

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

(1) MOHAMED TARANISSI
(2) THE ASSISTED REPRODUCTION AND GYNAECOLOGY CENTRE

Claimants

and

(1) HUMAN FERTILISATION AND EMBRYOLOGY AUTHORITY

Defendant

STATEMENT IN OPEN COURT

Claimants' Solicitor

My Lord, in this action I appear for the Claimants, Mohamed Taranissi and the Assisted Reproduction & Gynaecology Centre (ARGC).

My friend [] appears for the Defendant the Human Fertilisation & Embryology Authority (HFEA).

The ARGC is run by Mohamed Taranissi, a consultant obstetrician and gynaecologist, who specialises in the provision of In Vitro Fertilisation (IVF) and other fertility services. The HFEA is the statutory body responsible for licensing and regulating the provision of IVF and associated treatments.

On 15 January 2007 the HFEA sought and obtained from the City of Westminster Magistrate's Court warrants to search the premises of the ARGC and The Reproductive

Genetics Institute (RGI), and later the same day, with police officers in attendance, carried out a search of the premises of the clinics. It also at the same time gave a press conference. That same day the BBC broadcast a Panorama programme called "IVF Undercover" which featured the Claimants and included reference to the search and excerpts from an interview the HFEA's then Chief Executive, Ms Angela McNab, had given for inclusion in the programme.

Immediately following the search, the Claimants issued Judicial Review proceedings challenging the lawfulness of the search warrants and the search. By consent order dated 27 June, the warrants for the entry and search of the Claimants' premises were quashed.

In addition to issuing the Judicial Review proceedings, the Claimants complained to the HFEA that it had libelled them in the excerpts of Ms McNab's interview broadcast on the Panorama programme and during the press conference on 15 January. They also complained of libel in relation to material then on the HFEA's web site about its refusal to publish their Live Birth Rate data. I am pleased to inform your Lordship that the parties have agreed a resolution of these matters before the issue of proceedings.

Pursuant to the resolution, the HFEA is here today through its solicitor to make the following clear in a public forum:

1. The HFEA stance on reproductive immunology is summarised on its web site in the following way:

"Should my clinic offer these treatments?"

There is no conclusive evidence to show that these treatments are either beneficial or ineffective. However, some doctors genuinely believe that they offer benefits for their patients, and they are doing nothing wrong in providing such tests and treatments."

The HFEA accepts that the Claimants' clinical practice using reproductive immunology sits within the ambit of this and anything that was said on behalf of HFEA in the programme was not intended to suggest otherwise.

2. The HFEA's published Live Birth Rate figures for the 8 years from 1995 to 2003 show the ARGC as having the highest success rate of any clinic in the UK. The RGI could not affect these figures, for the simple reason that it was not licensed until 2003.

With regard to the 31 March 2003 to 1 April 2004 and 1 January to 31 December 2004 periods, the latter being the most recent available published results, the HFEA has published the ARGC and RGI's data for these periods and the ARGC has the highest Live Birth Rate, with or without the RGI's data.

The data published by the HFEA has always been subject to, and has satisfied, the HFEA's normal analysis and scrutiny that is applied to all clinics' data.

- 3 Finally, nothing that was said on behalf of the HFEA was intended as a criticism of the clinical standards, treatment and patient care offered by Mr Taranissi at the ARGC or RGI. The HFEA accepts that Mr Taranissi is committed to providing the best possible outcome for his patients.

The matters that have brought the parties into dispute have been resolved through constructive dialogue. The parties intend to continue this dialogue thereby allowing the Claimants to continue to provide services to patients within the accepted regulatory framework which the Defendant is responsible for administering.

subject to
R. M. [Signature]

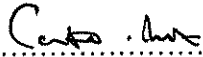
Defendants' Solicitor

My Lord, on behalf of the HFEA, I confirm all that my friend has said. The HFEA very much regrets the situation that has arisen.

Claimants' Solicitor

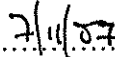
My Lord in all the circumstances, the Claimants' object has been achieved. Accordingly, I ask for leave to withdraw the record.

Signed

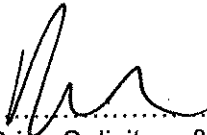


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Dated



Signed



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