

The BSE Inquiry / Statement No 375
Baroness Hooper
(not scheduled to give oral evidence)

BSE INQUIRY
WITNESS STATEMENT
BARONESS HOOPER

1. My full name is Gloria Dorothy Hooper. I am a Member of the House of Lords. My work address is House of Lords, Westminster, SW1A 0PW.
2. Prior to entering the House of Lords, I was in practice as a solicitor and became a partner in Taylor & Humbert in 1974. I was also a Member of the European Parliament.
3. In preparing this statement, I have had access to such documents as are available from the Department of Health's files. It may be that the files are not complete. In addition, the papers with which I have been supplied do not include the original documents copied to my office. Once I had read documents, it was my practice to initial/mark them to record that I had seen them. Without seeing these original documents copied to my office, and given the passage of time, I cannot be sure that I saw all the documents referred to in this statement.

Background

4. I have no past or present interests in local Government, the farming community, renderers, feed stock or pet food manufacturers. I am currently a non-executive Director of SmithKline Beecham plc, a pharmaceutical company, and have been since 1994. I attach a copy of my current entry in the House of Lords register of interests.

Political Career to Date

5. Outlined below are details of my political career to date:
1979-1984 Member of the European Parliament for Liverpool
1985 Created a Life Peer

1985-1987	Government Whip and Baroness-in-Waiting to the Queen
1987-1988	Parliamentary Under Secretary of State, Department of Education and Science
1988-1989	Parliamentary Under Secretary of State, Department of Energy
1989-1992	Parliamentary Under Secretary of State, Department of Health
1993- present	A Deputy Speaker in the House of Lords

Role as Parliamentary Under-Secretary for Health

6. I succeeded Lord Trafford as Parliamentary Under Secretary of State for Health on 17 October 1989. At this time, Mr Kenneth Clarke was the Secretary of State for Health, the Minister of State was Mr David Mellor and the other Parliamentary Under Secretary of State was Mr Roger, now Lord, Freeman. On 28 October 1989, Mrs Virginia Bottomley took over the post of Minister of State from Mr Mellor. On 4 May 1990, Mr Stephen Dorrell succeeded Mr Freeman and became the Parliamentary Under Secretary of State for Health, and on 2 November 1990, Mr William Waldegrave became the Secretary of State for Health after Mr Clarke.

7. The Press Release issued on 17 October 1989 (**YB 89/10.17/5.1-5.3**), stated that I was responsible “for NHS Services for Children, services for elderly people, disablement services (including younger physically disabled), prevention and health promotion, including nutrition and smoking, drug and alcohol abuse, dental services, ambulance services, blood products, the private health sector, section 64 grants, vaccine damage, inner cities, research”.

8. The Inquiry suggests on the basis of the Cabinet Office’s List of Ministerial Responsibilities (**M55/Tab 2**) that my departmental responsibilities included pharmaceuticals. Pharmaceutical issues were not included in my responsibilities as stated in the Press Release referred to in paragraph 7 (**YB 89/10.17/5.1-5.3**). It is difficult to tell which source of information is the more accurate, but I am certain that I was not responsible for abortion and family planning issues, which are also listed under my name in the Cabinet Office summaries but do not appear in the Press Release. I have tried to trace subsequent press releases but the Department of Health have not been able to locate those which deal with ministerial responsibilities. In practice, I did not have much involvement with pharmaceuticals and as far as I can recall, I received no submissions for decision on pharmaceuticals during my time in

office (see paragraph 14). In addition, I note from the Cabinet Office summaries, that from about August 1990, Mrs Bottomley, as the Minister for Health, had pharmaceuticals as one of her responsibilities, and I believe that Mr Mellor had responsibility for pharmaceuticals before Mrs Bottomley.

9. My main role, particularly in my early days with the department, was in relation to the major health legislation which I had responsibility for taking through the House of Lords and which is referred to in more detail in paragraph 16.
10. Although the junior health ministers had their own portfolios of responsibility, we had to keep abreast of all issues affecting the Department of Health. This was particularly important for me because, as the only Health Minister in the Lords, I had to respond on all health issues including those that were not my direct responsibility. As a result, my Private Secretary was copied documents and submissions which sought the decision of other ministers within the department.
11. I have been asked to address how my private office functioned. I endeavoured to see most documents that came to my office, because of my broad remit in the House of Lords. It is nevertheless possible that on occasion, my private secretaries would have exercised their discretion as to whether I needed to see a document at a particularly busy time or if I was abroad.
12. During my time in the department, in order to ensure that ministers and senior officials were in touch, informal ministerial meetings were held regularly, usually two or three times per week. On average, two meetings per week would be attended by all the Health Ministers and senior officials such as the CMO, Permanent Secretary, and the Chief Executive of the NHS to discuss the issues of the week. One meeting was generally set aside to discuss political issues and this was attended by the ministers, party whips and advisors only. All of these meetings were informal and if one had other duties to attend to, or was abroad at the time, they were missed. As far as I am aware minutes were not kept of these meetings because they were informal in nature.

