4. Departmental responsibilities

4.1 As stated earlier, the two main parts of the Welsh Office most involved in the BSE story were the Welsh Office Agriculture Department and, within the Welsh Office Health Department, the Health Professionals Group under the Chief Medical Officer for Wales.

Welsh Office Agriculture Department (WOAD)

4.2 WOAD discharged the statutory and other duties of the Secretary of State for Wales that came within its remit, and provided advice to Ministers so that policies in this area were developed with proper regard to Welsh circumstances. It administered agricultural support schemes in Wales and most of the relevant regulatory arrangements. It advised on policy proposals and other initiatives emanating from the EU or MAFF, contributed to official discussions of such matters, and advised the Secretary of State about proposed changes in policy, in support arrangements or in the regulation of activities.

4.3 WOAD was also responsible for food safety issues affecting the meat industry, including slaughterhouse activity. This was mainly meat hygiene work, which covered the licensing of fresh meat plants after 1993.

4.4 WOAD was headed by an Under Secretary (Grade 3) and comprised three divisions – namely WOAD 1, 2 and 3 – all headed by Grade 5 officers. The key division in relation to BSE was WOAD 2, whose responsibilities included agricultural emergencies, farm animal health and welfare, meat hygiene, farm pollution, and agricultural research and development. From March 1990, WOAD 2 was headed by Mr Alan Huws.

4.5 WOAD was a relatively small Department and the Secretary of State’s role in agricultural matters was in practice limited. It therefore placed considerable reliance on MAFF for guidance on most issues. As with other Departments in the Welsh Office, responsibilities were sometimes delegated to lower levels than at MAFF. The WOAD Grade 3 had wide responsibilities, and thus delegated much of the detailed policy work to Grade 5 and Grade 7 level, which was where most of the submissions on BSE were produced. Important policy submissions on BSE were usually prepared by taking the substance of a MAFF text, explaining to the Minister that a decision had to be made on an issue, advising whether MAFF’s position appeared sensible and inviting the Minister to signify his agreement. Frequently a submission to a Welsh Office Minister would annex MAFF’s submission in order

28 DW01 tab 4 para. 2
29 S362 Rees para. 7
30 DW01 tab 4 para. 25; fresh meat plants were licensed by local authorities before 1993
31 S358 Podmore para. 5
32 S363 Wallford para. 6
33 S362 Rees para. 22
to avoid transcribing a great deal of detailed background information and analysis’. 34

4.6 Given that WOAD had no independent technical or scientific capability in the animal health area, it was unusual for its officials to disagree with a recommendation made by MAFF. Mr John Davies, Under Secretary (Grade 3) at WOAD, could recall two instances in which its ‘position’ differed from that of colleagues in London. These concerned the question of compensation for farmers who lost stock to BSE (see paragraphs 5.4–5.6), and the composition and work of the expert committee chaired by Dr David Tyrrell, although the lead here was taken by Welsh Office Health officials (see, for example, paragraphs 5.30 and 5.41–5.46). 35

4.7 When an agricultural issue had a specific Welsh dimension, WOAD was responsible for ensuring that it was considered by the Government: for example, a problem with sheep scab and its effect on livestock farming in the upland areas of Wales; and an anthrax incident in north Wales. Mr Denzil Davies, a Grade 7 officer in WOAD 2 between 1988 and 1990, said of these:

In situations such as this, WOAD would advise the Secretary of State for Wales so that specific Welsh interests could be put forward in government. BSE was an important issue during my time at WOAD for agriculture in Wales but its implications for the Welsh farming industry were no different to its implications in England. 36

4.8 Research into animal health matters was centrally organised through MAFF. 37 Following an internal reorganisation in MAFF in 1991, in which responsibility for research and development budgets was transferred from the Chief Scientist’s Group to individual Policy Groups, WOAD devised procedures to ensure that these Policy Groups were kept aware of Welsh interests and priorities. In addition, an annual Welsh agricultural research and development strategy document was produced, following consultation with representatives of the farming industry in Wales, setting out Welsh research priorities. This document was submitted to the MAFF Policy Groups so that they could take account of Welsh priorities in drawing up their sectoral strategies. 38

