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BSE Inquiry Report

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BSE Inquiry Report

12.30 pm

The Minister of Agriculture, Fisheries and Food (Mr. Nick Brown): With permission, Mr. Speaker, I wish to make a statement on the report of the BSE inquiry, chaired by Lord Phillips of Worth Matravers.

Today, the Government are publishing the report, and I want to announce our initial response and to outline a package of measures for the benefit of people suffering from variant CJD and their families, as well as the families of people who have already died of the disease. This is not however the occasion to announce the Government's substantive response to the inquiry's report. That will come later.

I should like to express the Government's thanks to Lord Phillips, Mrs. June Bridgeman and Professor Malcolm Ferguson-Smith for their thorough inquiry, which has occupied them for the best part of the past three years.

As the Government recognised when setting up the inquiry, BSE is a national tragedy. To date, 85 definite or probable cases of variant CJD have been reported in the United Kingdom. Of those 85, 80 people have died. An unknown number of cases are yet to come. It is not possible to give precise forecasts because of the many uncertainties about the disease. I know that the whole House will join me in expressing deepest sympathy to those who have fallen victim to variant CJD, and to their families.

BSE has also had a serious impact on many tens of thousands of people whose livelihoods depend on the rearing of livestock and the processing and manufacturing of meat products.

The inquiry was set up by my right hon. Friends the Members for Copeland (Dr. Cunningham) and for Holborn and St. Pancras (Mr. Dobson) and the then Secretaries of State for Scotland, for Wales and for Northern Ireland. Its remit was to establish and review the history of the emergence and identification of BSE and new variant CJD and to reach conclusions on the adequacy of the response, taking into account the state of knowledge at that time. The inquiry report comprises 16 volumes and some 4,000 pages. Volume 1 sets out the key findings and conclusions.

I shall quote directly from the report's executive summary. The key conclusions are:

BSE developed into an epidemic as a consequence of an intensive farming practice—the recycling of animal protein in ruminant feed. This practice, unchallenged over decades, proved a recipe for disaster.

In the years up to March 1996 most of those responsible for responding to the challenge posed by BSE emerge with credit. However, there were a number of shortcomings in the way things were done.

At the heart of the BSE story lie questions of how to handle hazard—a known hazard to cattle and an unknown hazard to humans. The Government took measures to address both hazards. They were sensible measures, but they were not always timely nor adequately implemented and enforced.

The rigour with which policy measures were implemented for the protection of human health was affected by the belief of many prior to early 1996 that BSE was not a potential threat to human life.

The Government was anxious to act in the best interests of human and animal health. To this end it sought and followed the advice of independent scientific experts—sometimes when decisions could have been reached more swiftly and satisfactorily within government.

In dealing with BSE, it was not MAFF's policy to lean in favour of the agricultural producers to the detriment of the consumer.

At times officials showed a lack of rigour in considering how policy should be turned into practice, to the detriment of the efficacy of the measures taken.

At times bureaucratic processes resulted in unacceptable delay in giving effect to policy.

The Government introduced measures to guard against the risk that BSE might be a matter of life and death not merely for cattle but also for humans, but the possibility of a risk to humans was not communicated to the public or to those whose job it was to implement and enforce the precautionary measures.

The Government did not lie to the public about BSE. It believed that the risks posed by BSE to humans were remote. The Government was preoccupied with preventing an alarmist over-reaction to BSE because it believed that the risk was remote. It is now clear that this campaign of reassurance was a mistake. When on 20 March 1996 the Government announced that BSE had probably been transmitted to humans, the public felt that they had been betrayed. Confidence in government pronouncements about risk was a further casualty of BSE.

Cases of a new variant of CJD (vCJD) were identified by the CJD Surveillance Unit and the conclusion that they were probably linked to BSE was reached as early as was reasonably possible. The link between BSE and vCJD is now clearly established, though the manner of infection is not clear.

Those are direct quotations from Lord Phillips's executive summary.

The Government welcome the report. We will be studying its findings with care and looking closely at the lessons that flow from them. It is right that the House, and the wider public, should have the opportunity to do so. They are important findings and they address some fundamental questions about the adequacy of the response to BSE.

The report contains many lessons for public administration. We will be focusing our response on areas including the implementation of policy decisions; the process of contingency planning; co-ordination across Departments and other agencies; the assessment, management and communication of risk; the role of scientific advisory committees; and the Government's assessment and use of scientific advice.

Even now, there are some unresolved questions about BSE. We do not know with certainty how the disease entered the cattle herd, or why it has been so predominantly a disease affecting this country. Lord Phillips's conclusion is that the origin of BSE is likely to have been a new prion mutation in cattle, or possibly sheep, in the early 1970s. In the light of that conclusion, my right hon. Friend the Secretary of State for Health and I will be commissioning an independent assessment of current scientific understanding, including emerging findings, of the origins of the BSE epidemic. That study will then be considered by the Spongiform Encephalopathy Advisory Committee, and published.

Although it was beyond the remit of the inquiry to examine current public protection measures, I know that the House will want to know that the chairman of the Food Standards Agency advises that the report gives rise to no immediate need for new food safety measures. He intends to discuss that aspect of the report at the next public meeting of the agency's on-going review of BSE controls.

