

**The BSE Inquiry / Statement No 400**

**The Rt. Hon. John Major, C.H., M.P.**

**Issued 06/05/1999 (Not scheduled to give oral evidence)**

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**BSE INQUIRY**

**WITNESS STATEMENT OF RT. HON. JOHN MAJOR C.H., M.P.**

**I. INTRODUCTION**

1. My full name is John Major. My professional address is House of Commons, London, SW1A 0AA.
2. I have no past or present links with the farming community, renderers, feed stock manufacturers, pet food manufacturers, pharmaceutical companies, trade associations, or other private sector organisations other than those which arose solely as a result of actions I took in a constituency or Ministerial capacity. I was a member of Lambeth Borough Council from 1968 to 1971.
3. On 13 June 1987, I was appointed Chief Secretary to HM Treasury. I held this post until 24 July 1989, when I became Secretary of State for Foreign and Commonwealth Affairs. On 26 October 1989, I was appointed Chancellor of the Exchequer and I held that post until I became Prime Minister on 28 November 1990. My only direct Ministerial involvement with the BSE issue was during my time as Chief Secretary and as Prime Minister.

**II. BSE KEY EVENTS: OVERVIEW**

4. I understand that the discovery of BSE was first notified to Ministers in June 1987, shortly before I became Chief Secretary. At that stage, it was not known whether the disease was transmissible to humans and the Southwood Working Party was set up in April 1988 to examine the implications of BSE for both animal and human health. Interim advice from the Southwood Working Party was received and acted on by the Government prior to the receipt by Ministers of the Southwood Working Party's Report in February 1989. Subsequent to the publication of the

Southwood Working Party's Report, the Government established the Tyrrell Committee in February 1989 to advise on research into spongiform encephalopathies. The Tyrrell Committee's Report was received by the Government on 10 June 1989. [This document is not exhibited to this statement; a copy already published by the Inquiry is at **IBD 1 Tab 4**] The Spongiform Encephalopathy Advisory Committee (SEAC) was then established in April 1990 and advised the Government on issues of BSE/nvCJD from that date. It was not until March 1996 that it concluded that the most likely explanation for the cases of nvCJD at that time was exposure to BSE before the introduction of the specified bovine offals (SBO) ban in 1989. SEAC continues to advise the current Government. The scientific understanding of BSE/nvCJD was therefore evolving continuously throughout my time in Government and this must be remembered in any consideration of the chronological events which occurred. It should also be noted that BSE was one of a number of animal food scares at that time: there had previously been Aujeszky's disease in pigs and Newcastle disease and salmonella in poultry.

5. The policy of the Government, consistently applied, was to act upon the advice that the expert scientists it had commissioned provided to it, to ensure that all appropriate steps were taken to protect the health of the public, prevent the spread of the disease, and eradicate the disease. Beyond this, the Government had three further important tasks: (1) to provide information to the public concerning the risks and incidence of the disease; (2) to secure that the beef industry did not suffer disproportionately as a result of the disease; and (3) to make sure that the expenditure applied was justifiable and not an undue burden on the taxpayer. In relation to the first such task, the advice of scientists was always provided to the public. There were two key events during my time as Prime Minister, in relation to the provision of information. These were the statement by the CMO in March 1993 that beef was safe to eat, and the publication of the advice of SEAC in March 1996 that exposure to BSE was the most likely, but not certain, explanation for the new variant of CJD in young people in the United Kingdom. In pursuit of the second task, as Chief Secretary I agreed arrangements for compensation to farmers for the slaughter of their animals, and, as Prime Minister, I was concerned about the impact of the actions of Germany on the beef trade which, on the information available, I considered excessive and unwarranted. In respect of the third task whilst public expenditure could never be the dominant concern in any matter affecting public health, neither could it be wholly overlooked.

6. I wish to comment in this overview upon one further important event: the establishment of the National Meat Hygiene Service. When the proposal for such a service was put to me in February 1992, I recognised the importance of establishing the service to deal with the problems with the

then current system of veterinary supervision of meat premises. I was presented with a range of options for bringing the National Meat Hygiene Service into being, and I opted for the solution which would lead most quickly to the establishment of the service.

7. As I have no scientific or medical background, I relied on the independent experts to provide authoritative and reliable advice to the Government concerning BSE. Such advice was provided to the Government by the Southwood Working Party, the Tyrrell Committee and SEAC during my time in Government, as well as by the Chief Medical Officer (CMO) and the Chief Veterinary Officer (CVO). The detailed policy work and implementation of policy in respect of BSE was the responsibility of the Minister of Agriculture and the Secretary of State for Health, together with their Departments. It was rarely necessary, nor would it have been appropriate, for me to become closely involved in issues of detail. In practice a constant detailed involvement in the issues would not have been possible. Both in my time as Chief Secretary and Prime Minister, the issue of BSE was one of a great number of important matters which crossed my desk daily. It did, of course, assume a different dimension for me after we received advice for the first time in March 1996 that exposure to BSE was the most likely explanation of the new variant of CJD, which had been identified by the National CJD Surveillance Unit.

8. In preparing this statement, I have relied on documents supplied to me by the Cabinet Office, the Better Regulation Unit and the BSE Inquiry. I am conscious that the documentary records I have seen are in some cases incomplete. Other than any documents to which I have referred in this statement, I have no contemporary records of my reactions to events or advice or of my reasoning for taking particular action. Any comments I make in this statement with regard to such matters are based solely on my recollection of the events which occurred, bearing in mind that most of the events took place several years ago.

9. I have been asked to provide my comments on the following subjects, with reference to their relationship to BSE:

- (a) my attitude towards and concerns about food safety and measures such as setting up the Meat Hygiene Service, the Richmond Committee and consideration at Cabinet level of food safety issues;
- (b) my attitude towards openness of government and communication of risk to the public and the impact of measures such as the Citizens Charter on Food safety;
- (c) the impact I expected deregulation initiatives to have on

food safety;

(d) the extent to which European Union considerations affected policy towards BSE.

I have dealt with my involvement with these subjects in the chronological summary which follows, in addition to matters specifically relating to BSE. I will provide my overall comments on all these matters at the end of this statement.

### **III. CHIEF SECRETARY TO HM TREASURY**

10. I was Chief Secretary to HM Treasury from 13 June 1987 to 24 July 1989. As Chief Secretary I had responsibility for the control of public expenditure, in addition to other duties. During my time as Chief Secretary, I was a member of MISC 138, the Cabinet Committee on Food Safety. Where I comment in this statement upon the activities of that Committee I do so purely from my perspective as the Minister with responsibility for public expenditure. It should be noted that it is unlikely I saw all documents which were copied to me as Chief Secretary. Such documents are routinely circulated for information in preparing briefing and tend to be shown to Ministers as necessary. This is simply because of the sheer volume of paper involved. Accordingly, I have not included documents that were sent to me for information purposes only on routine matters. I have referred to all matters of substance. I did, of course, attend Cabinet meetings during this period. I have dealt with the Cabinet meeting on 23 February 1989, at the request of the Inquiry, in the annex to this statement.

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#### **Chronological List of Events**

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#### **1987**

11. In the course of preparing this statement, I have not seen any documents which indicate that I dealt with any BSE related issues during my time as Chief Secretary in 1987 nor do I have any recollection that I did so.

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## 1988

12. On 29 June 1988, I received a letter from John MacGregor, the Minister of Agriculture concerning BSE (exhibit 1) [YB 88/6.29/15.1-15.2]. He provided background information about BSE and stated that the Southwood Working Party had advised that carcasses of infected cattle should be incinerated. In his view the Government would be open to serious criticism if such advice were not followed. He told me that while he was reluctant to introduce new Government funded disease control schemes where these could be avoided, with BSE public health might be involved. He concluded by suggesting that compensation of 50% of the market value of an infected animal should be paid, and estimated the annual cost as being £300,000 to £350,000. He sought my authority to proceed.

13. Following advice from within the Treasury, I formed the view that the proposal should be accepted on condition that the Minister sought a contribution to costs from the industry; the case for compulsory slaughter was reassessed once it had been determined whether the disease was transmissible to humans; and it was made clear in any public statements that compulsory slaughter had been introduced solely to avoid possible risks to human health. It would be indefensible for the Government to ignore the advice of its experts. Consequently, on 6 July 1988, I sent a letter to Mr MacGregor in these terms (exhibit 2) [YB 88/7.06/9.1-9.2].

14. Quite separately, Mr MacGregor wrote to me on 8 September 1988 concerning bids he would be making in the 1988 Public Expenditure Survey (PES) (exhibit 3) [YB 88/9.08/6.1-6.6]. This letter would have been circulated within the Treasury for advice preparatory to our meeting to discuss MAFF's expenditure bids. The letter set out scientific research areas the Minister considered needed strengthening. One such research area was BSE, which he identified as a new disease problem requiring urgent attention. He proposed £1m for 1989/90, £5m for 1990/91 and £10m for 1991/92.

