

Glyn (t/a Priors Farm Equine Veterinary Surgery) v McGarel-Groves and Others¹

In this case, the defendant (Mrs McGarel-Groves) was the effective claimant by reason of her counterclaim to the actual claimant's otherwise undisputed claim for veterinary fees. The claimant (Mr Glyn) and the second Part 20 defendant (Mr Grandiere) were the effective defendants (both veterinary surgeons). Mrs McGarel-Groves sought compensation from each of them in connection with the death from laminitis of her horse Anna (a dressage competition horse), allegedly caused by an overdose of cortico-steroids.

Mr Glyn was the vet generally responsible for Anna. Mrs McGarel-Groves regarded him as responsible for Anna's health and if Anna was to be seen by another vet, Mrs McGarel-Groves always wanted him to be in attendance to ensure that Anna came to no harm.

In 2001, Anna's trainer suggested to Mrs McGarel-Groves that she had an orthopaedic problem and needed treatment with cortico-steroids. Mrs McGarel-Groves agreed, on the condition that Mr Glyn would be in attendance to observe and ensure that Anna was treated properly. She was never warned of the slight risk of laminitis that accompanied treatment with cortico-steroids.

Mr Glyn did attend Anna's treatment (by Mr Grandiere), and watched as injections were carried out. However, he stated that he did not know what drugs were administered, nor how much. He stated that the decision to carry out the injections "with all the attendant risk" was a matter for Mr Grandiere given that he was the French Dressage Team Veterinary Surgeon. He claimed that he was not present in any sort of supervisory role, and that rather he was present as an observer, and to provide a history.

It was held, however, that, having regard to the wording of Mr Glyn's invoice for the day in question, he was much more involved in the decision-making as to the nature of the treatment to be given than he claimed. Moreover, it was clear from Mr Glyn's own evidence that his duty to observe gave rise to a further duty to intervene to protect Anna if the proposed or actual treatment was in any way inappropriate. He rendered himself unable to judge whether the treatment was inappropriate by failing to ask what drugs were being injected or the dosage, and was therefore in breach of this duty.

Regarding Mr Grandiere, the judge found that there was no clinical justification for the treatment administered, and that he was therefore negligent. He should also have warned Mrs McGarel-Groves of the risk the treatment entailed.

Responsibility for Mrs McGarel-Groves' losses was apportioned between Mr Grandiere and Mr Glyn on an 85:15 basis.

¹ [2005] EWHC 1629 (QB)