

- All letters must be typed with double spacing and signed by all authors.
- No letter should be more than 400 words.
- For letters on scientific subjects we normally reserve our correspondence columns for those relating to issues discussed recently (within six weeks) in the *BMJ*.
- We do not routinely acknowledge letters. Please send a stamped addressed envelope if you would like an acknowledgment.
- Because we receive many more letters than we can publish we may shorten those we do print, particularly when we receive several on the same subject.

NHS indemnity

SIR,—The proposals for NHS indemnity announced by the government on 8 December [see p 1532] present us with another example of policy concerned with short term expediency rather than protection of people or institutions.

Procedures for protecting patients and their families, although in need of improvement, exist through the NHS complaints procedures, the courts, and the General Medical Council.

Our present difficulties stem from the astronomical awards being made by the courts and the failure to provide adequate continuing care for severely disabled people and their families. It seems to be morally wrong that one severely handicapped person is awarded massive damages against a competent obstetrician and caring hospital whereas another person with identical handicaps may receive nothing. The family burden before the award may be identical in both cases.

As a society we cannot "compensate" every damaged person and his or her carers, but we could improve the support services. This might diminish the need and the pressure for litigation. Instead, the NHS indemnity scheme will use central funds to meet claims which are likely to increase in number with increased patient advocacy and in cash value if present court trends continue. Because the government cannot influence the courts in these matters the only scope for economy, the apparent basis of the exercise, is to adopt the most rapid and cost effective solution in each case. This may entail settlement of any case in which litigation is likely to be costly or in which the outcome is uncertain. It may also entail the use of legal advisers chosen for their accessibility or existing contract with the authority, rather than for their specific skill in the subject.

The medical defence societies have a long and honourable history of service to doctors. Their objective advice often makes it possible to avoid litigation, but, if not, doctors may be sure that their interests are protected. Patients also have independent legal representation which should guard their rights. It is not only in cases of negligence or patient complaints, however, that the defence societies act. They also give advice on ethical and legal issues, act for doctors in disputes with their employers or indeed with their colleagues, and act when a doctor is professionally defamed. Perhaps most importantly, they provide cover when doctors give care, often well outside their normal professional activities, in an emergency or disaster.

There seems to be a grave danger that under the new arrangements doctors will have inadequate protection of their reputations, no indemnity outside their normal employment, and no access to unbiased legal advice. Hospitals may also find a loss of reputation cheaper than the settlement of

claims, and patients with just claims may actually find themselves settling for considerably less than the courts would award.

The ultimate victim, however, will be the National Health Service. This new mechanism cannot stem the flow of claims from people seeking compensation for disability. Some cosmetic savings may be achieved, but the ultimate result will be a further massive drain on the public purse.

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Experiments on animals

SIR,—Whether experiments on animals are essential for human and animal welfare is a question that has been faced and answered affirmatively in every major country. The work is, however, different in kind from other experimental sciences because sentient creatures are used and must be protected from abuse. This is the essential purpose of the Animal (Scientific Procedures) Act 1986, whose main provisions are that animal experiments are allowed to be carried out only by licensed researchers in projects that are approved by the responsible Home Office inspector if the potential value of the work justifies any suffering that might be involved. The act should therefore be assessed by the quality of the projects approved and by how effectively it prevents abuse of experimental animals. Accordingly, Peter Singer is illogical when he criticises the act¹ because the number of animals used during 1988 was not greatly less than in earlier years, unless he also falsely supposes that previous practice was grossly wrong. The 1986 act changed the regulation of animal experiments but not the absolute need for them in biomedical and other work.

That Professor Singer chose to focus on the number of procedures carried out in 1988 is significant because he is the philosopher who provided much of the justification for the animal liberation movement and strongly favours the abolition of animal experiments.² Unfortunately he does not indicate what might take their place other than to suggest that "scientists should look for alternatives." In the mean time, how is the treatment, by drugs or otherwise, of difficult diseases such as cancer and autoimmune conditions to be improved? Similarly, how are advances in surgery and intensive care to be made? In vitro methods, though valuable for some purposes, are not the answer to the problem.

The fundamental reason why in vitro methods are unlikely ever to replace animals for assessing new medicines and other essential substances that are introduced into our environment is that humans, like other mammals, are not simply

assemblies of independently functioning specialised cells and tissues. The physiological mechanisms that integrate cellular activities in whole animals are so amazingly complex, sensitive, and specific that it is impossible to mimic them by any combination of in vitro tests. The only realistic models for humans are animals whose general physiology is similar. Our duty to them is to ensure that they are used responsibly in experiments designed to achieve worthwhile objectives.

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- 1 Singer P. Experiments on animals. *Br Med J* 1989;299:1238-9. (18 November.)
- 2 Singer P. *Animal liberation*. London: Jonathan Cape, 1976.

SIR,—Professor Peter Singer implies that consideration for animals ought to be the same as for people.¹ But doctors are pledged to the alleviation of human suffering. In the considerable achievements of medicine, which are obvious to us all, experiments on animals have played an important part. Most of the treatments that are now everyday practice would not be available were it not for research on animals. It follows, therefore, that in their day to day practice doctors (whether consciously or not) are at odds with Professor Singer's views.

Doctors may not be familiar with the details of the Animals (Scientific Procedures) Act 1986 and would therefore not be in a position to challenge Professor Singer's views on the legislation. I was a member of the committee of the House of Commons which debated and discussed the Animals (Scientific Procedures) Bill clause by clause and line by line. All aspects of Professor Singer's concerns were carefully considered during the bill's passage through the committee and after its return to the House. Animal welfare leaders were among those closely concerned in the discussion process in relation both to safeguarding the welfare of laboratory animals and to animal experimentation in general. The resulting Animals (Scientific Procedures) Act 1986 is widely regarded as the most comprehensive piece of legislation in the world on this subject.

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- 1 Singer P. Experimentation on animals. *Br Med J* 1989; 299:1238-9. (18 November.)

SIR,—Professor Peter Singer emphasised the ethical case for a substantial reduction in the amount of animal experiments¹ and his arguments are surely reinforced by scientific considerations: experiments on animals, researchers often admit, are relevant only to the species tested.