15. On 28 September 1988, I met Mr MacGregor. MAFF had made bids for additional provision of £600,000 per annum for farmers whose affected cattle had been slaughtered. This bid was accepted. With regard to the bid for additional funding for research referred to in the previous paragraph, I had originally received advice from within the Treasury that this should be rejected; however, Mr MacGregor eventually reduced his bid to £0m for 1989/90, £2m for 1990/91 and £5m for 1991/92. This was accepted (exhibit 4) [YB 88/10.03/6.1-6.14; YB 88/10.06/4.1-4.6; YB 88/

16. On 1 February 1989 I wrote to the Prime Minister with my views on a proposed inquiry into the micro-biological safety of food, which the Secretary of State for Health, Kenneth Clarke, had recommended be established. (exhibit 5) [YB 89/2.01/5.1]. My view was that the Government should seek independent advice as to the reasons for the increase in cases of microbiological illness from food but I did not consider that a joint committee of inquiry was the best way to approach this. Instead, the Government's professional advisers should seek advice from independent experts which would allow them to advise Ministers on an on-going basis.

17. On 7 February 1989 I attended a meeting of MISC 138 at which the proposed inquiry was discussed. The Group decided that, rather than have an inquiry, it would establish an advisory committee. Shortly afterwards the Richmond Committee was established.

18. At the same meeting, the Minister of Agriculture mentioned that there was a strong case for a wide-ranging review of Government policy on compensation for slaughter. Subsequently, the Minister made a proposal which was discussed at a meeting of MISC 138 on 1 March 1989. At that meeting it was agreed that a review should take place but that it should be internal, and there should be no legislation on the issue in the near future.

19. The Minister of Agriculture sent me a copy of his minute of 20 March 1989 to the Prime Minister concerning this review. In his minute he stated that he had concluded the review would focus mainly on the approach to be followed in the negotiations connected with the establishment of the Single European Market. He did not think that the financial responsibility for compensation could be industry funded in the absence of legislation, but nevertheless the review would still consider alternative funding, which would involve legislation at a later date (exhibit 6) [YB 89/3.20/5.1-5.2].

20. I responded on 3 April 1989, confirming that I was generally content with his proposals, but noting some additional points (exhibit 7) [

setting out his bids for public expenditure over the next three years (exhibit 8) [YB 89/6.05/5.1-5.2]. This identified food safety as being one of the items on which there were strong pressures. The attached commentary stated that the bid of £4.4m for 1990-91 to improve food safety partly related to BSE and the objective was to eliminate cases of infection as they occurred. It included compensation for BSE. The commentary went on to say that it was hoped that the review of financing of compensation for compulsory slaughter could be reflected in that year's survey. It added that there was an increasing need for research and development into, amongst other matters, BSE and that the Minister would write to me separately about proposed long term programmes of research into BSE and salmonella, costing £4m over the PES period and which must start that year.

23. A letter dated 9 June 1989 from the Minister of Agriculture to the Secretary of State for Health recommending a general ban on specified bovine offals was copied to all members of MISC 138 (exhibit 9) [YB 89/6.09/16.1-16.2]. I saw no reason to object and so I did not comment upon it.

24. Between 23 June 1989 and 10 July 1989 I had an exchange of correspondence with the Minister of Agriculture concerning the costs of the proposed legislation on food safety. This culminated with me agreeing that when the proposed White Paper was launched we should say that the adequacy and value of resources allocated to food safety enforcement was under consideration (exhibit 10) [YB 89/6.23/6.1; YB 89/7.03/7.1-7.2; YB 89/7.10/2.1].

25. On 17 July 1989, in preparation for my public expenditure bilateral with John MacGregor, I responded to his letter of 5 June 1989 (exhibit 11) [YB 89/7.17/5.1-5.7]. Among the areas for possible savings I noted research, including near-market research and development, and compensation for slaughter (through possible industry funding). It was the practice for the Chief Secretary to draw attention to possible savings in this way. In the event, I became Foreign Secretary on 24 July 1989 and the public expenditure bilateral was held between Mr MacGregor's successor, John Gummer, and my successor as Chief Secretary, Norman Lamont.

#### **IV. 24 JULY 1989-28 NOVEMBER 1990**

26. During my time as Secretary of State for Foreign and Commonwealth Affairs (24 July 1989 to 26 October 1989) and as Chancellor of the Exchequer (26 October 1989 to 28 November 1990), I had no direct involvement with issues relating to BSE. I did of course attend Cabinet meetings at which these issues were discussed and received copies of

relevant correspondence from Cabinet colleagues. I have dealt with three such meetings, at the request of the Inquiry, in the annex to this statement.

## **V. PRIME MINISTER**

27. I was Prime Minister from 28 November 1990 until 1 May 1997.

### **1990**

28. I have not seen any documents indicating that I dealt with any matters relating to BSE between the time I became Prime Minister and the end of 1990, nor do I have any recollection that I did so. With regard to food safety generally, I received a copy of a letter to Lord Waddington from the Minister of Agriculture and the Secretary of State for Health dated 21 December 1990 enclosing Part II of the Richmond Committee Report (exhibit 12) [YB 90/12.21/7.1-7.2; M22 Tab 4]. The letter sought colleagues' clearance for the publication of the report. I had no comments to make and understand the report was published as planned.

### **1991**

29. I received a minute dated 4 November 1991 from the Minister of Agriculture, John Gummer, concerning a review which he had commissioned into meat hygiene enforcement arrangements as part of the Government's preparations for implementing the Single European Market. He stated that he, William Waldegrave, Ian Lang and David Hunt had concluded that a national meat hygiene service should be created to provide uniformly high standards of service to the consumer and the meat industry. The new service would be an agency of MAFF, accountable to Agriculture and Health Ministers. It was felt that the new service should be part of central Government because there needed to be a high degree of accountability to Ministers. The Minister wanted to announce the outcome of the review before the Christmas recess. A paper attached to the minute detailed the difficulties with the present system and in particular the lack of control over Local Authorities, which were seen as the foundation of the current system. The paper said that standards of enforcement were uneven across the country. It highlighted the issue of food safety and the public interest in that issue (exhibit 13) [YB 91/11.4/1.1-1.14].

30. As this minute had not been copied to the Treasury, my officials at

No. 10 asked MAFF to ensure that the Treasury's views on the matter be sought and included in the paper in accordance with procedural rules, before I reached a decision.

31. I received a minute dated 3 December 1991 from the Chief Secretary to the Treasury, David Mellor, which referred to Mr Gummer's minute (exhibit 14) [YB 91/12.03/5.1-5.3]. Mr Mellor raised concerns over costs and the creation of new civil service positions, contrary to the Government's aim to reduce the size of the civil service. He said that the Government needed to look closely at the alternatives, including leaving enforcement to the Local Authorities. Officials had been discussing the matter but had not yet reached any conclusions. He raised some further issues which he felt should be considered before any decision was made. Following the Chief Secretary's minute the issue was referred back to officials for further consideration and it was therefore not necessary for me to consider it further at that stage. I did, however, consider it once more in early 1992 (see paragraphs 34-36 below).

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## 1992

32. On 6 January 1992 the Foreign Secretary's office wrote to my Private Office (exhibit 15) [YB 92/1.06/1.1-1.3]. Their letter recorded the failure of an exercise to send British beef to Russia. As part of a European Community food aid effort, Britain had agreed to send beef to Russia. Although there was a Russian ban on the import of British beef which had been in place for some time, this was not considered reasonable by the European Commission or the UK authorities. The Russian Government had indicated that they would accept the beef, but in the event the Russian veterinary authorities had refused to waive the ban.

33. I saw this letter and was dissatisfied with the fact that the Russians had changed their mind over accepting British beef. I thought that the ban on British beef in Russia was unreasonable and should be lifted. My views are recorded in a letter dated 7 January 1992 sent by my Private Office in reply (exhibit 16) [YB 92/1.07/1.1-1.2]. As the Minister for Overseas Development was shortly to visit Russia, the letter went on to record the posture she should take with Russia and the public. This posture was determined by the advice we had received from our own advisers.

34. On 27 February 1992 Sir Robin Butler wrote to my office enclosing a paper which represented the outcome of the further work which I have referred to in paragraph 31 (exhibit 17) [YB 92/2.27/6.6 -6.26]. The paper stated that the current system of local authority responsibility was ill-equipped to meet the new European Community rules, to provide effective

veterinary supervision, or to satisfy the EC Commission. It highlighted the problems with the present system: deficiencies in accountability, management control and staff resources; variable plant standards; lack of consumer confidence; inconsistency in standards of enforcement; costs to the industry and international trade costs of certification. With regard to the issue of plant standards, the paper said that 60% of red meat slaughter houses did not meet current standards and that in some cases, basic hygiene problems leading to extensive contamination had persisted after repeated written advice from the State Veterinary Service (SVS) to the local authority responsible for enforcement. The paper stated that most of the difficulties had been apparent for some time. It concluded that a national meat hygiene service should be established, as an agency of MAFF. Primary legislation would be required. The cost would be unlikely to vary significantly under any of the various options discussed: the decision must be made on other criteria such as potential to improve meat hygiene, standards of service, value for money, trade considerations and accountability. The paper said that the review had been completed at the end of June 1991 to allow Ministers to make a decision before the Single Market was established; the Government were already coming under criticism for the delay in reaching a decision.

