

**CODE OF PRACTICE
FOR THE
SPONGIFORM ENCEPHALOPATHY ADVISORY COMMITTEE
(SEAC)**

Revised July 2009

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INTRODUCTION

The Code of Practice for the Spongiform Encephalopathy Advisory Committee (SEAC) and its sub-groups, has been written with regard to the seven principles of public life identified by the Nolan Committee in their First Report on Standards in Public Life in May 1995 and subsequently endorsed by the Government. Like others who serve the public, members of SEAC should follow the principles, which are shown at Annex 1. Members of SEAC are expected to comply at all times with this Code of Practice.

Public Service Values

Members of this advisory Non-Departmental Public Body (NDPB) must at all times:

- Observe the highest standards of **impartiality, integrity and objectivity** in relation to the advice they provide.
- Be **accountable** through Ministers, to Parliament and the public more generally for SEAC activities and for the standard of advice provided.
- In accordance with Government policy on **openness**, comply fully with the Ministry of Justice discharge of public authorities' functions under Part I of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). The Act (1) and the Regulations (2) are available from the Office of Public Sector Information.

The Ministers of the sponsoring departments (Defra, DH, and FSA, Department of Agriculture and Rural Development for Northern Ireland, Scottish Government and Welsh Assembly Government) are accountable to their respective Parliaments for the policies and performance of this committee, including the policy framework within which it operates.

Standards in Public Life

All committee members must:

- Follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (Annex 1).
- Comply with this code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and rôle of SEAC and any relevant statements of Government policy regarding issues that stem from the committee's advice.
- Not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations.
- Not hold any paid or high-profile unpaid posts in a political party, or engage in specific political activities on matters directly affecting the work of this committee.

Role of committee members

Members of the SEAC have collective responsibility for the operation of the committee. They are required to:

- Engage fully in collective consideration of the issues, taking full account of the full range of relevant factors, including any guidance issued by the sponsor departments, the responsible Ministers or the FSA Chair;
- Through the SEAC secretary ensure that the FOIA and EIR^{1,2} are adhered to;
- Agree an annual report and respond appropriately to complaints, if necessary with reference to the sponsor departments; and
- ensure that the committee does not exceed its powers or functions.

Ministers can remove individual members from office if they fail to perform the duties required of them in line with the standards expected in public office.

The rôle of the Chair

The Chair has particular responsibility for providing effective leadership and is also responsible for:

- Ensuring that the committee does not exceed its powers or functions;
- Ensuring that the committee meets at appropriate intervals, and that the minutes of meetings and any reports to Ministers or the FSA Chair accurately record the views of the committee and where appropriate, the views of individual committee members if they dissent from the consensus view;
- Representing the views of the committee to the general public; and
- Ensuring that new committee members are briefed on appointment (and their training needs considered), to provide an assessment of their performance, on request, when members are considered for re-appointment to the committee or for appointment to the committee of another public body.

COMMUNICATIONS

The Chair will normally act as the committee spokesperson in all communications, although he or she may delegate this rôle to other members where necessary. Members should consult with the Chair and secretariat before speaking on the committee's behalf.

Communications with Ministers

Communications between the committee and Ministers or the FSA Chair will usually be through the SEAC Chair, except where the SEAC Chair or committee has agreed that an individual member should act on its behalf. Nevertheless, any member has the right of access to Ministers on any matter that he or she believes raises important issues relating to his or her duties as a committee member. In such cases both the secretariat and the Chair should be informed, who will inform the rest of the committee.

Communications with the Media

Questions or approaches from the media regarding the work of the committee should be directed to the SEAC secretariat in the first instance or to the Chair who will normally act as the official SEAC spokesperson. Individual members should inform the Chair (or the secretariat) if they are invited to speak in public on behalf of SEAC or in their capacity as a committee member.

A degree of collective responsibility is implicit in membership of the committee and if asked for a SEAC view, members should always give the consensus view agreed by the committee and ensure their views are not open to misrepresentation. This is particularly relevant if topics are under active consideration.

When participating in an interview in their capacity as a committee member, members are asked to refrain from commenting on related Government policy or on party political aspects. No comment in support of, or opposed to any sectional interest - for example in support or otherwise of industry's case in relation to SEAC recommendations or the Government's response to these - should be made.

