

Parliamentary Branch

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HIV HAEMOPHILIA - BRIEFING FOR LEADER OF THE HOUSE

A line to take and background note are attached.

GRO-C

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### Line to Take

As my right Hon Friends the Prime Minister and the Secretary of State for Health announced on 11 December, the Government has agreed in principle to meet the proposals from the plaintiffs' lawyers for a settlement of the litigation. This would result in the Government providing a further sum of about £42m, in addition to the £34 million already paid, for distribution to all HIV haemophiliacs and their families according to their respective circumstances.

The Government believes this offers a speedy way of ending the lengthy period of uncertainty for haemophiliacs and their families and of giving them additional financial security.

### Background Note

The Plaintiffs lawyers put forward to the Department proposals for settlement of the action brought against the Government by haemophiliacs infected with HIV through blood products prescribed by the NHS. The Government agreed in principle to meet the proposals as a reasonable settlement to the litigation, and has made it clear that it continues to hold the view that the tragedy was nobody's fault. The Government believes that if this offer is rejected, and it is required to defend the action, it will win. It is a matter for the plaintiffs' solicitors to secure agreement of individual plaintiffs to the proposals which apply to all HIV infected haemophiliacs, not just the litigants. The Government has agreed that the payments from the Macfarlane Trust will not affect entitlement to social security and other statutory benefits.

The proposed payments will be available to all infected haemophiliacs whether or not they have joined the litigation. 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:

- 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.