35. The accompanying minute from Sir Robin Butler [ This document is not exhibited to this statement; a copy already published by the Inquiry is at **YB 92/2.27/6.1-6.5**] stated that both MAFF and the Department of Health believed that the only adequate solution to avoid risks to public health and British meat exports was to create a new national meat hygiene service. The Treasury would prefer to defer a decision, because primary legislation would be required, the centralised service could not begin until 1994 at the earliest and, in addition, costs of £70 million per year would be transferred to Government (largely recovered through fees), and there would be start up costs of £8 million over two years. Sir Robin stated there was a strong case for the Minister of Agriculture's proposal that a decision be taken in principle to centralise the service and that it was difficult to see what was to be gained by postponing a decision. On balance he agreed that the announcement when made should be a full one setting out decisions on centralisation, but he thought an announcement should be deferred until the new Parliament, when the Government had taken a firm decision on legislation.

36. Having seen Sir Robin's minute and the paper, I concluded that a new central service should be created as an agency of MAFF (exhibit 18) [**YB 92/3.03/5.1**]. I decided the decision should be announced in full before the election. I took the view that there was no reason for delay in making the announcement once the decision to centralise had been taken. Although this decision involved taking powers into central government, I regarded this as acceptable, since it resulted in a simplification of the current arrangements

while at the same time making them more efficient.

37. The decision to create a national meat hygiene service would involve new arrangements which would improve regulation of the meat industry. In our Party manifesto for the 1992 election, we had undertaken to give priority to improving regulation generally. The policy was known as the deregulation initiative. Its purpose was to reduce the burdens on business by removing or simplifying legislation, including subordinate legislation, where possible. However, the initiative was not intended to erode the protections for public health. In my speech on 9 October 1992 at the Party conference, I said that some regulation of business was necessary and gave as an example of this the need for us to have confidence in the safety of the food we eat (exhibit 19) [YB 92/10.09/1.1-1.2].

38. Following a presentation I received from the Deregulation Unit on 20 November, it was agreed that I would hold a seminar on deregulation in the New Year with Cabinet colleagues. In preparation for this, I asked all Ministers to provide notes by the end of December setting out what their Departments had achieved since the election on deregulation, what further steps were to be taken in 1993 and what resources were being allocated to this. In so far as agriculture was concerned, one of the points I made was that new rules on meat hygiene had caused alarm to local businesses, including butchers and village shops selling meat and I said that as part of our review we needed to look at this again (exhibit 20) [YB 92/11.30/2.1-2.3]. At the time, there was considerable concern that Britain was fully enforcing European Community regulations, while our Community partners were believed not to be doing so. I asked whether we had gone too far in bowing to EC pressure on such things. I asked whether the regulatory burden on British business came from Brussels and was embellished and enforced by Whitehall with excessive zeal.

39. The Minister of Agriculture replied to my letter of 30 November 1992 on 9 December 1992 (exhibit 21) [YB 92/12.09/6.1-6.3]. He explained that the new rules on meat hygiene did not apply to retail butchers or to village shops selling meat. He added that he was arranging for the December Agriculture Council to take a fresh look at the provisions of the EC Fresh Meat Directive with a view to reducing their effect on the smaller slaughterhouses. I was subsequently informed that the UK won a two-year respite for small slaughterhouses, which meant that, until December 1994, Member States could allow less onerous structural standards to be applied to slaughterhouses handling up to 20 livestock units per week. Meanwhile, the Commission would study whether more permanent measures were needed.

40. On 2 February 1993, I held the seminar on deregulation that I mentioned in paragraph 38 above. On 4 February, I was asked in Parliamentary Questions what conclusions were reached (exhibit 22) [**YB 93/2.04/3.1**]. I explained that we had agreed to review all 7,000 regulations currently imposed on businesses, with the aim of abolishing these where possible. I added that where these could not be abolished for overriding reasons such as health or safety, then we would work to simplify them.

41. Throughout the period of my premiership I was informed of the action being taken by Departments as a result of the deregulation initiative. This included action by the Ministry of Agriculture, working with the Deregulation Unit, and involved among other matters the simplification of requirements concerning slaughterhouses. I have no reason to believe that this action had any effect on the handling of BSE.

42. BSE was an issue that generated considerable public concern and therefore from time to time the Minister of Agriculture would provide reports to Cabinet concerning the action that he was taking. These reports were made with increasing frequency from the beginning of 1993, and I also received briefing in preparation for Prime Minister's Questions and for other purposes. The Government had taken the early decision in 1988 to commission and then act upon independent expert advice in its handling of BSE, and thereafter it had followed this course. By the time that I became Prime Minister therefore our domestic strategy, which I believe was entirely correct, was settled. I regarded it as important to be aware of the action that was being taken, but as long as our strategy was followed I rarely regarded it to be necessary to intervene.

43. One such report from the Minister of Agriculture was provided at a Cabinet meeting on 11 February 1993. He informed Cabinet that the results of certain food safety exercises being carried out by his Ministry would be announced during the next few weeks and that these might give rise to some media concern.

44. I received briefing on 10 March 1993 from MAFF, concerning CJD and BSE (exhibit 23) [**YB 93/3.10/7.1**]. The briefing referred to a farmer who had a cow with BSE and who died of CJD in Autumn 1992. It mentioned that a case study concerning this had been published in *The Lancet* on 6 March 1993, resulting in prominent press coverage. [This document is not exhibited to this statement; a copy already published by the Inquiry is at **YB 93/3.06/1.1**]. The briefing explained the background to CJD and to BSE and stated that there was no evidence that BSE was transmissible to humans. It added that SEAC had concluded this was a typical sporadic case of CJD and had not altered its view on the scientific evidence as a result of the case.

45. The Minister of Agriculture provided a further report to Cabinet on 11 March 1993 in which he drew attention to the article in The Lancet. He reported that although he was advised there was no danger to humans, the combination of this article and the headline figures on BSE (which did not yet reveal the decline in incidents of BSE) could give rise to renewed concern.

46. On the same day, the Chief Medical Officer repeated the assurance he made in 1990 that beef was safe to eat. [This document is not exhibited to this statement; a copy already published by the Inquiry is at **YB 93/3.11/1.1**]

47. On 26 April 1993 the Policy Unit sent me a minute concerning the medium-term objectives of MAFF. [This document is not exhibited to this statement; a copy already published by the Inquiry is at **YB 93/4.26/5.1-5.4**]. The minute was sent in preparation for a meeting which I was to have with the Minister of Agriculture the following day. A number of points were made. It was stated that a potential disaster concerning slaughterhouses had been defused and that only seven slaughterhouses had been refused licenses on hygiene grounds. It was suggested that I might wish to ask the Minister whether there was any danger of this issue re-emerging. The minute referred to the Minister's plans for the National Meat Hygiene Service and suggested I might wish to ask him whether this would mean cheaper and easier regulation for slaughterhouses and what steps he was taking in the meantime to keep regulation as cheap and predictable as possible. The minute also referred to the issue of food safety, which was said to be a sensitive issue for MAFF. It stated that there were pressures on MAFF for less regulation, but that there was a countervailing problem of media hysteria at the first hint of a food scare. With regard to BSE, it was suggested I might ask the Minister if there were likely to be any further cases of humans dying from apparently BSE related diseases and whether any firm medical evidence was likely to emerge that disproved the link between BSE and CJD. I have tried to obtain a record of the meeting with the Minister of Agriculture which subsequently took place but Departments have been unable to locate it. At this distance I have unfortunately been unable to recollect the details of the meeting. I can say, however, that I am very likely to have raised all the issues identified in the minute.

48. In July 1993, in connection with the deregulation initiative, I provided a forward to a Code of Good Enforcement Practice (exhibit 25) [**YB 93/7.00/2.1**]. This emphasised the need for enforcement bodies to behave in a way which was helpful to business and explained that the code brought together deregulation and Citizens' Charter principles. Enforcement agencies would be required to publish clear statements of standards, provide clear information and advice on the rules enforced, consult with business to discuss compliance, deal with complaints and provide value for money.

49. In October 1993, I provided the forward to a Guide to Risk Assessment (exhibit 25) [YB 93/10.00/7.1]. This emphasised the need for regulation to be proportionate to the problem and that balanced risk assessment should be integral to the policy making process.

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## 1994

50. Much of my involvement with BSE issues in 1994 related to events in Europe, principally Germany's threat of restrictions on beef imports from the UK. The arguments raised by Germany were not supported by the scientific advice we received or by the European Commission. Events in Europe at that time did not affect the Government's domestic policy on BSE and this continued to be the case until after the events which led to the announcement on 20 March 1996. During 1994 I also continued to receive briefing on BSE in the domestic context.

51. I received briefing on 27 January 1994 on two suspected cases of CJD in young women, following press coverage of the subject (exhibit 26)[YB 94/1.26/5.2; YB 94/1.27/3.1]. This explained that the CMO had expressed his concern about irresponsible scare stories in the press and had repeated earlier advice that there was no evidence whatever that BSE caused CJD.