Personal and Collective Responsibility

Individual members might be approached by the media to comment on TSE related issues. Statements made to the media in a personal capacity should be clearly identified as such to ensure personal views are not interpreted as those of the committee. This is particularly relevant where SEAC has not discussed an issue or if it has not made a decision.

PUBLIC MEETINGS

The committee has agreed that its work should maintain a high level of transparency during business and be as open as is compatible with specific requirements of confidentiality for some items of business (see below). To this end, the committee has agreed to hold open meetings, which allow members of the public to observe the committee at work.

The agenda and papers for open meetings will be available on the SEAC website one week prior to each meeting. The draft and final minutes of each meeting and any subsequent statements made by SEAC will also be available on the website.

At a convenient point during or at the end of each open meeting, a brief Q&A session will be offered to representatives from the media. The aim of the session is to clarify details of any topics discussed on the day to facilitate accurate reporting of committee business by the media. The press Q&A session will usually involve the Chair together with one or two other members who may have a specific interest or expertise in the topics discussed on the day. The SEAC secretariat will determine the arrangements and timing of the press briefing.

Public attendance at SEAC meetings

The dates of open meetings will be advertised on the SEAC website. Members of the public who wish to attend can register with the secretariat either by telephone, post or e-mail prior to the meeting. A pre-registered list of attendees has to be made available one week before each meeting to meet security requirements. Members of the public will be allocated places in (date) order of receipt of application. Once all available spaces have been allocated, the attendance list will be closed and individuals advised accordingly.

Code of Conduct for observers

Members of the public and officials attending SEAC meetings are asked to observe a code of conduct for observers.

Observers may not participate in committee's discussions unless invited by the Chair to do so. Observers are asked to refrain from attempting to influence members' views in the margins of the meeting. The committee's discussion represents the development of its collective view and observers are asked to note that comments made by individual members during discussion should not necessarily be regarded as the collective view of the committee. Additionally, as a topic may be considered over several meetings, observers are asked to note that the conclusions of the committee are not finalised until the full range of information has been discussed and a formal statement or line published.

DISSEMINATION OF COMMITTEE ADVICE

Minutes

The draft minutes of public meetings and a brief summary will be available as soon as practically possible after the meeting and placed on the SEAC website. As far as possible the draft minutes should be agreed with all the members present at the meeting. The summary should be agreed with the Chair. Usually, a final version of the minutes will be agreed at the following meeting of the committee. Should members disagree with any point in the final minutes the Chair will decide what should be recorded in the minutes and members may ask for any disagreement to be recorded in writing.

Committee advice

The committee's advice will be published in writing either as committee minutes and/or, if required, as a detailed committee statement.

The statement should be in terms that can be understood by a layperson and include a transparent account of how the advice was formulated including sources of data, any assumptions underlying the advice and identify the nature and extent of any scientific uncertainty. The aim will be to report a collective view, however any important difference of views or interpretations within the committee should also be presented. Where there is a need to convey a decision urgently, oral advice may have to be given but should be followed up with written confirmation.

Annual Report

The committee will publish an annual report. The report will be drafted by the secretariat and will include where to find details of membership of the committee and any sub-committees together with a summary of issues considered throughout the year. The Chair will circulate this to members for comment prior to its publication. The annual report will be available through the website and will be available on request from the secretariat.

Openness and Confidentiality

The committee is committed to making as much of its work open to public scrutiny as possible. The majority of information discussed by SEAC is in the public domain and as such the default assumption is that SEAC will discuss requests for advice in the public meeting. However, there are some exceptions to this general principle of openness as the committee may be asked to review confidential information intended for future publication, for example scientific results prior to their publication in the scientific literature. The committee is required, in accordance with Government policy on openness, to comply with the Codes of Practice^{1,2} including the FOIA and EIR.

Dealing with Reserved Business

The committee should abide by the principles contained in the Codes of Practice^{1,2} including the FOIA and EIR. However if Departments request that SEAC review confidential information as “reserved business” they are required to make representation to the secretariat as to why particular topics are confidential and should be exempted from discussion in public session. This requires a need to specify the particular harm that disclosure would cause and provide reasons why this overrides the public interest for disclosure, particularly given the increased transparency and confidence arising from public discussion.