Both the Spongiform Encephalopathy Advisory Committee and the Food Standards Agency board propose to review relevant elements of the report. We will take

account of any conclusions or advice that they wish to offer in the Government's response to the report. The same applies to Select Committees.

The Government will announce their substantive response to the report in the coming months. Following that announcement, the House will have an early opportunity to debate in Government time both the report and the Government's response. However, there is one element in the report that the Government are singling out for attention now: the care of patients suffering from variant CJD and support for the families caring for them.

The needs of variant CJD victims were frequently insufficiently addressed, especially in the early days of the disease. The rapidly degenerative nature of variant CJD requires timely and accurate diagnosis and a swift response from local health and social services departments. Patient care has been variable in the past and not always responsive enough to the rapidly changing needs of patients.

My right hon. Friend the Secretary of State for Health issued new guidelines in August to improve the care of variant CJD victims. The Government now intend to go further.

I can tell the House that, given the special circumstances of those patients, my right hon. Friend will establish a new national fund for the care of victims of variant CJD. The fund will ensure a speedy response to diagnosis and improvements in the quality of care for patients. This package will be co-ordinated through the national CJD surveillance unit in Edinburgh.

The new national care fund will be used to purchase care and equipment appropriate to the individual needs of variant CJD patients. The fund will be held by the CJD surveillance unit care co-ordinator, supported by a new national network of experts available to support local clinicians and local social services caring for patients wherever they live.

My right hon. Friend the Secretary of State for Health met families of variant CJD victims and representatives of the Human BSE Foundation yesterday to discuss the new package of care. Over the next few weeks, his Department will be working with the families affected to refine the package to ensure that it is effective and properly meets the needs of patients.

This dreadful disease has a devastating effect on victims and their families. The families have campaigned for improved diagnosis and care for those who may yet be affected by this national tragedy. I am sure that the House will want to acknowledge the dignified and constructive way in which they have done so.

In addition to the enhanced care package, we are determined to provide appropriate support for those who are suffering from variant CJD, for those who care for them, and for the families of those who have already died.

The Government therefore intend to put in place financial arrangements to benefit sufferers from variant CJD, and their families, taking account of their particular needs in individual cases.

The Government's preferred option would be to establish a compensation scheme, resulting in a special trust fund, which could amount to millions of pounds. There are a number of possible options. We intend to work closely with the families affected to identify the best way forward. The first discussions with the families and their representatives will take place next week.

The Government want to express their appreciation for the co-operation of all witnesses who have been called before the inquiry. Although the inquiry team states that—this is a direct quote—

any who have come to our Report hoping to find villains or scapegoats, should go away disappointed,

the report does make a number of specific criticisms of a number of individuals.

I shall not comment on individual cases. The report contains an annexe listing those who are criticised. Some of the individuals who are criticised also receive praise from the inquiry, but there is no corresponding list of individuals who are praised. Elsewhere, the report identifies shortcomings that do not amount to criticisms, and therefore do not feature in the annexe. For both these reasons, it is important that the report is considered in its entirety.

Whenever serving public servants are subjected to criticism by a public inquiry, the question arises whether any form of disciplinary action should be taken. The report states:

If those criticised were misguided, they were nonetheless acting in accordance with what they conceived to be the proper performance of their duties.

However, mindful of the importance of the issues covered by the inquiry, an independent person, Sheila Forbes, a Civil Service Commissioner, will lead a review and advise accordingly. The Government want the review to be carried out quickly, across the Departments involved.

The devolved Administrations also received the report and will respond for their interests.

Hon. Members will also wish to know that I am today sending copies of the report to the European Commission, the European Parliament and the Governments of each European Union member state. In addition, I have arranged for the report to be placed on the internet, accessible via the Ministry of Agriculture's website.

On taking office in 1997, this Government put consumers at the heart of decision-making on food safety issues. We have established the independent Food Standards Agency. We have opened up our scientific advisory committees, including the appointment of consumer representatives. We put scientific advice to Government in the public domain, encouraging a culture of openness, trusting the public and stimulating informed public debate. The "deregulation culture" that called for a "bonfire of regulations" has been replaced by a proportionate approach that strives for better regulation, with the protection of the public at its heart. We have put in place working arrangements to encourage the sharing of ideas and information between Government Departments and other agencies.

The inquiry has made a very thorough assessment of the history of BSE and of the response of the Government of the day. It has added greatly to our understanding of this detailed and complex area. Work is already under way across the whole of government to follow up on the inquiry's findings. Most importantly today, we are setting in hand improved packages of care and arrangements for financial support for victims of variant CJD and their families. I commend the inquiry's report to the House.

REVIEW

12.46 pm

Mr. Tim Yeo (South Suffolk): We welcome the publication of the report. We congratulate Lord Phillips and his team on producing a comprehensive document. I had my first chance to see it earlier this morning. Although I have had less than two hours to study the document, which runs to 16 volumes and which took more than two years to prepare, what I have seen is clear, comprehensive and, so far as I can judge, fair.

I welcome the Minister's statement, and I agree with much of it. I especially agree with his view that the report should be considered in its entirety. I believe that the report makes it clear that civil servants, other advisers and Ministers acted honourably and in good faith. I agree with the report that we must avoid judging individuals with the benefit of hindsight. Nevertheless, I recognise that mistakes were made, some of which had tragic consequences.

