

MEDIA WATCH

The following are some of the articles that have appeared in the press and may be of interest:

“A brief’s best friend?” – *Law Society Gazette* Vol. 101 No. 43 pages 28-29, 2004. Lucy Trevalyan discusses the draft Animal Welfare Bill and reviews animal protection laws.

“Is fox hunting a human right or just wrong? Emotions at the ready . . . there are some surprising last minute arguments against the Hunting Bill” – *The Times*, 7 September 2004. Jon Robins examines the human rights issues surrounding the proposed hunting ban.

Regulation of animal experimentations at Cambridge University: the case of *R (BUAV) v Secretary of State for the Home Department*

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On 12 April 2005 Mr Justice Stanley Burnton gave limited permission for the British Union for the Abolition of Vivisection (BUAV) to pursue judicial review proceedings against the Home Secretary. The BUAV sought permission to bring a judicial review against the Home Secretary on six grounds relating to his regulation of animal experiments under the Animals (Scientific Procedures) Act 1986 (the “1986 Act”). The grounds arose out of its undercover investigation of primate (marmoset) neuroscience research at Cambridge University in 2001/2002, in which the BUAV obtained extensive video and documentary

evidence. The research was covered by three project licences, encompassing in total some 31 protocols, which themselves set out numerous operations and other procedures to be carried out on animals.

The research was in part into Parkinson’s disease and stroke and in part basic research.

Following the BUAV investigation, the Home Secretary asked the chief inspector (CI), a Home Office official, to inquire into various allegations made by the BUAV. The CI concluded that all licensing decisions made by the Home Secretary were correctly made and that appropriate care was given to the animals.

The grounds, in summary, were:

Ground 1 the Home Secretary should have characterised at least some of the protocols as “substantial” rather than “moderate”, according to his own definitions of those terms. “Substantial” relates to procedures which may lead to a “major departure from the animal’s usual state of health or well-being”. Only licence applications with “substantial” protocols are referred to the Animals Procedures Committee (APC), the Home Secretary’s advisory committee, for advice

Ground 2 the Home Secretary should have ensured that there was appropriate staff on duty out of hours and that the named veterinary surgeon (NVS) was in practice able to attend out of hours, in each case so that (i) suffering – particularly post-operative suffering – was kept to a minimum; and (ii) marmosets could if necessary be immediately euthanased. These are statutory requirements. There was no system of out of hours cover at Cambridge

Ground 3 the death of an animal is an “adverse effect” and is therefore relevant