciplinary Committee Manual. The Committee should have regard to mitigating and aggravating factors and thereafter commence with the least serious option available in the ISG.
- 5.4 Ms Watt made submissions on what the FRC considered to be the mitigating and aggravating features in the case.
- 5.5 The Defender informed the Committee that this had been the only complaint to the FRC in his 12 years of Practice. He had a wide-ranging practice that involved him working in such diverse places as the Shetland Isles and Kuwait.
- 5.6 The Defender explained that he accepted the plea bargain because he had been told by his lawyer that it would not affect his registration with the FRC. He was in a state of emotional pressure and was told that the criminal proceedings could drag on until Christmas.
- 5.7 In response to panel questioning the Defender informed the Committee that his involvement with the profession commenced with a pre farriery course at Oatridge College, West Lothian. As there was a class of 30, he struggled to obtain an apprenticeship. He moved to Dundalk to work with a farrier in the Republic of Ireland. He returned to Scotland in 2012 and, after a period of looking after his son, started his business.
- 5.8 He commenced his business with the advertising slogan 'naughty horses welcome' and now has worked in Shetland and Kuwait. His client base is mainly east and central Scotland. His

trips to Shetland involve a drive to Aberdeen and a 13-hour boat trip. Whilst on Shetland he saw 250 horses in 6 days. The scope of his work varied depending on location. In the Central Belt of Scotland, it was mainly shoeing with 40% trimming. In Shetland it was half and half.

- 5.9 The Defender spoke of a time, when in Kuwait, that involved him treating a horse with a sole that was starting to prolapse. He spoke of the steps that he took to assist in its recovery.
- 5.10 The Defender informed the Committee that any restriction on his right to practise would have devastating consequences on his finances. This was the only trade he knew and he had trained for nothing else. It would also have an effect on him emotionally.
- 5.11 Following the Committee questions the Committee heard and accepted the advice of the Legal Assessor.
- 5.12 The Committee retired to consider the issue of sanction and began by considering the aggravating and mitigating factors.
- 5.13 The Committee considered the following factors to be aggravating:
- Actual injury to an animal
 - The animal's condition persisted over a period of around two months
 - The Defender visited the home of an SSPCA inspector with another male following Bimbo's removal
 - The Defender has displayed no insight into his misconduct
 - The Defender has defended the charges by blaming everyone else but himself; this has included his former partner; alleging conspiracy by the SSPCA and, now, his defence Solicitor.
- 5.14 The Committee considered the following factors to be mitigating:
- There have been no prior regulatory issues
 - The conviction was his sole conviction
 - He was experiencing difficult personal circumstances
 - It has been over five years since Bimbo was taken into care
- 5.15 Having considered the aggravating and mitigating features the committee then went on to consider the outcomes and sanctions available. In accordance with the guidance and the issue of proportionality it commenced by considering the least serious disposal.
- 5.16 Whilst it was open for the Committee to take no further action the Committee considered that the misconduct found proved was too serious to justify such a course of action.
- 5.17 The Committee then noted that it was open for it to consider postponement of its judgement on sanction for such period as it saw fit. It did not consider it was appropriate to do so. It did not consider that it would be fair on the Defender to postpone the final outcome of the case to a later date nor was it in the public interest for the Committee to postpone the determination on sanction.
- 5.18 The Committee then considered whether to issue a reprimand or a warning. It considered that this was not appropriate as none of the factors set out in the sanction were engaged. The misconduct was not at the lower end of the spectrum of seriousness and given the lack of insight there remained a future risk to animals.
- 5.19 The Committee then considered suspension and considered that in light of the fact that the Defender had no insight into the seriousness of his misconduct and has not reflected on the

behaviour that led to it, there remains a risk of repetition. The Committee were concerned that the Defender has not provided any assurance that he is fit to return to practice after a period of suspension.

- 5.20 The Committee then had regard to the factors that would justify removal. The Committee considered that the charges found proved were at the higher end of the scale of serious departures from the standards expected of a Registered Farrier. There was serious harm caused to an animal and no insight into his misconduct. The Committee considered that the misconduct was so serious that removal was the only means of protecting equine welfare, the reputation of the profession and the wider public interest.
- 5.21 Having determined that there should be a direction for removal the Committee then went on to consider whether it should prohibit reapplication, by the Defender, to be admitted to the Register. The Committee was aware that it had the power to do so in terms of Section 15 (7) of the Farriers Act 1975. The Committee had regard to the fact that someone seeking readmission the process is not automatic and would require an applicant to demonstrate insight, remorse and provide satisfactory evidence that they have learned from their regulatory experience. In light of the fact that, in respect of the Defender, his journey is yet to start the Committee determined that the Defender should not be allowed to apply for registration until a period of two years has elapsed since the direction for removal has come into effect.

Disciplinary Committee

4 September 2025