52. At the meeting of Cabinet on 28 April 1994, the Minister of Agriculture reported on a meeting of the Agriculture Council which had taken place on 25 and 26 April. The Minister said that the Commission and other Member states had rejected demands made by Germany for Community measures to ban exports of British beef products to Germany. Notwithstanding the outcome of these demands, the Minister noted that the dispute had done serious damage to British trade. Germany and Belgium were cancelling orders for British beef, pork and other meat products. The President of the Board of Trade was to meet the German Economics Minister within the next month and would raise the Government's concerns about the trade impact of Germany's stance on BSE with him.

53. The Minister of Agriculture provided a further report to Cabinet on 12 May 1994. She said that the German Government had backed down from its threat to impose a unilateral ban on imports of British beef. She believed that current discussions with the German Government were aimed at finding a way for the German Health Minister to retreat from earlier commitments he had made to take unilateral action.

54. I was briefed by my Private Office on 13 June 1994 that Chancellor Kohl would shortly decide whether or not to propose new restrictions on imports of British beef and that intervention from myself might secure a delay for further scientific evaluation. I approved a written message to

Chancellor Kohl (exhibit 27) [YB 94/6.13/7.1-7.2]. This stated that, on scientific advice, the Government had taken stringent measures to protect consumers and prevent disease of cattle.

55. Chancellor Kohl responded on 16 June (exhibit 28) [YB 94/6.16/11.1-11.2]. He confirmed that he was being pressed to take political decisions in this area. This was due to the fact that, in the opinion of experts, BSE might also pose a risk to humans, although the extent of this risk and the conclusions to be drawn were a matter of contention. He said that he would like to discuss the topic in the margins of the European Council meeting in Corfu. This meeting was to take place on 24 and 25 June.

56. At the Cabinet meeting on 16 June 1994, the Minister of Agriculture reported that following my message to Chancellor Kohl, the German Government appeared to be retreating from its earlier intention to take unilateral measures to ban British beef imports. However, it appeared that the German Government might be seeking to achieve the same objective by a labelling requirement. She went on to say that the European Commission's Scientific Veterinary Committee had met the previous week under German chairmanship and had concluded that there was no need for any additional measures by the UK to guard against the risk of transmission of BSE to consumers. The European Commission continued to support the Government's position.

57. On 21 June 1994 I received briefing for the European Council meeting (exhibit 29)[YB 94/6.22/9.1-9.6]. This emphasised that public health was our first priority and that measures taken to protect the consumer against any potential risk from BSE should be underpinned by sound science. It explained that the measures already in place erred on the side of caution and were backed by the European Community and relevant international organisations and said that further action based on political considerations risked sending the wrong message to consumers about the safety of the product. The briefing pointed out that I would act immediately on any new evidence which indicated the existing measures were inadequate. The background note explained the context of Germany's current position.

58. The European Council meeting in Corfu took place on 24 and 25 June 1994. I have not seen a record of any discussion I had with Chancellor Kohl in Corfu on BSE and do not recall whether it was in fact discussed. The European Council meets without officials present and private conversations between Heads of Government were often taken informally over coffee in breaks between meetings. This explains why there is no note of the exchange. It probably did take place.

59. I received briefing for information purposes from the Policy Unit on 28 June 1994 about a further development [This document is not exhibited to this statement; a copy already published by the Inquiry is at **YB 94/6.28/15.1**]. They informed me that an announcement was to be made that week, concerning new evidence that BSE had been found in calves under 6 months for the first time, following an experiment whereby calves had been given infected feed. The scientific advice was that no action needed to be taken, but I was informed that MAFF were being ultra-cautious and had decided to ban the use of offal from calves as feed. It was noted that the evidence would be discussed at a European medical meeting that Friday and the outcome of that would affect the line to be taken on any Community action necessary.

60. At a meeting of Cabinet on 30 June 1994, the Minister of Agriculture referred to the Parliamentary announcement she would make that day on the calves experiment and the new measures proposed. SEAC had advised that any risk to humans arising from the new findings would be minuscule and theoretical, since calves' intestines were not used for human consumption. She said that both the CVO and the CMO had advised (yet again) that there was no risk to the population from eating beef and they were to give a joint technical briefing to the press and the meat industry and slaughterhouse representatives. She noted that there was clearly a risk of adverse publicity. In discussion, it was said that a Parliamentary announcement might provoke reactions from the public and European partners that would be out of proportion to the scientific findings, and a technical briefing alone from the CMO and CVO might be better. Against this, it was said that the Government's entire policy in relation to BSE had rested on the reputation it had built for openness about the infection and a Parliamentary announcement was politically essential. A colleague, not named, pointed out that the new evidence was likely to make it more difficult to retain the support of the European Commission and other Member states. The Foreign and Commonwealth Secretary would break the news to Dr. Kinkel that morning. In summing up, following the discussion, I said the Minister of Agriculture should proceed with the announcement as planned: both the Government announcement and the joint briefing of the CMO and CVO should emphasise that eating beef presented no risk to human health (since that remained their clear advice).

61. I have been asked to comment in relation to this Cabinet meeting whether my understanding was that there was no risk at all, as opposed to a minuscule risk, from eating beef. I understood the advice of the CMO and CVO, as reported in Cabinet, to mean there was no risk at all.

62. I have been referred to the press announcement which followed the Cabinet meeting. [This document is not exhibited to this statement; a copy

already published by the Inquiry is at **YB 94/6.30/6.1-6.8**] This repeats the terms of a Written Answer to a Parliamentary Question which among other matters reports the CMO's view as being "there is no evidence whatever that BSE causes CJD and, similarly, not the slightest evidence that eating beef or hamburgers causes CJD". I have been asked to comment on whether I thought this was the same thing as saying "no risk from eating beef". I have no recollection of the Written Answer or the press announcement and I therefore cannot say whether I had a view about the different formulations of the CMO's opinion.

63. On the same day as the Cabinet meeting, I met Dr Kinkel, the German Foreign Minister (exhibit 30) [**YB 94/6.30/17.1-17.2**]. Dr Kinkel made it clear that the German approach was to avoid British beef until there was scientific evidence to prove conclusively that it was not dangerous. This was asking us to prove a negative and I said that the UK Government had taken clear scientific advice and the advice we had received was that humans were not at risk from BSE. I warned of the potential danger to the European beef market if the scare spread.

64. My Private Office was copied a telex from Bonn to the Foreign and Commonwealth Office dated 7 July 1994 (exhibit 31). This stated that Germany still wanted to proceed with its proposed ban on British beef and saw the results of the experiment with calves as further evidence that BSE might be transmissible to humans. A subsequent telex dated 8 July 1994 was copied to my Private Office confirming that the German Parliament had approved the draft order to ban British beef, but indicating that the date of implementation of the ban was undecided (exhibit 32) [**YB 94/7.08/9.1-9.2**]. The order was to be notified to the European Commission. I do not recall whether I saw these telexes.

65. At a Cabinet meeting on 14 July 1994 the Minister of Agriculture informed the Cabinet that discussion in the European Union concerning BSE appeared to be moving towards a resolution. The Commission were likely to extend the prohibition on bone-in beef to animals from any herd which had a case of BSE within the last six years. The justification for this proposal was that other Member states were less well-equipped than the UK, which had special de-boning plants, to dispose safely of infective tissue from bone-in beef. These new measures would have a serious impact on exports of British beef. If the proposed measure was voted through by the EU Standing Veterinary Committee, the Minister would raise the question of transitional assistance for the industry at the meeting of the Agriculture Council the following week. She regretted that a new restriction, albeit scientifically based, was likely to be introduced effectively in response to German political pressure. She would press Germany to drop its campaign for more far reaching measures. At present she understood that the German Health

Minister would continue his campaign, but had asked to speak to her in the margins of the Agriculture Council meeting. She had invited the Minister of State from the Department of Health to participate in this. If Germany still proceeded with its proposed ban, she would press the Commission to initiate legal action against Germany. In discussion there was agreement with the Minister of Agriculture's approach. The possible damage to consumer confidence caused by the new measures was noted; it was essential that the Government should be able to reassure domestic consumers that bone-in beef was safe to eat. In summing up, I referred to the potential damage to public confidence in British beef and said it would be helpful if the Minister of Agriculture, in consultation with the Secretary of State for Health, would circulate a memorandum explaining the background to the measures in more detail and to report on the line to be taken to reassure public opinion, if necessary.