I accept the criticisms that are made in the report. I draw attention, as the Minister has done, to a section of paragraph 1292, which reads:

Although we have made a number of individual criticisms in respect of risk communication, the lessons to be learned are based on hindsight and relate to the overall approach of reassurance that was adopted. We do not consider that individuals should be criticised for following that approach.

However, I am truly sorry for what has happened. I apologise to the families that have suffered bereavement and to those people who are still fighting a terrible illness.

Until I have studied the report more carefully, it would be wrong to try to comment on all its conclusions. Our task now is to find ways of minimising and alleviating the suffering and distress of victims of variant CJD and of their families. Secondly, we must identify and take all steps possible to reduce the risk of any similar crisis occurring in future.

I welcome the Government's decision to arrange compensation. I am sure that the Minister will give details of that as soon as he is able to do so. Does the Minister believe that Lord Phillips's conclusions have any implications for responsibilities now exercised by civil servants who may still be in post? Does he agree that one of the strongest messages from the report is about inadequate co-ordination between Government Departments, and sometimes inadequate communication between different branches of government? Does he believe that there are lessons to be learned, even now, about how relations between Whitehall Departments could be improved and about how the process of making decisions based on scientific advice could be made more transparent?

Will the Minister confirm that the report states that changes in rendering methods did not cause BSE? Is he satisfied that civil servants who may be worried about whether their advice is being wrongly ignored have the right channels for raising their concerns? Does he believe that the scientific advice given to Ministers should more frequently be made available to the public as well? When will the Government be giving their definitive response to the report? Finally, I assure the House that the Opposition are as keen as anybody else to ensure that the full lessons

of the report and of the entire tragic episode are properly learned. I hope that there will be a full debate as soon as possible.

Mr. Brown: I assure the hon. Gentleman that there will be a full debate in the House as soon as possible. Discussions about that and the response will be held through the usual channels.

I thank the hon. Gentleman for the tone of his response, for the welcome that he has given to Lord Phillips's report and for his congratulations to Lord Phillips. We shall not give the Government's full response now; we need time. There are approximately 167 different recommendations, which require a considered response and we want to think carefully about everything that Lord Phillips has said.

The hon. Gentleman acknowledges that mistakes were made. He is right to say that, with the benefit of hindsight, we can understand things that might not have been clear at the time that they were happening, but we must all learn the lessons, and that is why the report is so helpful. He has said that he is sorry for what has happened and I should like to identify the whole House with that expression of sorrow: our hearts go out to the victims, their friends and families and others who grieve for them.

The hon. Gentleman has welcomed our enhanced care package and the compensation element that goes with it. He is correct to assume that my right hon. Friend the Secretary of State for Health will want to say more as discussions with the families and their representatives continue.

Serving members of the civil service have, of course, been isolated from BSE inquiry work since the establishment of the inquiry. It is right that the report's findings in relation to serving civil servants be reviewed, but it is for a civil service commissioner to do that, not for politicians. That is the constitutionally correct course of action and, whatever reservations hon. Members might have about it, I urge them to think about the alternatives; I think that they will find that they are worse.

On communication, a great deal has been done within Government to make sure that Departments talk to each other and agencies talk to the Departments with which they are supposed to work, but, as I said, that issue will form part of the Government's review. The use of science is certainly a topic that the Government will review and report back to the House on. It raises some difficult questions, which is another reason for not responding immediately, but thinking about it carefully.

I confirm that the hon. Gentleman's reading of Lord Phillips's findings in respect of rendering methods is correct. Although his findings on the change from batch production to throughput and his analysis of changes involving the use of solvents might come as a surprise to those coming fresh to the subject, they are clear.

As for civil servants' advice to Ministers, I make it clear to my civil servants that I should greatly prefer that they told me what they actually think, rather than what they want me to hear. I do not mind people being combative and disagreeing with me; what I find difficult is people not stating what they believe to be the truth. That is the approach taken by most responsible Ministers.

On the question of the science that is available to the Government, we have made it a matter of policy to put such information in the public domain wherever possible,

by which I mean placing it on the MAFF website and making it available to Members of Parliament in the Library.

Mr. John Major (Huntingdon): Like every other hon. Member, I have not yet had an opportunity to study the many volumes of the report, but, from what I have read in the past few hours, it is clear that it is an impressive and objective report. We all owe our thanks to Lord Phillips and his colleagues for the way in which they conducted their inquiry. The Government were right to set up the inquiry and the House will be right to consider its report soberly and to take appropriate action.

All of us, as we read the report, must accept our responsibility for shortcomings and the problems that arose from them. BSE and its transmission to CJD has been a dreadful and scarring experience—above all, of course, for the victims of that terrible disease and their families, who must have suffered an agony of mind and body that we can barely begin to imagine. It has also, for different and lesser reasons, been a huge problem for the beef industry, and for the officials and Ministers who sought to deal with the problem, which, as the Minister honestly made clear today, even today remains on the frontiers of our knowledge.

Will the Minister confirm that many of the people who face individual criticisms in the annexe to the report are precisely the same people who are praised elsewhere in the report for other actions and are, by definition, those—officials predominantly, but also several Ministers—who were most active in challenging BSE, and, therefore, in the position of having to take difficult decisions? I am grateful to the Minister, on behalf of those officials and Ministers, for expressing, as the report does, that no “villains or scapegoats” emerge from the report.

