

ANNEXURE 3 TO NOTICE OF APPEAL

IN THE MATTER OF:

MAURICE JOHN KIRK

-V-

THE COUNCIL OF THE ROYAL COLLEGE OF VETERINARY SURGEONS

Section 7

1. The Appellant contends that he does not require an extension of time pursuant to Rule 5 of the Rules Order 2009, in which to seek permission to appeal against the decision of the Chairman of the respondent's disciplinary committee dated 12 June 2009, by reason of the fact that on or about 26 July 2009, the Respondent caused to be lodged with the Judicial Committee of the Privy Council, a Notice of Appeal (incorporating an application for permission to appeal) dated 26 July 2009, which Notice has been mislaid by the Judicial Committee.
2. Without Prejudice to the Appellant's contention that an extension of time is not required, the Appellant seeks an extension of time in which to seek permission to appeal the decision of the Respondent Council dated 12 June 2009, on the following grounds;
 - i) The Appellant forwarded by Recorded Delivery to the Judicial Committee of the Privy Council, a Notice of Appeal dated 26 July 2009, within the 56-day time limit. The Appellant was entitled to believe, and did believe, that he had thereby complied with the time limit. The Appellant did not discover that the Notice of Appeal had not been received or had been mislaid by the Judicial Committee until 22 April 2010.
 - ii) The Appellant was arrested on 22 June 2009 and was remanded in custody continuously from that date until his release on 9 February 2010; throughout this period, the Appellant was concerned solely with the preparation and presentation of his own defence to serious criminal charges in the Cardiff Crown Court, which resulted in his acquittal on 9 February 2010.
 - iii) Throughout this period the Appellant was without the benefit of independent legal advice.
 - iv) On his release from prison on 9 February 2010, the Appellant instructed solicitors to advise on the merits of pursuing this appeal; this involved the location and collation of a considerable number of documents, some of which were stored by the Appellant in France. Counsel was instructed and advised in writing on 26 April 2010 and this application for permission to appeal is made pursuant to such advice.

3. The Appellant contends that, within the not inconsiderable limitations set out above, he has acted with proper expedition in pursuing this application. The Appellant further contends that no prejudice will be caused to the Respondent by reason of an extension being granted.

4. The Appellant seeks an extension of time pursuant to Rule 5 of the Rules Order 2009, in which to seek permission to appeal against the refusals by the Chairman of the Respondent's disciplinary committee to list for hearing before the disciplinary committee of the Council, his applications dated 31 July 2007 and 4 July 2008, made pursuant to Section 18 of the Act. The Appellant contends that the refusals give rise to the same, or to substantially the same, issues as the refusal to list his application dated 14 May 2009 and the delay in seeking permission to appeal will not have prejudiced the Respondent.