State Veterinary Service in Wales

4.9 The Welsh Office, like the Scottish Office, did not have a veterinary department of its own but relied on the State Veterinary Service (SVS), which was part of MAFF, for the provision of advice on veterinary and meat hygiene issues. 39 This was because, when agricultural functions were transferred from MAFF to the Welsh Office, it was decided that it would not be expedient to split the SVS. 40 A Regional Veterinary Officer (RVO) was head of the SVS in Wales and supervised the implementation of the animal health and welfare policies of MAFF and the Welsh Office. He was also designated Veterinary Adviser to the Welsh Office (VAWO). 41

34 S358 Podmore para. 14
35 S360 Davies J para. 3
36 S335 Davies D para. 10
37 DW01 tab 4 para. 16
38 S358A Podmore para. 20
39 S359 Huws para. 9
40 S359 Huws para. 12
41 In 1998 this post was upgraded to that of Assistant Chief Veterinary Officer to reflect the increased responsibilities of the post as a result of devolution of power and changes in the structure of MAFF. See T80 p. 12
Dr David Williams, RVO and VAWO for most of the period covered by this Report, described his role as follows:

My input as Veterinary Adviser to the Welsh Office was almost entirely restricted to providing progress reports on the implementation of policies and figures on the number of BSE cases in Wales.42

4.10 He also said that, when the Welsh Office required up-to-date information on BSE, it would 'quite rightly' turn to the BSE section at Tolworth in Surrey for that advice.43 Meanwhile, Dr Williams had regular contact with Welsh Health officials through his attendance at meetings with the Chief Environmental Health Officers, at which the Welsh Chief Medical Officer (CMO) and members of the Health Professionals Group were present. These meetings included a veterinary slot during which Dr Williams gave a résumé of current issues, which included BSE.44

4.11 The SVS’s Veterinary Field Service (VFS) provided on-the-spot advice and services to farmers, including advice on disease prevention. In parallel, the Veterinary Investigation Service (VI Service) ran three Veterinary Investigation Centres (VICs) in Wales whose remit was to provide a surveillance function for disease in farm livestock and a diagnostic and advisory service to private veterinarians.45 As in the rest of Great Britain, difficult diagnostic problems were referred to the Central Veterinary Laboratory (CVL) at Weybridge in Surrey. Each VIC produced a monthly report of its activities, which was sent to a Senior Veterinary Officer at the VI Service headquarters at Tolworth. A compilation of the most interesting features of the reports was then published as a monthly feature in the Veterinary Record magazine.46 According to Dr Peter Dawson, Assistant Chief Veterinary Officer and Head of the VI Service between 1987 and 1995, the Veterinary Record was distributed to private vets who were members of the British Veterinary Association, which also included vets in Government service. He was reasonably confident that every veterinary practice in the country would have received copies of this magazine. In addition, the VICs individually summarised any relevant information received and gathered, locally and nationally, and sent a summary report on a monthly basis direct to private vets in their geographical areas.47

**Welsh Office Health Department (WOHD)**

4.12 Initially the Welsh Office saw BSE as solely an animal health problem. Hence WOAD played a more prominent day-to-day role than the Welsh Office Health Department (WOHD).48 However, following the diagnosis of a transmissible spongiform encephalopathy in a cat in 1990, the Chief Medical Officer (CMO) for Wales and members of the Health Professionals Group took a lively interest in the emergence of the disease. Their involvement is traced in paragraphs 5.8ff below.

42 S502A Williams D para. 4
43 S502A Williams D para. 4
44 S502A Williams D para. 6
45 S430 Dawson P para. 5. Up to 1990 the Central Veterinary Laboratory (CVL) at Weybridge, the VFS and the VI Service were three separate parts of the State Veterinary Service (SVS). In 1990 the VFS and the VI Service became two separate parts of the Veterinary Field and Investigation Service (VI Service). In October 1995 the VI Service merged with the CVL to form the Veterinary Laboratories Agency (VLA)
46 T36 p. 110
47 S430B Dawson P paras 10–11
48 S259 Hine para. 6
Health Professionals Group (HPG)

4.13 Within WOHD the Health Professionals Group, headed by the CMO for Wales, consisted of a small staff of doctors, dentists, pharmacists, scientists and Environmental Health Officers. These staff between them covered the whole field of health and healthcare. Thus, in contrast to animal health arrangements, for which the Secretary of State relied on the MAFF Veterinary Adviser, the Welsh Office had its own human health adviser in the form of the CMO for Wales.