66. On the same day, 14 July 1994, my Private Office received a minute from the Minister of Agriculture's Private Office enclosing briefing for a discussion that I was to have with Chancellor Kohl on the telephone that evening (exhibit 33) [YB 94/7.14/15.1-15.5]. The briefing consisted of speaking notes, a background brief and a draft statement for press use. The background brief highlighted the CMO's advice of 30 June that there was no evidence that BSE caused CJD and not the slightest evidence that eating beef caused CJD and set out the German position and the European Commission's response and the proposed extension of the bone-in beef ban. The briefing went on to explain that the scientific basis for the new rules recommended by the Scientific Veterinary Committee was that the six years reflected the average incubation period of the disease and the possible risk of horizontal transmission. The Committee also considered that meat itself was not at risk, only the nervous and lymphatic tissue associated with bone-in beef: it was not therefore necessary for the rule to extend to deboned beef. In the UK these tissues were trimmed off when the meat was deboned and were not used for human consumption, but other Member states did not want to impose similar controls on their deboning plants. It was perfectly legitimate therefore to present this to UK consumers as a way of ensuring that overseas consumers were afforded the same protection against a remote risk as our own. I have been asked what I understood to be the scientific basis for the new restriction. I would have relied on this briefing and the briefing received on 15 July, referred to below, as well as on the Minister of Agriculture's report to Cabinet for my understanding of the scientific basis for the new restriction. The speaking notes attached to the briefing expressed increasing concern about German action over BSE and asked Germany to recognise the considerable efforts being made by the European Community on the issue. The notes emphasised the importance of acting on scientific advice rather than unjustifiable fears and emphasised the principle of the single market,

which the German action threatened to undermine. The draft statement for press use had been drafted on the basis that the Standing Veterinary Committee, meeting on 15 July, would agree the extension of the bone-in beef ban and that this could be seen as a vote of confidence in UK policy. This briefing would have been seen by me prior to my telephone conversation with Chancellor Kohl that evening.

67. I spoke with Chancellor Kohl that evening, but as we did not have time to go into details on BSE, I told Chancellor Kohl I would like to discuss this the next day in the margins of the Brussels Council (exhibit 34) [YB 94/7.14/14.1]. As a consequence my Private Secretary asked for an update of the briefing.

68. The updated briefing was dated 15 July 1994 (exhibit 35) [YB 94/7.15/10.1-10.5]. By comparing now the two sets of briefings, I can see that the later briefing differed from the previous briefing in that it referred to the fact that the new rules reflected new scientific advice that certification of herd freedom should be consistent with the normal incubation period of the disease and took account of all possible methods of transmission. The possible risk of horizontal transmission was not specifically referred to. The briefing highlighted the likely adverse impact on the meat industry of the proposed new measures. I cannot say at this stage whether I picked up on the difference between the two sets of briefing. I do not recall BSE being discussed with Chancellor Kohl; I have already referred to the fact that notes were not made of discussions of this nature. It is probable though that I registered the points on BSE with him.

69. A further telex dated 19 July 1994 from Bonn to the Foreign and Commonwealth Office was copied to my Private Office (exhibit 36) [YB 94/7.19/10.1-10.3]. This stated that as a result of the Standing Veterinary Committee's decision on Community rules for BSE, the German measures would not be implemented. The Community rules required bone-in beef to come from herds free from BSE for six years.

70. The Minister of Agriculture, Gillian Shephard wrote to me on 20 July 1994 to report on the discussions on BSE at the Agriculture Council (exhibit 37) [YB 94/7.20/11.1]. The Minister reported that some changes to export rules were agreed, particularly on bone-in beef, and this allowed Germany to climb down; there were no changes in domestic safeguards. The Minister judged this to be a good outcome, although she acknowledged that it would cause difficulty to some parts of the meat industry.

71. A Cabinet reshuffle took place on 20 July and so it was left to Mrs Shephard's successor, William Waldegrave, to report on the outcome of the Agriculture Council. He congratulated her on the excellent agreement that she had reached. It was noted that at the Agriculture Council, she had

reminded her equivalents that there had been cases of BSE in all Member States and none had denied this.

72. Mr Waldegrave sent me a minute dated 16 August 1994 on the issue of BSE and beef exports (exhibit 38) [YB 94/8.16/4.1-4.2]. This detailed the current position on beef exports following the meeting of the Agriculture Council referred to above. It said that there had been no change in the rules concerning calves. Bone-in beef must in future come from animals which had not lived on a holding on which there had been a case of BSE in the last six years. He drew attention to the problems this would cause the industry, particularly since it was difficult to trace an animal's history for this period. He also informed me about new rules on boneless beef decreed by the relevant Deputy Director General in DGVI, which would make beef virtually unmarketable. The problem related to the technical definition of what must be removed from boneless beef. The Minister stated that this was a serious development which would kill exports and prevent a switch from bone-in beef export to boneless beef export. He had already met with all sections of the industry the previous week and had demanded an urgent meeting with the relevant European Commissioner.

73. I understand that the Minister subsequently met with Commissioner Steichen on 5 September 1994, although I have not seen any documents relating to this.

## 1995

74. In the course of 1995, I received a series of briefings concerning BSE as part of preparation for Prime Minister's Questions. This would have been one of 50 or 60 topics that it was necessary for me to prepare for in case a specific point was raised in Questions. It would have been part of briefing for Prime Minister's Questions received from every Department. Almost certainly it would have been sent because of some reference to the matter in the press that might have caused it to be raised. This type of briefing needs therefore to be distinguished from specific briefings commissioned in preparation for an event such as a meeting with a Minister or politician from overseas. In addition, the Minister of Agriculture continued to provide reports to Cabinet whenever he considered that colleagues ought to be brought up to date with current developments.

75. At a Cabinet meeting on 16 March 1995, the Minister of Agriculture reported that the German Government had issued a statement saying it could not persuade its Parliament to change the law which it had adopted on British beef imports. This appeared to be illegal under EC law and possible action under the Treaty of European Union was discussed.

76. The National Meat Hygiene Service was established on 1 April 1995.

77. On 25 October 1995 I received briefing on CJD in farmers (in preparation for Prime Minister's Questions) (exhibit 39) [YB 95/10.25/14.1-14.2]. The briefing reconfirmed that there was no scientific evidence to link BSE in cattle with CJD in humans. It referred to a potential fourth case of CJD in a farmer with BSE in his herd, which was reported in the Daily Mail. The brief stated that this case had been considered by SEAC, and SEAC did not advise the Government to adopt extra precautions to protect human health. The background note attached to the briefing confirmed that neither this case nor SEAC's statement changed the Government's fundamental advice that beef was safe to eat. A claim by the Today newspaper that there was a fifth case of CJD in a farmer with BSE in his herd was stated to be without foundation. The note brought to my attention details of two confirmed cases of sporadic CJD in teenagers in the UK, which were to be published in The Lancet that weekend. It was noted that such cases were extremely rare and would attract media and possibly Parliamentary interest. However, we had been told that such cases appear sporadically. Nothing in the briefing suggested the position had changed since SEAC had considered a similar case in 1993, as referred to above.

78. I received a further briefing on 30 October 1995 concerning CJD in farmers and teenagers, once more in preparation for Prime Minister's Questions (exhibit 40) [YB 95/10.30/10.1-10.5]. This repeated the statement in the earlier briefing that there was no scientific evidence to link BSE with CJD in humans and that consequently the public should not be alarmed about stories in the media about CJD in farmers and teenagers. A significant point was that the incidence of farmers with CJD in the UK was similar to other European Countries with no or very few cases of BSE. As far as teenagers were concerned, SEAC had considered the cases in which they had been affected and had concluded that it was not possible to draw conclusions, because CJD had been found in teenagers in other countries before the appearance of BSE and the two cases had no exposure to risk factors for CJD and no contact with BSE. I understood the phrase "it was not possible to draw conclusions" to mean that the two cases did not add any additional information to what was already known about BSE and did not provide any evidence of a link between BSE and CJD. The fact that CJD in teenagers had been found in other countries before the appearance of BSE appeared indeed to argue against a direct link between BSE and CJD. An annex set out SEAC's advice on CJD in cattle farmers. SEAC said it was difficult to explain this as a chance phenomenon and that there was a statistical excess in cattle farmers, but the absolute risk was extremely low at about 2 cases per million each year. Similar statistics were available for countries with no or very few cases of BSE. It was therefore necessary to carry out further studies, but in the meantime, SEAC did not alter their

advice to the Government on measures needed to protect human health. The second annex dealt with CJD in adolescents and again stated that further study of the two cases was needed and consideration given to any implications for the cause or management of the disease.

79. The Minister of Agriculture, now Douglas Hogg, sent me a letter dated 28 November 1995 on the topic of BSE, referring to problems which had been found in slaughterhouses over the handling of SBOs: in some cases SBOs were not being properly removed and as a consequence might enter the human food chain, primarily via mechanically removed meat (MRM) (exhibit 41) [YB 95/11.28/30.1-30.2]. His letter set out the steps he was taking following further advice from SEAC. SEAC had advised that until it was clear that the removal of SBOs was being undertaken properly in all cases, the use of vertebrae from cattle aged over six months should be suspended in the manufacture of MRM. The letter explained that the Minister had discussed this with the Secretary of State for Health and the CMO and it had been agreed that SEAC's advice should be followed. He felt it necessary to go beyond SEAC's advice and included all bovine vertebrae because it would be impossible to identify whether or not backbones came from calves under six months. Any adverse economic impact was outweighed by the need to protect the public. The letter went on to record that SEAC considered beef was safe to eat, including cuts containing part of the backbone. I was content with the measures he was taking.

80. I received further briefing in preparation for Prime Minister's Questions on 28 November 1995 (exhibit 42) [YB 95/11.28/17.1; YB 95/11.28/18.1]. The briefing referred to the recent death of a young mother from CJD and stated that the National CJD Surveillance Unit was carrying out an investigation.