Does the Minister recall that, even though it was believed, and passionately believed, on advice, by those dealing with it, that there was no threat to human life, even so more than 30 pieces of legislation were presented to the House and passed by the House to protect against the spread of BSE? Lord Phillips’s balanced report emphasises that some mistakes were made, and emphasises also, in fairness, that they were not due to indolence but, in many cases, where they occurred, were due to overwhelming pressure upon a few key officials who had the particular knowledge in dealing with this. That is a point that I hope will be borne in mind when those officials face any possible disciplinary action in future.

Will the Minister confirm also that it has invariably been the case that those officials and Ministers accepted the advice of the Government’s advisory body as, if I may quote the Prime Minister on genetically modified foods—I strongly agree with what he said—

any responsible Government would have to do?

This is a balanced report and I hope that it will help the House to focus upon the lessons to be learned from that report. That remains important for, as we have seen in the past few days on matters related to vaccines, BSE remains an appallingly difficult problem with which to deal. It was for the previous Government and remains, in some respects, for the present Government and the Ministers and officials who must still deal with it.

Will the Minister endeavour to ensure that the provisions of the compensation scheme, which I strongly welcome, are enacted as speedily and fairly as he

can arrange? Finally, I thank him for his promise that the Leader of the House will arrange a debate. Can we ensure that, within that debate, there is a proper opportunity to consider in detail the recommendations made by Lord Phillips so that the report does not gather dust but is an active and living document to ensure that such a tragedy does not occur again?

Mr. Brown: We need to learn the lessons from this. I give the right hon. Gentleman an absolute pledge that the report will not gather dust. Every single one of the recommendations that Lord Phillips makes to the Government is worthy of a response and should have a measured response, and that response should be subjected to the usual tests that we apply in this place, including robust debate, but the time for that response is not now. People want an opportunity to read the report, and I urge hon. Members to read it in its entirety rather than try to extrapolate its findings from extracts.

I am grateful to the right hon. Gentleman for his welcome to our care package. He is right to make the point that, when dealing with science, the best possible way to ensure that it is dealt with properly within Government is to put the information into the public domain at the same time, and the Government now do that.

The right hon. Gentleman is also right to draw the attention of the House to the substantial amount of secondary legislation that went through this place as the Government struggled to find a proportionate response to the emerging challenges of BSE. The report clearly draws to our attention the difficulties not just in getting the legislation through and making sure that the response was proportionate, but in ensuring that it was being implemented on the ground. There were major shortcomings in that area, as Lord Phillips says.

As the right hon. Gentleman knows, I loathe scapegoating and will not tolerate it. There are individual criticisms, but as I said in my opening statement, some of those who are individually criticised are also praised—it is more than half—and, in one or two cases—I shall not make specific reference to individuals—substantially praised, because the action that they took was both timely and would have resulted in the saving of lives. It is necessary that the report is considered in the round and that people do not pick out the parts that suit their point of view.

Mr. Tom Clarke (Coatbridge and Chryston): It is a pleasure to be called by you personally, Mr. Speaker, albeit on a sad occasion.

Does my right hon. Friend know that my late constituent, young GRO-A, died as a teenager after two and a half years of traumatic experience? When I spoke to her mother this morning, she was not bitter. Indeed, she welcomed what we understood to be the Government’s thinking, which my right hon. Friend has confirmed, on compensation. She was thinking of others, and the need for care packages. The openness that my right hon. Friend has introduced is apparent in the culture change in the Food Standards Agency. However, in welcoming that, she took the view, as I do, that it is important to continue to consult and involve the families when implementing the responses.

[Mr. Tom Clarke]

I ask my right hon. Friend to take that on board and assure him that, if he does, he will have a great deal of support.

Mr. Brown: I thank my right hon. Friend for those thoroughly decent remarks. I am sure that the House shares his concern about the care package and the compensation arrangements that are being put in place for the victims of CJD and their families.

Both elements of today's announcement—care and compensation—will be developed by my right hon. Friend the Secretary of State for Health in consultation with those who represent the families and the victims. That is the Government's firm intention.

Mr. Colin Breed (South-East Cornwall): I thank the Minister for giving me an early opportunity to consider the report. It reveals a sorry saga of complacency in the early years, incompetence when risks were emerging and complicity when matters started to go wrong. It betrays a culture of Whitehall secrecy and interdepartmental failure to communicate, which, when combined with party political expediency, results in a betrayal of the public and their interests.

Our thanks and gratitude must go to Lord Phillips and his team for producing such an extensive, excellent and balanced report, although reading 4,000 pages in two hours is a little difficult. Our hearts go out to all affected by the tragedy: those who are directly affected and their families.

I accept that criticism and blame of individuals must be tempered with the benefit of hindsight. That is an exact science. Lessons must be learned, and action taken promptly. Governments must learn to trust the public. By doing that, they will engender a reciprocal trust from the public.

While I am pleased that we shall have an early opportunity to discuss the full report, one of the criticisms was about timely action. Can we be certain that the report's recommendations will provide an opportunity for genuine, prompt action in a short time scale so that precautionary principles, the need for which has been so clearly demonstrated, will be effected?

