9. Departmental responsibilities

9.1 As mentioned earlier, the two Departments mainly responsible for handling the outbreak of BSE were the Department of Agriculture and Fisheries for Scotland (DAFS), which was concerned with animal health matters, and the Scottish Home and Health Department (SHHD), concerned with human health.

Department of Agriculture and Fisheries for Scotland (DAFS)

9.2 The Department of Agriculture and Fisheries for Scotland (DAFS) was responsible for the agricultural and fishing industries in Scotland. Its remit included participation in negotiations on agricultural policy with the EU; the provision of financial and technical help for farmers; the supervision of research and advisory services; the administration of a variety of agricultural support schemes; the development of crofting; and the management of a large area of agricultural land that was publicly owned.249

9.3 In the late 1980s four branches in two divisions of DAFS were involved in BSE work. These were Division A, Branch 1 – Animal Health and Welfare; Division G, Branch 1 – Livestock Industry (including renderers); Division G, Branch 2 – Meat Hygiene and Slaughterhouses; and Food Standards (A3 – recently transferred from SHHD). By 1991 all these responsibilities had been regrouped into a single Division (A), along with the Agricultural Staff branch. They remained grouped together until 1995, when the agricultural responsibilities of the Scottish Office were combined with its environmental responsibilities to form the Scottish Office Agriculture, Environment and Fisheries Department (SOAEFD).250

9.4 The branches all worked closely with the SVS, on which they relied for veterinary advice. DAFS staff also maintained a close relationship with local authorities which, among other things, provided a source of information about what was happening in the meat hygiene sphere.

Animal Health branch

9.5 The Animal Health branch was responsible for animal diseases, the licensing of waste food premises, protein processing, import and export of farm animals, and the import of carcasses, animal products and processed proteins.251 The main duties of the branch were to contribute to joint policy formulation with the other UK Agriculture Departments; to ensure that Scottish livestock interests were taken into consideration in the development of EU policy; to implement controls in relation to notifiable diseases and animal welfare; and to ensure that EU measures concerning

249 M16 tab 30 columns 896–7
250 DS01 tab 3 para. 11
251 DS01 tab 1 Annex A
controls over the movement of animals were properly implemented and proper records maintained. The branch reported to a Grade 5: Mr George Thomson up to January 1990, when he was succeeded by Mr Edward Davison. Dr Andrew Matheson took over the post in 1994.

**Meat Hygiene branch**

9.6 The Meat Hygiene branch was responsible for meat hygiene policy and legislation; hygiene standards in slaughterhouses; meat inspection; control of unfit meat; disposal of animal waste including the rendering and knackery industries; Specified Bovine Offal/Materials controls; meat export standards; and imports of meat and meat products. It was headed by Mr Adam Rennie until 1991, when it was transferred to Mr Davison. Mr Ian Anderson, a Grade 7, was responsible for slaughterhouses within this branch between 1989 and 1996.

**Food Standards branch**

9.7 The Food Standards branch was transferred to DAFS from SHHD in 1987 and was responsible for the review of proposed food legislation, both domestic and European; and for food standards, and ingredient and nutrition labelling; food additives and contaminants; food safety and hygiene; and imported foods. It was involved in the development of the Food Safety Act 1990; in a number of high-profile food safety issues of the time, including salmonella and listeria; and in coordinating a national warning system for imminent food hazards. Food and Dairy Officers provided advice on food safety within DAFS, but medical advice continued to come from the staff of the Chief Medical Officer in the SHHD. The branch reported successively to Mr Thomson, Mr Davison and Dr Matheson. Mr Davison told the Inquiry that he was:

. . . in the position of having regular dealings with both medical and veterinary advisers – who however were themselves parts of quite separate organisations – and where zoonoses were concerned I might be receiving advice from both on the same subject. One of the priorities of my job was to try to integrate and harmonise the inputs from these two separate but related professions: this followed a recommendation from the Richmond Committee on microbiological safety of food, in 1990, which had been critical of the lack of liaison between the medical and veterinary sides in Scotland.

