

010

004



OVERTAKEN.

W0668

PRIME MINISTER

30 September 1985

~~SHEED~~

WARNOCK.

I am concerned about the timing of actions to follow up the Warnock Report, which I fear may lead to the Government's tactics being established by default.

2. At present, the Government is committed to introduce a comprehensive Warnock Bill 'as soon as possible. But in the wake of the Powell Bill, it is clear that any legislation in this area will be time consuming and contentious. Furthermore, there is no room in the 1985-86 legislative programme for a Warnock Bill. If the Government simply does nothing, however, there are bound to be further attempts at Private Members' legislation in one or both Houses, beginning early in the new session. This will put Government under continuing pressure to react. I might also lead to legislation which, like the Powell Bill, was virtually unworkable even in the terms of its supporters.

3. DHSS officials have been considering the handling of Warnock, but following the Ministerial changes, it now appears unlikely that H Committee could take a paper before about early November. This carries the risk that Government will not formulate its policy until after Private Members' initiatives have been launched, and thereafter will find itself reacting to pressure. I have therefore felt it right both to alert you to the likely outcome if events simply take their normal course, and also to consider alternative options which might be available to Government.

4. Irrespective of political considerations, there is a good case for relieving the pressure for early legislation if this can be achieved. The post Warnock debate has exposed the fact that in some areas, notably embryo research, there is a need for more thorough investigation and analysis than Warnock was able to provide. There is also an argument, in this rapidly moving area, for seeing whether better information over a longer period of time will produce a clearer public consensus than exists at present.

CONFIDENTIAL

5. I regard Warnock as the first of a number of problems in what might loosely be called bioethics (other likely fields are drug trials, life support systems and neuropharmacology) which are caused by advances in medical science and which are likely to concern Government during the rest of the century, cutting across traditional political and departmental lines. In the somewhat similar field of the environment, the standing Royal Commission on Environmental Pollution has been a notable success in providing a forum in which issues can be seriously and independently examined and which has established public credibility. I believe it has been an important factor in keeping the environmental debate in Britain relatively sane and reasoned. I consider that there is a case for a similar Royal Commission on Bioethics, and our contacts with DHSS and MRC suggest that they also feel that this is an option which Ministers might consider. If such a Royal Commission were established, with the Warnock follow-up as its first piece of work, this might well relieve (though not eliminate) the pressure for early legislation, particularly if it were coupled with credible self regulation by the professions in the meantime. The Voluntary Licensing Authority already established by the MRC and the Royal College of Obstetricians and Gynaecologists has made a good start for embryo research and in vitro fertilization.

6. You may therefore wish to consider whether events should be allowed simply to take their current course, or whether you should intervene in order to decide Government policy and tactics before the new session gets fully underway and Government options become constrained.

7. I am copying this minute to Sir Robert Armstrong.

RBN.

SIR ROBIN NICHOLSON  
Chief Scientific Adviser

CONFIDENTIAL

010  
Ref. A085/2553

MR WICKS  
\_\_\_\_\_

*attached*  
\_\_\_\_\_ Sir Robin Nicholson sent me a copy of his minute of  
30 September about the follow-up to the Warnock Report.

2. I find his proposal for a Royal Commission on Bioethics, on the lines of the Royal Commission on Environmental Pollution, attractive. Quite apart from the fact that it might ease the strains on the legislative programme, it seems to me that the idea has some intrinsic merit. This is an area in which technological change is likely to be rapid, and perhaps to outrun the capacity of the legislative process to keep pace with it. A Royal Commission would be able to deal with things and to respond to technological developments more flexibly; and its recommendations, though not having the force of law, would be likely to carry great weight.

*RA*

ROBERT ARMSTRONG

4 October 1985

CONFIDENTIAL

GGOL

7/13 - to see.

RH will be aware of  
the 7M to be informed of  
the current state of play.

MAA 574

W0723

MR WATSON

23 October 1985

EMBRYO RESEARCH

will request if required

Following a sight of the letter from Alison Smith to Elizabeth Mothersill on embryo research, I had a word with the Lord President today in advance of his meeting with the Lord Privy Seal and Chief Whip later this week. I indicated that, while I appreciated that there were major political and Parliamentary issues at stake, I was concerned to make two scientific points to him.