Does the Minister believe that the arrangements for the regulation and reporting of the Food Standards Agency comply with all the report's recommendations? With specific regard to the reporting structures, does the Minister believe that it would be right for the Food Standards Agency to report directly to the House rather than to a Department?

Does the Minister agree that, as a matter of urgency, we must have a robust Freedom of Information Act, which would be a vital element of restoring and retaining public confidence in the Government and all their future pronouncements?

Mr. Brown: Trust is at the heart of this matter. That is why the Government have created this culture of openness and why we put the advice to Government—including the scientific advice—into the public domain. The Food Standards Agency is intended to be an independent agency and a non-ministerial Department, but it does report to the House through the Secretary of State for

Health and not through me. I think that the current structure is right. However, as I said in my statement, the chair of the FSA intends to review the Phillips report—or at least the parts that pertain to his responsibilities—at his next public meeting. One cannot be more open than that.

The hon. Gentleman refers to complacency, incompetence and complicity. As I said in my statement, I will not make the Government's response now and Lord Phillips's recommendations—of which there are 167—deserve reflection. The report deserves to be discussed in the public domain and then the Government should respond, with our response conditioned by the views of others. However, the charge of complicity is a serious one and I would be grateful if the hon. Gentleman could set out the precise points where he thinks the Phillips report justifies that very serious charge.

Several hon. Members rose—

Mr. Speaker: Order. The House will realise that many hon. Members wish to ask a question. I ask hon. Members to be brief; it will help their colleagues.

Mrs. Alice Mahon (Halifax): Like many others in the House, the tragedy of CJD touched me directly when, in 1998, a young neighbour of mine died. I congratulate the Government on the package of care and compensation, but my question is this. In 1989, the Southwood report recommended to the Cabinet that offal be banned in the use of baby food, yet I understand that no Cabinet Minister asked the question, "If offal is unfit for babies, why is it safe for adults?" If that question had been asked, might my young neighbour be alive today?

Mr. Brown: One of the great tragedies of this matter is that it is not possible to answer the second part of my hon. Friend's question. However, on the question of why precautionary measures should be put in place for baby food but not for food eaten by adults, Lord Phillips had some strong things to say. Now is not the right moment for me to respond, but my hon. Friend is on to what Lord Phillips believes to be a strong point.

Mr. Douglas Hogg (Sleaford and North Hykeham): I very much welcome the report, which is manifestly an important document. There is no doubt that there are many lessons, both public and private, to be learned. I echo the words of the Minister when he says that this is a tragedy. I fully recognise what a tragedy it is for the victims and their families and I am deeply sorry for their suffering. I am deeply sorry also for many in agriculture who have suffered grave loss. In respect of the officials who advised myself and others, we believed that they gave their advice in good faith and very much to the best of their professional ability.

Speaking a little more directly about myself, does the Minister accept that I welcome the findings explicitly made at paragraphs 467 and 487 that the regime that I put in place as to the control of abattoirs in 1995 was effective in content and fully and effectively monitored? Will he confirm to the House the finding at paragraph 7.483 of volume 6 that the recommendations that I made in March 1996 as to how to address the crisis were "the right answers", were implemented by Government and—subject to natural evolution—remain the basis of Government policy today?

Mr. Brown: I thank the right hon. and learned Gentleman for his welcome for the report, his expression

of sorrow and his acknowledgment—shared by everyone in the House—that this has been a national tragedy. I said that I did not want to comment on the findings of the report in respect of individuals. I can confirm that his points are right, but they are not the only findings in respect of the right hon. and learned Gentleman. I again urge every hon. Member to read the full report. The right hon. and learned Gentleman had very important responsibilities. There are findings that speak well for him but the report also contains criticisms of him. The picture needs to be taken in the round.

Mr. Mark Todd (South Derbyshire): I begin by expressing my appreciation of the quality of the statement that my right hon. Friend has made. This is a complex subject that needs to be considered with proper reflection, and I admire the way in which the Government have deliberately responded first to the issue of urgency but set aside time in the future for the public and ordinary Members of Parliament to comment on other matters in the report. It would have been easy to rush to judgment and make partisan points, and I admire the fact that my right hon. Friend has refrained from doing that.

My right hon. Friend may want to consider two matters. The first is the adequacy of the research base supporting agriculture. Some of his remarks about the genesis of the problem may relate to the appropriateness of the research resource and its targeting in the past, and this is an opportunity to reflect on whether we have now got the balance right. The second matter concerns whether we have a culture in our public service that occasionally dwells more on process and less on outcome. I suspect that one of the difficulties that the report may reveal is that decisions are made but not enough attention is given to the delivery of the outcome that is sought in those decisions.

Mr. Brown: Both of those points are well made. Lord Phillips has something to say about the implementation of Government decisions, and it is clear that a part of the tragedy was the failure, not to put a proper regime of public protection in place, but to ensure that it was implemented—the outcome on which my hon. Friend focuses. Lord Phillips sets out a range of reasons for that. I do not want to respond now, but I urge right hon. and hon. Members to consider that part of the report.

On the research base, my hon. Friend will be aware that the budget is held across Departments. There has been a substantial shift in research expenditure towards transmissible spongiform encephalopathies, and that is right, but clearly we will want to review research and priorities in this area in the light of what Lord Phillips has to say.