To ensure that the committee adopts a consistent approach the following guidelines apply. Material can only be considered confidential for consideration as reserved business if it is cited as exempt from disclosure as described in the FOIA (2000) Chapter 36 Part II sections 21 to 44. Under the FOIA except where an absolute exemption applies, material should be disclosed unless the public interest in maintaining the exemption in question outweighs the public interest in disclosure. If the EIR are cited as grounds for any exemptions from open discussion, these apply as described in the EIR (2004) Part 3 and are subject to the public interest test.

For consideration in SEAC’s reserved business sessions such material could include:

- Unpublished research results or reports, intended for publication subsequently.
- Draft guidelines.

- Commercially confidential information, which cannot be disclosed for legal reasons.
- Confidential patient information or personal information about named individuals.

If papers contain commercially sensitive information or information about named individuals, the general principle of common law duty of confidentiality will apply, except in cases where the information was provided under legislation, which deals specifically with disclosure and non-disclosure.

In addition, Government rules prevent Departments discussing issues surrounding policy development in public during the period known as “purdah”, from the date a General Election is announced until the Election is completed.

Unpublished data

There are four types of report on which advice may be sought from the Committee prior to their publication 1. unpublished research 2. draft risk assessments 3. draft guidelines 4. draft pre-publication material.

Premature disclosure of unpublished research may prejudice publication in scientific or medical journals. There is a generic requirement for scientific advisory committees to treat unpublished research in confidence until it has been peer-reviewed and published in the scientific or medical literature, unless the investigators give specific permission for pre-publication release. Following publication, the committee's comments will be released into the public domain.

Similarly draft risk assessments may be treated as confidential (although not always) until finalised and published. There may be a delay between the SEAC review of a draft risk assessment and publication of the committee's advice to allow the appropriate Government departments to develop risk management strategies. In these cases, relevant papers, minutes and statements may need to be temporarily withheld, pending publication.

SEAC may be asked to provide scientific advice early in the drafting process when Government departments revise or produce new guidelines. As Ministers may wish to

have the opportunity to consider new or revised guidelines before these are finalised and placed in the public domain, the committee may be asked to provide advice on draft guidelines in confidence.

Disclosure of reserved business

Much information seen by the committee is confidential for a relatively short time (for example pre-publication research). Once the information has been published and the sensitivity passed, the secretariat will allow release of the minutes or statements relating to reserved business.

The published agenda for SEAC meetings will refer to both open and reserved business. However the papers and minutes of items considered in the reserved business meeting will not be publicly available until the information has been placed in the public domain.

COMMITTEE BUSINESS

Handling Of Papers

Each Committee paper for discussion will be assigned a reference number by the secretariat. Other papers, which are not for discussion but for information, will simply be numbered and marked as “**For Information**”. Some papers will be marked “**RESTRICTED**”. These papers, for discussion as reserved business, have a restricted circulation and are not for wider disclosure until the information is released into the public domain.

In the event of the need to use any other form of privacy or security marking, specific advice will be given at the time by the secretariat.

If members are unsure about the handling of papers they should consult the secretariat.

Publication of Material by SEAC Members

Where possible it is hoped that members would inform the committee and Government through the secretariat, of any relevant forthcoming scientific results or publications, with which they have been directly involved. The information will be treated on a confidential basis until the work is published in the scientific literature or the member gives permission for the information to be released into the public domain.

Dealing with SEAC Business in Correspondence

Some items of business arise which are urgent enough that these have to be dealt with before the next scheduled meeting and are not sufficiently substantial or important to warrant a special meeting of SEAC. In such cases, SEAC will consider the items in correspondence, using e-mail to share their views and reach a conclusion.

Papers for discussion in correspondence will be prepared by the secretariat in the usual way, and will be published on SEAC’s website as these would be for a meeting. These will be sent out to Committee members, who will be asked to comment up to a specified deadline.

Members will then be able to exchange their views by e-mails with all e-mails being copied to all Committee members. The -mail correspondence will also be copied to the usual Departmental officials who attend SEAC meetings, so that they can follow the development of the Committee's thinking, or correct any errors in points of fact or misunderstandings, as they would be able to do at a public meeting. Other experts may be asked to join the exchange if necessary.

Once the exchange is complete, the Secretariat will synthesise the discussion into a draft conclusion on the item. This will then be circulated to Committee members for further comment leading to the development of a final agreed statement of SEAC's conclusions. When the conclusions are agreed, these will be published on the SEAC website, along with a summary of the main points made in discussion amongst members, by way of 'minutes' of the e-mail discussion.