**Livestock Industry branch**

9.8 This branch was responsible for policy advice to Ministers on the livestock industry. It communicated extensively with the farming, rendering and meat products industries on BSE issues and was involved in discussion about the possibility of seeking a derogation for Scotland from the live export ban for pedigree cattle. The policy of the Livestock Division (G) as a whole was to ‘assist
the industry where it could, consistent with the Government’s overall policy on BSE’. 258

State Veterinary Service (SVS) in Scotland

9.9 As in Wales, there was no separate veterinary service in Scotland. Under the 1955 Transfer of Functions Order all veterinary and technical staff remained employees of MAFF. Professional veterinary advice to the Scottish Office was provided by MAFF’s State Veterinary Service, headed in Scotland by an Assistant Chief Veterinary Officer (ACVO) who acted as Veterinary Adviser to the Secretary of State for Scotland. Mr Gordon Gerrand was ACVO for Scotland in 1986. His successor, Mr James Scudamore, ACVO from 1990, said that although at the time he had been a MAFF employee, he had considered his principal allegiance to be to the Secretary of State for Scotland, both for the provision of advice and for the management of the SVS in Scotland. 259 Mr Scudamore was succeeded in this post in 1996 by Mr William Gardner, who had previously been his Veterinary Head of Section.

9.10 The ACVO for Scotland was in charge of three groups, two of which were headed by Regional Veterinary Officers with responsibility for the North and South of Scotland respectively. The third group was the small headquarters unit based in Edinburgh, consisting of a Veterinary Head of Section, two Veterinary Advisers and a Meat Hygiene Adviser.

9.11 The veterinary headquarters unit occupied offices adjacent to those of DAFS in Chesser House, and later Pentland House, in Edinburgh. Dr Matheson told the Inquiry that the two groups of staff were in daily contact and that relations between them were excellent. 260 Health officials (see below) were located some distance away in St Andrew’s House. Dr Rosalind Skinner (Principal Medical Officer) described her relationship with the ACVO (Mr Scudamore for most of the period of her involvement) as ‘close and cordial’. He would often call in to discuss matters of mutual interest, including BSE, if he was visiting St Andrew’s House. 261

Scottish Agricultural Colleges

9.12 In Scotland three Scottish Agricultural Colleges (the East of Scotland, North of Scotland and West of Scotland Colleges) provided educational, research and development, and certain advisory services to agriculture in Scotland. The three colleges were amalgamated into a single limited company, the Scottish Agricultural College (SAC), in 1990. SAC as a limited company was independent of DAFS, although it remained partly funded, through grant-in-aid, by that Department. SAC’s relevance to the discussion of departmental responsibilities lies in its provision of the Veterinary Investigation Service in Scotland, in contrast to the situation in England and Wales, where MAFF provided this service.

9.13 SAC operated eight Veterinary Investigation Centres (VICs) 262 and contracted with MAFF to perform a variety of functions, such as disease surveillance through

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258 S265A Rennie para. 34  
259 S280 Scudamore para. 16  
260 S264A Matheson para. 23  
261 S286A Skinner para. 1  
262 T21 p. 84
the VIC network; the collection of material for examination (including the removal of brains from BSE suspect animals); and the incineration of BSE-infected carcasses. Like their counterparts elsewhere in Great Britain, the VICs in Scotland reported isolations of zoonotic organisms through the Veterinary Investigation Diagnostic Analysis (VIDA) system. However, in Scotland this information was also sent directly to the Communicable Disease (Scotland) Unit (see paragraphs 9.24–9.25 below) for inclusion in its weekly report. This arrangement led the Richmond Committee to observe in 1990 that the system for collating health information from human and veterinary sources worked more promptly in Scotland than elsewhere in Great Britain, and provided a fuller picture of the current state of microbiological contamination both of humans and of animals used for human food, and of any developing trends.

Research bodies

9.14 Scotland possessed significant animal research capacity in its agricultural colleges and institutes. A number of agricultural research institutes in Scotland carried out work for DAFS/SAEFD under contract. Some of these also carried out work on a UK-wide basis, in particular the Rowett Research Institute in Aberdeen, and the Moredun Research Institute in Edinburgh. The special expertise of the Rowett Institute lay in nutrition and health research, while the Moredun Institute was in the lead on sheep research. Moredun had been investigating scrapie since 1925, when the Institute was established, and had provided much of the early knowledge about the disease. Dr William Martin, who was a member of the Southwood Working Party, had been Director of the Institute between 1971 and 1985.

9.15 However, by 1983 all scrapie experimentation work had been transferred to the Neuropathogenesis Unit (NPU), also in Edinburgh and headed by Dr Alan Dickinson. The NPU was funded jointly by the Medical Research Council and the Agricultural and Food Research Council (AFRC). It played a significant role in advising MAFF on BSE.

9.16 The Roslin Institute was another important research organisation in Scotland, although it was not funded by the Scottish Office. Among other things, it carried out research relevant to farm animal production and was funded from a variety of sources including MAFF, the EU and industry. DAFS/SAEFD did not fund research into BSE or other TSEs during 1986–96, but was responsible for two schemes aimed at controlling scrapie.