81. The following week, on 5 December, I was sent more briefing for Prime Minister's Questions (exhibit 43) [YB 95/12.05/14.1; YB 95/12.05/15.2; YB 95/12.05/16.1]. It stated that recent remarks made by Professor Tomlinson had caused unnecessary and unjustified alarm about the safety of beef products such as burgers and pies. He had been invited to submit any new evidence he had for consideration by SEAC. He had been unaware of the Government decision announced on 28 November 1995 to suspend the use of bovine vertebrae in MRM. I also received additional briefing on the same day (exhibit 44) [YB 95/12.05/15.1]. This stated that BSE numbers had fallen dramatically in the past couple of years and that all cattle suspected of having BSE were compulsorily slaughtered. BSE was not due to deregulation: renderers had introduced changes to their practices in the early 1980s for purely commercial reasons and these changes let infectivity survive into the animal feed chain. There were no regulatory changes. There was no way in the early 1980s that the industry or the

Government could have foreseen the impact of these apparently minor technical changes. The briefing stated that MAFF was to increase its research spending on BSE. It added that the controls on the removals of SBOs had recently been reinforced in the light of some failings in the handling of SBOs by some slaughterhouses. The briefing concluded that all new findings were put rapidly into the public domain so that the Government remained fully open on matters relating to BSE.

82. On 7 December 1995 I was sent further briefing for Prime Minister's Questions on the topic of BSE/CJD (exhibit 45)[YB 95/12.07/4.1-4.3]. This stated that the Government's primary concern was to ensure the safety of consumers and that the advice remained that there was no scientific evidence that BSE could be transmitted to humans or that it caused CJD. It explained that the Government would follow SEAC's advice to carry out measures to reduce any theoretical risk. It added that the CMO had confirmed previous assurances that if new evidence came to light that BSE could transmit to humans then he would bring it to the attention of the public. The briefing said there was no need for a Royal Commission as the Government was advised by SEAC, which was fully independent.

83. At a meeting of Cabinet on the same day the Minister of Agriculture reported that there had been a renewal of media interest in the BSE issue in the previous week, fuelled by doubts expressed by a number of eminent scientists. There had been no change in the scientific evidence underlying the Government's stated view that there was no reason to believe that BSE could be transmitted to humans. The Minister made clear that there was no way of proving conclusively that BSE could not be transmitted to humans. He referred to recent steps he had taken. He proposed to hold a press conference on 14 December to announce details of two new orders banning the use of bovine vertebral column in the manufacture of MRM and other products and banning the export of MRM and to publicise the Ministry's regular progress report on BSE. He would be accompanied by the CMO and the CVO and the Chairman of SEAC. In discussion it was noted that the draft orders were generating intense public debate and an earlier statement on them was perhaps wiser; the Government should continue to try to keep discussion of BSE on as open and non-partisan level as possible; it was important to marshal independent scientific opinion in support of the Government's case as soon as possible. It was also felt to be desirable to invite Professor Tomlinson to offer a further view, but he might still feel obliged to register some qualification which would leave doubt in the public mind. It was further stated in discussion that the CMO and CVO ought to be the most convincing spokesmen for the Government on the key question of whether BSE could be transmitted to humans from infected meat, although their assurances could be undermined if they could not give an unqualified assurance that all meat products currently on sale, produced prior to the ban

on bovine vertebrae from MRM, were safe to eat. It would be going a considerable step further to withdraw all such meat from retail outlets; this could precipitate public panic with adverse consequences for the livestock

press conference with the help of the CMO, the CVO and Professor Pattison.

86. Mr Heseltine explained that at his meeting with Mr Hogg he had agreed with his view that the Government should make an early statement and that it would be wrong for the information to leak out in a misleading way. He had, however, recognised the difficulties in making a statement that week, because of the absence of SEAC's recommendations about future action. He had discussed Mr Hogg's proposals that he would be putting forward concerning the further measures that should be taken. Mr Heseltine had asked about the implications of destroying all potentially infected cattle and restocking the British herd, but Mr Hogg had stated that he considered this disproportionate to the risks. They had agreed that consumer confidence would be a problem, as well as what should be done about beef products already in the food retail chain. They had discussed the possible cost implications and the need for an inquiry, which Mr Heseltine had agreed needed to be considered. Mr Heseltine had said he thought the media reaction would be hostile and the Government needed to set out the facts itself and take the lead. He had told the Minister he would report to me, with a view to having an urgent collective discussion.

87. Later that day I received a minute from Mr Hogg alone (exhibit 47) [YB 96/3.18/7.1-7.4]. This referred to his earlier minute and set out his proposals for extra measures to be taken to protect human health which he was making following a conversation with Professor Pattison. These were as a minimum: (1) banning the sale of beef and beef products derived from animals from UK herds and from animals over 2.5 years of age; (2) banning the manufacture of products from bovine material from animals from UK herds and animals over 2.5 years of age; and (3) banning the export of such beef and beef products. These would be presented as interim measures pending SEAC's definitive advice. Mr Hogg also considered that all stocks of the products that he had described should be destroyed; in practice this would mean that virtually all beef products should be withdrawn. He felt that as this had such enormous financial and other implications, a collective decision would need to be taken on this. He considered that compensation would then be necessary in at least some cases and considered the potential cost of this to the Government: the figure could potentially reach several billion pounds if a complete slaughtering and restocking of the UK herd resulted, although Mr Hogg considered this would be a disproportionate approach. He also considered an inquiry on the Government's reaction to BSE would need to be accepted and suggested there would be an advantage in proposing one ourselves. I have been asked to comment on whether I considered the proposals which Mr Hogg put forward in his second minute to me of 18 March 1996 were his personal proposals or represented the Ministry's considered options. I would have assumed that his proposals were informed by the advice of his officials. I have also been asked to comment

on whether I expected that, given the course of events, the Ministry would have considered contingency plans prior to March 1996, lest a new variant of CJD should be found. It appears from Mr Hogg's evidence that there were indications prior to March 1996 that SEAC might reach the conclusions they eventually did reach. Given this, I would have expected that some thought was given to what would need to be done if those conclusions were reached.

88. Following these events I sought urgent briefing, since I realised rapid decisions would need to be taken and was concerned that although taken in haste, they should be based on fact and logic. Although concerned about public safety, I was also concerned about the danger of overreaction, particularly since the science was still inconclusive. The briefing I received emphasised that there had only been nine cases of CJD which seemed to be linked to exposure before the SBO ban in 1989. This contrasted with the Minister's minute which canvassed at the extreme the possible necessity of slaughtering the entire UK herd and the destruction of all existing beef products. I was provided with a brief cost-benefit analysis and reminded that I had in the past cautioned the DOH for being too "nannyish" in relation to advice about diet and lifestyles. The brief questioned why consumers should not decide and reminded me that the Government has a duty to explain scientific advice it receives, but cautioned against going too far in accepting responsibility for how the public should act on such advice. It also pointed out that SEAC's recommendations had not yet been received and might be contrary to the Minister's proposals. With regard to the Minister's suggestion of an inquiry, the brief queried why an inquiry under a High Court judge was needed, given that the Government had always followed scientific advice. It concluded that the Minister's action seemed disproportionate in relation to the new evidence and pointed out that I would be heavily criticised if I seemed complacent about the risks, but might come under fire if I over-reacted.

89. That evening I called a meeting with certain Cabinet colleagues to discuss the issues. The meeting was held at the House of Commons (exhibit 48) [YB 96/3.19/17.1-17.4]. Those in attendance were the Deputy Prime Minister, the Chief Secretary, the Secretary of State for Health, the Minister of Agriculture and three officials from No. 10. The meeting was unsatisfactory in that we had before us the problem without any concrete scientific advice as to the solution. It was evident to me that we would need this before we could decide what steps should be taken. Nevertheless, the contents of the two minutes that I had received were discussed. The Minister of Agriculture said that SEAC were aware that the SBO controls were ineffective, since small quantities of SBO material could be left behind in any slaughterhouse procedure and hence present controls did not remove the risk of transmission to humans if that were possible via SBOs. I said that I was aware of the scientific advice, but that there was a huge leap from

recognising the possibility of transmission to humans (which was what the scientists had now said was possible), and the possible destruction of the entire beef herd and with it the British beef industry. I was also concerned that if we were advised there was still only a possible link between BSE and CJD, then excessive measures could lead to huge national panic with people believing that the link was not merely likely, but certain. We had always been open about the scientific advice we had received on BSE and I think the Minister was right to take the view that it would not be possible to conceal the ineffective SBO controls from the public. Indeed it would have been wrong to do so. Nonetheless, as I understood the position, the risk of contracting CJD was thought to be minimal. Three possible options on how to act were considered: (1) do nothing pending SEAC's recommendations; (2) stand firm on existing controls, recognising the short term crisis this would cause; (3) plan for total replacement of the UK beef herd. Mr Hogg has stated that his own proposals must also have been considered at the meeting; I am sure that this is correct. The reduction in cases of BSE was considered and it was concluded that the risk of contracting CJD was infinitesimal despite the acceptance of transmissibility. It was noted that SEAC themselves were not in agreement over the action to be taken. The minute of the meeting records that no doubt SEAC would produce a common position in due course, but that given the differing views of some members of the committee it might not be acceptable to rest on that. Although the minute does not make it clear, I understand that what was meant by this comment was that it might not be acceptable to do nothing until SEAC had reached a firm decision, because at that time it was not clear when that decision would be reached. The option of testing carcasses for BSE before they were allowed for sale on the market and the cost of compensation were considered. We agreed that an announcement was needed and therefore there should be a Ministerial meeting on 19 March, which would seek the advice of the CMO, the CVO and the Chairman of SEAC, Professor Pattison.