This process allows the Committee to maintain a high degree of transparency in its considerations.

Handling Conflicts of Interest

This is to avoid any risk of committee members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. All members should declare any current business or personal interests (termed *commercial* and *non-commercial*) which may, or may be perceived (by a reasonable member of the public) to influence their judgement. A guide to the types of interest that should be declared is at Annex 2.

Declaration of interests to the secretariat

Committee members should inform the secretariat in writing about any current commercial and non-commercial interests that might conflict with their responsibilities as members of SEAC. A register of interests will be kept by the secretariat and open to the public (via the website); information on where this is published can be found in SEAC Annual Reports. To comply with the recommendations of the Nolan Report members are required to advise the secretariat of changes to their interests as these occur.

Declaration of interest and participation at meetings

Any member who has a direct interest (commercial or non-commercial) in any item under discussion, relating to salaried employment or consultancies, or those of close family members^{*}, in matters under discussion at each meeting must declare their interest before the item is discussed.

The Chair with advice from other members as appropriate, will decide whether and to what extent the member should participate in the discussion and determination of the issue. If it is decided that the member should refrain from the discussion, the Chair may first allow the member to make a statement on the item under discussion. In the case of items discussed under reserved business, the Chair may ask the member concerned to leave the meeting for the discussion of the specific item for which there is a conflict of interest.

See guidelines for members on provision of information on commercial and non-commercial interests at Annex 2.

* This would also normally include any such interests of their close family members and people living in the same household. Close family members include: personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.

REMUNERATION AND REIMBURSEMENT OF EXPENSES

General Information

SEAC related expenses are shared by Defra, FSA and the Department of Health. Defra make all initial payments and subsequently reclaim 33% of the cost from the Department of Health and 20% from FSA. Members are provided with claim forms, at meetings, to complete and return to the SEAC secretariat. To be accepted for payment claim forms must bear an original signature. Facsimiles and photocopies cannot be accepted. Details of what may and may not be claimed are included on the claim forms. Claim forms must be sent in within three months of a SEAC meeting.

The Audit, Consultancy and Management Services Division (ACMS) of MAFF (now Defra) carried out a review of the remuneration paid to members of advisory committees in 1997. The new arrangements, effective from 1 January 1998, are given below. The SEAC secretariat will be pleased to answer any queries relating to expenses.

Repayment of Expenses

Members can be reimbursed for all reasonable expenditure incurred in connection with their attendance at SEAC meetings. Although not specified in the explanatory note on the reverse of the claim form, members may claim reimbursement for the cost of faxed communications or Internet connections, where justified by urgency. Members may claim reimbursement for 1st class rail travel, business class flights and accommodation in 3 star rated hotels. Receipts should be submitted with claims. Where no 3 star accommodation is available, reasonably priced accommodation of a higher grade will be reimbursed.

Members' Entitlement to Attendance Fees

The Chair and members are entitled to daily fees for attending meetings of SEAC or SEAC subgroups. The sponsoring Departments review the level of fees payable annually.

Members are also remunerated for time spent in preparation for SEAC meetings. Members may claim one day's allowance for up to one day spent on preparatory work or

two days' allowance for more than one day spent in preparation. An allowance for two days' preparatory work per meeting is the maximum payable.

Details of fees and allowances payable are shown below:

FEES AND ALLOWANCES	CHAIRMAN	MEMBERS
<u>Basic fee per day</u>	£172	£136
<u>Preparation time allowance:</u>		
For up to one day's preparatory work	£43	£35
For more than one days' preparatory work	£87	£70
Total (maximum)	£259	£206

Not all members wish to receive fees. Those wishing to claim fees should complete the claim form accordingly, including details of:

- (i) duration of the meeting (in days). A full day's fee is now payable for a half day's meeting;
- (ii) whether less or more than one day was spent in preparation for the meeting (to determine the preparatory allowance payable);

Where members attend meetings, seminars or conferences as a mandated representative of SEAC the usual fee will be payable. No fee can be paid for non-SEAC meetings attended by members in normal circumstances, i.e. where the member is not a mandated representative of SEAC. In a case where the organisers of a meeting, and not SEAC, are considered to be the prime beneficiary from a member's attendance, no fee is payable

under any circumstances; the expectation being that, if required, a fee should be claimed from the organiser.