BSE: Related Subjects

13. The Inquiry has requested that I address a number of particular areas which are as follows:

Pharmaceuticals:

14. I have no recollection of any submission coming to me for decision on the subject of pharmaceutical products. However, I do remember meeting with producers of generic products in relation to their concerns over competition issues. I also remember attending various briefings and functions organised by the pharmaceutical industry. From the Department of Health documents I have available to me, I did not receive any submissions on BSE and pharmaceuticals.
15. It follows from my general recollection regarding pharmaceutical issues and BSE that I had no contact with the BSE Working Party, which reported to the CSM and was set up before I joined the department. No minutes regarding the BSE Working Party appear to have been sent to me. I do not recall being informed about the BSE Working Party's meetings on 6 September 1989 and 10 January 1990 (I had not yet been appointed a minister at the time of the first Working Party meeting). Having read the documents supplied to me by the Department of Health, I note that I was copied, along with twenty others, a minute dated 26 June 1990 from Mr Hagger, MCA to Mr Otley (**YB 90/06.26/8.1-8.3**) regarding a question put to Mr Dorrell by the Agriculture Select Committee. The minute was a briefing for Mr Dorrell on the answer to a question regarding the set up of the BSE Working Party, its terms of reference and its current areas of concern (**YB 90/6.25/18.1-18.3**).

Blood Products

16. One of my responsibilities was hospital scientific services and blood products. The major issues that I can recollect with regard to this responsibility were the concerns about HIV contamination of blood for haemophiliac patients, the risk of recall of blood products following a Hepatitis B scare and the privatisation of the Blood Centre. I do not recall the issue of BSE/CJD being raised as a concern in this area during my time as a health minister.

Research

17. During my term as Parliamentary Under Secretary, my responsibility for research covered more general aspects and included the appointment of the first Director of Research, Sir Michael Peckham and the development of his role in providing a research base for the delivery of services in the NHS. I was also involved in contact with various non-government organisations and institutions dealing with various areas and aspects of research, particularly the funding of research.
18. As for research into BSE/CJD, at the time I was Parliamentary Under Secretary, the Department of Health element of research into BSE was part of the overall response to BSE being handled by Mr Freeman and then, Mr Dorrell. My recollection is that a large part of the research effort was being carried out by MAFF. The only document that I was copied on BSE research was a letter from Mr Dorrell to Mr Gummer at MAFF dated 5 July 1990 (**YB 90/07.05/2.1**) which addressed the co-ordination of a BSE research programme between MAFF and the Department of Health. I did not have responsibility for considering what research was necessary in relation to BSE.

BSE/CJD: Chronological Account

1989

19. Following my appointment on 17 October 1989, the first minute which I saw on BSE was dated 10 November 1989 (**YB 89/11.10/10.1-10.2**), a copy of a minute from Mr Robertson to Mr Davey. The minute was to warn the Minister of Health, Mrs Bottomley, about media interest in a possible case of iatrogenic CJD. There was a follow-up minute on 14 November 1989 (**YB 89/11.14/11.1-11.3**) from Mr Robertson to Mr Davey advising of the risk of media comment on a scientific conference on BSE.

1990

20. On 7 February 1990, I was copied the letter to Mr Norman Lamont from Mr John Gummer, the MAFF Minister, regarding BSE and compensation to

farmers for compulsory slaughter of animals which were suspected of being infected (**YB 90/02.07/2.1-2.4**).

21. On 15 May 1990, I was copied a minute on BSE from Dr Pickles (**YB 90/05.15/24.1-24.8**). The attachments to the minute were designed to keep everyone abreast of the issues following the discovery of spongiform encephalopathy in a domestic cat. On 16 May 1990, there was an updated minute from Dr Pickles copied to my office on advice about British beef and BSE which went to health and local authorities (**YB 90/05.16/4.1-4.4**). This included a letter from Mr Gummer to Lady Wilcox, Chairman of the Consumer's Association, dated 15 May 1990 (**YB 90/05.15/17.1-17.3**).
22. On 18 May 1990, my office was copied a minute from Dr Pickles to Mrs Baxter regarding a statement made by the Spongiform Encephalopathy Advisory Committee (SEAC) on 17 May 1990 (**YB 90/05.18/7.1-7.5**). The minute enclosed a general briefing note on BSE, updated to take account of the statement from SEAC.
23. On 22 June 1990, a minute to Mr Dorrell's office gave general background information on the Agriculture Select Committee's likely line of questioning on BSE (**YB 90/06.22/6.1-6.3**). There was a follow-up minute on 25 June 1990 giving the likely line of questioning (**YB 90/06.25/18.1-18.3**), and another on 26 June 1990, detailing the suggested line to take on the likely questions (**YB 90/06.26/7.1-7.6**). I was copied a number of subsequent minutes dealing with the Agriculture Select Committee's investigation of BSE (**YB 90/07.02/10.1-10.2**).
24. On 26 June 1990, my office was copied a minute from Mr Hagger to Mr Otley on the Agriculture Select Committee (**YB 90/06.26/8.1-8.3**). This minute suggested an appropriate response to the Agriculture Select Committee's question to Mr Dorrell on the BSE Working Party set up by the CSM (**YB 90/07.12/4.1**).
25. On 26 June 1990, I was sent a minute from Mr Winstanley regarding the issue of CJD and Licensed Human Dura which had arisen from an inquest into a CJD death at Luton (**YB 90/06.26/12.1-12.3**). The minute detailed the history of dura and CJD and suggested the line to take if approached by the media. There was a follow-up minute on 27 June 1990 (**YB 90/06.27/10.1-10.2**).

