



PRESS RELEASE

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Court of Appeal shuts down informed public debate on animal experiments

The Court of Appeal has today issued a ruling giving researchers the power to choose what information they reveal to the public about animal experiments - delivering a devastating blow to reasoned debate about this controversial subject and a major step backwards in a democracy.

The BUAV, the UK's leading anti-vivisection organisation, brought the case after it made a request under the Freedom of Information Act 2000 (FOIA) for anonymised information in 5 project licences issued under the Animals (Scientific Procedures) Act 1986 (ASPA).

The Court of Appeal, led by Lord Phillips of Worth Matravers, the Lord Chief Justice, ruled that information about project licences does not have to be confidential to be 'given in confidence'. This means researchers will be able to prevent the Home Office from disclosing any information about animal experiments – merely by saying the information has been 'given in confidence' - and prevent the courts from being able to decide if it is regulating animal experiments lawfully.

BUAV chief executive, Michelle Thew, says:

'This highly disturbing decision takes us back to the dark days of governmental secrecy. In future, all researchers have to do is stamp everything 'confidential' and that will completely shut down debate and judicial scrutiny. This is completely unacceptable in 21st century Britain, where there is widespread and justified concern about animal experiments.'

The Court of Appeal did recognise, as had Mr Justice Eady in the High Court, that its decision was contrary to freedom of information principles. The Government must now get rid of section 24, as it can easily do. If it retains it, it will just breed further suspicion that the Government and animal researchers don't want the public to know what goes on behind the closed doors of labs in the public's name.'

In the Court of Appeal even the Home Office argued it was not simply up to researchers to decide what could be released about animal experiments. In court proceedings in 1998 the

Home Office had conceded that blanket secrecy could not be given. Astonishingly, the Court of Appeal has decided that it can.

Earlier in the proceedings, the Information Tribunal had agreed with the BUAV that information can only be 'given in confidence' if it is actually confidential. The tribunal described published summaries of the licences prepared by the researchers as 'spin', with a noticeable absence of detail about the animal experiments themselves. Self-evidently, they cannot be relied on for fair public debate.

In the High Court, Mr Justice Eady, said:

'There are no doubt many who would agree with BUAV's case that "... as much as possible of the information needs to be publicly available in order to facilitate public, Parliamentary, and ultimately judicial, scrutiny of performance by the Secretary of State of her statutory duties.'

The BUAV will be seeking House of Lords permission to bring a further appeal.

Notes to editors

1. The BUAV's Chief Executive, Michelle Thew, is available for interview.
2. Project licences set out what can be done to lab animals, with what anticipated consequences for them and for what purpose. They also explain what consideration has been given to using non-animal alternatives instead.
3. Under section 24 ASPA, ministers and government officials risk going to prison for 2 years if they disclose information which has been 'given in confidence'. One of the exceptions to the right to information under FOIA is if another Act of Parliament (such as section 24) prohibits its disclosure.
4. Under section 75 FOIA, the Government can repeal or relax statutory disclosure prohibition such as section 24 by ministerial order. The Home Office has promised to look at section 24 again but in truth it could have got rid of it years ago if it really wanted to promote transparency.
5. The BUAV is considering asking the House of Lords permission to bring a further appeal. The Court of Appeal recognised in allowing the appeal to be brought to it that the case raised issues of general importance.
6. In the High Court, Mr Justice Eady suggested that the starting point should be that information in project licences should be publicly available (but felt constrained to find against the BUAV on the law). The Court of Appeal recognised that section 24, on its interpretation, did not sit easily with FOIA principles.
7. The Home Office has, very unusually, agreed not to seek costs from the BUAV, both in the High Court and Court of Appeal

For more information contact Anna Bragga 020 7619 6963

Out of hours mobile: 07850 510 955 / Email: Anna.Bragga@buav.org