4.14 The CMO at the Welsh Office, a Grade 3, was ‘expected to keep abreast of developments with public health and NHS implications and advise Ministers and . . . colleagues as appropriate’.

The role and responsibilities of the CMO, as described by Dr (now Dame) Deirdre Hine (CMO for Wales from March 1990 to September 1997), were to:

- . . . provide medical advice to the Secretary of State for Wales, Ministers and Welsh Office colleagues on matters affecting the health of the people of Wales and, as Head of the Health Professionals Group (HPG), to ensure that other professional healthcare advice is provided.

4.15 Neither Dr Hine nor her predecessors in the post were members, or present at meetings, of any expert committees advising the Government on BSE, and the Department relied on their DH colleagues for information about the disease.

Along with the CMOs for Scotland and Northern Ireland, the CMO for Wales attended regular meetings with the CMO at DH, whose role was to advise the Government as a whole. These meetings were informal and were used from time to time by Dr Hine to raise concerns about BSE and keep abreast of developments.

4.16 Besides the CMO, individual doctors at Deputy Chief Medical Officer (DCMO) and Senior Medical Officer (SMO) level, together with the Environmental Health Adviser, had specific responsibility for communicable disease. The DCMO deputised for the Chief Medical Officer and had responsibility *inter alia* for public health and environmental health issues. The SMO provided input into Parliamentary Questions and ministerial submissions, attended departmental committees of experts within DH and the Health and Safety Executive as Welsh Office observer, and also advised all Departments within the Welsh Office, district health authorities and Environmental Health Officers. The role of the Environmental Health Adviser (EHA) was to provide expert, impartial and independent environmental health advice particularly on food safety and meat hygiene to Welsh Office Ministers and officials, and to local government and the NHS in Wales. In October 1992 the post was upgraded to Chief Environmental health Adviser. The EHA’s role included giving advice on the hygienic transport, distribution and sale of meat. The activities of the abattoirs themselves and the hygienic preparation of meat within them were primarily the responsibility of local authorities monitored by MAFF and WOAD.
4.17 The key players in the Health Professionals Group, in relation to BSE, were Dr Deirdre Hine (CMO), Dr Michael George (DCMO), Dr David Ferguson-Lewis (DCMO), Dr Ruth Jacobs (SMO) and Mr Ronald Alexander (EHA).

**Public Health and Family Division (PHF)**

4.18 The Public Health and Family Division (PHF) of the Welsh Office was the policy group that worked with HPG in relation to BSE and vCJD for most of the period of interest to the Inquiry. The varied responsibilities of this division included food safety and public health in Wales. Mr Derek Adams, Head of PHF, told the Inquiry that his division took the lead on food safety matters concerning produce already on sale to the public, while WOAD took the lead on issues arising during the manufacture and production of food.

**Public Health Laboratory Service (PHLS)**

4.19 The Public Health Laboratory Service was jointly responsible to the Secretary of State for Health and the Secretary of State for Wales. Its task was to protect the population in England and Wales from infection by maintaining a national capacity for the detection, diagnosis, surveillance, prevention and control of infectious and communicable diseases. Between 1985 and 1992 the PHLS had 52 laboratories in all, of which five were in Wales.

4.20 The PHLS board membership included a Deputy Chief Medical Officer from DH and (until July 1989) a DCMO from the Welsh Office. The Welsh Office provided some funding to the PHLS laboratories in Wales, and as such had a say in formulating the general priorities and objectives of the Service. However, detailed supervision of the PHLS research budget was the responsibility of DH.

4.21 The Communicable Disease Surveillance Centre (CDSC) was based in London, but a Welsh Unit was established in Cardiff in 1989. It was part of the PHLS and provided support and assistance on infectious disease to health authorities, local authorities and regional Public Health Laboratories.

4.22 The CDSC (Welsh Unit) was headed by the Consultant Regional Epidemiologist, who was supported by a consultant epidemiologist. Their role was:

... the surveillance of communicable disease in Wales, field investigation of communicable disease in Wales, the training of public health specialists, and acting as Advisor to the Chief Medical Officer at the Welsh Office (CMO) on the epidemiology and control of communicable diseases in Wales.