263 S280 Scudamore Annex A para. 2(d)
265 See vol. 4: The Southwood Working Party, 1988–89
266 DS01 tab 5 para. 2 (11.47)
267 During 1989/90 a scrapie-monitoring programme was set up in Scotland in which a sheep could be certified as scrapie-free provided it came from a farm that had been free of scrapie for at least two years. This was mainly to facilitate the movement of breeding sheep within the EU. In addition, a temporary register of scrapie status was created which had less onerous requirements than the certification process but which still allowed a farmer to obtain export status for his sheep. These schemes were aimed at facilitating export and both are still in place, as the certification process is still needed for export purposes. See T80 pp. 88f for a description of scrapie-monitoring in Scotland and the Shetland Islands
Scottish Home and Health Department (SHHD)

9.17 The Secretary of State had responsibility for public health in Scotland and was advised by a Chief Medical Officer (CMO). Dr Iain Macdonald was the CMO for Scotland in 1986. Dr Kenneth Calman took over the post in 1989, and he was succeeded in 1991 by Dr Robert Kendell. Dr Kendell described his main areas of responsibility as follows:

a. To monitor the state of health and the outcome of healthcare of the population of Scotland.

b. To assess what influences and determines health and ill health, and to advise on measures to improve health and healthcare.

c. To communicate effectively with the medical profession in Scotland, and to maintain effective links with key medical organisations in other parts of the UK and overseas.

9.18 Two groups of officials in SHHD (later the Scottish Office Department of Health – see paragraph 9.21 below) were chiefly involved with the BSE/CJD issue: doctors from Medical Services, (later part of the Public Health Policy Unit), and the Chief Scientist’s Office.

Medical Services

9.19 The CMO headed the group of doctors known as Medical Services, which comprised several smaller groups including a Public Health group, headed by a Principal Medical Officer, which gave advice on all aspects of public health including environmental health, epidemiology and communicable disease. Dr Rosalind Skinner was the group’s Principal Medical Officer from 1993, when she succeeded Dr Archibald McIntyre. She had previously been Senior Medical Officer within the group with responsibilities in other areas of public health. She took over the remit which covered BSE-related issues from Dr Gerald Forbes, when he moved on to head the Environmental Health (Scotland) Unit in 1990 – see paragraphs 9.26–9.27.

9.20 It was customary in SHHD for each Principal Medical Officer to collate a summary of matters of current interest three times a year for the CMO. This did not have any official status but was intended to help ensure that the CMO was briefed and had an overview of work in progress.

9.21 The 1995 Scottish Office management review which resulted in a restructuring of DAFS also brought changes to SHHD. The Department was divided into two new Departments: the Scottish Office Department of Health (SODoH) and the Scottish Office Home Department (SOHD). In turn, SODoH was restructured as two units, each reporting directly to the Permanent Secretary:

- the National Health Service (NHS) Management Executive, which managed and developed policy for the NHS in Scotland; and
• the Public Health Policy Unit (PHPU), headed by the CMO.

Public Health Policy Unit (PHPU)

9.22 The PHPU, created in 1995, had policy responsibilities which included human health aspects of communicable disease and environmental health, improvement of human health and actions to reduce the incidence of disease. Medical and scientific advice in relation to the human health aspects of food safety, communicable disease and environmental health issues, together with CJD, continued to be provided by Medical Services, now brigaded as the Public Health Medical Division of the PHPU.270

Chief Scientist’s Office (CSO)

9.23 The Chief Scientist’s Office was responsible for identifying, encouraging, promoting and supporting research for the improvement of health and the NHS in Scotland.271 As a rule, the CSO did not support animal-based research but would consider projects in related areas such as zoonotic diseases or foodborne pathogens. There was no equivalent office in either Northern Ireland or Wales.272

Communicable Disease (Scotland) Unit (CD(S)U)

9.24 The CD(S)U was established at Ruchill Hospital, Glasgow, in 1969 as a consequence of lessons learned from the epidemic of typhoid in Aberdeen in 1964. It later became a division of the Common Services Agency of the National Health Service in Scotland. Its remit was the surveillance of communicable diseases and other infections in Scotland. Dr Iain Macdonald described the functions of the CD(S)U as broadly matching the epidemiological role carried out by the Public Health Laboratory Service in England and Wales.273 These included:

The surveillance of infections through the collection and analysis of microbiological and other epidemiological data from medical, veterinary and environmental sources . . .