Mr. Michael Jack (Fylde): The Minister has, understandably, sent copies of the report to the European Commission and our Community partners. Does he envisage taking any steps to ensure that a balanced and proper debate on the findings takes place among our partners and the Commission?

Mr. Brown: The report has been sent to our partners in the European Union in order to be completely open and candid with the Commission and the individual member states. In my time as a Minister, I have found that to be the best approach to adopt. I hope that the report will

enable others to learn the lessons that we have so painfully learned and prevent such tragedies from happening elsewhere. If it can do that, that will be an extra good thing.

Mr. Malcolm Savidge (Aberdeen, North): I have a 21-year-old constituent, **GRO-A**, who is a suspected victim of new variant CJD. Obviously, no words that I can use can adequately express that tragedy, but may I say on behalf of **GRO-A** and those who care for her that I welcome my right hon. Friend's statement? Am I correct in understanding from it that suspected sufferers from the disease will be provided with the fullest possible care and that they and their families are guaranteed compensation?

Mr. Brown: My hon. Friend is right to raise the case of his constituent. I express the sorrow of the whole House for his constituent and her friends and relatives. He is right in his understanding that there are two components to what we are announcing today: the enhanced care package, the exact nature of which is already the subject of discussions with those representing the interests of the patients and their carers; and the compensation element, discussions about which will proceed with those representatives next week. My right hon. Friend the Secretary of State for Health is determined to act expeditiously.

Mr. Tom King (Bridgwater): With all the awful difficulty and tragedy associated with this matter, is it not still the case that, even after 15 years, we remain unsure about the origins of BSE? Are we to understand from the Minister's statement that the research effort is to be enhanced? If so, will he ensure that it takes into account the widest possible range of view and study, as it is urgent that we identify the cause of the disease?

Mr. Brown: That is a very important point. There is no absolute certainty about the true origin of BSE, although we know more about it than we did in the mid-1980s, let alone the 1970s. The findings in Lord Phillips's report make very interesting reading. That is why my right hon. Friend the Secretary of State for Health and I have asked for a comprehensive review of everything that is known at present. That review will also include emerging science, so that we will have an understanding of the current state of knowledge and of what remains to be discovered, as we still do not know the whole story.

Mr. Alan W. Williams (East Carmarthen and Dinefwr): Does my right hon. Friend agree that one of the main lessons to be learned from this chapter is the importance of the precautionary principle? There was always a danger that BSE was transmissible to humans, but, for more than a decade, we lived with the myth that somehow we would be immune to it. That myth persisted even after it was shown that the disease could be transmitted to laboratory animals and cats.

In opposition, when I and my right hon. Friend the Member for South Shields (Dr. Clark), among others, raised such questions, we were accused of scaremongering. It has turned out that there will be dozens, or even hundreds, of human casualties. Will my

SCIENCE

[Mr. Alan W. Williams]

right hon. Friend reassure me that the precautionary principle will remain paramount in the work done by him and this Government on food safety?

Mr. Brown: My hon. Friend is right in what he says about the precautionary principle. He is also correct in saying that Lord Phillips's report has a substantial amount to tell us about the emerging view in the scientific community that BSE can jump the species barrier. Steps on the journey towards that understanding include the findings of the Southwood report, and laboratory experimentation with a pig. That experimentation showed that a pig could acquire the condition when the disease was injected into its brain. There was also the discovery that a feline spongiform encephalopathy existed, which showed that the species barrier had been jumped and that the condition—or something very like it—was prevalent in cats.

The scientific view started to change, and Phillips has something to say about how quickly that changing scientific view was transmitted and acted on within Government. However, I do not want to respond on that matter now: hon. Members really should read the report in its entirety.

Mr. Malcolm Bruce (Gordon): Whatever the motives of those who withheld from the public information about the risks associated with BSE, does the Minister accept that the consequences of that action were absolutely devastating to all the interests that they may have thought that they were protecting? My constituency was completely devastated by the introduction of the scheme to cull cows and the collapse of the beef market.

Given the long incubation period of new variant CJD, what measures will be taken to step up research to find ways to prevent, treat and cure the disease? Successful research in that direction would mean that we would be able to deal with a significant rise in the numbers of people affected by it.

Secondly, will the Minister accept the strictures of my hon. Friend the Member for South-East Cornwall (Mr. Breed), that the history of the disease justifies a much more open freedom of information regime? Thirdly, the Government have put in place measures to protect people in this country from BSE, but there has been a rise in the incidence of CJD in France. How will the Minister ensure that there is no danger of the disease reaching us by way of imported products?

Mr. Brown: The setting up of the Food Standards Agency is a key public protection measure. Responsibility for food safety is not now a matter for me, as a Minister, or for my Ministry. That is the whole point of setting up an independent agency. The hon. Gentleman should look to Sir John Krebs for statements about the safety of food products from France or elsewhere.

As for candour, I endeavour to put scientific advice to Ministers—and, indeed, other advice—in the public domain. On a number of occasions, I have also placed such advice in the Library, so that, on controversial topics, all Members of the House can see what advice has been given.