26. On 5 July 1990, my office received a copy of a letter from Mr Dorrell to Mr Gummer about co-ordinating BSE research between the departments (**YB 90/07.05/2.1**). There was a follow-up minute to correct an error in the letter on 13 July 1990 (**YB 90/07.13/9.1**).
27. On 1 November 1990, I was copied a letter from Mr Gummer to Mr Clarke enclosing the Government's draft response to the Agriculture Select Committee's report on BSE (**YB 90/11.1/8.1-8.23**). In this draft document, at paragraph 21, the successful experiment of infecting a pig with BSE was reported. I do not recall this incident personally and as far as I am aware, this is the only mention of the infection of a pig with BSE in the Department of Health papers supplied to me. There was a follow-up minute copied to my office on 21 November 1990, relating to when the paper would be published. (**YB 90/11.21/5.1**)
28. On 15 December 1990, I was copied a letter from Mr Gummer to Mr Waldegrave which discussed the setting up of an expert committee on animal feeding stuffs (**YB 90/12.15/3.1-3.2**).

1991

29. On 7 February 1991, I was copied a letter from the Secretary of State for the Environment to Mr Gummer which discussed the statement that Mr Gummer wished to make regarding the disposal of fallen animals (**YB 91/02.07/8.1**).
30. On 18 September 1991, I was copied a letter from Mr Waldegrave to Mr Gummer about the review of meat hygiene enforcement in Great Britain (**YB 91/09.18/3.1-3.2**).

1992

31. On 10 January 1992, I was copied a minute from Mr Murray to Mr Dorrell's office about the visit of Russian veterinarians to discuss BSE and British beef (**YB 92/1.10/4.1-4.3**). There was a follow-up minute dated 14 January 1992 which stated the outcome of the visit (**YB 92/01.14/3.1-3.3**).
32. On 22 January 1992, my office was copied a minute from Mr Murray to Mr Waldegrave's office (**YB 92/01.22/3.1-3.2**) regarding possible publicity about a woman who died of motor neurone disease and allegedly had exposure to

BSE-infected material. The document suggested the line to take if one was asked about the matter. A background note on BSE was also attached (**YB 92/08.00/4.1-4.3**).

33. On 28 January 1992, I was copied a minute from Mr Murray to Mr Dorrell (**YB 92/1.28/2.1-2.10**) regarding the Bovine Offal (Prohibition) (Amendment) Regulations 1992 (**L2 Tab 7A**). There were follow-up minutes on 6 February 1992, and 19 February 1992 (**YB 92/02.06/4.1; YB 92/02.19/2.1**).
34. On 14 February 1992, I was copied the minute from Mr Murray to the CMO on transmission of BSE to a marmoset (**YB 92/02.14/3.1-3.5**). A background note and the interim line to take were attached. This was followed up by another minute from Mr Murray to the CMO and Mr Dorrell's office on 28 February 1992 (**YB 92/02.28/4.1-4.4**), regarding the views of the SEAC and seeking Mr Dorrell's agreement to MAFF's proposal to make the study and SEAC's views public. A follow-up minute dated 4 March 1992 from Mr Dorrell's office to Mr Murray confirmed his agreement to the proposed action (**YB 92/03.04/4.1**).
35. On 5 March 1992, I was copied a minute and attachments from Mr Murray to Mr Waldegrave's office on meat hygiene enforcement (**YB 92 /02.27/5.1-5.31; YB 92/03.03/1.1; YB 92/03.05/2.1-2.2**).
36. Following the general election, I ceased to be the Parliamentary Under Secretary of State for Health on 9 April 1992.

Summary

37. During my time in the Department of Health, the day to day responsibility for policy on BSE lay with the Under Secretary of State, Mr Freeman and subsequently, Mr Dorrell. The ultimate responsibility for policy on BSE was that of the Secretary of State for Health, Mr Clarke and later, Mr Waldegrave.
38. During my time as Parliamentary Under Secretary, I did not have to answer any questions or wind up any debates on BSE in the House of Lords. During my first session of Parliament, I was primarily involved with the NHS Reform Bill which became law in April 1990. This was followed by the passage of the Human Fertility & Invitro-Fertilisation Bill and the Food Safety Bill.

39. I do not recall any direct involvement with BSE issues during my term in office.

40. The contents of this statement are true to the best of my knowledge and belief.

Signed.....

Dated.....

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