

**BRIEFING FOR THE PRIME MINISTER****HIV-INFECTED BLOOD TRANSFUSION  
RECIPIENTS**

- People who have been infected with HIV as a result of blood transfusion are no different in principle from other groups of patients who may have been disabled as the unfortunate result of medical accident.
- The Government believes that the haemophiliacs are a very special category.  
[If pressed: because, amongst other things, they were already infected by a serious hereditary condition before their tragic infection with HIV, circumstances which rarely apply to others.]
- If an exception were to be made for the blood transfusion recipients, there would be many others who would think that they too were deserving.
- The Government still believes that a general scheme of no fault compensation for medical accidents would be unworkable and unfair. For instance, it would be unfair between those disabled as a result of medical accidents and those disabled through natural causes.
- The circumstances of HIV-infected haemophiliacs are exceptional and justify the special provision which the Government is making.

**BRIEFING FOR NO 10 - HIV INFECTED BLOOD TRANSFUSION RECIPIENTS****Background note**

1. The previous two awards to haemophiliacs, in 1987 and 1989, have been followed by campaigns to give similar financial help to those who had contracted HIV/AIDS as a result of blood transfusions.

2. 135 reports have been received of cases in UK infected with HIV through blood transfusions. The number known to have been transfused in the UK is 49. The number reported with AIDS is 28 of whom 20 are known to have died.

3. Pressure on behalf of those infected with HIV through blood transfusions has been resisted on the grounds that the circumstances of the haemophiliacs would rarely apply to the recipients of blood transfusions.

4. Haemophiliacs were doubly disadvantaged by their pre-existing haemophilia, which affected their employment, mortgage and insurance prospects, and by their HIV infection. Moreover the hereditary condition of haemophilia can mean that more than one member of the family may be affected. A similar combination of factors could apply to others such as those suffering from thalassaemia or sickle cell, but they would be few in number, and it is important to continue to ring fence the haemophiliacs.

5. If an exception were to be made for blood transfusion recipients, there would be many other people who could mount an equally good case, eg people who have been injured as a result of medical accidents or as an unintended side-effect of medical treatment. Any extension beyond haemophiliacs would make it harder to resist general "no fault" compensation for medical accidents and would undermine the Government's stance on the Rosie Barnes bill.

## BRIEFING FOR THE LEADER OF THE HOUSE

## HIV/HAEMOPHILIA

On 11 December, the Government agreed in principle to meet the proposals from the plaintiffs' lawyers for a payment of £42 million and settlement of the litigation. This is in addition to the £34 million already paid.

We welcome the indications that the plaintiffs will overwhelmingly accept the settlement offer. Formal acceptances will be needed from the plaintiffs, and approval by the court will be sought.

The Government wish to see the settlement concluded as soon as possible. With goodwill on both sides, the final details can be sorted out within the next week or two.

There is a complex settlement and, understandably, both sides wish to be satisfied that it is right before it can be concluded.

## Background Note

The Government agreed in principle to proposals costing £42 million put forward by the plaintiffs lawyers, who have been sounding out their clients on the proposals. The latest information from Plaintiffs' Counsel to the Department's Counsel is that all plaintiffs who have responded have indicated that they will accept the settlement offer (we understand that only 4 or 5 plaintiffs have not responded, through illness).

The detailed terms of the settlement <sup>have been</sup> are under discussion with the plaintiffs lawyers. The formal discontinuances of the legal action will need to be obtained from the plaintiffs, linked to formal acceptance and approval by the court. This is likely to be in March, and payments would follow as soon as possible thereafter. The final details should be sorted out within the next week or two.

The proposed payments will be available to all infected haemophiliacs whether or not they have joined the litigation, and to the estates of those who have died. The proposals will apply throughout the UK. These payments are justified in recognition of the very special circumstances of haemophiliacs, and are not to be taken as a precedent for other groups. The Government still takes the view that "no fault" compensation schemes would be unworkable.

The Government has already paid:

- £10 million being disbursed by the Macfarlane Trust on the basis of need
- £24 million to provide £20,000 lump sum for all infected haemophiliacs

Offer of £42 million (this does not cover costs which will be paid in addition):

- payments to infected haemophiliacs range from £21,500 for a child to £60,500 for a married adult with dependent children
- certain other relatives involved in the litigation on grounds they may be at risk of becoming infected through association with the haemophiliac will receive £2,000 each.

Allegations in the <sup>press</sup> media that the Government has delayed payments to the infected haemophiliacs are unfounded. The Government has recently agreed to a recent report from the plaintiffs solicitors to be better concerned on social security benefits in connection with the litigation. The plaintiffs solicitors have been for some months in contact