Advising the Scottish Office – Home and Health Department on infection problems . . .

Liaison with other national surveillance organisations, eg, the Public Health Laboratory (PHLS) in England and Wales, the US Centers of Disease Control (CDC), and the World Health Organisation (WHO).274

9.25 The CD(S)U collated information sent weekly from medical and veterinary laboratories in Scotland relating to micro-organisms identified in man, animals or other sources, such as food, water, sewage and abattoir drains. Other data sources included the Registrar General’s ‘Weekly Returns on Notifiable Infections’, the family doctor ‘spotter’ practice and ad hoc telephone information. The data were

270 DS01 tab 1 Annex B
271 S349 Bouchier para. 2
272 T76 p. 34. The Chief Scientific Officer in Northern Ireland was part of the Department of Agriculture for Northern Ireland (DANI), and his office conducted agricultural and food safety research only
273 T76 p. 11
274 MGB tab 15 p. 80
published in the Unit’s ‘Weekly Report’ for distribution within Scotland, elsewhere in the UK, and to the WHO and national surveillance centres in other countries.

**Environmental Health (Scotland) Unit**

9.26 The Environmental Health (Scotland) Unit was set up in 1989 by SHHD to act as an independent advisory body on environmental health issues. The principal functions of the Unit, whose Director was Dr Gerald Forbes at the time of its formation, were:

1. to advise and liaise with health boards, local authorities, the Scottish Office and other relevant bodies on the epidemiological and medical aspects of environmental health hazards;

2. to investigate environmental hazards to health and to undertake relevant epidemiological research;

3. to facilitate the education and training of appropriate professions;

4. to publish reports on environmental health in association with the Communicable Diseases (Scotland) Unit; and

5. to publish an annual report. 275

9.27 The Communicable Disease (Scotland) Unit and the Environmental Health (Scotland) Unit merged to form the Scottish Centre for Infections and Environmental Health (SCIEH) in 1993.

**National CJD Surveillance Unit**

9.28 Following the publication of the *Southwood Report* in February 1989 (see vol. 4: *The Southwood Working Party, 1988–1989*) and the completion of the *Tyrrell Report* in June 1989 (see vol. 11: *Scientists after Southwood*), the national CJD Surveillance Unit (CJDSU) was set up at the Western General Hospital in Edinburgh in May 1990. The purpose of the Unit, under Dr Robert Will, was to identify and investigate any changes in the pattern of CJD which might be attributable to BSE, and therefore to point up any public health risk. 276

9.29 The CJDSU collected information from the whole of the United Kingdom. The Scottish Office was not part of the Unit’s reporting line, although it provided annually a little over 5 per cent of its funding between 1991 and 1996 (a sum not always sought, but always volunteered). The Unit reported to the Department of Health in London (to Dr Hilary Pickles, and later Dr Ailsa Wight). Since Dr Will was a member and later Deputy Chair of the Spongiform Encephalopathy Advisory Committee (SEAC), he was able to keep the Committee directly informed at its meetings of his Unit’s findings.

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275 M39 tab 15 p. 80; see M11b tab 14 pp. 2–3 for the Unit’s functions as described in its first Annual Report

276 The status and role of the Unit is discussed in vol. 8: *Variant CJD*
Scottish Office Food Safety Group

9.30 Following a recommendation by the Richmond Committee, a multidisciplinary food safety group, chaired by the CMO for Scotland, was established in 1991. Membership was drawn from senior officials of the Health and Agriculture Departments (including vets) of the Scottish Office, Scottish health boards, local authorities, public health laboratories, the CD(S)U (later SCIEH), the Royal Environmental Institute for Scotland and elsewhere. Updates and discussions on the progress of the BSE epidemic were provided by veterinary staff at this forum.

Scottish Office Education and Industry Department

9.31 The Scottish education system was structured differently, and was quite separate, from the system in England and Wales. As in the rest of Great Britain, responsibility for school education lay with local government education authorities (LEAs). However, the school curriculum in Scotland was not prescribed by statute but was devised by education authorities and head teachers. Guidance was available from the Secretary of State and the Scottish Consultative Council on the Curriculum. HM Inspectors of Schools were responsible for independent evaluation of education standards and for advising the Secretary of State on all aspects of education. Mr N R Atkinson was the Principal in the Department’s Curriculum and Examination Branch during 1990, when concerns were raised about the safety of dissecting bovine eyeballs (see paragraphs 10.53–10.60 below).