90. Overnight, I received further briefing from my Private Office on matters I might raise with Professor Pattison, who would be at the first part of the meeting, both on the substance of the issue and on the announcement which we may wish to make. I also received briefing on rudimentary compensation costings.

91. The Chancellor of the Exchequer, Kenneth Clarke, also sent me a minute on 19 March 1996 prior to the meeting (exhibit 49) [YB 96/3.19/1.1-1.3]. He considered that the Government should make public the full facts as rapidly as possible and that the Government had a duty to put the public fully in the picture so that everybody could take responsible and informed decisions. He pointed out that the Government had to tread a difficult line between giving reassurance on the one hand without being accused of

complacency on the other. He warned against over-reaction and said that a swift but calm assessment of the scale of the risk to public health had to be made. He considered a complete ban on beef products or the culling of beef and dairy herds to be completely over the top. He concluded by stating that his position was not based simply on the potential public expenditure implications, but rather on his view that the Government had a duty to give a responsible and calm lead. I was in complete agreement with his comments.

92. The Ministerial meeting was held later that day. The meeting is recorded in a letter dated 19 March 1996 from my Private Office to the Deputy Prime Minister's Private Office (exhibit 50) [YB 96/3.19/16.1-16.6]. I opened the meeting by stating that we had to take some very difficult decisions to ensure that the correct balance was struck between treating the matter seriously and overreacting. It needed to be remembered that many issues remained unknown. At that point, I invited Professor Pattison to explain the new scientific evidence. He said the scientific evidence showed a new variant CJD and said that the *most likely explanation* was that BSE was the new risk factor, although SEAC *might be wrong* and nvCJD could have other causes. He noted that it was impossible to predict how many more cases there might be. SEAC believed it was increasingly impossible to keep this new information confidential and considered a controlled Government statement would be appropriate. *SEAC did not consider any immediate measures were needed, other than to stress the importance of implementing existing controls as nearly perfectly as possible.* SEAC were to consider this further at the weekend. Professor Pattison felt personally that extreme measures would not be needed and SEAC were more likely to focus on controls concerning older cattle and MRM. I noted that there was a maximum of twelve cases so far, with their roots five to fifteen years previously and that no link had been proven. As a result of the controls which had been introduced in 1989, the risk had been greatly reduced if not eliminated. I said that we could not take drastic action in advance of SEAC advice. This would make the Government look silly and open it to significant litigation if premature action were taken. The Secretary of State for Health said the line we had taken from SEAC in the past was that there was no link, but the controls had been put in place to guard against error. Now, however, the balance of risk on transferability had changed and it could be said that the controls already in place were therefore sufficient. The Minister of Agriculture commented that we knew the SBO controls were not adequate and, with the new information, this made the Government's position untenable. However, the Attorney General commented that there could be litigation if the Government's response were disproportionate and we needed to be clear as far as possible what the maximum and minimum effect of any epidemic might be. Professor Pattison referred to the fact that the SBO ban had not been implemented perfectly and said that the risk

might be small, but there remained a risk. He said that one reason CJD might be prevalent in the UK was that it might be the case that only a small amount of the population was susceptible and it was only in a country where there was sufficient exposure to BSE that the disease would be seen. He said it was impossible at this stage to tell the scale of the epidemic. He also discussed the age limit of cattle. *The Secretary of State for Health noted that the CMO's view was that the current controls should remain until SEAC had firmer views.* The cost of compensation was considered. We agreed that ideally there would not be a statement until SEAC had made its recommendations. I should make it clear that the reason for this was that without specific recommendations as to the action the scientists deemed necessary there was a danger of undue alarm, which we wanted to avoid. Nonetheless, there was a risk of a leak which could create greater panic. In the circumstances, we felt it was necessary to make an early statement. If a statement were to be made it should include something of substance and further information from SEAC was therefore necessary. The Lord President would convene a meeting of the relevant parties which would report to Cabinet on 20 March.

93. I later received a minute from the Policy Unit on the latest position adopted by SEAC.

94. A meeting was held that evening at the Lord President's office (exhibit 51) [YB 96/3.20/9.1-9.4]. I was not present at that meeting but I am aware that it was agreed that SEAC should be asked to provide urgent advice to the Government on what response the Government should make to their latest conclusion by 10.30am on 20 March. An interim statement would then be made by the Minister of Agriculture at 3.30pm, which would be repeated in the House of Lords. This would promise a further statement, probably by the weekend, when SEAC had completed its consideration. The statement would be followed by a press conference taken by the Minister of Agriculture and the Secretary of State for Health, with the CMO, the CVO, the Chairman of SEAC and possibly some members of SEAC present. It was agreed that all members of SEAC would be asked to attend the meeting on 20 March, so that the Government could take immediate advice if necessary. It was noted that the Government had always followed and published SEAC's advice, but that there would be an advantage if they could provide risk assessments of the various options, on which the CMO, the CVO and the Chief Scientific Adviser could comment before Ministers reached final decisions. The presentation of the announcement was then considered and a list of other consequential issues.

95. My Private Office wrote to the Ministry of Agriculture on 20 March 1996 emphasising two points I wished to see brought out in any statement made that day. [This document is not exhibited to this statement; a copy

already published by the Inquiry is at **YB 96/3.20/38.1**] These were: (1) that there was no proven link between BSE and CJD, only a shift in the balance of probabilities; and (2) that those advising the Government should be named. The purpose of the first point was to diminish unnecessary fears; the purpose of the second point was to reassure the public that eminent scientists were advising the Government on the issue. I felt this would not only offer reassurance as to how decisions were being taken, but would also provide reassurance that all information available to the Government was being made public. Unfortunately, the time between the ending of the Cabinet meeting and the making of the Parliamentary statement was extremely limited and I did not have the opportunity to insist upon these points when I received the draft of the Minister's statement, which had not included them.

96. The Policy Unit produced a draft broad assessment of health risks for me, setting out the risks of additional exposure to BSE from eating beef. This concluded that there may be as few as four new cases of BSE exposure over 20 years. This was seen by me. My Private Office sent this draft to the Ministry of Agriculture, Fisheries and Food on 20 March and asked them to provide advice to Douglas Hogg as to whether the figures were roughly right, as I would want to raise it at Cabinet that morning.

97. The Cabinet meeting which took place on 20 March 1996 and the subsequent events have been fully documented elsewhere. Nonetheless, I should set out the conclusions which were reached. The CMO explained that the implication of the new findings was that the current controls should continue to be rigorously enforced and there were additional recommendations which he described. If these recommendations were implemented, any risk from eating beef would be extremely small. It was agreed that the recommendations of SEAC should be accepted in full, although the detailed implementation would inevitably take some time. It was further agreed that the Secretary of State for Health and the Minister of Agriculture should make statements in the House of Commons that afternoon, which should be repeated in the House of Lords.

## **VI. OVERVIEW OF EVENTS IN MARCH 1996**

98. I hope that it may be helpful if I now set out my overview of the events that took place in late March 1996. When I was informed on 18 March of the advice that was emerging from SEAC I had three main concerns: (1) it was important to take all necessary steps to ensure that the health of the public was protected, given the information which we had

received; (2) a statement should be given as soon as reasonably practical providing full details of the advice that had been received and the steps that were being taken; (3) the statement should try to avoid undue public alarm or undue and lasting damage to the beef industry. These considerations dominated the actions that I took.

99. In the first instance it was essential that we should receive firm advice from SEAC about the measures that ought to be taken in the light of the new information. It was clear to me from the information provided to me in the course of 18 and 19 March that there was no unanimity of view within SEAC as to the most appropriate steps to take, although it was apparent that the Chairman himself, Professor Pattison, believed that extreme measures were not needed and that his view was that the advice of SEAC was likely to focus on controls. One option which was the subject of discussion in the course of 18 and 19 March was to take the steps suggested by the Minister of Agriculture. My view at the meeting on 19 March was that we could not justify drastic action in the absence of scientific advice from SEAC that it was necessary. I continue to believe that this was the correct approach. From the position of both decision making and presentation it was unfortunate that the experts had been unable to reach a common position. It was essential that they did so, given the importance of the decisions that needed to be taken.