Members wishing to claim a fee or expenses for attending meetings, seminars or conferences other than those specifically arranged as SEAC committee meetings or meetings of any subgroup set up under SEAC should consult the secretariat before the event.

INDEMNITY FOR SEAC MEMBERS

In response to a recommendation in the Neill Committee's report on "Public liability in public service organisations" (published in the summer of 1998) the Treasury reviewed the means of legal protection available to appointees in NDPBs. It was required to "ensure that, if such protection continues to be provided in the form of a standard indemnity, its terms accord with the protection which would be afforded under a commercial insurance policy".

As a result of the review, Treasury Ministers have agreed that wider indemnity than that previously provided should be offered to NDPB committee members in the following terms:

" The Government has indicated that an individual committee member who has acted honestly and in good faith will not have to meet out of his/her own personal resources any personal civil liability which is incurred in the execution or purported execution of his/her committee function, save where the person has acted recklessly."

On 19 January 1999 Departmental Accounting Officers were asked by HM Treasury to issue suitable indemnities to their NDPB committee members consistent with the text above. In line with this request a copy of the indemnity offered to SEAC members can be found at Annex 3. Each new member will be asked to sign acceptance of the indemnity on appointment to the Committee. The indemnity will also be offered to members of SEAC subgroups covered by the code of practice.

If members are at any time unclear whether their actions are classified as duties as members of SEAC or its subgroups they should clarify this with the secretariat.

REFERENCES

1. http://www.opsi.gov.uk/acts/acts2000/ukpga_20000036_en_1 .
2. <http://www.opsi.gov.uk/si/si2004/20043391.htm>

THE SEVEN PRINCIPLES OF PUBLIC LIFE SET OUT BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE (THE NOLAN COMMITTEE NOW THE WICKS COMMITTEE)

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for awards or benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

GUIDANCE TO MEMBERS OF THE SPONGIFORM ENCEPHALOPATHY ADVISORY COMMITTEE ON PROVISION OF INFORMATION ON COMMERCIAL AND NON-COMMERCIAL INTERESTS

(2003 revision)

Different types of interest

1. The following is intended as a brief guide to the kinds of interests, which should be declared. Where members are uncertain as to whether an interest should be declared they should seek guidance from the SEAC secretariat. If members have interests not specified in these notes but which they believe could be regarded as influencing their advice they should declare them. However, neither the members nor the secretariat are under an obligation to seek out links between one company and another, for example where a company with which the member is connected has an interest in an industry/company of which a member is not aware and could not reasonably be expected to be aware.

Definition

2. In this note 'industry' means any commercial company, partnership, trade association or individual, an interest in the affairs of which or whom, members of the public might reasonably think could conflict with the responsibilities incumbent on a member of the Spongiform Encephalopathy Advisory Committee.

Time Limits for Declarations

3. The limit for disclosure of former dealings, financial or otherwise, with the industry or organisations is 12 months. However, in the event of it becoming apparent that former dealings could be regarded as being relevant to the discussion of any matter at a meeting, the committee member involved should immediately disclose them to the meeting.

COMMERCIAL INTERESTS

4. Any association with the industry in which the member acts in an advisory capacity, should be declared as commercial because of the benefits that the industry could expect as a result of the advice.

5. The main examples of commercial interests are:

a. **Fee-Paid Work:** any consultancy, directorship, position in, or work commissioned by the industry, which attracts regular, occasional or one-off payments in cash or kind to the member personally.

b. **Share holdings:** any shareholding in or other beneficial interest in shares of the industry. This does not include share holdings through unit trusts or similar arrangements where the member has no influence on financial management.

6. **Associations with non-commercial organisations**, where there is no direct benefit to the member, other than a fee for providing advice or attending a meeting, **should also be declared as commercial interests if** the advice given could influence policy in such a way that he/she would directly benefit by that policy, but not otherwise.

7. **Professional speaking engagements** need **not** be listed as interests, unless the member is being paid to make a specific point. The acceptance of an honorarium is not considered to render a speaking engagement a commercial interest where there is no contract or agreement and the payment is voluntary and not disproportionate.

8. Members are asked to name the specific companies/organisations in which they have commercial interests and to avoid the use of generic terms such as 'the food industry' or 'the animal feed industry' in their declarations.