Lord Phillips clearly identifies a failure to communicate. The Government have done a great deal to address that concern, from the election onwards. We want to trust the

public; we want to be candid. The advisory committees, whose lay representation includes consumers, put their advice into the public domain. In addition, of course, the Food Standards Agency meets in public and puts its advice to Ministers into the public domain at the same time. Those are some of the measures that the Government have already taken to address some of the points that have arisen in the process of the Phillips inquiry.

The hon. Gentleman mentioned motives. I know that I have said this before, but I urge him to read the report in its entirety before rushing to judgment. I accept that he has not seen it, but he really should read it. It deserves a period of mature consideration before we make subjective value judgments.

Judy Mallaber (Amber Valley): One of the first constituents to visit my surgery after my election was **GRO-A** who was desperate to find out why her son **GRO-A** was lying in hospital dying from this dreadful disease. Will my right hon. Friend confirm that, if we do not learn fully all the lessons about openness and getting rid of any culture of secrecy, it will be a betrayal of the families who have suffered so much?

Secondly, I welcome the fact that families will not have to struggle through the courts to get the compensation that they need and the package of care that is required for their families. Will my right hon. Friend confirm that that package will be sufficiently generous to meet those needs and fully to help those people who are struggling to care for their loved ones at home?

Mr. Brown: I thank my hon. Friend for her welcome for the care package and the compensation package. It has not been finally decided whether the trust structure is the right vehicle for delivering these measures. That will be the subject of discussions between my right hon. Friend the Secretary of State for Health and those representing the families' interests. However, I am grateful that my hon. Friend welcomes this as an important new announcement and a step forward for the families concerned.

My hon. Friend spoke about secrecy. It is clearly right—certainly with the advantage of hindsight—to trust the public, put the advice available to the Government into the public domain and encourage a responsible debate around scientific advice. The previous Government did not wish to cause alarm, and were therefore not open about these matters because they feared causing a panic. They believed that the countervailing arguments were stronger. Lord Phillips's finding is very clear on this, as I said in my statement: he says that it was a mistake. He does not say that it was necessarily unreasonable at the time, which is why I urge people to read the report in its entirety.

Mr. Alan Duncan (Rutland and Melton): Until the last election's boundary changes, the village of Queniborough was in my constituency. A cluster of CJD cases has been found there, as yet unexplained. Two years ago, I tabled a series of parliamentary questions seeking information about the risk of passing on the disease through the reuse of medical instruments which, it seems, cannot be adequately sterilised by conventional methods. What does the report conclude about that risk? Given that it was

known about some time ago, what have the Government done so far and, given what I suspect is a continuing urgency, what will they do further to eliminate the risk?

Mr. Brown: As I say, I do not want to give the Government's response now. Lord Phillips's report is comprehensive and he deals in a measured and thorough way with the routes of transmission. He looks at cosmetics, medical instruments and vaccines. It is a pretty thorough survey of all the possible routes of transmission and I urge the hon. Gentleman to look at those passages in the report if he can do no more. He is right about the cluster, which is still unexplained. It is unlikely that it was merely a statistical fluke, but no cause has yet been identified, although as he will know as a result of representing the area, a substantial amount of work is going on.

Dr. Gavin Strang (Edinburgh, East and Musselburgh): Is my right hon. Friend aware that there will be widespread support for his announcement that all the individuals and families who have suffered from new variant CJD will receive compensation? In view of the lengthy incubation period of the disease in humans, I am sure that we are right not to predict the likely total number of cases. Does he agree that, with 85 people known to have contracted the disease, 18 of whom have done so this year, a significant epidemic is still a possibility and that we need to be prepared for that?

Of course, we will need to read the report thoroughly. Can my right hon. Friend comment on the suggestion that the inadequacy of the research done during the 1980s may have resulted in the disaster being greater than it need have been? Some of the reasons for that may have been a lack of transparency, massive cuts in the number of Government scientists working in the area throughout the 1980s and, against that background, an insistence by the Ministry of Agriculture, Fisheries and Food that the research be carried out in its establishments rather than in the public sector establishments best fitted to do the work.

Mr. Brown: In preparing for this debate, I re-read what my right hon. Friend said in 1996 when he was Opposition spokesman on agriculture—it reads very well in the light of what happened. My right hon. Friend certainly represented his party well. On the incubation period, he is right, we do not know even the average incubation period of the prion-protein agent in humans, so one cannot extrapolate from the statistical trends the eventual epidemic. I look forward to the day when the number of victims year on year will go steadily down, as I am sure everyone does, because that will tell us that we are through this. Until we get there, it is rash to predict.

On research, there has now been a substantial shift in expenditure towards research into transmissible spongiform encephalopathies. Lord Phillips has something to say about which research institutions were used and whether a single director should have been appointed to oversee all BSE-CJD research. I do not want to paraphrase Lord Phillips because the finding is detailed, but I commend it to my right hon. Friend.

As for shortcomings, Lord Phillips has a lot to say on the implementation of the controls. Even where the scientific advice to Ministers—advice from professional civil servants—was timely and right, its translation into effective action is much criticised in the report.

Mr. William Thompson (West Tyrone): I welcome the Minister's statement. From what we have heard, the report is excellent as well as being fair and balanced. The BSE saga teaches us a salutary lesson. Despite the extent of our knowledge, we can suddenly be hit by a new disease that plays havoc with society, and that should humble us all. I welcome the enhanced care package because I know how tragic it is to see a young person cut down. Their parents have to watch them for a long time dying. That package is useful. On compensation, does this mean that the Government are reasonably sure that there will not be a large number of cases? Have we reached that stage yet?