100. This view was reflected in the outcome of the meeting chaired by the Lord President on 19 March which was a request for advice by 10.30 a.m. on 20 March. The scientists responded speedily and the advice was forthcoming and discussed in Cabinet as referred to above. After discussion, we accepted it in full. The advice did, of course, fall far short of the recommendations which had been put forward by the Minister of Agriculture, who so far as I recall, did not press his proposals, I assume because we now had the benefit of advice from the experts on the major issues to be addressed, and there were compelling reasons for accepting that advice. It had always been the position of the Government that it would follow the advice of the independent experts appointed by it.

101. I should add for completeness that I am aware that certainly on two occasions over the course of the previous eight years the Government had gone beyond scientific advice in the steps that it had taken. The instances that I am aware of are the ban on the use of certain bovine offals for human consumption in 1989, and the decision in 1995 to suspend the use of all bovine vertebrae in the manufacture of MRM. I do not recall that these instances were mentioned in the course of our discussions. In any event however a decision in this case to go further than the scientific advice which we had received and to implement the proposals that had previously been put forward by the Minister of Agriculture would have been of an entirely different dimension. I have been asked to give my view of the events as I

perceived them at the time and without the benefit of hindsight. It did not seem to me to be defensible to go beyond the scientific advice that we had received to the extent that had been suggested; if we had done so, our decision would have been very costly to the taxpayer and to the beef industry. The Government would not have had an adequate response if the large expenditure of public money which would have been involved had been questioned in Parliament. If scientific advice had required it such expense would have been justified. In the absence of that advice it was not. For those reasons the other instances that I have mentioned of occasions when the Government went beyond scientific advice do not seem to me to provide a meaningful comparison. I am not aware that cost was a large factor in those instances. Subsequently the Government did take further steps, but these were justified by the need to restore public confidence in the beef industry which had been affected severely by the media response to the announcement. I have been asked whether I thought it would have been possible to have anticipated the events which led to the further steps. We did, of course, anticipate the possibility of a highly adverse public reaction, but in Government decision making cannot be driven by concerns which appear to have no solid foundation: by contrast, the steps that we agreed upon were firmly founded on the scientific advice we received.

102. I have been asked to consider the evidence Mr Hogg gave orally to the Inquiry concerning the events leading to the announcement on 20 March 1996 and, in particular, what he said about the extent to which he thought it appropriate to inform other Ministers and myself about the information he had received prior to sending his first minute on 18 March. Mr Hogg gave as his reasons his concerns about leaks and the fact that he did not like troubling people - and myself in particular - until he knew exactly what the situation was and what he proposed to do. I agree with Mr Hogg's comments about leaks. Clearly, the more people who have knowledge of a particular set of facts, the chances of a leak must be increased. It was important that the information came into the public domain through a clear announcement about the advice that had been received and the Government's position on the action to be taken, and not through a leak. Mr Hogg could, as he said, have telephoned me to discuss the matter informally, but did not. I do also understand the reasons he gave to the Inquiry as to why he did not wish to trouble me. In Government there will be at any one time a number of important issues with which Departments are dealing and which may eventually need to be referred to Cabinet for collective decision. It would not usually be sensible to refer such matters to Cabinet and/or the Prime Minister for discussion before they have been properly considered by the relevant Department: the discussion ought to take place against the background of a well thought through position by those who are closest to the matter. Whether and when to refer a matter in this way must be a

question of judgment for the relevant Department in each particular case.

103. With regard to this issue, I have been asked to comment on whether it would have been useful if the matter had been raised with me earlier. This involves an element of hindsight. It is possible that had the matter been raised earlier, we may have concluded that SEAC should be asked to consider the matter with greater urgency. Whether or not SEAC would have been able to reach their conclusions any earlier is however a different matter and one I cannot comment on.

## **VII. COMMENTARY ON THE ISSUES IDENTIFIED BY THE INQUIRY**

104. In the course of my statement I have sought to comment on all the issues identified by the inquiry, but it may be helpful to draw my thoughts together at this stage.

### **(a) Food safety**

105. It will be seen from my account that the most significant food safety issue during my period as Prime Minister was BSE, although there had previously been other food safety issues such as salmonella in eggs which had generated intense public concern. I did however have some involvement at the outset in the discussions which led to the establishment of the Richmond Committee, and I was also responsible for the decision to establish the Meat Hygiene Service. To the extent that my involvement in these issues can be said to illustrate a general approach it was this: I was concerned that the Government should have in place arrangements which would most effectively enable it to ensure that food was safe to eat. For this reason, although I was in favour of seeking independent, expert advice in respect of microbiological food poisoning, I was against the mechanism of an inquiry as a means of obtaining it. An inquiry would have been subject to artificial deadlines, whereas I considered that what was needed was access by the Government's professional advisers to independent, expert advice at all times. My suggestion was intended to offer greater practical advantages than an inquiry. Similarly the case for a Meat Hygiene Service seemed to me to be stronger than the objections put forward by the Treasury because it offered a real chance to improve the arrangements for public health while also improving the regulatory process. As Chief Secretary I raised public expenditure questions with Departments which I considered ought to be addressed, but I was sympathetic to a good case. I agreed to the suggestion that was put forward in respect of the proposed legislation on food safety.

106. With regard to BSE itself there was an extra dimension to the disease

which affected our approach. This was that the disease was of recent origin, and knowledge of it, backed by an extensive research programme, was continuing to evolve throughout my period in office from 1988 onwards. In these circumstances it was of great importance that we followed the advice of our independent experts. Accordingly, I agreed to the proposal for compensation that was put to me when I was Chief Secretary, and the views of the experts were always a prime consideration whenever I had discussions as Prime Minister concerning our response to the disease.

**(b) Openness of government and communication of risk and Citizens' Charter**

107. Alongside the Government's responsibility to put in place arrangements to ensure that food is safe to eat, it also has a responsibility to provide the public with information which will affect the choices that it makes. In the context of BSE it was of crucial importance that such information was given to the public quickly, to assure it that Government was holding nothing back. For this reason when we had a debate in Cabinet on 30 June 1994 on the proposed Parliamentary announcement concerning calves, the balance of the argument was clearly in favour of openness. The Ministry of Agriculture did in fact publicise material concerning BSE regularly.

108. Considerations of openness affected the timing of the announcement in March 1996. It was clear that we should make an announcement very soon. But an announcement was not made immediately because it was also important that the Government should take a lead, and it could not do so without being able to say what action was being taken in response to the new advice. Throughout my premiership I was concerned to ensure that while information should be given quickly and openly it should also be accompanied by the Government's response. Although I believed that it was for consumers to make their own choices about the food that they ate, it would be irresponsible to leave them to work out their own response to scientific information about BSE not knowing the view taken by Government. To do so would inevitably add to public anxiety. This was the reasoning behind the stance that I took in the Cabinet discussions on 30 June 1994 and 7 December 1995. I was also aware of the importance of involving the Government's professional advisers when public announcements were made. This would provide reassurance that the Government was following professional advice and would provide the opportunity to seek further information from the experts best placed to provide it.

109. The Citizens' Charter tackled bureaucracy as it affected the citizen while bureaucracy as it affected business was tackled by the deregulation initiative. I do not believe that the Citizens' Charter affected food safety

issues to any great extent since the regulatory aspects of food safety affected business but as I have noted above the publication of the Code of Good Enforcement practice brought together deregulation and Citizens' Charter principles.

**(c) Deregulation and food safety**

110. The deregulation initiative was intended to free business from unnecessary restrictions, by simplifying or removing the burden of Government regulation. It was not however intended to remove essential protections, and as far as I am aware it did not. One such protection was health and safety; I specifically mentioned the safety of food as an example of an area where regulation was necessary in my Party conference speech in October 1992 (exhibit 52) [YB 92/10.09/1.1-1.2]. However the process of regulation could be improved without affecting adversely the protection which it provided. The introduction of the National Meat Hygiene Service was a good example of the way in which measures which improved the regulatory system could also even enhance food safety.

111. Specifically with regard to BSE I was informed in briefing sent to me on 5 December 1995 that the disease was due to changes that renderers had introduced to their practices in the early 1980s for purely commercial reasons and these changes let infectivity survive into the animal feed chain. There had been no regulatory changes and BSE was not due to deregulation. [This document is not exhibited to this statement; a copy already published by the Inquiry is at YB 95/12.05/14.1]

**(d) European Union considerations and BSE**

112. I have set out in my statement the events relating to Europe during my time as Prime Minister. We worked closely with the European Commission and the Standing Veterinary Committee during this period, as indeed had been the case between 1988 and 1990. While the reaction in Europe to the March 1996 announcement is well known and did indeed affect policy, prior to this we received support for our position from the Commission and its experts as well as from the majority of Member States and changes to our domestic policy for handling the disease were not needed in response to action taken by the European Union which was concerned with exports.

113. The actions that were taken or proposed by Germany did cause us concern because they undermined the principle of the Single Market. The Government therefore devoted considerable attention to the issue. I was able to speak to Dr Kinkel shortly after the European Council meeting in Corfu and much activity took place at Ministerial and official level. We achieved a fair degree of success, culminating prior to March 1996 in the agreement reached at the Agriculture Council in July 1994.

114. This statement is true to the best of my knowledge and belief.

**The Rt. Hon. John Major, C.H., M.P.**

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