



Ministry  
of Defence

Ministry of Defence  
Main Building (06/K)  
Whitehall  
London SW1A 2HB  
United Kingdom +44 (0)20 721 89000

Ref: [REDACTED]

[REDACTED]

24 August 2015

Dear [REDACTED],

Thank you for your email of 10 August in which you requested the following information:

*"I have only recently found out about the case of the Porton Down veterans. I was wondering why the Government who has the information about everyone who took part in the trials at Porton Down did not contact everyone who was sent there? Surely they have failed in their duty of care to the service personnel to not put them at undue risk.*

[REDACTED]

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the information has now been completed, and I can confirm that some information is held which falls within the scope of your request.

During the latter half of the 1990s there was growing interest amongst former Service personnel and their relatives to find out more about the studies in which individual volunteers had participated at Porton Down. There was also increased speculation in the media that Porton Down and the Ministry of Defence were withholding vital information relating to the participation of these individuals in the Service Volunteer Programme. A dedicated Volunteers Helpline was established at Porton Down in February 1998 with the objective of helping former volunteers or their representatives to gain access to information about individual participation in the Service Volunteer Programme at Porton Down.

The launch of the Porton Down Volunteer helpline was announced in the national Sunday papers and regional papers and copies of leaflets advertising the helpline were made available to organisations including the Porton Down Volunteers Association. The free phone number (0800 783 2521) has been included in all information about the Porton Down Volunteers provided by MOD and Wiltshire Police who conducted a five year inquiry (Operation Antler) into the conduct

of the Service Volunteer Programme at Porton Down. Information was also provided on the Ministry of Defence website which has now been subsumed by the GOV.UK website:  
<https://www.gov.uk/porton-down-volunteers-requesting-information>

As you will appreciate since 1916, when the Service Volunteer Programme at Porton Down came into existence, over 20,000 volunteers from the three Services have taken part in various studies at Porton Down, with many participating more than once. Since 1998 information has been made available to enable individuals and their families to confirm that they attended Porton Down or participated in the Service Volunteer Programme. The Ministry of Defence is not able to individually contact every veteran who attended the Service Volunteer Programme at Porton Down as the Ministry of Defence does not hold up to date contact information for such veterans. It was to encourage veterans and their representatives to contact the Ministry of Defence that the free helpline was launched, widely advertised and continues to remain available.

Solicitors on behalf of 360 Porton Down veterans issued the Ministry of Defence with a letter of claim on 8 March 2007 for alleged illnesses arising from non-therapeutic human experimentation conducted at Porton Down. The matter was resolved by way of mediation with the Ministry of Defence agreeing to make a global settlement in full and final settlement and to make an apology by way of a written statement in the House, which was made on 31 January 2008.

The Claimants' solicitors assured us that the Group Action had been publicised on their website and also by way of press releases long before the initial letter of claim was submitted on 8 March 2007. Certainly on 5 September 2006 their website gave details of their proposed action against the MOD and invited veterans to contact them if they were interested in joining the Group Action. I should make clear that the MOD did not compensate individuals for mere attendance at Porton Down. Both The Royal British Legion and the Porton Down Veterans Support Group also promulgated details of the litigation.

The information you requested in the first part of your question is exempt under Section 21 of the Freedom of Information Act (FOIA), because it is reasonably accessible to you by other means in the public domain at the following link:  
<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080326/text/80326w0005.htm>

However, for ease of reference I have extracted the Parliamentary question and answer below.

**Porton Down: Human Experiments**

**Mr. Todd:** To ask the Secretary of State for Defence what settlement has been reached in respect of veterans' claims relating to participation in trials at Porton Down; what the implications of the settlement are for veterans not represented in the claims made; and if he will make a statement. [189696]

**Derek Twigg:** I will write to the hon. Member and place a copy of my letter in the Library of the House.

***Substantive answer from Derek Twigg to Mark Todd***

I undertook to write to you in answer to your Parliamentary Question on 28 February 2008, *Official Report*, column 1808W, about compensation for Porton Down veterans.

Solicitors on behalf of Porton Down veterans issued the Ministry of Defence (MOD) with a letter of claim on 8 March 2007 for alleged illnesses arising from non-therapeutic human experimentation conducted at Porton Down. 244 veterans claiming short term illnesses and 116 claiming long term illnesses formed a Group Action. The majority of claims relate to experiments involving nerve gas, mustard gas or riot control agents. The matter has been resolved by way of mediation at which the MOD agreed to pay a global settlement of £3 million in full and final settlement to the entire group of 360 veterans and to make an apology by way of a written ministerial statement in the House, which I did on 31 January 2008, *Official Report*, column 26WS. The MOD has therefore paid all known claims from Porton Down veterans.

That said we recognise that more veterans, some of whom decided against joining the Group Action, might come forward. This is despite being assured by the Claimants' solicitors that the Group Action had been publicised and that those who remained in the group had been carefully selected on the basis that each had a meritorious claim for personal injury said to have been caused by exposure to a specific chemical warfare or treatment agent which was supported by expert evidence. I should make clear that the MOD did not compensate individuals for mere attendance at Porton Down. Against this background, the MOD has decided that it will consider any additional meritorious claims that are made on or before 30 June 2008; after that date, the MOD reserves the right to plead a defence based on the provisions of the Limitation Act 1980.

Any veteran now considering pursuing a claim for compensation might wish seek advice to establish whether they have a reasonable claim against the Department. One option would be to contact the solicitors involved in the Group Action who have considerable experience already in handling such cases. They are:

Leigh Day & Co Solicitors, Priory House, 25 St. Johns Lane, London EC1M 4LB

or

Thompson Snell & Passmore, 3 Lonsdale Gardens, Tunbridge Wells, Kent, TN1 1NX”

In regard to the second part of your question that asks *"I also require to know what drugs/chemicals I was subjected to during these tests"*, the Defence Science Technology Laboratory will be responding separately to this.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

Defence People Secretariat