2. The first was that the Powell Bill, as drafted in the last session, aimed to stop research on embryos in mid-stream and yet continue to use the results of the research already done in in vitro fertilization. I pointed out that this was an unusual process and that it would inevitably give rise to great difficulties, for example if, as seemed certain the research continued in some countries abroad, there would be a problem of deciding whether to make use of the results of that research and improve the treatment (which could be difficult because the clinicians here would not necessarily have developed the appropriate techniques themselves) or to ignore the results of research abroad and give patients treatment which at that stage would be second rate and more dangerous than necessary.

3. There were other scientific and legal problems with the Bill as drafted which, together with the unfinished state of the research, would make the situation almost untenable quite quickly. I would therefore support any process which allowed a greater debate and the generation of a better information base amongst Members of Parliament before decisions were taken on appropriate legislation. It seemed to me that the proposal for a joint select committee of both Houses could well fulfill those needs effectively.

4. The second point I wanted to make was to explain why I had proposed a Standing Royal Commission on Bioethics. I said that it was my view, which was supported by many scientists and clinicians to whom I had spoken, that the embryo research problem was only the first in a number of bioethical problems which would occur over the remainder of the century as a result of advancements in medical science. There were many examples in fields such as neuroscience and drug development. There was therefore a need to develop a mechanism which will allow these problems to be discussed sensibly and at an early stage before emotion took over and dominated the stage when legislation was being considered. If the agreed solution to the present problem of embryo research was a joint select committee, there would still, at some stage, be a need for some further mechanism to consider future problems in a more effective way. However, the need to form a Royal Commission or some similar body, was not urgent to a matter of months if the embryo research problem was dealt with by the select committee.

5. Lord Whitelaw accepted both my points while indicating that he was rather more pessimistic about the prospects of a joint select committee doing the job because emotions were running so high already. I reiterated that I thought it was possible to improve the information base of Members of Parliament, even at this late stage, so that at least a majority of them were voting with a good understanding of the situation which certainly had not been the case in the last session.

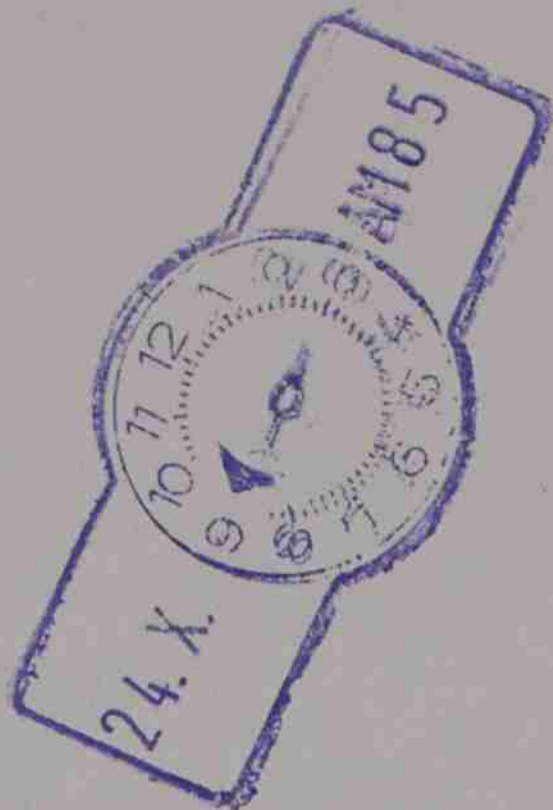
6. I indicated to Lord Whitelaw that I would probably wish to advise the Prime Minister on these points when the matter reached her.

7. I am copying this minute to Mark Addison and to Michael Stark.

RBN

SIR ROBIN NICHOLSON  
Chief Scientific Adviser

NATIONAL HEALTH ; WARNOCK REPORT FEB 82



W0707

N  
21/10

MR FLESHER - No.10

18 October 1985

WARNOCK.

I understand from Richard Watson of H Secretariat that, following a meeting between DHSS Ministers and the Government's business managers, proposals on the handling of the Warnock report are likely to be put to the Prime Minister shortly. I should be welcome an opportunity to comment on these proposals when they are received.

RBN.

SIR ROBIN NICHOLSON  
Chief Scientific Adviser