NON-COMMERCIAL INTERESTS

9. An arrangement with the industry, which involves payment benefiting an interest for which a member is responsible, but where the member does not receive the payment personally, should be declared as a non-commercial interest. The main examples of non-commercial interests are:

- a. **fellowships:** the holding of a fellowship endowed by the industry;
- b. **support by the industry:** any payment, other support or sponsorship by the industry which does not convey any pecuniary or material benefit to a member personally but which does benefit their position or department e.g.
 - (i) a grant from a company for the running of a unit or department for which a member is responsible;
 - (ii) a grant or fellowship or other payment to sponsor a post or member of staff in the unit for which a member is responsible. This does not include financial assistance for students.
 - (iii) the commissioning of research or other work by, or advice from, staff who work in a unit for which a member is responsible.

10. Members are under no obligation to seek out knowledge of work done for or on behalf of the industry by departments, for which they are responsible, if they would not normally expect to be informed. Where members are responsible for organisations, which receive funds from a very large number of companies involved in the industry, the secretariat can agree with them a summary of non-commercial interests rather than draw up a long list of companies.

- c. **Trusteeships:** any investment in the industry held by a charity for which a member is a trustee. Where a member is a trustee of a charity with investments in the industry, the secretariat can agree with the member a general declaration to cover this interest rather than draw up a detailed portfolio.

11. **Associations with non-commercial organisations**, where there is no direct benefit to the member, other than a fee for providing advice or attending a meeting, should be declared as non-commercial, provided the advice the member gives does not influence policy in such a way that he/she would directly benefit by that policy.

REQUIREMENT TO ADVISE SEAC OF CHANGES.

12. An updated list of committee members' commercial and non-commercial interests will be available on the SEAC website and also published in the in the committee's annual report. **Members will be invited to complete a declaration form once a year.** However, members are required to advise the secretariat of changes as these occur and to include, in particular, any personal and business interests, which may conflict with their responsibilities as committee members, so that appropriate action can be taken to resolve them.

INDEMNITY OFFERED TO MEMBERS OF SEAC

INDEMNITY BY THE SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS AND THE SECRETARY OF STATE FOR HEALTH TO MEMBERS OF THE SPONGIFORM ENCEPHALOPATHY ADVISORY COMMITTEE AND RELATED COMMITTEES.

1. The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Health ("the Secretaries of State") hereby jointly undertake with each of the members of the Spongiform Encephalopathy Advisory Committee and all of its subgroups covered by the code of practice ("the members") that they will indemnify them, their estates and their heirs against all personal civil liabilities in respect of any action or claim which may be brought, or threatened to be brought, against them either individually or collectively by reason of or in connection with the performance at any time of their duties as members, whether before or after the date of this indemnity, including all costs, charges and expenses which the members or any member may properly and reasonably suffer or incur in disputing any such action or claim.

2. The members or any member shall as soon as reasonably practicable notify the Secretaries of State if any action or claim is brought or threatened to be brought against them or any of them in respect of which indemnity may be sought pursuant to paragraph 1. If any action or claim is brought the Secretaries of State shall be entitled to assume the defence. The Secretaries of State shall notify the members or member as soon as practicable if the Secretaries of State intend to assume the defence and the members or member shall then provide such information as the Secretaries of State reasonably request, subject to the Secretaries of State reimbursing all out of pocket expenses properly and reasonably incurred by members or any of them. The Secretaries of State shall, where reasonable and practicable, consult with and keep the members or any of them informed of the progress of the action or claim. Where the Secretaries of State do not assume the defence, members or any of them shall keep the Secretaries of State fully informed on its progress and any consequent legal proceedings and consult with the Secretaries of State as and when reasonably required by them or any of them concerning the action or claim.

3. The indemnity contained in paragraph 1 shall not extend to any losses, claims, damages, costs, charges, expenses or any other liabilities:

- a) in respect of which members are indemnified by or through any defence organisation or insurers; or
- b) which may result from bad faith or wilful default or recklessness on the part of the members; or
- c) which may result from any of the following circumstances (without the prior written consent of the Secretaries of State having been obtained such consent not to be unreasonably withheld):

- any settlement made or compromise effected of any action or claim brought, or threatened to be brought, against them; or
- any admission by the members of any liability or responsibility in respect of any action or claim brought, or threatened to be brought, against them; or
- members taking action that they were aware, or ought reasonably to have been aware, might prejudice the successful defence of any action or claim, once the members had become aware that such an action or claim had been brought or was likely to be brought.