Local government

9.32 In Scotland local government was for the most part arranged in a two-tier system. Regional Councils were responsible for large-scale services such as the health service, police, roads and education, while District Councils had responsibility for services of a more local nature such as housing, parks, public cleansing and environmental health. The exception to this was a small number of Island Councils, which provided all services to their communities.

9.33 As in England and Wales, local authorities employed Environmental Health Officers to carry out their responsibilities in this area. The central government Departments in the Scottish Office worked closely with local government in this field, and also with the Royal Environmental Health Institute of Scotland (the body which represented the environmental health profession). Joint meetings between DAFS, the SVS and local authority staff involved with meat hygiene took place every 12 to 18 months, when DAFS officials visited five or six different locations in Scotland and addressed local authorities on issues of current interest. DAFS also had regular dealings with local authorities regarding the practicalities of slaughterhouse hygiene.

277 The Advisory Committee on the Microbiological Safety of Food
278 277 Gardner para. 31
279 MS9 tab 15 p. 78
280 T77 pp. 84–5
9.34 Until 1993 District and Island Councils in Scotland were responsible for the licensing and supervision of domestic abattoirs, and for the enforcement of hygiene legislation in both domestic and export plants.\textsuperscript{281} Local authorities employed meat inspectors for this purpose and to carry out ante-mortem inspections of cattle for slaughter. Domestic plants were also inspected every six months by the SVS to monitor meat hygiene and animal welfare standards. In export plants, which were licensed by DAFS, additional supervision was required by an Official Veterinarian Surgeon (OVS) chosen from a number of OVSs designated by the Secretary of State for Scotland under the Fresh Meat (Hygiene and Inspection) Regulations.\textsuperscript{282} OVSs were usually private veterinary surgeons who had undertaken an approved training course and were employed under contract by the local authority. Exceptionally they were full-time local authority employees who had also been designated by the Secretary of State for Scotland. Export abattoirs were inspected monthly by the SVS.

9.35 In 1993, to meet EU requirements, DAFS took over the licensing of domestic abattoirs, in addition to export abattoirs. Local authorities continued to have responsibility for enforcing slaughterhouse legislation until 1995, when all enforcement work was taken over by the Meat Hygiene Service.\textsuperscript{283}

9.36 During June 1990, as part of an SVS exercise throughout Great Britain, Mr Jim Wyllie, Veterinary Head of Section at the headquarters unit of the SVS in Edinburgh, minuted Regional Veterinary Officers in Scotland with a request that Veterinary Officers should comment on the effectiveness of the ban on Specified Bovine Offal (the SBO ban) in their reports of monthly visits to export-approved abattoirs.\textsuperscript{284} An additional paragraph was duly added to the monthly report forms, where deficiencies in the level of compliance could be noted. The monthly reports were then sent to the Deputy Regional Veterinary Officers and copied to the Meat Hygiene Adviser (Scotland) (the MHAS) at the veterinary headquarters unit in Edinburgh.\textsuperscript{285} Staff in DAFS also saw the reports, which were retained on Scottish Office files. If the deficiencies had occurred in an export slaughterhouse, they were pointed out to the OVS or meat inspector in the plant and to plant management, with a request that they be rectified immediately. A similar procedure applied in domestic slaughterhouses. In the case of both domestic and export plants, the local authority was advised of any deficiencies.\textsuperscript{286}

9.37 During 1991 the Veterinary Field Service began to conduct regular surveys of compliance with the SBO Regulations across Great Britain. Returns for these surveys were sent direct to Tolworth in England (headquarters of the SVS) and copied to the Scottish headquarters unit in Edinburgh. Mr Scudamore noted that the Scottish Office system of monitoring was left in place so that effectively there was a dual system of monitoring compliance.\textsuperscript{287}

\textsuperscript{281} DS01 tab 4 paras 2 and 3
\textsuperscript{282} DS01 tab 4 para. 3
\textsuperscript{283} DS01 tab 2 para. 6
\textsuperscript{284} YB90/9.21/7.1–7.2
\textsuperscript{285} See paragraphs 9.10–9.11
\textsuperscript{286} S277 Gardner para. 15
\textsuperscript{287} T80 p. 143; S290 Scudamore para. 41
Other bodies relevant to the BSE story

National Farmers’ Union of Scotland

9.38 Lord Sanderson, the Scottish Office Minister responsible for Agriculture from 1987 to 1990, said that he held regular meetings with the National Farmers’ Union of Scotland.288 DAFS staff also had regular communication with this body.289