Home Office

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Dr John Landers
Chair, Animals in Science Committee
Hertford College
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26th June 2013

Dear John.

Animals and Science Committee

I am pleased to write to you in your capacity as Chair of the newly convened Animals in Science Committee (ASC). I would like to take this opportunity to congratulate you and your fellow ASC colleagues on your appointments. I look forward to a positive working relationship where I and my ministerial team receive independent expert advice from you to assist us in our policy and legislative considerations.

This letter provides you with an outline of my priorities for the ASC and to invite your comments. The functions of the ASC are set out in the Animals (Scientific Procedures) Act 1986 (ASPA), as amended by the recently transposed European Directive. It is essential, therefore, that we give due regard to the Act in discharging our respective statutory duties. You will be aware that ASPA requires the ASC to provide advice to the Secretary of State on matters pertaining to protected animals and to balance the interests of animal welfare with the needs of science and industry. The ASC also has responsibilities to share best practice. I have therefore prepared this commission cognisant of requirements within the Act and the priorities I have as minister responsible for this aspect of Government policy and regulation. I also recognise the need to ensure that you have appropriate resources to address commissioned issues. In addition, the commission provides the headspace for the ASC to consider matters of its own volition, in line with statutory requirements.

I am pleased to have seen an initial draft on a Working Protocol to support the provision and receipt of advice from the ASC, and I would welcome comments from the ASC membership with a view to having a final document in place in the next few weeks.

Actual Severity
We are committed to delivering greater transparency in the reporting of the severity of procedures applied to animals under the Act. In transposing the EU Directive it is now a requirement for Member States to collect and publish information on actual severity (by 2015 for the 2014 data and annually after that). The requirements for this are transposed by means of a new standard project licence condition. I have initiated a pilot programme of work and will look to approach the ASC for comments as the programme progresses.

Cumulative severity
I am aware that I am soon to receive, from your predecessors (the Animal Procedures Committee), a report on cumulative severity caused by multiple neuroscience procedures over a prolonged period may be assessed i.e. the potential lifetime experience of an animal. I look forward to receiving this report and to consider it in the context of how we approach licence applications in the future – mindful of our requirements under the transposed Directive.

Section 24
Section 24 of ASPA provides for the protection of confidential information provided in connection with our regulatory activities. The confidentiality requirements of Section 24 are now out of step with our policy on openness and transparency and with the approach taken in other legislation, such as the Freedom of Information Act 2000. We have a long-standing commitment to review Section 24 and are now moving forward to consult with the public, stakeholders and partner Departments. I am keen that the ASC engage with the process, specifically at the point after the consultations which, we envisage, will be in early autumn. This will give the ASC opportunity to comment on feedback arising from the responses, and assist in the development of an option that will address the need for greater openness and transparency.

Coalition Commitments
The Coalition has made a commitment to work to reduce the use of animals in scientific research; an ambitious, but essential and achievable goal.

Scientific advances present significant opportunities to reduce and replace the use of animals in scientific procedures and (where animal use is unavoidable), to refine the procedures involved so as to minimise suffering. These long-standing aims encompass the central tenets of the 3Rs.

The programme of work to deliver this commitment involves Government Departments and agencies, the Home Office Inspectorate, the research community in both academia and industry, and others with relevant animal welfare interests. Of key importance is the involvement of the National Centre for Replacement, Refinement and Reduction of Animals in Research (NC3Rs).

A cross Whitehall steering group has recently been set-up, jointly chaired by officials from the Home Office and the Department for Business Innovation and Skills, which will look to develop the programme of work. I ask that you maintain engagement with lead officials so that we can seek your independent advice and steer to deliver this challenging set of objectives.

Investigations into non-compliance
The Home Office Inspectorate has a key role in advising, supporting and inspecting establishments to uphold compliance with the regulations. It is vitally important that incidents of non-compliance with the regulations are properly investigated and dealt with swiftly and taken seriously. Where there is non-compliance we must take appropriate action to penalise those involved. I also believe it is of future benefit that we learn from non-compliance so we may share and improve best practice.

We expect all establishments regulated by ASPA to take very seriously their responsibilities in maintaining a 'culture of care' in all aspects of their use of animals in research. You will be aware of recent events at Imperial College London (ICL) where undercover reporting by the British Union for the Abolition Vivisection (BUAV) has led to allegations of non-compliance. I have commissioned an investigation by the Home Office Inspectorate into these allegations and ICL has also commissioned an independent review, led by Professor Steve Brown. Once I have both reports I intend to ask the ASC to consider them and provide advice on the lessons learned and broader issues for the wider community.

Guidance
We are presently analysing responses to a public consultation on the new draft guidance that supports the amended ASPA. Once we have analysed the responses and made revisions, we will seek your advice before finalising the document. I envisage that that ASC will be forwarded the draft guidance over the summer for its consideration and comment; this would then allow me to have the guidance laid before Parliament in the autumn.

Human admixed embryos
You will be aware that the Academy of Medical Sciences (AMS) produced a report concerning animals containing human material (July 2011). This area of work concerns human admixed embryos, these may be human or animal in origin and are manipulated to create a hybrid (see Human Fertilisation & Embryology Act 1990, as amended, for a definition)[1].

The AMS recommended a tiered approach to regulation with uncontentious experiments proceeding as currently under ASPA regulation, with a small number of others having greater scrutiny. The AMS noted that a very limited number of experiments should not presently be licensed. In addition, the AMS recommended that 'the graduated licensing process should be interfaced with the corresponding processes that regulate human embryos so that the regulators are aware of each other's activities and so that there is no gap or unnecessary overlap between their jurisdictions'.

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[1] http://www.legislation.gov.uk/ukpga/2008/22/contents

I see this as an important role for ASC to advise whether the guidance we develop for inspectors and stakeholders is appropriate, and to advise on applications which may fall into the upper categories.

Project licence applications
The UK is at the fore-front of having a regulatory system that delivers high standards of welfare that applies a harm-benefit analysis to project licence applications. We must maintain our high level of scrutiny of licence applications so we remain confident that those who have been granted licences have due regard to the protection of animals against suffering and unnecessary use. This is balanced with the potential benefit for humans, animals or the environment. I am keen to benefit from the breadth of ASC experience in this process, particularly for the most contentious proposals. I am therefore proposing a review of the arrangements of applications referrals to the ASC and would welcome your comments on the current process and suggestions where this might be improved.

Other functions
I believe the ASC is well placed to consider material associated with good practice in the field of animals used in procedures. Where the ASC considers material to be of high quality and relevance it should be brought to the wider attention of appropriate organisations/groups. I would welcome being updated on this and ask that, in the first instance, you bring it to the attention of Home Office officials so you can arrange circulation via the relevant networks.

The position of the ASC as an independent expert body in this field underlines the importance we attribute to the regulation of the use of living animals in scientific procedures. I would like to arrange scheduled meetings with you personally, and, when possible, to join your committee for discussions from time to time as you might consider appropriate. I would encourage you to also meet regularly with my lead officials to ensure that we are able to discuss priority matters meaningfully with you and your committee, and so to provide for direct input to our thinking. I look forward to discussing with you, in due course, how these priorities can effectively be taken forward.

With my best wishes to you and your colleagues

Yours sincerely

John

Lord Taylor of Holbeach CBE