

A E Parson Esq  
Radcliffes Crossman Block  
Solicitors  
5 Great College Street  
Westminster  
London SW1P 3SJ

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Dear Mr Parsons

Thank you for your letter of 12 January, further to my reply of 8 January to your earlier letter.

In relation to your first question, as far as I am aware no proposals for a limited compensation scheme, along the lines mentioned in Hansard, have been put to Ministers to date by the Haemophilia Society. [I do not think we need to mention Graham Ross, since any proposals would need to have the backing of the Haemophilia Society to be seriously considered]. This will be something for them to pursue, if they wish to do so. I can only confirm that policy remains that, in general, there has been no negligence on the part of the NHS and that no payments are therefore proposed.

You will be aware that hepatitis was a major issue in the HIV haemophilia litigation, when expert witness reports were obtained by Health Authorities, the Government and the Plaintiffs. You will also be aware that the settlement of the HIV haemophilia litigation was on the basis of no admission of fault, and the plaintiff's solicitors stated in open court that it would have been difficult to prove negligence. This also reflected the views of Mr Justice Ognall in his intervention during the pre-trial hearings. (Any more legal advice is a matter between the Government and its advisers.) I would however reiterate that the Government is of the view that no negligence has occurred. It is also interesting to note that the Haemophilia Society as well as MPs speaking in support of a payment scheme have stated that they are not claiming that any negligence occurred.

In cases against individual health authorities it is for them to consider whether the particular circumstances of any individual cases are such that they should accept that individual clinical negligence has occurred. Claims might be based for example on allegations of inappropriate treatment. If negligence is proved in any individual case, [501]

omit report  
last sentence  
para.

then as I said in my last letter, payment should be made.

Yours sincerely

Ann Towner