Mr. Brown: I thank the hon. Gentleman for his characteristically human remarks about the victims of CJD and those who have to watch members of their family—usually the younger members—suffering in the most appalling circumstances. His views are echoed all around the House.

I welcome the hon. Gentleman's remarks about the package, which has two components: an enhanced care element and a compensation element. He is right to say that the Government have taken the difficult decision to put those arrangements in place regardless of the eventual outcome of the number of people who need to be cared for. They are our fellow citizens, and we shall have to care for them anyway—every Member would want to do so.

Mr. David Drew (Stroud): It is impossible to underestimate the tragedy for all the victims and their families, but a separate tragedy has affected the livestock industry. It is estimated that the Government have so far spent about £4 billion on anti-BSE measures, but that does not take account of the impact on the different communities in agricultural areas. Can my right hon. Friend assure me that the Government will continue to spend whatever it takes to eradicate BSE and to ensure that we learn from the mistakes that were made in the past so that we rebuild our livestock industry?

Mr. Brown: Just after the period covered by the Phillips report, and in response to the climate of opinion at the time, the Government introduced the over-30-months scheme, which is by far the most expensive part of our public protection measures and provides a floor in the market—indeed, the only market—for older animals. It is a market intervention measure, but its purpose is not market intervention; it exists to protect the public. It does so powerfully, and it will stay so long as it is needed to carry out that function. Who takes the decision on that? It is now a matter for the Food Standards Agency, which is leading a review of the measures now in place to protect the public from variant CJD. Everything that is recommended will be in the public domain so that we can all see what is recommended and why.

Mr. Eifyn Llwyd (Meirionnydd Nant Conwy): An eminent scientist, who is a constituent of mine, is within a shade of initiating a diagnostic test for BSE. He is being hampered in his research by the fact that the Ministry will not allow access to infected cattle. Earlier this week, I tabled several parliamentary questions on that subject. May I ask the Minister, please, to consider them personally and reverse the Ministry's stance, which is hampering that vital research?

Mr. Brown: There are a number of theories and, from them, attempts to discover diagnostic tests for BSE and

[Mr. Brown]

variant CJD. It would be overwhelmingly beneficial if a diagnostic test could be found that worked on cattle and went back before the onset of the clinical signs. Such work is being undertaken, but access to the necessary research material must be limited; there is only a limited amount of it and it is mostly held by the Government. How that vital research tool is to be used is very much a matter on which I would want to be professionally advised.

I promise to have the hon. Gentleman's constituency point looked at, but I cannot promise to intervene as the political head of a Department and alter the decisions, which are based on scientific judgment rather than political decision making.

Several hon. Members *rose*—

Mr. Speaker: Order. Unfortunately, we now have to move on to the Business Statement.

Business of the House

1.34 pm

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The business for next week will be as follows:

MONDAY 30 OCTOBER—Remaining stages of the Race Relations (Amendment) Bill [*Lords*].

TUESDAY 31 OCTOBER—Remaining stages of the Children (Leaving Care) Bill [*Lords*].

WEDNESDAY 1 NOVEMBER—Debate on Defence and the Armed Forces on a motion for the Adjournment of the House.

THURSDAY 2 NOVEMBER—Continuation of debate on Defence and the Armed Forces on a motion for the Adjournment of the House.

FRIDAY 3 NOVEMBER—The House will not be sitting.

The provisional business for the following week will include:

MONDAY 6 NOVEMBER—Opposition Day [19th Allotted Day]. There will be a debate on a motion in the name of the Liberal Democrats. Subject to be announced.

The House will also wish to know that on Wednesday 1 November there will be a debate on European Document No:9964/00: Social Policy Agenda, in European Standing Committee C. Details of the relevant documents will be given in the *Official Report*.

[Wednesday 1 November 2000:

European Standing Committee C—Relevant European Union Document: 9964/00, Social Policy Agenda; Relevant European Scrutiny Committee Report: HC 23-xxvi (1999-2000).]

The House may also wish to know that the new Session will be opened on Wednesday 6 December.

Mrs. Angela Browning (Tiverton and Honiton): I thank the Leader of the House for giving us the business for next week. Before asking for details, I pay tribute to my predecessor, my right hon. Friend the Member for North-West Hampshire (Sir G. Young), who discharged his duties as shadow Leader of the House with grace and charm. He had a constructive working relationship with the Government, which helped to enhance the way in which the House is run.

The right hon. Lady kindly gave us a date for the Queen's Speech, but will she tell us when it was last held in December? She will be aware that its lateness is a reflection of the backlog from this Session. Many of us are concerned about the way in which the House's business is being discharged during the final weeks of this Session.

Does the Leader of the House plan to have a debate on the economy after the autumn statement? Hon. Members want the matter to be fully debated.

In next week's business, the Leader of the House announced a two-day debate on defence. Will she confirm that that still leaves one further Adjournment debate on defence for this Session? She will know that it is customary to have three defence debates on motions for the Adjournment of the House.

Will the right hon. Lady tell us whether the House will have an opportunity to reconsider the Political Parties, Elections and Referendums Bill, which is currently in