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55 S336 Adams para. 3. The PHF had previously been called Health and Social Services Policy Division 1, and was later renamed Child and Family Services Division
56 S336 Adams para. 4
57 S336 Adams para. 4
58 DW01 tab 4 para. 19
59 S181 Smith para. 6.1; DW01 tab 4 para. 18
60 DW01 tab 4 para. 18
61 DW01 tab 4 para. 5
62 Dr (now Professor) Stephen Palmer was the Regional Epidemiologist for Wales between 1983 and 1993; Dr Roland Salmon was Assistant Regional Epidemiologist for most of the period covered by the Report
63 S285 Palmer para. 5
Local government

4.23 Local government arrangements in Wales mirrored those of England, with a two-tier system of District and County Councils. Local authorities in Wales were designated as enforcement authorities for the purposes of food safety legislation. The Secretary of State for Wales, usually jointly with the Secretary of State for Health and the MAFF Minister, issued Codes of Practice under the Food Safety Act 1990 for the guidance of local authorities.64

4.24 The responsibilities of the local authorities for meat hygiene changed in parallel with those in England during the period covered by this Report. Before January 1993, District Councils in Wales were solely responsible for licensing, supervision and enforcement of hygiene legislation in abattoirs and cutting plants that traded in the domestic market only.65 Those cutting plants and abattoirs that were engaged in exporting meat were required to be inspected by the Welsh Regional Meat Hygiene Adviser (a member of the SVS) and, if they met the requirements of the hygiene legislation, were approved by WOAD for export purposes under the Fresh Meat Export (Hygiene and Inspection) Regulations 1987. Export-approved plants remained the responsibility of the local authorities but had an Official Veterinary Surgeon (OVS), appointed by the Secretary of State from a list approved by MAFF, to supervise their compliance with the Regulations.

4.25 From 1 January 1993 all Welsh abattoirs and wholesale cutting plants trading in the European Single Market had to meet harmonised EU hygiene requirements and be licensed by WOAD.66 Local authorities’ responsibilities for meat inspection were transferred to the Meat Hygiene Service (MHS) when it was established in April 1995.67

4.26 As in England, operational responsibility for the enforcement of the human and animal SBO bans (see paragraph 5.7) lay initially with the District and County Councils respectively. Later the MHS became responsible for the enforcement of regulations that applied within slaughterhouses. The SVS monitored enforcement on behalf of MAFF. It was not part of the procedure for WOAD to be alerted separately to any breaches of the SBO Regulations.

Other bodies relevant to the BSE story

The Agriculture Advisory Panel for Wales

4.27 The Agriculture Advisory Panel for Wales was a non-statutory body offering independent advice to the Secretary of State. Meetings largely took the form of discussion of papers and oral reports submitted by WOAD officials. As with the Hill Farming Advisory Sub-Committee for Wales described below, meetings of this body were mainly concerned with coping with the impact of BSE on Welsh farming.

64 DW01 tab 4 para. 23
65 At an abattoir (slaughterhouse) animals are slaughtered and the carcass may also be cut up. Cutting plants do not do any slaughtering but receive the carcass from the abattoir and reduce it to joints of meat.
66 Certain plants were granted temporary derogation from the requirements to allow them time to make the structural changes necessary for compliance. The initial period of derogation was three years, after which some plants were granted further temporary derogation.
(and of the controls introduced to eradicate it) rather than offering advice on the scientific aspects of the disease.68

The Hill Farming Advisory Sub-Committee for Wales

4.28 The Hill Farming Advisory Sub-Committee for Wales was a statutory body which advised on the state of upland farming. Its members, appointed by the Secretary of State, were mainly farmers who met once or twice a year. There was some measure of cross-membership with the main Hill Farming Advisory Committee, whose remit covered England, Wales and Northern Ireland.

National Farmers’ Union (Wales) and Farmers’ Union of Wales (FUW)

4.29 Both of these organisations operated in Wales and WOAD communicated with both during the period 1986–96 on aspects of BSE affecting farmers in Wales, such as the level of compensation for slaughtered animals, the need for feed labelling, and falling beef prices.69

4.30 The Farmers’ Union of Wales was formed in 1955 as a breakaway group from the National Farmers’ Union, and was officially recognised in 1977.