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## Covid-19: Government faces legal action over £75m contract for antibody tests

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Legal action has been launched over the UK government's award of a £75m (€84m; \$99m) contract for one million antibody tests to a business consortium, alleging that the deal unlawfully bypassed safeguards protecting taxpayers' money.

Judicial review proceedings issued on 11 November by the Good Law Project, a not-for-profit legal organisation, say that the government was actively involved in setting up the UK Rapid Test Consortium and gave it £10m to buy components to manufacture testing kits.

The contract to purchase the AbC-19 Rapid Tests was signed without a public tender and without evaluating the accuracy of the tests, the action says. This, the Good Law Project claim argues, raises serious concerns about the maladministration of public funds.

A study<sup>1</sup> published in *The BMJ* this week questions the accuracy of the AbC-19 test and suggests that, if used in real life settings, the test would result in a large number of false positive results. These conclusions contrast with an earlier (not yet peer reviewed) study suggesting that the test gave no false positive results.

Jolyon Maugham, director of the Good Law Project, said, "However amazed you are by this bestiary of incompetence, you're not amazed enough. This was a £75m contract, let without competition, on the basis of profoundly flawed research."

The UK Rapid Testing Consortium was announced by the government on 8 April. The consortium received the £10m in June and was awarded the contract for one million tests on 6 October.

The AbC-19 test was purchased without an open tender under 2015 regulations that, in exceptional circumstances, allow the government "to procure goods, services and works with extreme urgency."

The Good Law Project needs to obtain the court's permission to mount these proceedings before the court will look at the lawfulness of the government's actions in this case.

The Department of Health and Social Care had not responded to requests for comment by the time *The BMJ* went to press.

<sup>1</sup> Mulchandani R, Jones HE, Taylor-Phillips S, et al. EDSAB-HOME and COMPARE Investigators. Accuracy of UK Rapid Test Consortium (UK-RTC) "AbC-19 Rapid Test" for detection of previous SARS-CoV-2 infection in key workers: test accuracy study. *BMJ* 2020;371:m4262.

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